

## THE MARTHA'S VINEYARD COMMISSION

BOX 1447  
OAK BLUFFS  
MASSACHUSETTS  
02557  
617-693-3453

Date: February 20, 1986  
To: Planning Board, Town of Edgartown  
From: Martha's Vineyard Commission  
Subject: Development of Regional Impact  
RE: Residential Subdivision  
Applicant: Kingswood-Haute Montague Trust  
c/o Schofield Brothers Inc.  
P.O.Box 339  
Vineyard Haven, MA 02568

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Decision of the Martha's Vineyard Commission

SUMMARY

The Martha's Vineyard Commission (the Commission) hereby approves with certain conditions the Application of Kingswood-Haute Montague Trust, Gino M. Montesi, Trustee, c/o Schofield Brothers Inc., P.O.Box 339, Vineyard Haven, MA 02568 for the subdivision of land in the Town of Edgartown as shown on the plan entitled: "Kingswood. A Plan of Land in Edgartown being a subdivision of L.C.P. 19966-A. December 31, 1985, Schofield Brothers Inc., Registered Professional Engineers and Land Surveyors, State Road, Vineyard Haven, Massachusetts," consisting of eight (8) sheets, (the Plan).

The Decision, with conditions contained herein, is rendered pursuant to the vote of the Commission on February 20, 1986. The Planning Board of the Town of Edgartown may now grant the necessary development permits for the Applicant's residential subdivision 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 3.203 . 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 February 20, 1986 at 8:00PM at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts. The proposal is for the division of 11.3 acres into 14 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 8:12 PM.

Richard Barbini, agent for the applicant explained the proposal, location, the surrounding area and the relationship to the next subdivision to be heard. He noted a no cut areas of 75 feet and 25 feet along Vineyard Haven-Edgartown Road and Pennywise path.

Jim Muth, MVC staff discussed the proposal; there did not appear to be anything unusual about the proposal.

Ben Moore raised the issue of provision of moderate-low income lots or substitute therefore and questioned whether the applicant had made any provisions for such matters. Benjamin Hall discussed the issue and stated that the applicants had come up with two (2) affordable home sites in the Ocean Heights area to satisfy this matter. They would not be in the proposed subdivision but would be on town ways with power and ready to build. He stated that they could be covenanted for this purpose .

Mr. Widdiss called for comments from town boards. Christina Brown discussed the planning boards feelings.

Mr. Moore raised a question regarding the reasoning for the 25 foot no cut no build area. Mr. Hall explained the reasoning for that proposal.

A brief discussion of the oversized lot and a potential for its resubdivision followed.

A discussion of guest houses followed. The Board of Health requirements were discussed and explained.

Mr. Widdiss called for proponents: Peter Poltranari raised a point regarding the location of the proposed roadway and its potential use.

Mr. Widdiss called for opponents - there were none.

A brief discussion of the area surrounding the proposal followed. A further discussion of the location of the proposed road on the Vineyard Haven-Edgartown Road followed.

A discussion of house siting areas along Vineyard Haven-Edgartown Road followed.

There being no further questions the hearing was closed at 8:30 PM.

#### 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 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 or developments occurring in alternative locations.

The Commission has considered the impact upon the locality and upon the ancient ways, so called, abutting the proposed development

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: February 20, 1986.

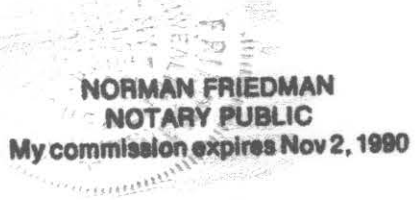
Any party aggrieved by a determination of the Commission may appeal to the Superior Court within twenty days after the Commission has sent the development Applicant written notice, by certified mail, of its decision and has filed a copy of its decision with the Town Clerk of the town in which the proposed development is located.

*John G. Early*  
John G. Early, Chairman

3/20/86  
Date

*Norman Friedman*  
Notary,

3/20/86  
Date



Edgartown, Mass. March 21, 1986  
at 9 o'clock and 41 minutes AM  
Received and entered with Dukes County Deeds  
book 444 Page 046

Attest: *Suzerly W. King*  
Register