

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557
617-693-3453

DATE: September 3, 1986

TO: Planning Board, Town of Edgartown

FROM: The Martha's Vineyard Commission

APPLICANT: Bronson Fargo, et.al.
c/o Richard Barbini
Schofield Brothers, Inc.
Box 339
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 Bronson H. Fargo, et. al., c/o Richard J. Barbini, Schofield Brothers, Box 339, Vineyard Haven, MA 02568, for the development of land in the Town of Edgartown as shown on the plans entitled: "Plan of Land in Edgartown, Mass., Prepared for Bronson H. Fargo, et al; June 12, 1986 and Revised September 2, 1986 by Schofield Brothers, Inc., "consisting of one (1) sheet, (The Plan).

The Decision, with conditions contained herein, is rendered pursuant to the vote of the Commission on September 3, 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, 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 3.401. 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 August 7, 1986 at 8:30 P.M. at the Commission offices, Old Stone Building, New York Avenue, Oak Bluffs, Massachusetts. The proposal is for the subdivision of 17.6 acres of land into 18 lots.

Mr. Widdiss, Chairman of the Land Use Planning Committee, read the public hearing notice and opened the hearing for testimony.

Mr. Widdiss called upon the Applicant to present the proposal. Richard Barbini of Schofield Brothers, Applicants Representative, described the 18 lot subdivision as containing lots ranging in size from 30,000-45,000 square feet in the R20 district. Mr. Barbini expressed concern over keeping Meetinghouse Road rural and proposed 2 drives as entrance with parallel rear road to service 16 lots; a smaller drive will service 2 lots, setbacks and a 75 foot no-cut, no-build from Meetinghouse were discussed.

Further, Mr. Barbini offered lot #17 and lot #18 as resident youth lots.

Discussion followed regarding bedrooms per lot, rear road

usage and design, setbacks, private water vs. town water, on site septic systems, and buildability of Lot #1.

Russell Smith, Staff of MVC, stated that he met with the Superintendent of the Edgartown Wastewater Treatment Plant. The Town is in mid-study of determining plume direction based on monitoring wells. Based on data reviewed, areas for potential receipt of affluent have been determined. Both Mr. Smith and the Superintendent recommend that at a minimum the 5 southerly lots of this subdivision proposal should be on Town water to prevent future problems.

Rick Hopkins, MVC Staff, discussed access from Meetinghouse Road, the rear road with deadend/no turnaround constraints, number of parking spaces, soils and vegetation.

Mr. Widdiss called upon Town Boards for comment. Richard Brown, Edgartown Planning Board, expressed the concerns of the Board as: No further subdivision of 1+ acre lots, no more than 3 accesses off Meetinghouse and 100 feet setback.

Ted Morgan, Edgartown Selectmen, spoke in favor of the Applicants proposal for 2 youth lots. John Lovewell, Edgartown Sewer Commission, spoke in favor of Town water for the subdivision. Tom Durawa, Edgartown Selectmen, requested that at a minimum the southerly 5 lots should go on Town water.

Mr. Widdiss called for proponents and opponents. There were none.

There being no further testimony the hearing was closed at 11:01 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 Duker County.
- c. The Commission finds the 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 make available 2 lots for low or moderate income residents and in light of that consideration and pursuant to Section 15 of the Act, the Commission sets the following Condition:

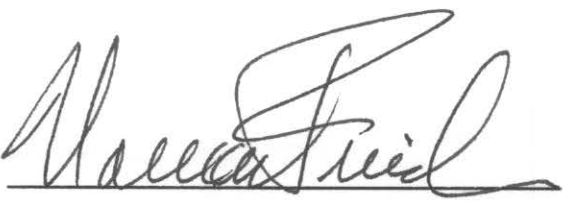
THE APPLICANT SHALL MAKE AVAILABLE TO THE TOWN OF EDGARTOWN, LOTS 17 & 18, AT A PRICE NOT TO EXCEED \$15,000. EACH TO BE USED BY SAID TOWN AS AFFORDABLE HOUSING LOTS. SAID LOTS SHALL BE SOLD IN A BONA FIDE SALE TO PERSONS OF LOW OR MODERATE INCOME AT THE PRICE SO STATED ABOVE. SELECTION OF AND STANDARDS DETERMINING APPROPRIATE QUALIFICATIONS FOR SAID PERSONS WILL BE IN ACCORDANCE WITH THE PRACTICES ESTABLISHED BY THE TOWN OF EDGARTOWN.

B4558542

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, Chairman

9/5/86
Date

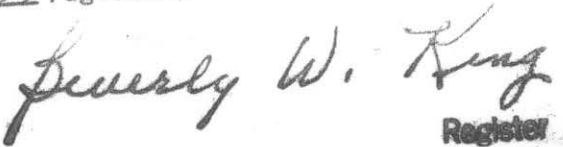

Notary

9/5/86
Date

NORMAN FRIEDMAN
NOTARY PUBLIC
My commission expires Nov 2, 1990



Edgartown, Mass. Sept 9 1986
at 9 o'clock and 40 minutes A M
Received and entered with Dukes County Deeds
book 455 Page 537

Attest: 
Register

RECEIVED-ENTERED
REGISTRY OF DEEDS
Dukes County
6

The Commission has considered the question of the potential impact of this proposal on the environment and on other persons or property pursuant to Section 15 of the Act and has set the following Conditions:

1. THERE SHALL BE A 105 FOOT SETBACK FROM MEETINGHOUSE ROAD, OF WHICH 75 FEET SHALL BE A NO CUT/NO BUILD BUFFER, EXCEPT FOR UTILITY INSTALLATION AND ACCESS DRIVES AS NOTED ON THE PLAN.
2. TOWN WATER SHALL BE PROVIDED FOR ALL LOTS WITHIN THIS PROPOSAL.
3. THERE SHALL BE A 75 FOOT FOOT NO CUT BUFFER ALONG THE EDGARTOWN-WEST TISBURY ROAD.
4. NO UNDERGROUND FUEL STORAGE TANKS SHALL BE ALLOWED.
5. NO FURTHER SUBDIVISION ON LOTS GREATER THAN ONE ACRE IN SIZE.

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 Edgartown officers or boards for any other development permits which may be required by law.

The Commission approves the Town of Edgartown officials granting applicable Development permits.

This decision is written consistent with the vote of the Commission: September 3, 1986.

Any party aggrieved by a determination of the Commission may appeal to the Superior Court within twenty (20) days after the Commission has sent the development