

THE MARTHA'S VINEYARD COMMISSION

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DATE: October 8, 1981

TO: Planning Board of the Town of Oak Bluffs

FROM: Martha's Vineyard Commission

SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION
RE: RESIDENTIAL CONSTRUCTION

APPLICANT: "Hillside Homes", Hidden Cove Realty Trust, c/o Peter
Van Rosbeck, Trustee

136-10-8-0B

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 construction. This approval was by vote of the Commission on October 8, 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 October 8, 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 "Hillside Homes", Hidden Cove Realty Trust, c/o Peter Van Rosbeck, Trustee (the "Applicant") for residential construction approval in the Town of Oak Bluffs (the "Application"). The proposed development is for the creation of 16 dwelling units as shown on plans entitled "Site Plan, "Hillside Houses", Scale: 1"=30', Datum: U.S.C. & G.S. 1929, Sheet 1 of 2" and "Proposed Septic System (Land in Oak Bluffs, Designed for Peter Rosbeck, June 29, 1981, Scale as shown, Dean R. Swift, Reg'd. Land Surveyor, Vineyard Haven, Mass.) Designed by Donald L. DeSorcy, P.E., Sheet 2 of 2". The Applicant proposes to create more than ten dwelling units and is thus a Development of Regional Impact under the Criteria and Standards, Development of Regional Impact Section 3.40. 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 October 8, 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 indicated regulatory compliance with both the Oak Bluffs Open Space Community By-Law and the density and rate of growth provisions of the Sengekontacket Pond District. Jim Muth, Commission staff member, explained and answered questions about the contents of the hand-out to those in attendance. He continued with a review of the proposed development plan and a slide presentation by noting the vegetation and views, soils and slopes, and general topography and surroundings of the site. He indicated the location of the proposed units on the site, the area in and outside of the Coastal District, and the area which may be reviewed by the Oak Bluffs Conservation Commission. There was a call for proponents. Peter

Van Rosbeck, the Applicant, spoke in favor of the plan. In the course of his presentation he discussed the case history of the Hidden Cove development and how he aggregated pre-existing lots for Form A. approval; he spoke about the design evolution of the Hillside Homes proposal and the clustering of two and three units to a building; he touched upon the benefits of the open space community concept, the concept of condominium ownership, the type of potential buyers, protective covenants, and other amenities of the project. He indicated with a model and profiles of the structures how the buildings were designed and oriented for passive solar heating. He answered questions about the septic systems and indicated that the question for provision of common gardening plots would be left within the discretion of the homeowner's association. Lastly, a representative of the Oak Bluffs Planning Board stated that the Hillside Homes proposal was a plan far superior over what legally could have happened. 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 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 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:

OCTOBER 8, 1981.


Benjamin C. Moore, Chairman


Notary Public



10/28/81
date

my commission expires: 11/10/83