

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557
617-693-3453

DATE: January 8, 1981
TO: Planning Board of the Town of West Tisbury
FROM: Martha's Vineyard Commission
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION
RE: RESIDENTIAL SUBDIVISION
APPLICANT: Alfred F. Ferro

SUMMARY

The Planning Board of the Town of West Tisbury is granted approval by the Martha's Vineyard Commission to grant the necessary development permits for the Applicant's residential subdivision in accordance with the conditions contained herein. This approval was by vote of the Commission on January 8, 1981. The Town Planning Board may approve the development proposal and may, if authorized by local development ordinances and by-laws, place additional conditions upon or disapprove the development application.

DECISION OF THE MARTHA'S VINEYARD COMMISSION

A Public Hearing was held on January 8, 1981 by the Martha's Vineyard Commission (the "Commission") at 8:00 p.m. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts upon public notice to consider the application of Alfred F. Ferro (the "Applicant") for a residential subdivision approval in the Town of West Tisbury (the "Application"). The proposed development is for the division of 29⁺ acres into 9 (nine) lots and open space as shown on a plan entitled "A Plan of Land in West Tisbury, Mass., Surveyed for Alfred F. Ferro, November 24, 1980 at a scale of 1"=100', by Schofield Brothers, Inc., Registered Professional Engineers and Land Surveyors, State Road, Vineyard Haven, Mass." The Applicant proposes to divide a contiguous ownership of more than fifteen (15) acres and a portion of the land has been subdivided in the past seven years and is thus a Development of Regional Impact under the Criteria and Standards, Development of Regional Impact, Section 3.202. The Application was referred to the Commission for action pursuant to Chapter 831,

Acts of 1977, as amended ("the Act"). Said Application and notice of public hearing are incorporated herein.

On January 8, 1981, the Hearing was held pursuant to the Act and the Massachusetts General Laws, Chapter 30A, Section 2, and was chaired by Marc Widdiss, Acting Chairman of the Commission's Land Use Planning Committee. Mr. Widdiss read the public notice and opened the Public Hearing. Michael Wild, Executive Director of the Commission, gave a presentation of the proposed subdivision and discussed the subdivision that preceded this proposal. He discussed the Dr. Fisher Road District and the regulations affecting the area. Jim Muth, Commission Cartographer, provided a slide presentation and discussed the terrain and vegetation. There was a call for proponents. Dick Barbini, Schofield Brothers, representing Mr. Ferro, spoke in favor of the plan and discussed the road design and an abutting subdivision. He also referred to the Planning Board's concerns. There were no further proponents. There was a call for opponents. There were none. Commissioner Ann Crossley inquired whether the plan included youth lots. Mr. Barbini stated that he had not been informed if there were any

youth lots. Mr. Wild explained that the open space/park area was previously three youth lots that were not implemented while part of the first subdivision. Mr. Widdiss reported that the Land Use Planning Committee reviewed the proposal and recommended that there be a 20' buffer zone as a visual screen between the subdivision and the Dr. Fisher Road and State Forest Bike Path with an allowance for a three foot wide path for each lot through the buffer. The 20' zone would extend from the lot line into the lot. The Committee also recommended that Lot 4 not be re-subdivided since it was a narrow lot and access to more than one lot within the given area might be a problem. It was indicated that when Schofield Brothers designed the layout, only Lot 8 was designed for re-subdivision, and there was no intent to design Lot 4 to exceed an area required for two lots. Question was raised as to maintenance of the park area. Mr. Barbini assumed that a covenant would be included in the deed concerning the maintenance. The park has a 100' buffer surrounding it to screen it from the road. There was no further testimony; the Hearing was closed.

On January 8, 1981, following the Public Hearing, the Commission voted unanimously to approve the recommendations of the Land Use Planning Committee regarding a 20' visual buffer zone and a restriction for no further subdivision of Lot 4.

On January 16, 1981, the Applicant met with the Land Use Planning Committee to present an amended plan entitled "A Plan of Land in West Tisbury, Mass., prepared for Alfred F. Ferro, November 24, 1980, Revised January 19, 1981, at a scale of 1"=100', by Schofield Brothers, Inc., Registered Professional Engineers and Land Surveyors, State Road, Vineyard Haven, Mass." which altered the lot lines of Lot 4 thereby increasing the size and frontage of the lot so that it be more suitable for resubdivision.

On January 22, 1981 at a Special Meeting of the Martha's Vineyard Commission, Marc Widdiss reported that the Committee had met with the Applicant who presented an amended plan which provided for a reduction in the size of Lots 1, 2, 3, and 5 to enable an enlargement of Lot 4 so that it be more appropriate for resubdivision. The Committee felt the new lot sizes were appropriate and recommended the Commission reconsider its condition on Lot 4. The Commission voted unanimously to remove the restriction on Lot 4.

Under the Act, the Commission is required to make findings after its review of the development proposal. It must consider the probable benefits and detriments of the proposal. In this matter the Commission has considered each factor enumerated in these sections of the Act and has considered its Information for Evaluation of Large Scale Residential Developments together with this information presented at the Public Hearing.

The Commission finds that the probable benefits of the Application will exceed the probable detriments and will not interfere substantially with the achievement of any general plan of the Town of West Tisbury or of Dukes County, or violate any local development ordinances or by-laws.

The Commission finds that the development proposal will be more beneficial than detrimental when compared to alternative manners of development or development occurring in alternative locations.

The Commission has considered the necessity of a visual

buffer between the proposed development and the public ways of the Dr. Fisher Road and the State Forest Bike Path. In order to protect the visual amenities provided by the public ways the Commission sets the following condition:

A 20 (twenty) foot buffer zone shall be provided along the boundary of the Martha's Vineyard State Forest and Lots 3,4,5,6,7 and the 40' wide right-of-way abutting Lot 8 as shown and numbered on the West Tisbury subdivision plan prepared by Schofield Brothers for Alfred F. Ferro, November 24, 1980, Revised January 19, 1981. The 20' setback shall be measured from each lot line. Said zone shall be left in its natural state to serve as a visual screen between the development and the Dr. Fisher Road and the State Forest Bike Path with the exception that each lot is permitted one access path not to exceed three feet in width.

The Commission finds that the proposed development is consistent with local ordinances and by-laws to the extent it is required to, only the Application being before it at this time. The Applicant must, consistent with the Decision, apply to appropriate Town of West Tisbury officers or boards for any other development permits which may be required together with any other development permits required by law.

The Commission approves the Town of West Tisbury officials granting applicable development permits.

This decision is written consistent with the VOTE OF THE COMMISSION:

January 8, 1981 and January 22, 1981.

Benjamin C. Moore
Benjamin C. Moore, Chairman

Anna Friedman
Notary Public



1/29/81
date

my commission expires: 11/10/83

Edgartown, Mass. Feb 3, 1981
at 12 o'clock and 34 minutes PM
Received and entered with Dukes County Deeds
book 381 Page 179.

Attest: Frederic W. King
Register