

THE MARTHA'S VINEYARD COMMISSION

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September 2, 1976

To: Tisbury Planning Board

From: the Martha's Vineyard Commission

Subject: Development of Regional Impact Decision Re Vineyard
Open Land Foundation

Applicant: Vineyard Open Land Foundation

SUMMARY

The Tisbury Planning Board is granted approval by the Martha's Vineyard Commission to grant the necessary development permits for the development proposal of Vineyard Open Land Foundation. This approval is subject to the development conditions contained within this Decision; the Tisbury Planning Board may approve the development proposal, approve it with additional conditions, or disapprove the proposal.

DECISION OF THE MARTHA'S VINEYARD COMMISSION

RE VINEYARD OPEN LAND FOUNDATION

A Public Hearing was held on August 26, 1976 by the Martha's Vineyard Commission ("the Commission"), at 8:15 p.m. upon public notice to consider the application of Vineyard Open Land Foundation ("the Applicant") for residential subdivision of land in the Town of Tisbury. The proposed development is for a residential subdivision of approximately 166 acres of land into 28 lots as shown on a plan of land "Pilot Hill Farm, a Subdivision of Land in Tisbury, Mass. prepared for the Vineyard Open Land Foundation, West Tisbury, Mass., August 4, 1976". This proposal is within 500 feet of the mean high water of the ocean and is planned to accomodate more than 10 dwelling units and proposes to divide a contiguous ownership of more than 30 acres and is thus a Development of Regional Impact under the Criteria and Standards, Development of Regional Impact Checklist Sections

1.202, 1.203, and 2.20. This application was referred to the Commission for action pursuant to Chapter 637, Acts of 1974, as amended ("the Act"). Said application is incorporated herein.

At the Hearing held pursuant to said Chapter 637 and Massachusetts General Laws, Chapter 30A, Section 2, the Commission received testimony from Tom Counter and Robert Kendall in favor of the proposal. Additional information, including a letter from John Christoforo of Hale and Dorr Counselors at Law indicating the endorsement of Mrs. Grove-Rasmussen, an abuttor; from the Vineyard Open Land Foundation a proposed "Declaration of Restrictive Covenants" which is considered part of the plan as submitted for approval; from the Vineyard Open Land Foundation a proposed "Conservation Easement" with the anotation "Preliminary, August 4, 1976" which is considered part of the plan as submitted for approval; from the Vineyard Open Land Foundation, a proposed set of "By-Laws of Pilot Hill Farm Association, Inc." were also submitted to the Commission.

The Development of Regional Impact Committee of the Commission presented a verbal report and recommendation to the Commission on September 2, 1976. The Committee recommended that the Commission allow with conditions approval of the applicable development permits by the Tisbury Planning Board. The Committee report and recommendations are incorporated herein.

Under Section 15 and 16 of the Act, the Commission is required to make findings after its review of the development proposal. In this matter, the Commission has been guided by its Policies to be Used in Considering Development Proposals Whose Impact is of 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 exceed the probable detriments provided that the Applicant comply with development conditions contained within this Decision. The Commission also finds that the proposal will not interfere substantially with the achievement of any general plan of Dukes County or of the Town of Tisbury.

The Commission finds that the development proposal will be more beneficial than detrimental when compared to alternative manners of development provided the conditions are satisfied, and development occurring in alternative locations because the Applicant has left in open common land more than 66 acres, which is well located, has limited the total number of buildable lots to 28, which is an overall density of less than one house per 5 1/2 acres, and has located the building sites away from the environmentally and visually sensitive areas.

The Commission finds that the development proposal will conform to DRI Policy 2.301, Transportation, by creating a system of by-

ways for horse and foot traffic which traverse the development, connecting with all major destinations. They are not public by-ways but are laid out to connect with the abutting road and properties; 2.401, Housing, by setting aside at least 4 lots for year-round Island residents of moderate or low income; 2.602 and 2.604, Water Resources, by providing substantial setbacks for all construction from the stream and wetlands; 2.70, Agriculture, by keeping all the existing open farm land in common ownership so that it can be farmed; 2.80, Open Space, by setting aside at least 66 acres of common open space, by specifying buffers of vegetative screening on all lots, and locating house sites where they will least intrude on open space; 2.90, Visual Quality, by laying out the plan emphasizing the dominance of open space and imposing covenants on purchasers that will insure a careful review of each house, structure and vegetative clearing, if development conditions are placed on the proposed development. The Commission finds that, without these conditions which are contained herein, the development proposal will not be able to conform to these adopted policies, and thus have more detrimental aspects associated with it. Therefore the Commission places the following conditions upon the development proposal as part of its approval:

A. This approval is contingent on development proceeding as proposed on the application and plans referred to the Commission by the Town of Tisbury Planning Board; any change from the Application and plans shall require the approval of the Commission.

B. Recording provision:

This Decision shall not be effective unless there are recorded with the approved plan at the Dukes County Registry of Deeds, the Declaration of Restrictive Covenants proposed by the Applicant and a Conservation Easement accomplishing the preservation proposed by the preliminary easement dated August 4, 1976.

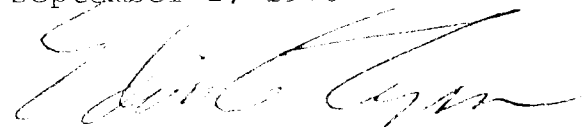
C. There shall be a growth rate control for house construction on lots shown on the plan to assure that no more than 1/10th of the allowable density under existing zoning shall be constructed in one year, provided that unexercised annual quotas so established may be accumulated.

D. General:

All of the foregoing conditions shall be conditions of any Planning Board endorsement of approval of the plan and any Planning Board endorsement shall so state. The Planning Board shall not endorse the plan until such conditions and reference to this Decision have been clearly noted thereon.

BY VOTE OF THE COMMISSION

September 2, 1976



MEMBER OF THE COMMISSION