

THE MARTHA'S VINEYARD COMMISSION

94
BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557
617-693-3453

DATE: June 22, 1978
TO: Edgartown Building Official
FROM: Martha's Vineyard Commission
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION
RE: RESIDENTIAL CONSTRUCTION
APPLICANT: Stanmar, Inc. and Atwood Realty Trust

94-5-25-E

SUMMARY

The Building Official of the Town of Edgartown is not permitted by the Martha's Vineyard Commission to grant the development permits for the Applicant's proposed residential construction on lot numbers 904 and 906 in a subdivision by Atwood Realty Trust entitled "Subdivision Plan of land in Edgartown, Dean R. Swift, Surveyor, July 21, 1973". This decision was by vote of the Martha's Vineyard Commission on June 22, 1978. The local building official or other boards shall not grant approval, or otherwise endorse the applications of Stanmar, Inc. The applicant, consistent with this decision, may submit new plans and applications to the Town of Edgartown which shall comply with the Overlay Regulations, December 21, 1976.

DECISION OF THE MARTHA'S VINEYARD COMMISSION

A Public Hearing was held on May 25, 1978 by the Martha's Vineyard Commission (the "Commission") at 8:15 p.m. at the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts upon due public notice to consider the application of Stanmar, Inc. and Atwood Realty Trust (the "Applicant") for construction of two applications for building permits in the Town of Edgartown (the "Application"). The Applicant proposes construction of residential dwelling units on two, one-half acre lots, which are shown on a plan entitled "Subdivision Plan of Land in Edgartown" prepared by Dean R. Swift, Surveyor, July 21, 1973 and filed in the Land Registration Office of the Massachusetts Land Court July 25, 1973, and more particularly the lots to be built upon are identified on plans entitled "For a Proposed 3 Bedroom House, South Beach Road (Katama), Edgartown, Massachusetts - Lot 904, Surveyed for the

Applicant Stanmar, Inc., 2 March 1978, Plot Plan Scale 1"=20', Schofield Brothers, Inc., Professional Civil Engineers, Framingham, Mass.", and "For a Proposed 3 Bedroom House, South Beach Road (Katama), Edgartown, Massachusetts - Lot 906, Surveyed for the Applicant Stanmar, Inc., 2 March 1978, Plot Plan Scale 1"=20', Schofield Brothers, Inc., Professional Civil Engineers, Framingham, Mass." (the "Locus"). The development shown on the subdivision plan creates or accommodates more than ten dwelling units, and thus, the Application is a Development of Regional Impact ("DRI") under the Commission's Criteria and Standards, Development of Regional Impact Checklist 3.40. The Application was referred to the Commission for its review pursuant to Chapter 831 of the Acts of 1977 (the "Act"). The Application and the notice of Public Hearing are incorporated herein. No objections to the notice or jurisdiction of the Commission or otherwise was made by any person.

The Hearing was held pursuant to the Act and Massachusetts General Laws, Chapter 30A, Section 2 and was chaired by Ben Moore, Acting Chairman of the Commission's Land Use Planning Committee. Mr. Moore read the Public Notice and opened the Hearing. Ron Mechur, Executive Director of the Commission, gave a brief history of this plan. Bill Wilcox, staff of the Commission, gave a verbal and slide presentation of said Application. There was general discussion and questions on the plan relating to ground water quality, aesthetics and regional development around the locus.

On December 22, 1975, as authorized by Chapter 637 of the Acts of 1974, as amended by Chapter 759, of the Acts of 1974, the Martha's Vineyard Commission duly designated a geographic boundary as a District of Critical Planning Concern, the specific area known as the Coastal District.

On December 21, 1976 the Martha's Vineyard Commission adopted regulations which comply with its guidelines contained in the Coastal District Designation Decision. Said regulations were incorporated by the Decision into the official ordinances, by-laws, and maps of the Town of Edgartown.

The Coastal District in Edgartown includes the land, streams, and wetlands which lie below ten (10) foot elevation above mean

sea level; the Overlay Regulations require a two hundred (200) foot separation between ground water well and sanitary disposal facilities, and a two hundred (200) foot separation between sanitary disposal facilities.

There was a call for proponents. Mr. Philip J. Norton, Esquire, spoke on behalf of Mrs. Atwood. Mr. Moore read a letter from Steven C. and Dorothy Gentle stating that they thought this type of development would be an asset to Edgartown. Mr. Tom Wallace, Manager of Mattakesett, reminded the Commission of his coming before them in October with the original plan and how the houses were changed from two story to one story as the Commission asked.

There was a call for opponents. Mr. Ed Bannister spoke against the plan. Mr. Moore read two letters against the plan; one from Francis K. Frost, and another from Ellen Frost. A telegram was also received from Annie W. Lunghino and Donald J. Lunghino. There was also question regarding the bounds of the Coastal District and Stanmar's plan for the locus. Mr. Moore closed the Public Hearing.

Following the Public Hearing, the Martha's Vineyard Commission placed upon its weekly Agenda the Application, with notice to the Applicants. Discussion took place on June 1, 1978, June 8, 1978, June 15, 1978, and June 22, 1978 with a clarification of the Martha's Vineyard Commission and Town of Edgartown Coastal District Boundaries and Overlay Regulations as they affect the locus.

The Building Official granted permits on March 16, 1978 for lot number 904 and on March 15, 1978 for lot number 906. On April 28, 1978 the Building Official referred the matter to the Martha's Vineyard Commission as a Development of Regional Impact.

On June 8, 1978 the Commission requested that the Building Official consider rescinding granted permits for lot numbers 904 and 906. This request was forwarded by letter June 12, 1978 from the Commission's Executive Director. On June 15, 1978 the Commission's Executive Director received a response by letter from the Building Official not to rescind permits granted.

At the Commission Meeting of June 15, 1978 Mr. Standley Snider, President of Stanmar, Inc., agreed to withdraw the granted permits. The Commission adopted the motion "that the Commission will find, subject to delivery by the applicant of a letter from the Building

Official indicating that the permits have been rescinded, that the referral was inappropriate and no DRI exists". "No such copy has been filed.

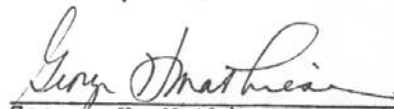
Therefore, the Martha's Vineyard Commission finds that the development of lot numbers 904 and 906 as proposed is not in accordance with the Overlay Regulations contained in the decision of the Martha's Vineyard Commission December 21, 1976 rendered by authority of Chapter 637 of the Acts of 1974, as amended by Chapter 219 of the Acts of 1976, affecting the land shown on the Plan, which decision is recorded in the Dukes County Registry of Deeds.

The Martha's Vineyard Commission finds that the Building Official of the Town of Edgartown shall not grant development permits for the locus except in accordance with the Overlay Regulations and in accordance with Section 9 of Chapter 831 of the Acts of 1977 - "No municipality shall grant a development permit applicable within a district of critical planning concern except in accordance with regulations promulgated pursuant to section ten".

The Martha's Vineyard Commission disallows approval of said Application by the Town of Edgartown Building Official. The Applicant may modify the development proposal or submit a new proposal to the Edgartown Building Official which is in accordance with the Coastal District Regulations.

This decision is written consistent with the VOTE OF THE COMMISSION:

June 22, 1978


George H. Mathiesen, Chairman


Notary Public

my commission expires: 11/10/83

