

THE MARTHA'S VINEYARD COMMISSION

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DATE: July 24, 1981

TO: Planning Board of the Town of West Tisbury

FROM: Martha's Vineyard Commission

SUBJECT: DEVELOPMENT OF REGIONAL IMPACT
RE: RESIDENTIAL SUBDIVISION

APPLICANT: "Hilltop Farm", Douglas A. Cabral

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 July 2, 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 July 2, 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 "Hilltop Farm", Douglas A. Cabral (the "Applicant") for a residential subdivision approval in the Town of West Tisbury (the "Application"). The proposed development is for the division of 88.5⁺ acres into 11 (eleven) lots as shown on a plan entitled "'Hilltop Farm', A Subdivision of Land in West Tisbury, Mass., May 20, 1981, Scale: 1"=100', Dean R. Swift, Registered Land Surveyor, Vineyard Haven, Mass." The Applicant proposes to divide a contiguous ownership of land into 10 (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 ("the Act"). Said Application and notice of public hearing are incorporated herein.

On July 2, 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. A hand-out was distributed which served as a synopsis of the proposal and included a summary of covenants. Jim Muth, Commission staff member, noted the area location on an aerial photograph. He continued and discussed the division of the parcel, the wooded and agricultural areas, the existing farmstead, ponds, a gravel pit, the proposed lot lines, and the existing road. He also presented a soils map which displayed nine soil types in the area and discussed limitations for each soil type. Following, he gave a slide presentation. There was a call for proponents. Douglas Cabral, the Applicant, spoke in favor of the plan and discussed his overall intentions for the property, particularly his interest to continue farming the large lot (46.4 acres) on which the farm proper is located. He stated that Lot 8 will be sold to an abuttor who has inadequate road access to his present property. Also, the Applicant has included pasture land

in some of the lots and hopes that the future owners will cultivate it cooperatively or individually. He spoke about the previous owners of the property and improvements made by them. A question was raised regarding improvements to be made to the road. Mr. Cabral responded that he has volunteered to maintain the road according to the applicable Rules and Regulations of the West Tisbury Planning Board. There were no other proponents. There was a call for opponents. There were none. 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 the 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:

July 2, 1981.

Benjamin C. Moore
Benjamin C. Moore, Chairman

Valentine Friedman
Notary Public



7/16/81
date

my commission expires: 11/10/83

Edgartown, Mass. July 24, 1981
at 8 o'clock and 30 minutes A.M.
Received and entered with Dukes County Deeds
book 384 Page 478

Attest: Suzerly W. King
Register