

## THE MARTHA'S VINEYARD COMMISSION

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September 9, 1976

TO: Edgartown Planning Board

FROM: The Martha's Vineyard Commission

SUBJECT: Development of Regional Impact Decision Re: Jacobs

APPLICANT: Loretta Beal Jacobs

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SUMMARY

The Planning Board of the Town of Edgartown is denied approval by the Martha's Vineyard Commission to grant the necessary development permits for the subdivision of Loretta Beal Jacobs. The Planning Board may not approve this development proposal, notwithstanding the conformance of this proposal with local regulations and bylaws of the Town of Edgartown. The Martha's Vineyard Commission finds that the proposed development is more detrimental than beneficial, and therefore cannot allow approval of the proposal as submitted; the Applicant may, however, submit a new proposal to the Edgartown Planning Board which offers more benefits than the present subdivision proposal.

DECISION OF THE MARTHA'S VINEYARD COMMISSION

RE LORETTA BEAL JACOBS

A Public Hearing was held on March 11, 1976 by the Martha's Vineyard Commission ("the Commission") at 8:00 p.m. upon public notice to consider the application of Loretta Beal Jacobs ("the Applicant") for definitive subdivision approval from the Planning Board of the Town of Edgartown ("the Application"). The proposed development is for the subdivision of 80.79 acres of land into 21 lots, as shown on the plan entitled, "Plan of Land in Edgartown, Mass., surveyed for Loretta Beal Jacobs, January 21, 1976, scale 1"=100', Dean R. Swift, Registered Land Surveyor, Vineyard Haven, Mass., being a subdivision of L.C.C. No. 13041A" ("the Plan"). The development proposed is within 500 feet of Katama Bay, and develops more than 30 acres of land into more than 10 lots, thus qualifying as a Development of Regional Impact under the Criteria and Standards, Regional Impact Checklist, Sections 1.202, 1.203 and 2.20. The application and plan was referred to the Commission for action pursuant to Chapter 637, Acts of 1974, as amended ("the Act"). Said application and plan are incorporated herein.

At the Hearing held pursuant to said Chapter 637 and Massachusetts

In Re Jacobs

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General Laws, Chapter 30A, Section 2, the Commission received testimony from Philip J. Norton, Jr. Attorney for the applicant and from Dean R. Swift, Registered Surveyor for the Jacobs plan. Additional information, including copies of the proposed subdivision, a letter dated 8/26/76 from Philip J. Norton for Travis Jacobs, a letter dated 8/25/76 from the Edgartown Planning Board, a letter dated 8/11/76 from Travis Beal Jacobs and a letter dated 3/14/76 from Mr. Jacobs, a list of abutters to the property were presented to the Commission and are incorporated herein by reference.

Under Section 15 and 16 fo the Act, the Commission is required to make findings after its review of the development proposal. In this matter, the Commission has considered each factor enumerated in the Act, particularly Sections 3, 15, and 16, and has considered its Policies to be Used in Considering Development Proposals Whose Impact is fo a Regional Nature, adopted by the Commission on June 5, 1975 ("DRI Policies") and it has considered each factor enumerated in these sections of the Act.

The Commission finds as described herein that the probable benefits from the proposed development will be more detrimental than beneficial when compared to alternative manners of development and development occurring in alternative locations. The Commission finds that the proposed development will not comply with the guidelines for the Coastal District, a District of Critical Planning Concern designated by the Commission on December 22, 1975; Lot 10, as shown on the plan, would fall within the Shore Zone of said Coastal District. The Commission also finds that the development, as proposed, will not comply with DRI Policy 2.60, Water Resources and 2.90, Visual Quality.

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Pursuant to Section 3 of the Act, the Commission finds that development proposed along the shore and tidal marsh will be detrimental to the public welfare and will cause irreversible environmental damage to the lands and waters of Katama Bay and Martha's Vineyard. The Commission finds that development in this fragile shoreline are will increase the possibility of pollution by septic effluent and create flood hazards to future residents of the proposed developments.

Finding no benefits to off set these detrimental impacts, the Commission therefore disallows approval of said Application and Plan by the Town of Edgartown Planning Board. The Applicant may modify the development proposal, or submit a new proposal to the Planning Board which will have fewer detrimental and more beneficial factors associated with it.

BY VOTE OF THE COMMISSION  
ON SEPTEMBER 9, 1976

*Edwin G. Tyra*  
EDWIN G. TYRA, CHAIRMAN

*October 20, 1976  
22 A.M.*

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380 141*

COMMONWEALTH OF MASSACHUSETTS

DUKES S.S.

October 19, 1976

The personally appeared the above named Edwin G. Tyra and acknowledged the foregoing to be the free act and deed of the Martha's Vineyard Commission.

Before me *[Signature]*

*[Faint signature]*