

remanded 99

THE MARTHA'S VINEYARD COMMISSION

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DATE: November 2, 1978
TO: Planning Board of the Town Of Tisbury
FROM: Martha's Vineyard Commission
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION
RE: RESIDENTIAL SUBDIVISION, PRELIMINARY PLAN
APPLICANT: Robert J. Priore

SUMMARY

The Martha's Vineyard Commission remands to the Town of Tisbury Planning Board the Plan of land entitled "Greenwood Estates - Preliminary Plan of Land in Tisbury, MA", August 16, 1978 and as revised September 13, 1978. The applicant, consistent with this decision, may submit new or amended plans and applications to the Town of Tisbury Planning Board.

DECISION OF THE MARTHA'S VINEYARD COMMISSION

A Public Hearing was held on October 5, 1978 by the Martha's Vineyard Commission (the "Commission") at 8:00 p.m. at the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA upon public notice to consider the application of Robert J. Priore (the "Applicant") for a residential subdivision approval in the Town of Tisbury (the "Application"). The proposed development is for the division of 9.96+ acres into 23 lots as shown on plans entitled "Greenwood Estates - Preliminary Plan of Land in Tisbury, Ma. - The Trustees of the Geogiana W. Douglas Trust, Robert J. Priore, by Schofield Brothers, Inc., State Road, Box 1687, Vineyard Haven, Mass., August 16, 1978 as revised September 13, 1978 at a scale of 1"=50' ". This proposal is a proposed division of land which proposes to divide a contiguous ownership of land into 10 or more lots and is thus a Development of Regional Impact under the Criteria and Standards, Development of Regional Impact 3.203. This application was referred to the Commission for action pursuant to Chapter 831, Acts of 1977 (the "Act"). Said application and notice of public hearing are incorporated herein.

On October 5, 1978 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. The Plan had been referred to the Commission by the Tisbury Planning Board on September 15, 1978. Mr. Moore opened the Public Hearing and read the public notice. David Thompson, staff of the Commission, delivered a presentation concerning the development of the locus. The applicant, or a representative, was not present. Eric Pfau, Treasurer of the Martha's Vineyard Cerebral Palsy Camp, Inc., expressed concern regarding the actual acreage of the parcel to be divided. Lot number 1 - 80,100 square feet is to be given to the Camp as a buffer. The local zoning density is one lot per 10,000 square feet; Carleen Patrick questioned whether larger lots would be possible. Walter Renear, Martha's Vineyard Commissioner, indicated that the Planning Board preferred the new plan, since the old plan had two roads.

The Trustees of the Myria Walker fund questioned the accuracy of the map and the ownership of land abutting lot numbers 11 and 12. The application would be served by town water. The Executive Director of the Commission raised a question regarding proposed use of the land to be given to the Cerebral Palsy Camp; no plans have been prepared. Commissioner Ann Crossley expressed concern regarding the steep roadway grades.

Mr. Moore summarized the Commission's Land Use Planning Meeting with a representative of the Applicant held on Monday, October 2, 1978 at the Commission Offices. The Committee found that the proposed road could follow the existing contours more closely, and thus alleviate some of the grade, erosion and access problems, and engineering (cut and fill) required. The Committee also found that the amount of vegetation to be cleared, the number and size of moderate income lots, and the rate of buildout had not been adequately addressed. The Hearing was recessed until a date and time at which the applicant or a representative of the applicant could be present.

On October 19, 1978 at 8:00 p.m. at the Commission Offices the Priore Development of Regional Impact Public Hearing was reconvened. David Thompson, staff member of the Commission, presented slides of the locus. Doug Dowling, Engineer from Schofield Brothers, Inc., represented the Applicant.

Mr. Dowling presented a new plan to the Commission - "Greenwood Estates - Preliminary Plan of Land in Tisbury, Ma. - revised October

October 17, 1978". No local referral to the Commission had been made; the plan had not been submitted to the local Planning Board. The new plan reduced the amount of land to be given to the Martha's-Vineyard Cerebral Palsy Camp, Inc. to 43,000 square feet; the Camp had not been notified by the Applicant of such a proposed change.

Mr. Dowling responded to the Commission's concerns at the Hearing of October 5, 1978. The housing market to be addressed was a second home market; the Applicant would be the contractor and builder. The erosion and grade problems, according to Mr. Dowling, would be resolved when a detailed site survey of contours was made. Considerations for moderate income lots, tree cutting covenants, and buildout had not been addressed. The Hearing closed.

Under the Act, the Commission is required to make findings after its review of the development proposal referred in the manner provided in the Act. It must consider the probable benefits and detriments of the proposal. In this matter the Commission has considered each factor enumerated in these sections of the Act, and has considered its Information for Evaluation of Large Scale Residential Developments, together with the Information presented at the Public Hearing.

It was duly moved and seconded, "that the Commission return to the Planning Board, without further action, the Plan submitted pending the reception by the Planning Board and its referral to the Commission of a subsequent refinement of the original plan which will be handled as a new referral from the Board." After a call for the "yeas" and "nays", "The motion passed".

The Applicant may, consistent with this decision, apply to the Tisbury Planning Board and other officials for any applicable development permits required by law, and may submit new or amended plans and applications to the Town of Tisbury Planning Board which the Applicant finds appropriate.

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

October 19, 1978

George H. Mathiesen
George H. Mathiesen, Chairman

Norman Friedman
Notary Public



11/22/78
date