

THE MARTHA'S VINEYARD COMMISSION

BOX 144
OAK BLUFFS
MASSACHUSETTS
0255
617-693-345

DATE: July 16, 1981
TO: Planning Board of the Town of Oak Bluffs
FROM: Martha's Vineyard Commission
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION
RE: RESIDENTIAL SUBDIVISION
APPLICANT: "Vineyard Hills", Vineyard Hills Trust, c/o Smith & Dowling

SUMMARY

The Planning Board of the Town of Oak Bluffs 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 July 16, 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 8:30 p.m., at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts, upon public notice to consider the application of "Vineyard Hills", Vineyard Hills Trust, c/o Smith & Dowling (the "Applicant") for a residential subdivision approval in the Town of Oak Bluffs (the "Application"). The proposed development is for the division of 77.4+ acres into 75 lots and common area (19.57 acres) as shown on a plan entitled "'Vineyard Hills', A Plan of Land in Oak Bluffs, Mass., prepared for Vineyard Hills Trust, Scale of 1"=100', April 1, 1981, by Smith & Dowling, Engineers - Surveyors - Planners, State Road, Post Office Box 1087, Vineyard Haven, Mass. 02568." The Applicant proposes to divide a contiguous ownership of land into ten 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

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("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. Michael Wild, Executive Director of the Commission, described two written items distributed at the hearing. The first related to a partial fiscal impact analysis for the Town of Oak Bluffs, and the second contained specific site-related data regarding the proposal. Jim Muth, Commission staff member, described the site and plan which was followed by a slide presentation illustrating the topography and vegetation of the proposed site. There was a call for proponents. Doug Dowling, representing the Applicant, described the topography and soils and, in addition, various design and covenant restrictions of the proposal. These included visibility from the road, no-build buffer strips, location of the curb cut, public access to visual open space and trail areas, road layout, and the construction of the water system. Following Mr. Dowling's presentation, various questions were asked by those attending the hearing. Linda Marinelli, resident of Oak Bluffs, questioned Mr. Dowling on the possible pollution problem with the quick leaching soils in the area. Mr. Dowling responded that height to ground water of approximately 40 feet would mitigate pollution problems. Ann Crossley, Commissioner from Oak Bluffs, expressed concern regarding the prospect of pollution of ground water with 100% build-out of the proposal. There was a question regarding surface runoff and its effect on the lagoon. Mr. Dowling responded that the topography of the area and the distance to the Lagoon would prevent horizontal runoff. Russell Smith, Commission staff member, was questioned regarding ground water movement. He responded that the ground water flow is toward the lagoon and that he could not speculate at what density pollution might occur. There were further questions regarding soils, perc tests, and depth to ground water.

There was a call for opponents. Ron Mechur, Director of the Vineyard Open Land Foundation, described other parcels in the area

being planned for development and the work his organization was doing with a particular landowner in the area. Mr. Mechur expressed concern that the design and density of the Applicant's plan was not appropriate for the neighborhood. He suggested architectural review for prospective structures and recommended that the guidelines and techniques used by the Vineyard Open Land Foundation be employed by the Commission in reviewing development proposals. Mr. Mechur's statements were followed by a slide presentation. Richard Blankenship of the Oak Bluffs Board of Selectmen expressed concern regarding the town's capability to supply the appropriate services to new developments. These services included water, solid waste disposal, septage disposal, police, and schools. Mr. Blankenship requested that the Commission impose a growth rate to assist the town in catching up with the demands of new development. John Bradford, Chairman of the Oak Bluffs Planning Board, stated that the Planning Board has similar concerns as the Selectmen in terms of demand on services and that the Planning Board would be developing a town-wide growth policy. In the interim, however, he requested a growth rate on the developments under review by the Commission. Mr. Bradford mentioned that his board had considered a District of Critical Planning Concern nomination but had rejected the idea in consultation with other town boards in favor of a rate of development condition. Mr. Bradford also suggested monitoring wells and traffic monitoring in the area of development. As a result of a question regarding the open space community by-law of the town that the applicant choose in developing his plan, Mr. Bradford stated that his board had no problem with the density of the proposal and stressed that the proposal included buffer strips and public access to open space. Mr. Anthony Rebello of the Oak Bluffs Board of Selectmen also testified that density was not a problem and that a growth rate would be an appropriate strategy for these new developments. There was further discussion regarding a district nomination considering the overall impact of this and other proposed subdivisions in the area. Other Oak Bluffs residents expressed concern regarding traffic, water, and tax burdens resulting from development. There was no further testimony, and the Hearing was closed.

As a result of further meetings held jointly with the Commis-

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sion's Land Use Planning Sub-Committee and the Planning and Economic Development Sub-Committee with the Oak Bluffs Planning Board and the Applicant, a proposed revised plan was presented which reduced the total number of buildable lots from 74 to 71. The final plan is entitled "'Vineyard Hills', a Plan of Land in Oak Bluffs, Mass., prepared for Vineyard Hills Trust, Scale of 1"=100', July 22, 1981, by Smith & Dowling, Engineers - Surveyors - Planners, State Road, Post Office Box 1087, Vineyard Haven, Mass. 02568." At a Special Meeting of the Martha's Vineyard Commission held July 16, 1981, the revised plan was presented and serves as the final plan for this decision.

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 Oak Bluffs 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 potential burden on existing public facilities resulting from this proposal pursuant to Section 15. In order to secure a reasonable rate of development the Commission sets the following condition:

BUILDING PERMITS FOR RESIDENTIAL CONSTRUCTION ON LOTS SHOWN ON ANY PLAN APPROVED BY THE TOWN PLANNING BOARD PURSUANT TO THIS DECISION MAY BE ISSUED AT A RATE NOT GREATER THAN SEVEN PERMITS EACH YEAR COMMENCING FROM THE DATE OF THIS DECISION. BUILDING PERMITS NOT ISSUED IN ANY YEAR WITHIN THE ALLOWED GROWTH RATE MAY BE ISSUED IN A SUBSEQUENT YEAR. IF THE TOWN ADOPTS REGULATIONS REGARDING THE RATE OF DEVELOPMENT WITHIN

THE TOWN, SUCH REGULATIONS SHALL CONTROL THE DEVELOPMENT OF LAND AND LOTS SHOWN ON SUCH PLANS.

In addition to a rate of development, the Commission has considered the potential adverse effect of this proposal on the supply of needed low and moderate income housing for Island residents pursuant to Section 15. In order to secure opportunities for low or moderate income housing for Island residents, the Commission sets the following condition:

TWO LOTS SELECTED BY THE APPLICANT SHALL BE DESIGNATED "RESIDENT HOMESITE LOTS". THE LOCATION OF SUCH LOTS SHALL BE DESIGNATED WITHIN THE SUBDIVISION PRIOR TO THE SALE OF ANY LOT(S) WITHIN THE SUBDIVISION. NOTIFICATION BY THE APPLICANT OF THE DESIGNATION OF SUCH LOTS SHALL BE GIVEN TO THE BOARD OF SELECTMEN AND PLANNING BOARD OF THE TOWN OF OAK BLUFFS AND THE MARTHA'S VINEYARD COMMISSION. SUCH LOTS SHALL BE SOLD IN A BONA FIDE SALE TO A PERSON OR PERSONS OF LOW OR MODERATE INCOME AT BELOW-MARKET VALUE. STANDARDS DETERMINING APPROPRIATE QUALIFICATIONS FOR A PERSON OR PERSONS PURCHASING SUCH LOTS WILL BE ESTABLISHED BY THE BOARD OF SELECTMEN IN CONSULTATION WITH ANY OTHER APPROPRIATE BOARD OF THE TOWN OF OAK BLUFFS. PUBLIC NOTICE SHALL BE GIVEN BY THE SELECTMEN TO RECEIVE APPLICATIONS FOR THOSE PERSONS MEETING THE ESTABLISHED STANDARDS. IF NO APPLICANTS ARE APPROVED BY THE BOARD OF SELECTMEN FOR PURCHASE OF SUCH LOTS WITHIN ONE YEAR AFTER THE DESIGNATION OF SUCH LOTS, THIS CONDITION SHALL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT. SUCH RESIDENT HOMESITE LOTS SHALL BE EXCLUDED FROM THE RATE OF DEVELOPMENT ESTABLISHED IN THE FIRST CONDITION OF THIS DECISION.

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 Oak Bluffs 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 Oak Bluffs officials granting applicable development permits.

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

July 16, 1981.

Any party aggrieved by a determination of the Commission may appeal to the Superior Court within twenty days after the Commission has sent the development Applicant written notice, by certified mail, of its decision and has filed a copy of its decision with the Town Clerk of the Town in which the proposed development is located.

Benjamin C. Moore
Benjamin C. Moore, Chairman

7/30/81
Date

Harvee Friesel
Notary Public

7/31/81
date



my commission expires: 11/10/83

Edgartown, Mass. July 31, 1981
at 9 o'clock and 50 minutes A M
Received and entered with Dukes County Deeds
book 384 Page 607.

Attest: Severly W. King
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