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# THE MARTHA'S VINEYARD COMMISSION

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DATE: April 22, 1982

TO: Planning Board of the Town of West Tisbury

FROM: Martha's Vineyard Commission

SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION  
RE: RESIDENTIAL DEVELOPMENT

APPLICANT: Estate of Daniel Manter, c/o George Manter

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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 April 22, 1982. 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 April 22, 1982 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 the Estate of Daniel Manter, c/o George Manter (the "Applicant") for a residential subdivision approval in the Town of West Tisbury (the "Application"). The proposed development is for the division of 28.95+ acres into 15 (fifteen) lots as shown on a plan entitled "Estate of Daniel Manter, A Plan of Land in West Tisbury, Mass., February 26, 1982, Scale: 1"=100', Dean R. Swift, Registered Land Surveyor, Vineyard Haven, Mass." 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 ("the Act"). Said Application and notice of public hearing are incorporated herein.

On April 22, 1982, the Hearing was held pursuant to the Act and the Massachusetts General Laws, Chapter 30A, Section 2 and was chaired by Ann Crossley, member of the Commission's Land Use Planning Committee. Ms. Crossley read the legal notice and opened the Public Hearing. Jim Muth, Commission staff member, noted the area location on a 1"=400' aerial photograph and on a 1"=800' blow-up of a U.S.G.S. map. He briefly discussed the lot layout, the vegetation, soils, and configuration of the terrain. All the proposed lots are at least 60,000 square feet in area and comply with the minimum zoning requirements of the area. Mr. Muth commented that the "S" curve at the entrance of the proposed development was a simple, but good, design element of the plan and that the larger size of Lots 8 and 9 was a good idea due to the fact that portions of these lots have some wetland areas on them. Mr. Muth then discussed the two design suggestions which had been made by the Land Use Planning Committee. First, it was felt that a no-cut buffer zone or greenbelt area along the lots fronting the Edgartown-West Tisbury Road would be very beneficial in screening the proposed development from the public way. Second, because of the configuration of Lot 1 and the fact that this lot was entirely within a height restriction of the Road District, together with the normal building setback lines and the proposed buffer strip, it was felt that Lot 1 should be combined with Lot 2 to enable the prospective owner more leeway in the placement of a future home. This discussion was followed by a slide presentation of the area. There was a call for proponents. Mr. George Manter, the Applicant, discussed the phasing of the development and noted that most of the lots were earmarked for family members. There were no further proponents. There was a call for opponents. There were none. Ms. Crossley read into the record a letter from Robert B. Doane, an abutter, and the minutes of the West Tisbury Planning Board concerning the Manter 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 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 has considered the question of a buffer strip along the Edgartown-West Tisbury Road and of combining Lots 1 and 2. For the reasons heretofore mentioned, the Commission sets the following conditions:

1. THAT A 75' BUFFER ZONE OR GREENBELT BE PROVIDED ALONG THE EDGARTOWN-WEST TISBURY ROAD WITHIN THE BOUNDARY OF THE PROPERTY, SAID SETBACK FOR THE ZONE TO BE MEASURED FROM THE RIGHT OF WAY OF THE EDGARTOWN-WEST TISBURY ROAD AND SAID VEGETATION TO BE LEFT IN ITS NATURAL STATE WITH THE EXCEPTION THAT VEGETATION MAY BE REMOVED SOLELY FOR THE PURPOSES OF UTILITY LINES, FOR REASONS OF HEALTH OR SAFETY, OR IF SAID VEGETATION IS DEAD OR DISEASED;
2. THAT LOTS 1 AND 2, AS SHOWN ON SAID PLAN, BE COMBINED INTO ONE LOT.

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:

BK39178865

April 22, 1982.

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.

Leonard Jason, Jr.  
Leonard Jason, Jr., Chairman

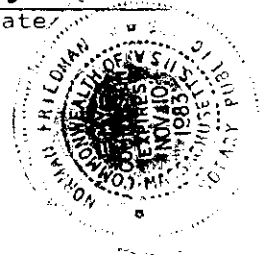
4/30/82  
Date

Walter F. Suelin  
Notary Public

4/30/82  
Date

my commission expires: 11/10/83

Edgartown, Mass. April 30, 1982  
at 11 o'clock and 30 minutes A M  
Received and entered with Dukes County Deeds  
book 371 Page 862



Attest: Suzerly W. King  
Register