

## THE MARTHA'S VINEYARD COMMISSION

BOX 1447  
OAK BLUFFS  
MASSACHUSETTS  
02557  
617-693-3453

Date: June 26, 1986

To: Building Inspector,  
Town of Edgartown

From: The Martha's Vineyard Commission

Subject: Development of Regional Impact:  
Re: Construction of a guest house  
bordering Edgartown Harbor.

Applicant: Alice Bourne  
c/o Bourne  
7358 Sweetland Road  
Derby, N.Y. 14042

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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 Alice Bourne, c/o Bourne, 7358 Sweetland Road, Derby, N.Y. 14042, for the construction of a guest house bordering on Edgartown Harbor as shown of the plans entitled: "Bourne Plot Plan "B," Edgartown plus Bourne, Edgartown, Guest House (2 sheets), Ed Cuetara, Architect, consisting of three (3) sheets, (the Plan).

The decision, with conditions contained herein, is rendered pursuant to the vote of the Commission on June 26, 1986. The Building Inspector of the Town of Edgartown may grant the necessary development permit in accordance with the conditions contained herein, or may grant the permit in accordance with the conditions 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 3.101.

The Application was referred to the Commission by the Board of Selectmen of the Town of West Tisbury for action pursuant to MGL 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 MGL Chapter 30A, Section 2, on June 19, 1986 at 8:30 p.m. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts. The proposal is for the construction of a guest house on lot 19B-5.2 North Water Street, bordering on Edgartown Harbor.

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 10:44 p.m.

Jeff Norton, Attorney for applicant discussed the proposal and the site plan and activities. He discussed some of the background of the proposal. He noted that the land was subdivided in 1980 and discussed further items related to the request.

He reviewed the proposal in terms of the items listed in Chapter 831.

He discussed the architectural design of the structures; the height and potential impact upon the views. He indicated the height to be 13 - 15 feet.

A discussion of the slope of the land on the lots followed.

A discussion of the term guest house followed.

Marc Widdiss called for proponents. He indicated that there were a minimum of six letters in favor of the proposal.

Mr. Early explained the reasons for the West Tisbury cross town referrals.

Ted Morgan, Selectmen of Edgartown discussed the historic nature of the scenic vista of the area. He

expressed concern over the height and the possibility of a large house in the future.

Steve Ewing, Edgartown Conservation Commission discussed the fact that no-one had ever discussed anything with the Applicants. He expressed concern over the fact that it is part of the open space plan and falls within the new scenic vista by-law of the Conservation Commission. Mr. Ewing discussed the scenic vista by-law and the vote of the Town in a non binding question at last town meeting.

Mr. Tom Durawa, Edgartown Selectmen discussed the vista aspect of the area.

Bob Gilkes, Edgartown Conservation Commission discussed the fact that the property had been mentioned on the master plan questionnaire last year and the major concern was one of the vista.

A question was raised regarding the rules of the Conservation Commission. A discussion followed.

A discussion of the regulations governing guest houses followed.

Mrs. Alice Bourne, Applicant spoke regarding the matter.

Mr. Widdiss called for opponents - there were none.

A discussion of whether this matter needed to go before the Conservation Commission followed.

A discussion of the concerns of the Town followed.

Lane Lovell, indicating neither for nor against raised a number of questions regarding height, the flood areas and related matters.

Attorney Norton discussed a number of points that had been raised.

A general discussion of the slope of land followed.

Townsend Morey made a few final comments.

There being no further testimony, the hearing was closed at 11:32 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 DEVELOPMENT PROPOSAL 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 question of the affect upon other persons and property and the question of the impact upon the environment, particularly the visual impact upon same and has set the following conditions:

THAT THERE SHALL BE ONLY ONE DWELLING UPON THE LOT IN QUESTION, AND

THAT THERE SHALL BE NO FURTHER STRUCTURES PLACED UPON SAID LOT, AND

THAT THE HEIGHT SHALL NOT EXCEED THE FIFTEEN (15) FEET AS PRESENTED BY THE APPLICANT IN HIS PLANS, AND THAT ANY PLANTINGS PLACED UPON SAID LOT SHALL NOT BLOCK OR IMPEDE THE VIEW OF THE HARBOR FROM NORTH WATER STREET.

The Commission has considered the question of proper reviews being done in accordance with local regulations and by-laws and having done thusly, sets the following condition:

THAT THE BUILDING INSPECTOR SHALL REFER THE APPLICATION TO THE EDGARTOWN CONSERVATION COMMISSION FOR ITS REVIEW PRIOR TO THE ISSUANCE OF ANY NECESSARY PERMITS.

The Commission finds that the proposed development, subject to the conditions set forth herein, will be 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 of the Town of Edgartown officials granting applicable development permits.

This Decision is written consistent with the vote of the Commission: June 26, 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, or it decision and has filed a copy of its decision with the Town Clerk of the town in which the proposed development is located.

BK 451 PG 743

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

7/10/86  
Date

RECEIVED-EMERSON  
2:00 PM  
COUNTY OF DUKES COUNTY, MASS.  
REGISTER OF DEEDS  
BENJAMIN KING

VIA COUNTY REGISTER  
7/10/86

*Norman Friedman*  
Notary

7/10/86  
Date

**NORMAN FRIEDMAN  
NOTARY PUBLIC  
My commission expires Nov 2, 1990**

Edgartown, Mass. July 11, 1986  
at 9 o'clock and 10 minutes AM  
Received and entered with Dukes County Deeds  
book 451 Page 738

Attest: *Benjamin W. King*  
Register