

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557

DATE: November 13, 1986
TO: Planning Board, Town of Edgartown
FROM: Martha's Vineyard Commission
SUBJECT: Development of Regional Impact
Re: Residential Subdivision
APPLICANT: Bold Meadow Trust
c/o Ronald Mechur, Trustee
Box 636
Oak Bluffs, MA 02557

DECISION OF THE MARTHA'S VINEYARD COMMISSION

SUMMARY

The Martha's Vineyard Commission (The Commission) hereby approves, with certain conditions the application of Bold Meadow Trust, Ronald H. Mechur, Trustee, Box 636, Oak Bluffs, MA 02557, for the Development of land in the Town of Edgartown as shown on the plans entitled: "Bold Meadow Trust, A Plan of Land in Edgartown, Mass., being a subdivision of L.C.C., Dated May 17, 1986 by Schofield Brothers, Inc., Box 339, State Road, Vineyard Haven, MA 02568," consisting of nine (9) sheets; and "Bold Meadow Trust, A Plan of Land in Edgartown, Mass., being a subdivision of L.C.C., Dated May 17, 1986, revised October 6, 1986, by Schofield Brothers, Inc., Box 393, State Road, Vineyard Haven, MA. 02568," consisting of one (1) sheet; making a total of ten (10) sheets, (The Plan).

The Decision, with conditions contained herein, is rendered pursuant to the vote of the Commission on November 13, 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 in accordance with applicable law, 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 3.201. 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. 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 Massachusetts General Laws, Chapter 30A, Section 2 on October 9, 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 79 ± acres of land into 47 lots.

Mr. Widdiss, Chairman of the Land Use Planning Committee, read the public hearing notice and opened the hearing for testimony at 8:06 P.M.

Mr. Widdiss, then asked Mr. Mechur, agent for the applicant to give the presentation of the proposal.

Mr. Mechur explained ownership of the land and reasons for subdivision. He discussed the location of the property in Edgartown, the plans, open space and original plans versus the cluster. He reviewed the comprehensive document which is in the file, and meetings he had with the Planning Board and Board of Health.

He discussed changes in plans and said that the Commission was not looking at the final plan. As the new plan shows two tennis courts to be deducted from common space, he stated the density would be 77% and open space 42%. He said there would be two youth lots.

Mr. Mechur discussed visibility along the road, and that dwellings will be set back more than double the Roadside District requirements. Easement to public to use old way, Green Rock Way, will be granted. He stated height limitations to no more than 27 feet and there would be no guest houses.

Mr. Mechur said the project has been shifted to the east because of visibility. He discussed the Zone of Influence and the Well site at upper end approximately 2,200 feet away, and density as being 1-1/2 acre in this area.

Mr. Mechur discussed the Town Water and subdivision near this area having well water. He said the Applicant will accept estimate from water company, as there is so much interest from Town. He discussed problems with covenants regarding the Planning Board's concerns and how they would be amended so the Town Planning Board would be enforcement authority.

Mr. Mechur discussed the two low/moderate income lots and the fact that they would be sold at half the market value to the Town and not given to the Town. There was discussion of ratio of youth lots in comparison to entire subdivision. Also there was discussion of youth lots chosen yet.

There was discussion of covenants which would protect the open space forever.

Jane Brown cited from Chap. 41 with respect to cluster zoning, open space and easements through subdivisions, and stated that the Edgartown Planning Board has asked for connecting road and easement to put water through.

Mr. Widdiss asked for staff presentation.

Russell Smith, Staff MVC, discussed the topography of the land being generally flat, soil types as being sandy loam and distance to groundwater being 30 feet. He discussed the overlying regulations in a zone of contribution and stated that the subdivision conforms with regulations of the Board of Health. He also discussed Town water and how this would create a loop system for which the Town is now lacking.

Rick Hopkins, MVC Staff, discussed the zoning district and stated the maximum lots under a cluster development would be 58 and this proposal was for 47. He discussed the Environmental Impact Statement, regarding municipal impacts and generation of tax revenues, vehicular traffic and solid waste generation.

Commissioners questioned the staff regarding year-round housing on the Island, different types of subdivision, and Island population.

Mr. Filley asked Mr. Smith if there would be anything in the Anderson Nichols Groundwater Report which would make the Commissioners look at the subdivision any differently, and where the nearest well is to the proposal.

Mr. Smith responded that the Wintucket Well may soon be put back on line (Zone of contribution overlaying a few lots within the subdivision) so there would be limits as to what kind of business could occur in this subdivision, also there would be limits on bedrooms and limits to how much fertilizer could be used on certain lots.

There was discussion of the meaning of good depth to groundwater and this area being involved in groundwater testing. There was discussion of deep observation wells monitoring to define where the bottom of the aquifer is and to find out dynamics of the water system.

Commissioners questioned how the Applicant determined the number of youth lots. Mr. Mechur stated that he felt

this was an adequate amount, that in the past it has worked and that he felt comfortable with it.

Mr. Widdiss asked for any comments from the Town Boards.

Jane Brown of the Edgartown Planning Board stated that this plan met all subdivision requirements, but the Town was not happy with the design. She stated that the Town would like a 40' easement of road to next subdivision, concern about having easement for Water Co., walkways and bikeways easement, testing wells, and the affordable housing lots in regard to the developer giving fair share.

Mr. Mechur responded in respect to the 40 foot easement and a possible liability, he felt there was a hazard in connecting subdivisions. He felt that if the roadway system was opened that the Town should take it over. He also discussed having no problems with monitoring wells as long as they were placed on common land not residential lots.

There was discussion of this subdivision being connector between Vineyard Haven and West Tisbury Road and the Town taking over the road system. Jane Brown, Edgartown Planning Board, read from revised Chap. 40 re. coordinating roadways.

Mr. Widdiss, read a letter from the Edgartown Board of Health in favor of the definitive plan with conditions, as per letter on file.

Mr. Widdiss asked for opponents - there were none.

Mr. Widdiss asked for proponents - There were none.

There was discussion of the cluster housing and how the site plan looks, 75 foot setback off the front of each lot, of single driveways or paired up driveways for lots within the subdivision, and disposal of brush on the property as part of the construction of the project.

Mrs. Custer asked whether the DEQE would have to be notified if there was a stump dump on the property. There was lengthy discussion in reference to a stump dump. Mr. Widdiss asked Russell Smith, MVC Staff, whether the DEQE had to be notified. Mr. Smith responded that the State considers a stump dump a sanitary landfill but not disposal of brush.

There being no further testimony the hearing was closed at 9:07 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 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 question of 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. THE APPLICANT SHALL PROVIDE A BICYCLE PATH EASEMENT TO THE TOWN OF EDGARTOWN 25 FEET WIDE ALONG THE WEST TISBURY ROAD FOR THE LENGTH OF THE APPLICANT'S SUBDIVISION PROPERTY.
2. THE APPLICANT SHALL INSTALL WATER MAINS TO THE PRICE AND SPECIFICATIONS ESTABLISHED ON OCTOBER 1, 1986 BY THE EDGARTOWN WATER COMPANY FOR THE PURPOSES OF CREATING A LOOP SYSTEM WITHIN THE TOWN.
3. THE COMMON LAND DESIGNATED ON THE APPLICANT'S PLAN (LOT 48) SHALL BE KEPT IN AN OPEN OR NATURAL STATE IN PERPETUITY, AND USED FOR CONSERVATION AND RECREATION PURPOSES ONLY, EXCEPTING THAT TWO (2) TENNIS COURTS IN THE DESIGNATED LOCATION ON THE PLAN, A BIKEPATH ON THE GRANTED EASEMENT ALONG THE WEST TISBURY ROAD, AND ONE (1) TEST WELL, AND ANY OTHER ADDITIONAL IMPROVEMENTS HERINAFTER APPROVED IN WRITING BY THE TOWN PLANNING BOARD, ARE PERMITTED UPON LOT 48. THE TOWN'S PLANNING BOARD AND CONSERVATION COMMISSION MAY INSPECT THE PREMISES AT REASONABLE HOURS TO ENSURE COMPLIANCE.
4. LOTS 1-18 AS SHOWN ON SAID PLAN SHALL SHARE DRIVEWAYS OFF OF BOLD MEADOW ROAD IN THE SUBDIVISION, TO THE EXTENT THAT THIS MAY BE POSSIBLE.
5. AS PART OF THE DESIGN SCHEME, A MEADOW SHALL BE CUT AND MAINTAINED 75 FEET FROM THE RIGHT OF WAY OF BOLD MEADOW ROAD ENCOMPASSING LOTS 1-9.
6. AS SHOWN ON THE PLAN, A 40 FOOT EASEMENT SHALL BE FOR VEHICULAR ACCESS AT A FUTURE TIME IF THE TOWN ACCEPTS THE SUBDIVISIONS ROAD SYSTEM, AS PART OF THE TOWN'S PUBLIC ROAD SYSTEM, AND ASSUMES

LIABILITY FOR THE SUBDIVISION'S ROAD SYSTEM
ACCORDING TO THE STANDARDS AS SET BY THE TOWN.

7. THE APPLICANT SHALL INSTALL ONE (1) DEEP
OBSERVATION WELL WITHIN THE SUBDIVISION AT A
LOCATION AND WITH SPECIFICATIONS TO BE DETERMINED
BY THE TOWN'S BOARD OF HEALTH AND THE STAFF OF THE
MARTHA'S VINEYARD COMMISSION FOR THE PURPOSES OF
ESTABLISHING AN INFORMATIONAL DATA BASE AND
MONITORING OF THE ISLAND'S AQUIFER. THE TOWN'S
BOARD OF HEALTH AND STAFF OF THE MARTHA'S VINEYARD
COMMISSION SHALL CREATE A TESTING PROGRAM AND
MAINTAIN RECORDS OF ALL TESTS TAKEN. THE APPLICANT
SHALL INSTALL SAID WELL WITHIN EIGHTEEN (18)
MONTHS OF THE TOWN'S APPROVAL OF THE PLAN AND
ALLOW COLLECTION OF SAMPLES TO BE TAKEN AT
REASONABLE TIMES BY THE TOWN OR ITS APPOINTED
DESIGNEE AND OR THE STAFF OF THE MARTHA'S VINEYARD
COMMISSION.
8. NO UNDERGROUND FUEL TANKS SHALL BE ALLOWED WITHIN
THE SUBDIVISION.

Pursuant to Section 15 of the Act, the Commission has
considered the potential impacts of this development
regarding the supply of needed low and moderate income
housing for Island residents and has weighed the proposals
density pursuant to the Commission's adopted Affordable
Housing Policy and, therefore, sets the following condition:

9. THE APPLICANT SHALL MAKE AVAILABLE TO THE TOWN OF
EDGARTOWN FOUR (4) BUILDABLE LOTS WITHIN THIS
SUBDIVISION WHICH SHALL BE SOLD TO AND PERPETUALLY
HELD BY ISLAND RESIDENTS OF LOW OR MODERATE
INCOME. THE SALE PRICE OF EACH LOT SHALL NOT
EXCEED \$15,000. SELECTION OF AND STANDARDS
DETERMINING APPROPRIATE QUALIFICATIONS FOR SAID

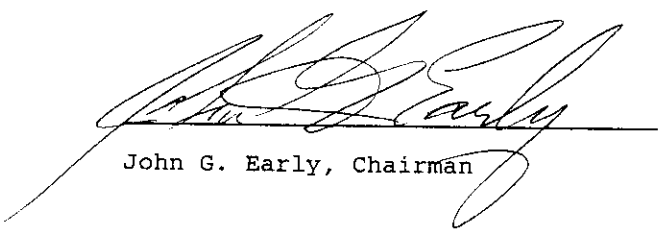
PERSONS WILL BE IN ACCORDANCE WITH THE PRACTICES
ESTABLISHED BY THE TOWN OF EDGARTOWN.

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: November 13, 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.

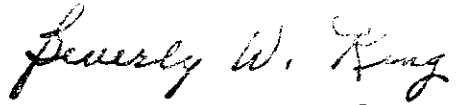

John G. Early, Chairman

11/20/86
Date


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

11/20/86
Date

Edgartown, Mass. Nov 21 1986
at 10 o'clock and 01 minutes A.M
Received and entered with Dukes County Deeds
book 460 Page 892

Attest: 
Register