

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557
617-693-3453

DATE: September 27, 1984
TO: Planning Board of the Town of Edgartown
FROM: Martha's Vineyard Commission
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT
RE: RESIDENTIAL SUBDIVISION - BOLDWATER II
APPLICANT: Boldwater, Inc.
c/o Dean R. Swift, R.L.S.
Box 1982
Tisbury, MA 02568

DECISION OF THE MARTHA'S VINEYARD COMMISSIONSUMMARY

The Martha's Vineyard Commission (the "Commission") hereby approves the application of Boldwater II, c/o Dean Swift, R.L.S. Box 1982, Tisbury, Massachusetts, 02568 for the subdivision of land in the Town of Edgartown as shown on the plan entitled: "Plan of Jacob's Neck in Edgartown, Massachusetts surveyed for Boldwater, Inc., Dean R. Swift, R.L.S., June 1984", consisting of one sheet, (the Plan).

The decision is rendered pursuant to the vote of the Commission on September 27, 1984.

The Planning Board of the Town of Edgartown may now grant the necessary development permits for the Applicant's proposed subdivision in accordance with the decision contained herein, or may approve in accordance with the decision contained herein and place further conditions thereon, or may disapprove the development application.

FACTS

The proposed development is a Development of Regional Impact as defined by the Commission Standards and Criteria, Developments of Regional Impact, Section 3.201. The application was referred to the Commission by the Planning Board of the Town of Edgartown for action pursuant to M.G.L. Chapter 831, Acts of 1977, as amended

(the Act). The application and notice of public hearing relative thereto are incorporated herein.

A duly noticed public hearing on the Application was conducted by the Commission pursuant to the Act and Massachusetts General Laws, Chapter 30A, Section 2, on September 27, 1984, at 8:30 p.m. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts. The proposal is for the division of 83 acres of land into 5 lots plus open space.

The hearing was chaired by Marc Widdiss, Chairman of the Land Use Planning Committee. Mr. Widdiss read the legal notice and opened the public hearing for testimony at 9:20 p.m.

James Renkin, the applicant discussed the proposal and described the layout. He explained the concept of the caretaker lot as well as the open space area and the size of the lots. He discussed the access to the proposed development and the conditions under which it would have to be paved instead of dirt.

Charles Clifford, Martha's Vineyard Commission staff discussed the proposal and indicated that the staff had found no major problems with the proposal as submitted.

A discussion of future re-subdivision followed as well as an explanation of the requirements to pave the road followed. Mr. Renkin explained the options for alternative access to the development.

Richard O'Niel, Edgartown Planning Board, explained the Planning Board's concern regarding dirt and paved roads. A discussion of the problems of paved and dirt roads followed.

Richard Brown, Edgartown Planning Board, discussed further concerns of the Planning Board regarding access roads, open space usage and other matters. A discussion of the open space lot followed.

Mr. Widdiss then called for any proponents - there were none.

He then called for opponents - there were none. On a question of future re-subdivision of the area, it was explained that the Town would have review powers as well as the Commission in certain cases.

There being no further testimony, the hearing was closed at 9:39 p.m.

FINDINGS and CONDITIONS

The Commission has considered the Application and the information presented at the public hearing, and based upon such consideration makes the following findings pursuant to Section 14 of the Act:

- A. The Commission finds that the probable benefits of the proposed development will exceed the probable detriments of the proposal in light of the consideration set forth in Section 15 of the Act.
- B. The Commission finds that the proposed development will not interfere substantially or unreasonably with the achievement of the objectives of any general plan of the Town or of Dukes County.
- C. The Commission finds that the proposed development as set forth in the Application and the plan will be consistent with local development ordinances of by-laws.
- D. The Commission finds that the development proposal will be more beneficial than detrimental when compared to alternative manners of development or developments 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 Edgartown 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 Edgartown officials granting the applicable development permits.

This Decision is written consistent with the vote of the Commission: September 27, 1984.

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.

Margaret Harris
Margaret Harris, Vice-Chairman

10/18/84
Date

Norman Friedman
Notary

10/18/84
Date

NORMAN FRIEDMAN
NOTARY PUBLIC
My commission expires Nov 2, 1990

Edgartown, Mass. Oct 22 1984
at 9 o'clock and 30 minutes A M
Received and entered with Dukes County Deeds
book 421 Page 456

Attest: Dwight W. King
Register

