

# THE MARTHA'S VINEYARD COMMISSION

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December 21, 1976

TO: PLANNING BOARD OF THE TOWN OF EDGARTOWN  
FROM: MARTHA'S VINEYARD COMMISSION  
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION RE:  
VINEYARD DEVELOPERS, LTD. C/O RONALD CONTI  
APPLICANT: VINEYARD DEVELOPERS, LTD. C/O RONALD CONTI

## SUMMARY

The Planning Board of the Town of Edgartown is granted by the Martha's Vineyard Commission to grant the necessary development permits for the preliminary plan proposal of Vineyard Developers, Ltd., c/o Ronald Conti, Applicant. The approval of the preliminary subdivision plan is subject to the conditions contained within this Decision: the Edgartown Planning Board may approve the development proposal with the conditions herein, approve it with additional conditions, or disapprove the proposal. The Commission, however, seeks changes in the proposed density and incorporation of the Draft Policies for Large Scale Development, prepared by the Commission December 17, 1976 and attached herein.

## DECISION OF THE MARTHA'S VINEYARD COMMISSION

A Public Hearing was held on December 8, 1976 by the Martha's Vineyard Commission (the "Commission") at 8:00 p.m. at Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts upon public notice to consider the application of Vineyard Developers, Ltd., c/o Ronald Conti (the "Applicant") for a preliminary subdivision plan approval in the Town of Edgartown (the "Application"). The proposed development is for a subdivision of land of 21.88 acres + into 36 residential lots. The proposal is for more than ten lots and is thus a Development of Regional Impact under the criteria and standards, Development of Regional Impact Checklist Section 2.20. This application was referred to the Commission for action pursuant to Chapter 637,

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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 Stephen Pflug, of Schofield Brothers, Inc., representing said Applicant, in favor of the proposal. Ronald H. Mechur and David Thompson, staff of the "Commission", delivered a presentation concerning the probable benefits and detriments of said "Application", conformance with existing regulations, and Guidelines for Districts of Critical Planning Concern. Six major issues were presented in oral, graphic, and/or written format:

1. Contour Interval- as required by local subdivision regulations
2. Lot Width- 100 foot minimum as required by local zoning by-laws
3. Grouping of Dwellings- two family detached dwellings as allowable by local zoning by-laws
4. Open Space- "preservation or creation of..." see Article XIII of local zoning by-laws
5. District of Critical Planning Concern- Island Road District designation
6. Planting Plan- to improve visual character and soil holding capability on site,

Additional information, including a letter from the Edgartown Planning Board to Ronald L. Conti, dated December 2, 1976, regarding alternatives to the proposed small lot subdivision, municipal water and sewerage services, and roadway paving, was also submitted to the Commission.

The Development of Regional Impact Committee of the Commission presented a verbal and written report, and recommendation to the Commission on December 20, 1976. The written report entitled "Edgartown Heights: An Alternative Manner of Development" incorporates the Commission's Policies for Large Scale Development and was prepared in accordance with Section 6, Item b of Chapter 637 of the Acts of 1974 of the Commonwealth of Massachusetts which requires that the Commission shall consider whether "the development in the manner proposed will have a more favorable or adverse impact on the environment in comparison to alternative manners of development". The report presents one of several feasible alternatives and is attached herein. The Committee recommended that the presented Alternative be forwarded to the Edgartown Planning Board for review and comment, that the Commission allow approval of the preliminary plan with conditions, and that the Applicant submit a new development proposal employing the concepts contained in the Alternative Plan.

Under Sections 15 and 16 of the Act, the Commission is required to make findings after its review of the development proposal; it must consider the probable benefits and detri-

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ments of the proposal. In this matter the Commission has been guided by its Policies for Large Scale Development and has considered each factor enumerated in these sections of the Act. It has, furthermore, been guided by the fact that this plan will return to the Commission for final consideration as a definitive subdivision plan.

The Commission finds as described herein that the probable benefits from the proposed development will exceed the probable detriment, provided the Applicant comply with development conditions which are 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 the Town of Edgartown, or violate any local ordinances.

The Commission finds that the general plan of the development proposal is not more beneficial than detrimental when compared to alternative manners of development. The proposed preliminary plan does not adequately address some of the eleven issues considered relevant by the "Draft Policies for Large Scale Development" and Critical District Designation as adopted by the Commission for island roads. While the proposed preliminary plan meets all local zoning ordinances and subdivision regulations, it fails to incorporate critical environmental and aesthetic criteria which makes one proposal more beneficial than alternative means of development.

The Commission recognizes the relevances of considering the need for municipal sewerage and water vs. on-site services for the Application. A decision concerning this issue can be made with local considerations, regional guidelines, site development costs, and Applicant needs but must be presented as part of a plan which addresses the issues raised by the "Draft Policies for Large Scale Development". The concepts in "Edgartown Heights: Alternative Manner of Development" can be incorporated into the proposed preliminary plan.

The Commission finds that without these conditions which are contained herein, the development definitive plan may have more detrimental aspects associated with it. Therefore the Commission places the following conditions upon the development proposal as part of its approval:

1. that when the plan returns to the Commission for final consideration as a definitive subdivision plan, that more recognition be made of critical site resources, lot sizes, pedestrian by-ways, open space, protection of ancient ways, low cost lots, recreation facilities.

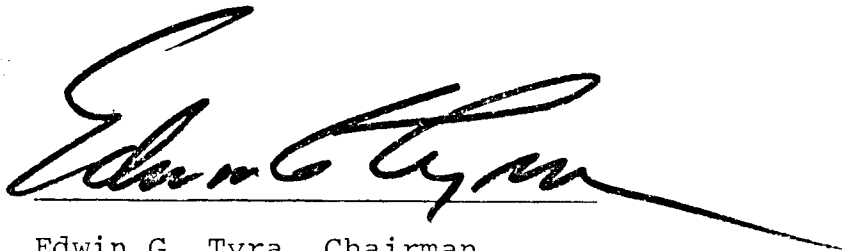
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2. that should the plan require on-lot disposal systems, that results of at least three soil samples, as required by the "Draft Policies", be submitted.
3. that there shall be a maximum rate of build out for the subdivision, and that the exact rate will be determined by the time of application for the definitive plan.

All of the foregoing conditions shall be conditions of any Planning Board endorsement of approval of the preliminary 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

DECEMBER 21, 1976

A handwritten signature in black ink, appearing to read 'Edwin G. Tyra', with a long horizontal flourish extending to the right.

Edwin G. Tyra, Chairman