

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
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02557
617-693-3453

Date: June 5, 1986

To: Planning Board, Town of Tisbury

From: Martha's Vineyard Commission

Subject: Development of Regional Impact
RE: Residential Subdivision

Applicant: MVY Realty Trust
c/o Schofield Brothers
State Road
Vineyard Haven, MA 02568

Decision of the Martha's Vineyard Commission

Summary

The Martha's Vineyard Commission (the Commission) hereby approves with certain conditions the Application of MVY Realty Trust, c/o Schofield Brothers, State Road, Vineyard Haven, Ma. 02568, for the subdivision of land in the Town of Tisbury as shown on the plan entitled: A Plan of Land in Tisbury, Mass. prepared for M.V.Y. Realty Trust; Schofield Brothers, Professional Engineers and Land Surveyors, State Road, Vineyard Haven, Mass; March 5, 1986; Revised April 9, 1986. consisting of one (1) sheet, (the Plan).

The Decision, with conditions contained herein, is rendered pursuant to the vote of the Commission on June 5, 1986. The Planning Board of the Town of 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 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 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 May 29, 1986 at 8:00 p.m. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts. The proposal is for the division of 32.2 acres into 15 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 8:10 p.m.

Doug Hoehn, agent for MVY Realty discussed the proposal, the location and surrounding area. He discussed the layout of the proposal, the acreage and various sizes. he discussed the zoning requirements and road specifications. He noted that a 50 foot no cut buffer zone had been placed along Herring Creek Road and that there would be no vehicular access onto Herring Creek from any lots. He noted that the applicant had been to the Tisbury Planning Board. Mr. Hoehn noted that the Applicant, as an alternative to participation in the affordable housing program, proposes to establish a \$35,000.00 fund to assist the elderly.

Mr. Widdiss called for questions from the commissioners. A discussion of this matter of affordable housing followed.

Mr. Widdiss called for Town Board comments. Mrs. Eber spoke for the Planning Board and noted that it had been approved by the Board subject to Commission approval. A discussion of the matter followed.

The issue of guest houses was discussed. The Tisbury zoning requirements were explained and discussed.

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

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

There being no further testimony, the hearing was closed at 8:33 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 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 offer of the Applicant to establish a fund for the elderly and in light of that consideration sets the following condition:

THAT THE OFFER OF THE APPLICANT BE DEEMED ACCEPTABLE AND THAT A FUND BE ESTABLISHED FOR THE ELDERLY IN THE TOWN OF TISBURY, SUCH FUND TO BE ADMINISTERED BY A THREE MEMBER BOARD OF TRUSTEES TO CONSIST OF ONE MEMBER FROM MVY REALTY TRUST, ONE MEMBER FOR THE TISBURY COUNCIL ON AGING AND ONE OFFICER OF THE FRIENDS OF TISBURY COUNCIL ON AGING AND THAT THE APPLICANT CONTRIBUTE A MINIMUM OF THIRTY FIVE THOUSAND DOLLARS (\$35,000) TO SAID FUND.

AND FUTHER:

THAT, IN ACCORDANCE WITH A LETTER FROM THE APPLICANT DATED 5 JUNE 1986, THERE SHALL BE NO GUEST HOUSES PERMITTED IN THE SUBDIVISION.

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 it at this time. The Applicant must, consistent with the decision, apply to appropriate Town of Tisbury officers or boards for any other development permits required by law.

The Commission approves the Town of Tisbury officials granting applicable development permits.

This Decision is written consistent with the Vote of the Commission: June 5, 1986.

