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THE MARTHA'S VINEYARD COMMISSION

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DATE: April 9, 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: Leona Baumgartner Langmuir, C/O VOLF

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. This approval was by vote of the Commission on April 9, 1981. The Town Planning Board may approve the development proposal and may, if authorized by local development ordinances and by-laws, place conditions upon or disapprove the development application.

DECISION OF THE MARTHA'S VINEYARD COMMISSION

A Public Hearing was held on April 9, 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 Leona Baumgartner Langmuir (the "Applicant") for a residential subdivision approval in the Town of West Tisbury (the "Application"). The proposed development is for the division of 91± acres into 24 (twenty-four) lots as shown on a plan entitled: "'NAT'S FARM' - Phase 2, A Plan of Land in West Tisbury, Mass., Surveyed for Leona Baumgartner Langmuir, February 19, 1981 at a scale of 1"=100', by Dean R. Swift, Registered Land Surveyor, Vineyard Haven, Mass. and Designed by the Vineyard Open Land Foundation, West Tisbury, Massachusetts." The Applicant proposes to divide a contiguous ownership of land into 10 or more lots and is thus a Development of Regional Impact under the Criteria and Standards, Development of Regional Impact, Section 3.203. 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 April 9, 1981, the Hearing was held pursuant to the Act and the Massachusetts General Laws, Chapter 30A, Section 2, and was chaired by Jules Worthington, Chairman of the Land Use Planning Committee. Mr. Worthington read the legal notice and opened the Public Hearing for testimony. Michael Wild, Executive Director of the Commission, distributed a handout to those in attendance which included a description of the physical and natural characteristics of the site, the proposed lot layout superimposed over an aerial photograph, and an information sheet used in the evaluation of large scale residential developments. This was followed by a slide presentation by Jim Muth, Commission staff member, who discussed the terrain, vegetation, boundaries, lots, common land, views and vistas, and existing and proposed pedestrian/equestrian access ways. Ronald Mechur of VOLF, representing the Applicant, then introduced Leona B. Langmuir and her husband, Dr. Alexander Langmuir, Ivo Meisner, Chairman of VOLF, and Alan Finer, representing the Red Barn Realty Trust (commonly known as the Misty Meadows Horse Farm).

Mr. Mechur then presented the proposed project and answered questions thereon. The points covered can be summarized as follows:

1. The entry road will be realigned so as to produce an "S curve". The entry road will be 16' in width and will have a 100' paved apron where it abuts the Old County Road. The interior road spurs will be 12' in width and will consist of a gravel/bluestone surface.
2. The homes along Old County Road will have an approximate 150' setback from the road and will also be consistent with the height limitations of the Island Road District which are 24' in height for buildings in wooded areas and 18' in height for buildings in open areas. Some of the homes will be seen from public view and others will be screened by the existing vegetation.
3. The common land area of Lot 5 (approximately 55+ acres) will be kept open and maintained under two lease arrangements. Approximately 25 acres will be managed under a ten-year lease arrangement with the Red Barn Realty Trust. The balance of Lot 5 (approximately 25 acres) will be managed by the proposed homeowners' association under a two-year lease. Management of the common land includes the mowing of the field, periodic addition of lime, and other normal agricultural practices. A portion of the land managed under the two-year lease may be used for a future pond and windmill.
4. An architectural review committee, consisting of five individuals, will eventually become the homeowners' association for the development. The committee will review the placement of each house on each lot and make mandatory provisions for solar access and other possible energy-saving design features. The committee will review the placement of fences, etc. and the cutting or removal of trees over two inches in caliper.

5. At a minimum, there will be four lots designated as Island resident sites (commonly known as "youth lots"). There will be no age limitation for applicants, but based on previous experience by VOLF, applicants must have a stable yearly income between \$7,000 and \$17,000 and must meet certain prior residency requirements as an Island resident. There may be additional Island resident lots if the tax consequences are favorable to the applicant. There was some discussion as to the best placement of these lots within the development so as to best serve the proposed development. Creative and flexible financing schemes are being investigated for the Island resident lots. It was also hoped that the Town of West Tisbury would grant a waiver/exemption on the Island resident lots from the town growth rate.
6. The common area of Lot 6 (approximately 1.79 acres) will be designated as a recreation area for the development.
7. The applicant is seeking to find a needy, charitable group for Lot 28.
8. Conservation restrictions will be placed along the proposed pedestrian/equestrian access ways within the development.
9. Restrictions will be placed on guest houses, but no restrictions will be placed on so-called "home industries" and such will require the routine special permit from the Town of West Tisbury.
10. A three-quarter inch PVC pipe will be laid with the placement of the electrical and telephone lines for future cable T.V. so as to avoid a later re-digging of the road.
11. There was some discussion, and it was hoped that the Town of West Tisbury would provide for a possible tax abatement for subdivided but yet unbuilt lots.

Mr. Worthington read a letter from Dorothy Wetmore, an adjacent property owner, who expressed concern for the impact from the proposed development on water quality in the area. There was testimony to the fact that the area has a problem with iron in the water and that this problem is a nuisance problem rather than a health hazard. There were no opponents and no further testimony; the Hearing was closed.

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 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:

April 9, 1981.

Benjamin C. Moore
Benjamin C. Moore, Chairman

Norman Fredrick
Notary Public



5/8/81
DATE

my commission expires: 11/10/83

Edgartown, Mass. MAY 11 1981
at 10 o'clock and 100 minutes A M
Received and entered with Dukes County Deeds
book 382 Page 702.

Attest: Peasley W. King
Register