

## THE MARTHA'S VINEYARD COMMISSION

BOX 1447  
OAK BLUFFS  
MASSACHUSETTS  
02557

DATE: August 27, 1987  
TO: Planning Board, Town of Oak Bluffs  
FROM: Martha's Vineyard Commission  
APPLICANT: Deer Run Trust  
c/o Dean Swift, Agent  
P.O. Box 2350  
Vineyard Haven, MA 02568

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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 Deer Run Trust, c/o Dean Swift, Agent, P.O. Box 2350, Vineyard Haven, MA 02568 for the subdivision of land in the Town of Oak Bluffs as shown on the plans entitled: "Definitive Plan of Deer Run Trust, Oak Bluffs, Mass. surveyed for Deer Run Trust, by Dean R. Swift, Vineyard Haven, Mass. Dated May 29, 1987, received by the Martha's Vineyard Commission 6/2/87" consisting of one (1) sheet; "Definitive Plan of Deer Run Trust, Oak Bluffs, Mass., Surveyed for Deer Run Trust by Dean R. Swift, Vineyard Haven, Mass. Dated May 29, 1987, Revised and Received by the Martha's Vineyard Commission 6/29/87" consisting one sheet; "Deer Run Trust, Oak Bluffs, Mass., Bruce Campbell, Martha's Vineyard Commission, Development of Regional Impact Checklist Report, undated, received by the Martha's Vineyard Commission July 2, 1987" consisting of Thirty-eight (38) pages; making a total of forty (40) pages, (the Plan).

The Decision is rendered pursuant to the vote of the Commission on August 27, 1987. The Planning Board of the Town of Oak Bluffs may now grant the necessary development permits for the Applicant's proposal 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 Standards and Criteria, Developments of Regional Impact Section 3.104 and Section 3.203. The Application was referred to the Commission by the Planning Board of the Town of Oak Bluffs for action pursuant to 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 as modified by Chapter 83 on June 18, 1987 at 8:30 P.M. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts.

The proposal is for the subdivision of 63.6 acres of land in the Town of Oak Bluffs into 46 lots plus open space.

Sanford Evans, Chairman of the Land Use Planning Committee, read the public hearing notice and opened the hearing for testimony at 8:30 P.M. He asked for the Staff presentation.

Melissa Waterman, MVC Staff, referenced a handout, she stated the proposal is for a definitive subdivision of 63.6 acres into 46 lots which qualifies as a DRI because the application was the subject of a previous DRI application and is a subdivision resulting in greater than 10 lots. Further, she discussed the location of the proposal stating it is at the intersection of the Edgartown-Vineyard Haven Road and Airport Road southeast of 'the blinker' with two accesses off of Airport Road. She stated the proposal falls within the Oak Bluffs Water Protection District and within the zones of contribution of 2 town wells and stated applicable regulations. Further she discussed dimensional requirements of Open Space Community in the R-2 District. Ms. Waterman addressed the Oak Bluffs Water Resource Protection District By-law and cited sections from the by-law and stated the regulations regarding total number of bedrooms that will be allowed. She described the project as being 63.6 total acres; 5.41 acres are road; 26.0 acres for homes; and 31.8 acres will be open space. Further

she stated that housing lots range in size from .46 acres to .68 acres, the road will be asphalt, the active recreation area will consist of two tennis courts and a paddle ball court; common areas will be seeded and mowed; resource recovery building is proposed and there will be a 50' buffer (no-cut, no-build) along the northern edge and a 75' buffer on the southern edge. She discussed population impacts (year-round, summer residents); potential municipal impacts (tax revenues, school); solid waste generation at buildout equalling 42 tons per year and traffic generations based on P. Herr, 1978 for a 46 lot subdivision averaging 391 vehicle trips per day. Ms. Waterman then discussed the environmental constraints of the proposal stating the soils are RVA (Riverhead Sandy Loam) unconsolidated; well drained; prime agricultural land with septic suitability severe and slopes of 0-3%. Ms. Waterman stated that the groundcover is 80% wooded consisting of primarily eastern white pines, scrub oak and cedars. The proposal will have Town water using a 12" main to be hooked up to the Regional High School's 10" main. Further she stated that the parcel is located 2,200' from Lagoon Pond; 2,600' from the Lagoon Pond Well and 1,000' from Oak Bluffs' newest Town well. She then discussed possible nitrate additions to the lagoon using 46 houses with 3 bedrooms each and houses with 3 bedrooms each. Ms. Waterman stated that the applicant has met with the Oak Bluffs Planning Board and proposes 3 lots to be donated to the resident homesite program and further that the developer would like to build the houses on these lots at no profit to himself, similar to the Snowden DRI proposal.

Ms. Waterman then stated that several of the conditions of the MVC Decision dated March 5, 1987 have been met however, there are conditions which have not been met as follows: The applicant place covenants on the meadow to keep this area open and the applicant submit an open space management plan; and the Applicant should develop a maximum of 41 lots.

Ms. Waterman then stated development concerns as follows: density of development within Water Resource Protection District; affordable housing provisions; visual impact of development on generally flat, wooded area; lack of language in covenants guaranteeing preservation of open space area in perpetuity; mowing of Open Space area rather than leaving in natural state; rate of Build-out; provide that no change occur in types of use of active recreation area; ownership of 14 acre parcel on west side of Airport Road providing access to OB Well; and construction of a flammable

resource recovery building of which are against OB Water Resource Protection District By-law; no provision made for removal of wastes when storage building is full; there is no indication of size of building; applicant might not be able to meet DEQE prerequisites for such a facility; no assurance that the building, if built, would remain private nor any indication of manner of operation of the facility; and liability insurance for facility and transport of wastes.

Mr. Ferraguzzi asked what is considered low density. Ms. Waterman stated that this is not defined.

Mr. Filley asked if the nitrate calculations were for the subdivision only or other unbuilt area. Ms. Waterman stated that these calculations are for the subdivision.

Mr. Gellar asked how the visual impact concern could be rectified? Ms. Waterman explained the site, and stated that screening and building design would address this concern.

Mrs. Eber asked if the 3 bedroom limit is within the covenants? Ms. Waterman answered in the affirmative.

Mr. Jason questioned a building being erected for hazardous waste in a residential area? Mr. Widdiss stated that this is just an idea. Ms. Waterman stated that DEQE has no standards at this time for household hazardous waste.

Sanford Evans, Chairman, asked for the Applicants Presentation.

David Sands, Applicants Representative, introduced Mike Sweeney of Dean Swifts office. Mr. Sweeney discussed the creation of the open space development and discussed the old subdivision which was higher density than the proposed development. He stated that he would classify this proposal as a low density subdivision and referenced the zoning districts of the Town; the common area is over 50% which is twice the area required by the Town; lots between 20,000 and 30,000 square feet; number of lots meet the Oak Bluffs zoning regulations. He stated primary accesses will be off the Airport Road and are over 1,000' apart, which meets Island Road District Regulations. He discussed screening along Airport Road stating that 80% of this area is now well treed and the open areas are beginning to grow back with pine. Further, he stated if the Homeowners Association allows the trees to grow, they will screen the entire development. Further, he discussed the Oak Bluffs Water Protection District Zoning By-law regarding the wastewater flow allowed vs. the proposal's flow which are well met.

David Sands addressed the Commission's Decision on the preliminary plan of Deer Run stating that most conditions have been met. He reviewed the condition regarding density for this project i.e. maximum number of lots being 41 and stated that the applicant has spoken to Chairman of the Planning Board, John Bradford, following the decision and worked out a scenario which addresses affordable housing; protection of the Town Well, which gives the Town something back in exchange for the 46 lots. He then discussed the common areas and the applicants proposal to seed and mow this area and stated at no time was it planned not to provide proper screening. Mr. Sands discussed access and egress. He then addressed the deep observation well stating that the applicant will put it in. Further he stated that the Oak Bluffs Planning Board has approved 46 lots with 3 of the lots being affordable housing lots and the applicant will build houses with no profit to himself and further, access of 2 acres deeded to the Town for access to the Town Well Site. Mr. Sands stated that the Oak Bluffs Water Department has asked for access across the property to link up with a 10" main at the Regional High School and stated that this easement has been granted. He stated that the active recreation area can be deeded by the Homeowners Association. He then discussed the proposed flammable resource area stating that he has begun investigating the guidelines for this type of building and stated that the applicant will pattern this building with the guidelines set by Martha's Vineyard Refuse Disposal & Resource Recovery District, further that DEQE as of this time does not have regulations in place.

Lenny Jason questioned how the subdivision went from 41 to 46 lots. David Sands stated that the Applicant has spoken to John Bradford of the Planning Board who stated 46 lots is an allowable size.

Mr. Gellar questioned the visual impact of this subdivision. Mr. Sands discussed the existing site regarding visual impact and the open space existing from Airport Road and stated that there is adequate screening as is. Melissa Waterman stated that as she reads the covenants, open areas will be seeded and mowed and discussed her interpretation of clearing then seeding and this will not provide adequate screening. Mr. Sands stated the existing trails will be maintained by cutting back and brush cut. To the condition of 41 lots Mr. Sands stated that the applicant has cut down the proposal to 3 bedrooms per house and no guest houses and

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therefore has reduced the possible nitrates, further that the Applicant is proposing 46 lots contrary to the Commission's Decision of March 5, 1987.

Suzan Custer asked if the applicant had an open space management plan. Mr. Sands answered in the affirmative. Ms. Custer asked for specifics. Mr. Sands read from his handout the proposed project specifications.

Mr. Widdiss questioned the type of tank that is on the property and questioned if this will be removed. Al Clements stated this is a large water storage tank. Mr. Sands stated that this tank will be removed.

Mr. Ferraguzzi questioned the resident homesite lots and financing for. Mr. Sands stated that the applicant will secure loans and will build houses at no profit. There was discussion of determination of a no profit project. Mr. Evans asked if this resident homesite proposal is written and described in detail? Mr. Sands stated that the same guidelines will be followed as in the Wm. Snowden, A/K/A Stoney Hill Proposal.

Mr. Evans asked for Town Board Testimony. There was none.

Mr. Evans asked for testimony in favor or opposed. There was none. He then asked if there were any comments or information from the public. There was none.

Mr. Evans stated that one letter of correspondence has been received by the Commission from Robert Fair, dated 6/18/87 stating he is a proponent of this application.

Mr. Jason asked if there was ever a construction company on site. Mr. Clements answered in the negative. Ms. Waterman, MVC Staff, stated that top soil was removed from the site years ago.

Mr. Evans continued the hearing at 9:35 P.M. until July 9, 1987 for the Applicant to submit an Open Space Management Plan.

A duly noticed continuation of a public hearing on the application was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2 as modified by Chapter 831 on July 9, 1987 at 8:00 P.M. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts.

Sanford Evans, Chairman of the Land Use Planning Committee, read the continuation of the public hearing notice and opened the hearing for testimony and stated that this hearing has been continued to allow the Applicant time to create an open space management plan. Mr. Evans asked for the staff presentation.

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Melissa Waterman, MVC Staff, referenced a handout which gave comparisons of the June & July proposals. She discussed the acres of land in the proposal, land classifications i.e vehicular, residential and open space areas. She stated that the handout contains the 2 alternatives for management of open and wooded plans that the applicant proposes for the common areas. Further she stated that the conservation areas are established for the purpose of buffering and screening the proposal and discussed perpetuity provisions i.e. limitation on construction of roadways. Ms. Waterman discussed the applicants proposal of low to moderate income housing stating the applicant has stated that he will pattern his proposal on the Snowden plan with 3 lots for affordable housing. She stated that there are no specific plans for the resource recovery buildings for newspapers and glass and household hazardous wastes in either of the proposals and stated that a build-out rate for this development has not been given.

Rick Hopkins, MVC Staff, discussed the 41 lots as conditioned in preliminary plan decision vs the 46 lots proposed by the applicant, stating that since this proposal falls within the Water Resource Protection by-law area that his interpretation of the by-law would allow room for 39 lots. Mr. Hopkins then depicted the new Town Well and Lagoon Pond in relation to the proposed subdivision. Mr. Jason asked Mr. Hopkins if common land had been added to his calculations regarding the 39 lots? Mr. Hopkins answered in the negative.

Mr. Ferraguzzi questioned the 3 low/moderate income lots regarding the developer arranging financing at 5% down and the meaning of this. Ms. Waterman stated this is within the applicant's covenants.

Mr. Ferraguzzi questioned having no build-out rate. Ms. Waterman stated there is none required.

Mike Sweeney, Engineer, referenced a letter from the Oak Bluffs Planning Board in support of the 46 lots. Mr. Sweeney then discussed the old zoning by-laws for subdivisions which would allow 46 houses on 1 acre lots and stated the purpose of the open space plan is for aesthetics and stated further he feels that the aquifer benefits by the open space plan because of the common areas influencing how the groundwater flows. Further, he stated that a majority of the lots in this subdivision are outside the zone of contribution of the well and this is one reason the

applicant stays at 46 lots. He then stated that this proposal using the Water District By-laws is 26% lower than allowed density.

Mr. Widdiss referenced Land Use Planning Notes i.e. 2,000 square foot minimum living space, and questioned if this included low/moderate income houses proposed. Mr. Sands stated that this provision allows the applicant to control, preserve and maintain the subdivision and that the resident homesite lots will have the ability to reduce the square footage of houses to 1,500 sq. ft. and he further explained the 5% down stating that HOP will finance 95%. Addressing the 46 lots proposed on the preliminary plan and the 46 lots proposed on the definitive Mr. Sands stated that the Oak Bluffs Planning Board supported the preliminary plan and now supports the definitive plan for 46 lots.

Mrs. Eber questioned plans for the hazardous waste building? Mr. Sands stated that there will not be a building for hazardous waste however, there will be a 10 x 10' building, specifications of design to be developed, to house recyclable items only. Mr. Sands stated this facility will be run by the Homeowners Association and that periodically items will be taken to the recycling center.

Mr. Evans asked for the cost/ranges this project would yield in terms of no-profit to applicant regarding the resident homesite provisions. Mr. Sands stated that the West Tisbury Planning Board is working on a 1,200 to 1,500 square foot, 1-1/2 baths and financing up to 30 years, with mortgage not to exceed \$90,000 and the applicant of this proposal proposes a minimum of 1,500 square feet with the applicant not to exceed \$110,000 which is the maximum allowed under the HOP program. When questioned by Commissioners Mr. Sands stated that the Applicant will choose the architect. He stated that he had submitted information to Melissa Waterman today from Doug Ewing regarding deed resale and restrictions and right of first refusal which is a part of the ongoing negotiations with the Dukes County Regional Housing Authority and the West Tisbury Planning Board.

Mr. Evans called for testimony from Town Boards.

Mr. John Bradford, Oak Bluffs Planning Board, referenced a letter submitted to the MVC in support of the proposed 46 lots. He stated that Mr. Campbell, applicant, will provide access to well at his expense which will save the Town approximately \$50,000. Further, Mr. Bradford discussed his interpretation of the open space plan zoning by-law.



Mr. Widdiss asked how the Town accesses to Town Well at this time.  
Mr. Bradford stated that the Town uses Deer Run property at the time.

Mr. Evans called for testimony in favor. There was none.

Mr. Evans called for testimony in opposition. There was none.

Mr. Evans called for comments from the public. There was none.

Mr. Evans stated that correspondence which has been submitted to the Commission is as follows: Letter from the Oak Bluffs Planning Board in support of the proposed 46 lots.

Mr. Early asked if access to the Town Well will be in the form of perpetual easement or deeded to the Town. Mr. Sands stated that the access will be deeded to the Town. Mr. Early asked if the land was part of this parcel? Mr. Sands answered in the negative.

Mr. Jason questioned the management plans for the wooded plains. Mr. Sweeney stated that thinning will be done yearly and grasses cut yearly using the Oak Bluffs R & R guidelines. Mr. Sweeney stated referencing the Water District By-law that in 1972 there were six dwellings in this District with a nitrate level of .2 and in 1986 there were a total of 46 dwelling with a nitrate level of .2.

Mr. Sands requested that the Applicant be put on the LUPC agenda for Monday, July 13.

Mr. Morgan questioned if a deal had been made with the Town and the Applicant regarding the support of the 46 lots and access to Town Well being deeded to Town and if not the 46 lots will the deal be off? Mr. Sands stated that if the Oak Bluffs Planning Board supports 46 lots one of their requirements is that the Town be deeded the access, the other requirement will be an additional resident homesite lot. Mr. Campbell stated that there is no plan for less than 46 lots and access to the Town Well at this time.

There being no further testimony Mr. Evans closed the public hearing at 9:05P.M. and stated the record will be kept opened for one week.

Following the close of the public hearing one letter of correspondence was submitted for the record from Edmond G. Coogan, Esq., to the Oak Bluffs Planning Board, dated July 16, 1987 which stated his interpretation of Sec. D 2a of the Water Resources Protection District By-law as requested by the Planning Board.

1. The Commission has considered the application and the recommendation presented from the Land Use Planning Committee meeting, the public hearing, and discussions during its decision deliberations 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, as conditioned 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 plan will be consistent with local development ordinances and By-laws in place at the time of the submittal.
- d. The Commission finds, as conditioned herein, that the development proposal will be more beneficial then detrimental when compared to alternative manners of development or developments occurring in alternative locations.

FURTHER,

2. 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 proposal's density pursuant to the Commission's adopted Affordable Housing Policy. The Commission finds that the Applicant has provided an opportunity for the community to obtain housing at low cost to low/moderate income persons, with no public expenditure, which will be integrated within a larger development. In light of these considerations and based upon the Applicant's offer, the Commission sets the following conditions:

- a. THE APPLICANT SHALL DESIGNATE THREE (3) LOTS TO BE LOW/MODERATE INCOME RESIDENTIAL HOMESITE LOTS. THE LOCATION OF SUCH LOTS SHALL BE DESIGNATED WITHIN THE PARCEL PRIOR TO THE SALE OF ANY LOTS WITHIN THE PARCEL. NOTIFICATION BY THE APPLICANT OF THE DESIGNATION OF SUCH LOTS SHALL BE GIVEN TO THE BOARD OF SELECTMEN AND PLANNING BOARD OF THE TOWN OF OAK BLUFFS AND THE MARTHA'S

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VINEYARD COMMISSION. SUCH LOTS SHALL BE SOLD IN A BONAFIDE SALE TO PERSONS OF LOW OR MODERATE INCOME AT APPROXIMATELY 50% OF FAIR MARKET VALUE. STANDARDS DETERMINING APPROPRIATE QUALIFICATIONS FOR PERSONS OF LOW OR MODERATE INCOME WILL BE ESTABLISHED BY THE BOARD OF SELECTMEN, APPLICANT AND IN CONSULTATION WITH OR RECOMMENDATION FROM THE DUKES COUNTY REGIONAL HOUSING AUTHORITY.

- b. THE COMMISSION ACCEPTS THE OFFER OF THE APPLICANT AND THEREFORE REQUIRES THE APPLICANT TO: ABSORB ALL CLOSING COSTS ON THE LOW/MODERATE INCOME RESIDENT HOMESITE LOTS; ABSORB ALL COSTS REGARDING DESIGN AND ARCHITECTURAL ASSISTANCE; ARRANGE FINANCING AT A 5% DOWN PAYMENT AT OR BELOW CURRENT MARKET RATES. AT A FIXED RATE OVER 30 YEARS; AND TO BUILD ONE HOME, WITH A MINIMUM OF 1,500 SQUARE FEET, ON EACH OF THE DESIGNATED LOTS AT NO PROFIT TO SAID APPLICANT.

FURTHER,

FOR CONDITION NUMBER 2a AND 2b, THE COMMISSION REQUIRES THE APPLICANT TO ENTER INTO AN AGREEMENT WITH THE DUKES COUNTY REGIONAL HOUSING AUTHORITY, IN A FORM SATISFACTORY TO THE MARTHA'S VINEYARD COMMISSION, TO GOVERN THE DISPOSITION OF THE THREE (3) RESIDENTIAL HOMESITE LOTS AND FUTURE SALES OF SAID LOTS.

3. The Commission has considered the question of whether the proposed development will favorably or adversely affect the provision of municipal services and the burden on taxpayers in making provisions there for. Presently, the Town of Oak Bluffs utilizes an abutting parcel, owned by the Applicant, for access to the Town Well, known as the State Forest Well. Therefore, the Commission accepts the Applicant's offer to provide access to the Town Well and sets forth the following condition:

- a. TWO (2) ACRES OF THE SOUTHERLY PORTION OF LAND SHOWN ON THE TOWN'S ASSESSOR MAPS AS MAP 51, LOT 2 SHALL BE DEEDED TO THE TOWN OF OAK BLUFFS FOR THE PURPOSE OF ACCESS TO THE TOWN WELL. THE APPLICANT SHALL SUBMIT TO THE MARTHA'S VINEYARD COMMISSION EVIDENCE, IN A FORM SATISFACTORY TO THE COMMISSION, OF A REGISTERED TRANSFER OF TITLE WHICH EFFECTS THIS CONDITION.
- b. THE APPLICANT SHALL GRANT AN EASEMENT TO THE OAK BLUFFS WATER DEPARTMENT AND MARTHA'S VINEYARD REGIONAL HIGH SCHOOL TO CONNECT AND REPAIR, AS NEEDED, AN EXISTING 10 INCH WATER MAIN WITH A 12

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INCH WATER MAIN WITHIN APPLICANT'S PROPOSED SUBDIVISION. THE APPLICANT SHALL SUBMIT TO THE MARTHA'S VINEYARD COMMISSION, IN A FORM SATISFACTORY TO THE COMMISSION, A REGISTERED PERMANENT EASEMENT TO EFFECT THIS CONDITION.

4. Pursuant to Section 15 of the Act, the Commission has considered the question of the potential impact of this proposal on the environment in comparison to alternative manners of development. The Commission finds that 50% of the project site is located within the zone of contribution of the Lagoon Pond Well and the Oak Bluffs Water Protection District. In light of this information and the proposals density, the Commission sets the following condition to address site evaluation of wastewater flow:

- a. THE APPLICANT SHALL REDUCE THE NUMBER OF PROPOSED LOTS WITHIN THE SUBDIVISION PLAN FROM 46 LOTS TO 43 LOTS BY MERGING LOTS 1 & 2, 3 & 4 and 5 & 6.
- b. RESIDENTIAL DWELLINGS WITHIN THE APPLICANT'S PROPOSED SUBDIVISION SHALL BE LIMITED TO A MAXIMUM OF THREE (3) BEDROOMS.
- c. NO GUEST HOUSES OR SUBORDINATE DWELLINGS SHALL BE ALLOWED ON ANY LOT WITHIN THE PROPOSED SUBDIVISION.
- d. NO UNDERGROUND FUEL TANKS SHALL BE ALLOWED WITHIN THE PROPOSED SUBDIVISION.
- e. THE CONSTRUCTION OF SINGLE FAMILY DWELLING UNITS WITHIN THE PROPOSED SUBDIVISION SHALL BE NO GREATER THAN 5 UNITS PER YEAR; THE THREE (3) DESIGNATED RESIDENTIAL HOMESITE LOTS SHALL BE EXEMPT FROM THIS PROVISION. THE OAK BLUFFS BUILDING INSPECTOR SHALL ENFORCE THIS PROVISION. THE BUILDOUT RATE HEREIN MAY BE INCREASED AT THE DISCRETION OF THE OAK BLUFFS PLANNING BOARD WITH A LETTER OF AGREEMENT BETWEEN THE APPLICANT AND PLANNING BOARD TO EFFECT THIS CONDITION.
- f. THE APPLICANT SHALL INSTALL, AT HIS EXPENSE, A DEEP OBSERVATION WELL AT A LOCATION AND WITH SPECIFICATIONS TO BE DETERMINED BY THE TOWN OF OAK BLUFFS BOARD OF HEALTH AND WATER DEPARTMENT AND THE STAFF OF THE MARTHA'S VINEYARD COMMISSION. THE PURPOSE OF SAID WELL IS TO ESTABLISH AN INFORMATIONAL DATA BASE AND MONITOR THE ISLAND'S AQUIFER. THE APPLICANT SHALL INSTALL SAID WELL WITHIN 12 MONTHS OF THE COMMISSION'S DECISION. THE APPLICANT SHALL 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. THE APPLICANT SHALL SUBMIT TO THE MARTHA'S VINEYARD COMMISSION EVIDENCE, IN A FORM SATISFACTORY TO THE COMMISSION, OF COMPLIANCE HEREWITH.

FURTHER,

5. BUILDING LOTS SHALL BE CERTIFIED IN PHASES, AND THE SCHEDULE OF SUCH PHASES SHALL BE: PHASE I - UPON COMPLETION OF CONDITIONS 2a, 2b, 3a, AND 3b, TWENTY-THREE (23) LOTS SHALL BE CERTIFIED FOR SALE, THREE (3) OF WHICH SHALL BE THE RESIDENTIAL HOMESITE LOTS. PHASE II - UPON COMPLETION OF PHASE I AND CONDITION 4f, THE REMAINING LOTS SHALL BE CERTIFIED. THE APPLICANT SHALL SUBMIT EVIDENCE OF COMPLETION OF PHASE I AND PHASE II TO THE TOWN OF OAK BLUFFS PLANNING BOARD AND THE MARTHA'S VINEYARD COMMISSION.

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 this Decision, apply to appropriate Town of Oak Bluffs Officers and Boards for any other development permits which may be required by law.

The Decision is written consistent with the vote of the Commission:  
August 27, 1987

Any applicant aggrieved by a Decision of the Staff or Committee hereunder, may appeal to the full Martha's Vineyard Commission which shall decide such Appeal, after notice and hearing, within 21 days of the close of the public hearing.

The Executive Director may issue Certificates of Compliance which shall be conclusive evidence of the satisfaction of the conditions recited therein.

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.

Edgartown, Mass. Aug 31 1987  
at 9 o'clock and 23 minutes A M  
Received and entered with Dukes County Deeds  
book 462 page 803

John G. Early, Chairman

Attest:

Beverly W.

Notary

Date