

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557
617-693-3453

DATE: December 6, 1984
TO: Planning Board, Town of West Tisbury
FROM: Martha's Vineyard Commission
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT
RE: RESIDENTIAL SUBDIVISION
APPLICANT: Walter C. Vincent
General Delivery
West Tisbury, MA 02575

DECISION OF THE MARTHA'S VINEYARD COMMISSIONSUMMARY

The Martha's Vineyard Commission (the Commission) hereby approves with certain conditions the Application of Walter C. Vincent, General Delivery, West Tisbury, Massachusetts, 02575 for the subdivision of land in the Town of West Tisbury as shown on the plan entitled: "A Plan of Land in West Tisbury, Massachusetts, prepared for Walter C. Vincent, September 1983, Smith and Dowling, Engineers", consisting of one (1) sheet, (the Plan).

The Decision, with conditions contained herein, is rendered pursuant to the vote of the Commission on December 6, 1984. The Planning Board of the Town of West Tisbury may now grant the necessary development permits for the Applicant's residential subdivision in accordance with the conditions contained herein, or may approve in accordance with the conditions contained herein and may 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's Criteria and Standards, Developments of Regional Impact, Section 3.202. The application was referred to the Commission by the Planning Board of the Town of West Tisbury 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 December 6, 1984 at 8 p.m. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts. The proposal is for the division of 24.2 acres into 7 lots.

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 8:05 p.m.

Attorney Alan Finer, agent for the applicant explained the proposal. He indicated that the goal of the proposal was for estate planning purposes. He noted that there was a small woodlot and a field lot that would be donated to the Massachusetts Department of Agriculture under agricultural preservation restrictions. The State will get the development rights. He discussed further the goal of the proposal and noted that the four buildable lots were for "tax purposes". He discussed how those lots might be used in the future.

Mr. Widdiss asked for any staff comments.

Jim Muth, Martha's Vineyard Commission staff discussed characteristics of the site, the soil characteristics and the location of the prime agricultural soils.

Mr. Geller asked for responses to questions posed on the checklist. Attorney Finer responded to each question in turn. He felt that if a buffer zone did not preclude a building site then there appeared to be no problem. With respect to guest homes, he noted that there should be no problem with a restriction against guest houses. Regarding resubdivision he noted that #7 could not be; he hoped that #4 should not be but that would be decided in the future, hopefully not but maybe. He noted that the applicant would be asking the Town for a swap of land for the Scrubby Neck road area.

Mr. Moore expressed concern regarding a straight view down the proposed road and suggested some curving of the road to eliminate that straightness. He felt that it could be possible within the proposed right-of-way. Attorney Finer agreed with that issue.

Mr. Widdiss called for proponents - there were none. He then called for opponents - there were none.

Mr. Early asked if the Town had been approached regarding the trade of road locations - RE: Scrubby Neck Road. Attorney Finer indicated not yet. A discussion of the matter followed.

Mr. Widdiss read a letter regarding the proposal and asking for some information regarding the DRI process. The letter was from Harold Miller.

There being no further testimony, the hearing was closed at 8:27 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, subject to the conditions set forth herein, will exceed the probable detriments of the proposal in light of the considerations 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(s) will be consistent with local development ordinances and 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 has considered the impact upon the locality and in order to lessen the visual impact of a potential "suburban look" sets the following condition:

THERE SHALL BE MAINTAINED ALONG WEST TISBURY-EDGARTOWN ROAD A BUFFER STRIP THAT SHALL BE A NO-CUT BUFFER STRIP AND SAID STRIP SHALL BE MAINTAINED TO A DEPTH OF 75-FEET FROM THE EDGE OF SAID ROAD. SHOULD SAID 75-FOOT NO CUT BUFFER PROVE TO BE A HARDSHIP IN TERMS OF SITING A HOUSE, THE APPLICANT MAY SUBMIT A PROPOSAL TO THE COMMISSION REGARDING SUCH HOUSE SITING FOR THE PURPOSES OF POSSIBLE ALTERATION OF SAID BUFFER.

Further, in order to lessen the visual impact of a new road and a straight line vista thus created along same, the Commission sets the following condition:

THAT THE LAY-OUT OF THE PROPOSED ROAD BE SUCH THAT ONE CAN NOT SEE THE ENTIRE LENGTH OF THE ROADWAY AT ONE TIME.

Further, the Commission sets the following condition:

THAT NO GUEST HOUSES SHALL BE PERMITTED ON LOTS 1,2,3, and 6.

Further, the Commission sets the following condition:

THAT IN THE EVENT THAT LOT #7 SHALL REMAIN A LOT BUILDABLE FOR DWELLING UNITS, SAID LOT SHALL NOT BE SUBDIVIDABLE.

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.

423 386

This Decision is written consistent with the vote of the Commission:
December 6, 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

12/13/84
Date

Norman Friedman
Notary

12/13/84
Date

NORMAN FRIEDMAN
NOTARY PUBLIC
My commission expires Nov 2, 1990



Edgartown, Mass. Dec 18 1984
at 9 o'clock and 00 minutes AM
Received and entered with Dukes County Deeds
book 423 Page 382

Attest: Beverly W. King
Register

BEVERLY W. KING
REGISTER