

# THE MARTHA'S VINEYARD COMMISSION

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January 29, 1976

TO: TOWN OF TISBURY BOARD OF HEALTH  
TOWN OF TISBURY BUILDING INSPECTOR

FROM: THE MARTHA'S VINEYARD COMMISSION

SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION: Re James Fulton

APPLICANT: JAMES FULTON

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The Town permit-granting agencies have been granted approval by the Martha's Vineyard Commission to grant the necessary development permits for James Fulton's proposed development. This approval was by vote of the Commission on January 29, 1976 and is contingent upon the conditions contained within the Decision. Development must proceed within one-year of the issuance of this approval, or else new approval from the Martha's Vineyard Commission will be necessary.

## DECISION

OF

THE MARTHA'S VINEYARD COMMISSION

RE: James Fulton

A Public Hearing was held on December 22, 1975 by the Martha's Vineyard Commission, at 8:00 p.m. upon public Notice to consider the application of James Fulton for a building permit and sanitary disposal facility installation permit in the Town of Tisbury ("the Application"). The proposed development is for a single-family residence and sanitary disposal facility, the premises shown on the deed filed at the Dukes County Registry of Deeds in Book 311, page 72 from Adolf Deroy Mark, grantor, to James M. Fulton and Anne O'Connor Fulton, grantee, on July 27, 1973 and described as Lot 43 on a plan entitled "Mink Meadows A Subdivision in Tisbury, Mass., Property of Mink Meadows Association, Inc." dated March 8, 1965, by Schofield Brothers, Registered Land Surveyors, recorded with Dukes Registry of Deeds in Plan File No. 7. This location is below ten foot elevation above mean sea level, and is thus a Development of Regional Impact Checklist Section 1.202. This application was referred to the Commission for action pursuant to Chapter 637, Acts of 1974 as amended ("the Act"). Said application is incorporated herein by reference.

At the hearing held pursuant to said Chapter 637 and Massachusetts

General Laws, Chapter 30A, section 2, the Commission received testimony from Mr. Joseph Tierney building contractor for Mr. Fulton, Mr. Robert Woodruff, Director of the Vineyard Conservation Society Mr. Fred Ferro and Ms. Margaret Bergstrom of the Town of Tisbury Board of Health, and additional information, including maps of the general area and the specific site; two letters from Mr. Fulton to Robert Komives Executive Director of the Commission, dated December 9, 1975 and January 17, 1976, respectively; copies of the plans drafted and initialed by Mr. Tierney; a copy of the deed to said Lot 43; a copy of the Town of Tisbury building permit application for the proposed development, dated October 8, 1975; a list of permits granted by the Town of Tisbury; a letter from Robert Komives to Mr. Fulton, dated November 7, 1975; a copy of an order of conditions from the Town of Tisbury Conservation Commission, file number 74-23, with a list of persons attending a meeting at Mink Meadows on October 8, 1975 and plans of the project drafted by D.L. DeSorcy, P.E., appended thereto; and a staff report on the development site, dated January 6, 1976.

Based on the testimony and information, the Development of Regional Impact Committee of the Commission presented a verbal report and recommendation to the Commission on January 22, 1976, which is incorporated herein.

Under Sections 15 and 16 of Chapter 637, 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 been guided by its Policies to be Used in Considering Development Proposals Whose Impact is of a Regional Nature, adopted by the Commission on June 5, 1975 ("DRI Policy".)

The Commission finds the probable benefits from the proposed development will exceed the probable detriment and that the proposal will not substantially interfere with the achievement of any general plan of the Town of Tisbury or of Dukes County. In particular, the proposal conforms to DRI Policy 2.40, Housing, and 2.60, Water Quality.

The Commission finds the proposed development is consistent with local development 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 this decision, apply to appropriate Tisbury Town officers or boards for any other Development Permits which may be required.

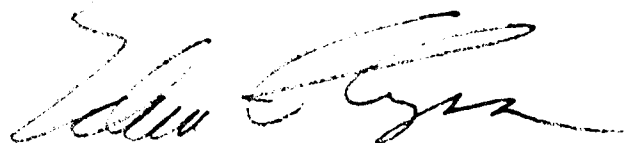
The Commission approves Town of Tisbury officials granting applicable Development permits, subject, however, to the following conditions:

1. That the sanitary disposal facility be designed by a registered sanitary engineer; and

2. That the lowest portion of said sanitary disposal facility and septic leaching system exceed a distance of five-feet elevation above the seasonal high water table; and
3. That said registered sanitary engineer certify to the Tisbury Board of Health that said sanitary disposal facility has been installed in conformance to designed specifications; and
4. That access to the proposed single-family residence be designed by a registered civil engineer; and
5. That said residential structure not contain a basement, as per the plan modified by Joseph F. Tierney, but shall otherwise conform to plans submitted with the Application; any change in the size height, bulk, or intensity of use of the proposed development shall revoke this approval.
6. This Decision shall not be effective until recorded at the Dukes County Registry of Deeds (or filed at the Dukes County Registry District of Land Court, in the case of registered land), and indexed in the grantor index under the names of the Martha's Vineyard Commission and the Town of Tisbury, respectively, and the name of the Applicant, and in the grantee index under the names of the Martha's Vineyard Commission and the Applicant.

Upon completion of the development proposed by the Applicant under this Decision, the Applicant shall apply to the Town of Tisbury Building Inspector for a certificate evidencing compliance with Conditions 4 and 5 of this Decision and to the Tisbury Board of Health evidencing compliance with Conditions 1, 2 and 3 of this Decision. This certificate of compliance, when approved by the town permit-granting agency, shall be approved by the Martha's Vineyard Commission and shall be filed at the Dukes County Registry of Deeds (or filed at the Dukes County Registry District of Land Court, in the case of registered land) and shall constitute conclusive evidence of such compliance in favor of all persons relying thereon.

BY VOTE OF THE COMMISSION  
JANUARY 29, 1976



Edwin G. Tyra, Chairman