

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557
617-693-3453

DATE: June 5, 1981
TO: Planning Board, Town of West Tisbury
FROM: Martha's Vineyard Commission
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION
RE: RESIDENTIAL SUBDIVISION
APPLICANT: Vineyard Realty Trust, James D. Kurfess, Tr.
c/o Dean R. Swift

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 June 4, 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 June 4, 1981 by the Martha's Vineyard Commission (the "Commission") at 8:00 p.m. at the Martha's Vineyard Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts, upon public notice to consider the application of Vineyard Realty Trust, James D. Kurfess, Trustee, c/o Dean R. Swift (the "Applicant") for a residential subdivision approval in the Town of West Tisbury (the "Application"). The proposed development is for the division of 41.5⁺ acres into 11 (eleven) lots as shown on a plan entitled "A Plan of Land in West Tisbury, Mass., Surveyed for Vineyard Realty Trust, James D. Kurfess, Tr., October 20, 1980 at a scale of 1"=100', by Dean R. Swift, Registered Land Surveyor, Vineyard Haven, Mass.". 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 June 4, 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 Commission's Land Use Planning Committee. Mr. Worthington read the legal notice and opened the Public Hearing. Jim Muth, staff member, gave a verbal and slide presentation describing various features of the site and the layout of the proposal. There was a call for proponents. Dean Swift, representing the Applicant, discussed the collective ownership of the property comprising eight families and their future objectives for the property. Mr. Swift indicated that this was not a commercial development and that the intent was to provide summer homes for the immediate families and their children. Mr. Swift further described the evolution of the plan with the West Tisbury Planning Board and various conditions placed on the proposal from that process. These include water holding tanks for fire protection, a $1\frac{1}{4}$ acre lot dedicated to open space, a 50 foot green-belt established along Head of the Pond Road with clearing allowed only

for driveways, and disposal of stumps. There were questions regarding the depth and size of the lots, whether a green-belt was established along State Road (lot 1), and the potential of resubdivision of the lots. Mr. Swift indicated that the West Tisbury Planning Board considered the total number of potential lots when imposing the conditions on the subdivision. Ann Crossley, Commission member, asked Mr. Swift if water quality would be sufficiently protected if the full density of lots were realized. Mr. Swift responded that applicable Board of Health regulations, the required minimal zoning and soil conditions, would be sufficient for sewage disposal. Mr. Worthington asked Mr. Swift what benefits to the community were offered by the proposal. Mr. Swift responded that as intended summer homes there would be no burden on the school and he saw no detriments in the proposal. Michael Carroll, representing M. Thurston Tilton, an abuttor, expressed concern relative to increased congestion on Head of the Pond Road and future pressure on undeveloped areas in the vicinity. Jim Muth inquired about the possibility of sharing driveways for lots that might be resubdivided in the future to prevent numerous curb cuts along Head of

the Pond Road. Ben Moore, Commission Chairman, stated that the future development potential was, from his point of view, an appropriate consideration for the Commission. There was a call for opponents, Michael Wild, Executive Director of the Commission, reported that Sarah Gillies, an abuttor, had called expressing concern regarding water supply, road layout, and the proposal's potential for re-subdivision. There was no further testimony, and 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 has considered the question of future subdivision of lots within this proposal and therefore the potential of additional access ways off Head of the Pond Road. In order to maintain the character of Head of the Pond Road and to assure the public safety along said way, the Commission sets the following condition:

1. THAT ANY FUTURE RESUBDIVISION OF LOTS 2, 3, 4, 9, 10, AND 11 IN THIS PROPOSED PLAN PROVIDE, WHERE FEASIBLE, SHARED ACCESS WAYS OFF HEAD OF THE POND ROAD. THE WEST TISBURY PLANNING BOARD AND THE APPLICANT SHALL DETERMINE THE FEASIBILITY OF THIS CONDITION WHEN FUTURE PLANS ARE SUBMITTED TO THE PLANNING BOARD FOR RESUBDIVISION, INCLUDING A PLAN SUBMITTED TO THE PLANNING BOARD FOR "APPROVAL NOT REQUIRED".

The Commission has considered a buffer strip along State Road (Lot 1) within the boundary of the proposal. In order to maintain the existing character along State Road in West Tisbury, and to assure the public safety along said public way, the Commission sets the following condition:

2. THAT A 50' BUFFER ZONE BE PROVIDED ALONG STATE ROAD WITHIN THE BOUNDARY OF LOT 1 OF THE PROPOSAL, SAID SET-BACK FOR THE ZONE TO BE MEASURED FROM THE PROPERTY LINE ALONG STATE ROAD. WITHIN SAID BUFFER ZONE VEGETATION WILL BE LEFT IN ITS NATURAL STATE WITH THE EXCEPTION THAT VEGETATION MAY BE REMOVED IF SAID VEGETATION IS DEAD, DISEASED, CREATES A SAFETY HAZARD, OR OTHERWISE IN ACCORDANCE WITH GOOD FORESTRY PRACTICES.

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.

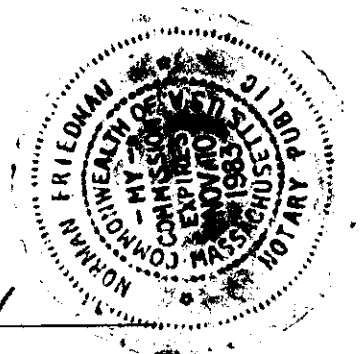
This decision is written consistent with the VOTE OF THE COMMISSION:

June 4, 1981.

Benjamin C. Moore
Benjamin C. Moore, Chairman

Norman Friedman
Notary Public

6/12/81
date



my commission expires: 11/10/83

Edgartown, Mass. June 19 1981
at 11 o'clock and 02 minutes A. M.
Received and entered with Dukes County Deeds
book 383 Page 617