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# THE MARTHA'S VINEYARD COMMISSION

BOX 1447  
OAK BLUFFS  
MASSACHUSETTS  
02557

DATE: December 11, 1986

TO: Board of Appeals, Town of West Tisbury

FROM: Martha's Vineyard Commission

SUBJECT: Development of Regional Impact  
RE: Residential Subdivision

APPLICANT: Green Meadow Farms  
c/o Douglas Dowling, Agent  
P.O. Box 1087  
Vineyard, MA 02568

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## DECISION OF THE MARTHA'S VINEYARD COMMISSION

### SUMMARY

The Martha's Vineyard Commission (The Commission) hereby denies permission for the Development contained in the application of Green Meadow Farms, c/o Douglas Dowling, Agent, P.O. Box 1087, Vineyard Haven, MA 02568 for the development of land in the Town of West Tisbury as shown on the plans entitled: "Green Meadow Farms, A Plan of Land in West Tisbury, Mass., Prepared for Green Meadow Farms Trust by Smith and Dowling, State Road, P.O. Box 1087, Vineyard Haven, Mass., 02568 Dated August 4, 1986" consisting of two (2) sheets; making a total of two (2) sheets, (The Plan).

The Board of Appeals of the Town of West Tisbury shall not grant the appropriate development permits.

The Decision is rendered pursuant to the vote of the Commission on December 11, 1986.

### FACTS

The proposed development is a Development of Regional Impact as defined by the Commission's Criteria and Standards, Developments of Regional Impact Section 3.201 and Section 3.203. The application was referred to the Commission by the Board of Appeals of the Town of West

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. Martha's Vineyard Commission staff document exhibits are incorporated by reference.

A duly noticed public hearing on the application was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A Section 2 on September 4, 1986 at 8:00 P.M. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts. The proposal is for the subdivision of 45.06 acres of land into 22 lots plus open areas..

Marc Widdiss, Chairman of the Land Use Planning Committee, read the public hearing notice and opened the hearing for testimony at 8:05 P.M.

Mr. Widdiss called upon the Applicant's Representative, Doug Dowling, to present the proposal.

Mr. Dowling explained the location of the project and stated that this proposal calls for 22 lots on 45 acres under the West Tisbury Cluster By-law, with access from the Coffin's Field subdivision. 50% of the proposal is open space with 1 lot having access from Watcha Path as further stated by Mr. Dowling. He then explained that modifications were made to the Plan following preliminary submission in December of 1985 and meetings with the Planning Board. In addition, Mr. Dowling stated that overall density will be 2.05 acres per lot, a 25 foot emergency fire access is provided and the applicant has agreed to 3 bedrooms per lot and no guest houses. Mr. Benjamin Boldt, Applicant, stated he would offer a monetary consideration to address the Town's resident affordable housing needs.

Mr. Widdiss asked for staff presentation.

Rick Hopkins, Staff of MVC, stated that the project's total acreage was 45.06 acres in the Town's AR1A (3A) Zoning District. He discussed the contents of the applicant's

Environmental Impact Statement regarding year round/seasonal population, school students, town disposal facilities, fire/police protection, water resources, soil and vegetation. He also reviewed the Island Road District and Special Ways Regulations, road network, water and septage use. Further, he reviewed building envelopes and setbacks on various lots. Based on the Town's Cluster By-law, Mr. Hopkins noted that not all common lands are contiguous to building lots. Mr. Hopkins also requested information on the placement of water supply wells and septic systems indicating rate of flow and assessment also of existing and future recreation areas (as based on the Town's Cluster By-law).

Mr. Widdiss then called upon Town Boards for testimony. Gertrude Rezendes, Board of Appeals of West Tisbury, discussed the Boards interpretation of common land and distance between buildings and abutting property. She questioned if the Applicant could divide this parcel into 60,000 square feet lots if this project was denied.

Jim Young, Planning Board of West Tisbury, discussed fire access, density and layout. He also stated that his Board requested of the Applicant a more detailed EIS.

Jim Rothchild, Board of Appeals of West Tisbury, stated that 7 lots are not contiguous to the open area.

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

The Commissioners raised the issue of defining the Applicant's financial consideration for resident homesite needs. In addition, the Commissioners requested that the Planning Board submit a report of its recommendations as based on the West Tisbury Cluster Zoning By-law.

Mr. Dowling requested an additional meeting with the Land Use Planning Committee and Town Boards.

Based on the above, Mr. Widdiss continued this hearing to a later date.

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A continuation of a public hearing on the Green Meadow Farm application was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A Section 2 on November 20, 1986 at 8:00 P.M. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts. The proposal is for the subdivision of 45.06 acres of land into 22 lots plus open areas.

Mr. Widdiss, Chairman of the Land Use Planning Committee (LUPC), asked Doug Dowling, Agent for the Applicant, to discuss the proposal and bring the Commission up-to-date.

Mr. Dowling discussed the subdivision having 22 lots and bordering the Coffin's Field subdivision. He discussed a fire hydrant lot and stated that the Fire Chief and himself would decide the location of this lot. He also discussed changes to be made to lot #22 regarding the scenic way, other provisions talked about were density, lots will be maximum three bedroom homes, no guest houses, 10% of assessed value for resident homesite fund. Regarding narrow building envelopes within lots 1,2, & 3, he said that he would ask the Zoning Board of Appeals to increase this zone. He further discussed the buffer area, monitoring well, deep observation well, and that he would still have to go through the Planning Board and Zoning Board of Appeals because the proposal is for a cluster development.

There was discussion of what 10% of the assessed value dollar figure would be and further discussion of the Resident Homesite Policy.

Commissioners discussed using the adjoining subdivision to create setbacks and the interpretation of the Towns regulations.

There was discussion of an abutting subdivision and access through subdivision to the new subdivision.

Jim Young, West Tisbury Planning Board showed the plans of newly submitted subdivisions abutting this proposal. He

discussed the location of access, and concerns of 91 lots to access off of one road.

Mr. Dowling explained that the applicant was asked to provide two access points to abutting subdivisions because of preliminary plans that had been submitted to the Town. He further stated that the Applicant had written the Town a letter stating that the abutting subdivisions did not have access through his subdivision. He discussed the owners of the abutting property and stated there was absolutely no connection between the two subdivisions.

Marc Widdiss, read a letter from Mr. Boldt to West Tisbury Planning Board dated November 20, 1986 stating that no access has been granted to abutting subdivisions.

There was lengthy discussion of access to back lots and abutting subdivisions.

Mr. Widdiss asked if the MVC Staff had further information to present to the Commissioners.

Mr. Hopkins, MVC Staff, showed aerial photos of the area, taken in 1978 and 1986, and showed the boundaries of proposed cluster development and also abutting properties. He discussed the development growth of this area in the past 8 years.

Jim Young spoke for the Board of Health of their concerns: density, too close to the two ponds in the area and also some fire concerns.

Jim Rothchild, West Tisbury Board of Appeals, discussed the land not being contiguous in respect to West Tisbury's Cluster By-law.

Commissioners discussed setbacks, greenbelt, open space and asked Russell Smith about the direction of the groundwater flow. Russell Smith, MVC Staff, discussed the groundwater flow, using the Delaney Groundwater Contours Map, as heading south to Watcha Pond. He discussed the nitrates which would go into the pond and that no information on the potential impact had been submitted.

Jim Young of the Planning Board stated that his board is concerned with traffic generation of this proposed subdivision and abutting subdivisions.

As there was no further testimony Mr. Widdiss closed the hearing at 8:40 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:

The Commission finds that the probable detriments of the proposed development will exceed the probable benefits of the proposal in light of the considerations set forth in Section 15 of the Act. Specifically, the proposed development is found to be potentially in conflict with the general purpose of the Commission as stated in Chapter 831, Acts of 1977, as Amended, namely the protection of the health, safety and general welfare of Island residents and visitors, by preserving and conserving the Island's unique values and by protecting values from development uses which would impair them or cause irreversible damage to them.

Pursuant to Section 15 of Chapter 831 of the Acts of 1977, as Amended:

The Commission has considered the question of whether the development in the manner proposed will have a favorable or adverse impact on the environment in comparison to alternative manners of development. The Commission finds that the proposal, as presented, is too dense for this location.


Further, the Commission has considered the question of whether the proposed development will favorably or adversely affect other persons and property, and if so, whether the effect is likely to be greater than is ordinarily associated with developments of the types proposed and finds that the proposal lacks adequate common lands or open space, which, according to the Town's By-law, must be contiguous with building lots with a minimum distance of 100 feet. The Commission cannot approve this proposal because there is no basis for finding that the statutory requirement of Section 14c of the Act has been satisfied.

The Commission disapproves the development application and denies permission to the Board of Appeals in the Town of West Tisbury for the granting of the necessary development permits.

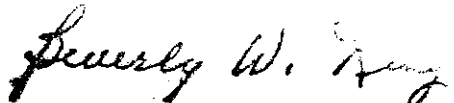
The Applicant may modify the development proposal and or submit a new proposal to the Board of Appeals or other appropriate Town Boards in the Town of West Tisbury.

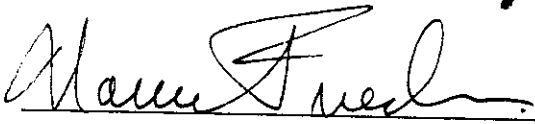
The Decision is written consistent with the vote of the Commission on December 11, 1986.

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 Applicant written notice, by certified mail, of its decision and has filed a copy of its decision with the Town Clerk in the Town in which the proposed development is located.

  
John G. Early, Chairman

Wigwam, Mass. Dec. 22, 12/18/86  
at 10 o'clock and 00 minutes  
Received and entered with Deeds  
book 463 Page 431

Attest:   
Register



Notary

NORMAN FRIEDMAN  
NOTARY PUBLIC  
My commission expires Nov 2, 1990

12/18/86  
Date