

THE MARTHA'S VINEYARD COMMISSION

Registered Land Document # 23009

BOX 144

OAK BLUFFS

MASSACHUSETTS

02557

DATE: March 5, 1987

TO: Planning Board, Town of West Tisbury

FROM: Martha's Vineyard Commission

SUBJECT: Development of Regional Impact
RE: Residential Subdivision

APPLICANT: William C. Snowden III
P.O. Box 426
253 Main Street
West Dennis, MA 02670

DECISION OF THE MARTHA'S VINEYARD COMMISSION
SUMMARY

The Martha's Vineyard Commission (the Commission) hereby approves, with certain conditions, the application of William C. Snowden III, P.O. Box 426, 253 Main Street, West Dennis, MA 02670 for the Development of Land in the Town of West Tisbury as shown on the Plans Entitled: "Stoney Hill Farms, West Tisbury, Mass., William C. Snowden III, Developer, By E. Kennan 1/87" consisting of one (1) sheet; which lots are part of a subdivision of "Plan of Lots, West Tisbury, Mass., Surveyed for Dorothy G. Weber, Land Court No. 12402, April 16, 1928. William A. Colby, Surveyor" consisting of one (1) sheet; "Subdivision of Lot A shown on Plan 12402B filed with Certificate of Title No. 361 Registry District of Dukes County and Designated on Subdivision Plan No. 12402C Sheets 1, 2, 3 and 4 Filed with Certificate of Title No. 363 - William A. Colby, Surveyor, April 16, 1928" consisting of four (4) sheets; making a total of six (6) sheets, (the Plan and the Land Court Plan).

The Decision, with conditions contained herein, is rendered pursuant to the vote of the Commission on March 5, 1987. The Planning Board of the Town of West Tisbury may now grant the necessary development permits for the Applicant's residential subdivision in accordance with the conditions contained herein, or may approve in accordance with the conditions contained herein and place further

conditions thereon in accordance with applicable law, or may disapprove the development application.

FACTS

The proposed development is a Development of Regional Impact as defined by the Commission's Standards and Criteria, Developments of Regional Impact, Section 3.401. The Application was referred to the Commission by the Planning Board of the Town of West Tisbury for action pursuant to M.G.L. Chapter 831, Acts of 1977 as Amended (the Act). The application and notice of public hearing relative thereto are incorporated herein. Martha's Vineyard Commission Staff document exhibits are incorporated by reference.

A duly noticed public hearing on the application was conducted by the Commission pursuant to the Act and Massachusetts General Laws, Chapter 30A, Section 2 as modified by Chapter 831 on January 29, 1987 at 8:30 P.M. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts. The proposal is for the Development of 72+ acres into 33 lots.

Sanford Evans, Chairman of the Land Use Planning Committee, read the public hearing notice and opened the public hearing for testimony at 10:03 P.M.

Mr. Evans, asked for the Applicant's presentation of the proposal.

William Snowden, Applicant, discussed the study which he had compiled using the DRI Checklist. He discussed the history of the proposal regarding meetings with the Land Use Planning and Boards of West Tisbury. Mr. Snowden discussed protecting Greenlands to the south of his property and will donate a conservation area buffer strip of approximately 200'. Further he discussed the deep elevation well to be placed on the property, density of 2.2 acres, he discussed the amenities (i.e. gardens, playground, riding rink, stable, bike/footpath and open space), further gross density will be 3 acres. The proposed septic and well locations have been reviewed by the West Tisbury Board of Health and has been approved. Mr. Snowden then stated there would be no guest houses on any lots, gave soil

classification, road surface will be paved, vegetation cover regarding one area of high pines stating that he was not sure what kind of pines they were. Mr. Snowden then discussed the contour of the parcel being flat, building envelopes, no cut/no build for trees over 4" diameter, and land owners must have Applicant's approval for cutting and screening. To open space management Mr. Snowden discussed the four privately owned lots within his subdivision which he feels are not buildable. He stated that he would purchase these properties from the owners and put into conservation area or to include in the open space. Mr. Snowden said regarding a bikepath link, he will grant a 25' easement. Further, he said there would be a stump dump policy. He said no homes will be built without his approval, no chemical fertilizing of lawns, artist studio may be used as a Community Center, he talked about open meadow space regarding wildlife habitat stating the area would be seeded for a balance for wildlife. The proposal is 3 miles from the Tisbury Great Pond. He discussed the impact regarding fire and stated a fire hydrant lot is within the proposal and a \$20,000 donation for such designation.

Mr. Snowden then spoke to the Resident Homesite issue, discussing his proposal regarding a mortgage pool and how it would operate, and further he discussed building the homes himself for the residents to purchase. When questioned whether his proposal will go through the housing authority and/or the Town, Mr. Snowden answered yes to both.

Mr. Evans asked for staff presentation.

Barry Didato, MVC Staff, referenced a handout, and stated that the proposal was 72.16 acres, 31 dwellings at a profit, and 2 dwelling built for residents homesite which would be built at cost, average 19 lot size is 1.02 acres, density 2.18 acres. Mr. Didato then discussed access through the Braumin Subdivision, and potential build up in surrounding area, impacts on the Town regarding fire, police, school, year-round and seasonal occupancy, solid waste generation and traffic generation. Further, he discussed the proximity of the subdivision to the Greenlands, current zoning, possible re-land courting and questioned which lots would be for resident homesite.

Mr. Evans asked for testimony from Town Boards. There was no verbal testimony, however, Mr. Evans stated that letters from various Town Boards would be read during correspondence.

Mr. Evans asked for testimony from opponents and proponents. There was none.

Mr. Evans asked for testimony from others. Kevin Carr, resident, expressed concern of supervision of construction and who would be supervising this project. Mr. Snowden stated that he would be living on Island and supervising this project himself.

Mr. Evans stated that there was correspondence in the file prepared by the applicant regarding ownership patterns, residential lot system and Stoney Hill Farms Homeowners Association Document. Further, correspondence was received from: Board of Health, Town of West Tisbury regarding review, approval and support for Mr. Snowden's application and careful review by the Town Boards of the application was conducted; Planning Board, Town of West Tisbury, stating that the Board feels the application has addressed its concerns and attaches a list of conditions voted upon by the Board.

Mr. Evans asked the Applicant if he had any additional statements to make. Mr. Snowden stated that re-land courting this property would be a lengthy and expensive project.

Marc Widdiss, questioned why the Land Use Planning Committee had not elaborated on the location of the resident homesite lots. Mr. Evans stated that the LUPC has not made any recommendations yet.

There being no further testimony Mr. Evans closed the public hearing at 10:40 P.M. and stated the record would be kept open for one week. Following the close of the public hearing, no correspondence was received for the record.

FINDINGS AND CONDITIONS

For the purposes of this Decision, the Applicant shall mean William C. Snowden, III.

The Commission has considered the application and the information presented at the public hearing, and based upon such consideration, makes the following findings pursuant to Section 14 of the Act:

- a. The Commission finds that the probable benefits of the proposed development, subject to the conditions set forth herein, will exceed the probable detriments of the proposal in light of the considerations set forth in Section 15 of the Act.
 - b. The Commission finds that the development proposal will be more beneficial than detrimental when compared to alternative manners of development or developments occurring in alternative locations.
1. The Commission has considered the question of potential impact of this proposal on the environment and on other persons or property pursuant to Section 15 of the Act and sets the following conditions:
- a. ALL ROADS TO HOUSE LOTS SHALL CURVE WITHIN THE RIGHT OF WAY AND SHALL BE PAVED IN ACCORDANCE WITH THE WEST TISBURY PLANNING BOARD SPECIFICATIONS. FURTHER, THE APPLICANT SHALL INSTALL TWO CRASH GATES ACCORDING TO SPECIFICATIONS OF THE TOWN'S FIRE CHIEF, WHERE THIRD STREET AND FIFTH STREET, AS DESIGNATED ON SAID LAND COURT PLAN, MEET LITTLE POND ROAD.
 - b. WITH EXCEPTION OF RECREATIONAL AMENITIES, A HYDRANT FACILITY AND HOUSE SITES, THERE SHALL BE A NO CUT/NO BUILD BUFFER ZONE WITHIN STONEY HILL FARMS. THE APPLICANT SHALL CAUSE TO BE PLACED A RESTRICTION ON NO BUILD AREAS IN A REGISTERED FORM. THE DESIGNATED NO BUILD COMMON AREAS SHALL BE THOSE LOT NUMBERS LISTED ON PAGE 14 OF THIS DECISION LISTED AS COMMON AREAS. THE APPLICANT SHALL SUBMIT TO THE MARTHA'S VINEYARD COMMISSION EVIDENCE, IN A FORM SATISFACTORY TO THE COMMISSION, OF COMPLIANCE HEREWITH.
 - c. NO GUEST HOUSES OR SUBORDINATE DWELLINGS SHALL BE ALLOWED IN STONEY HILL FARMS. APPLICANT SHALL SUBMIT TO THE MARTHA'S VINEYARD COMMISSION EVIDENCE, IN A FORM SATISFACTORY TO THE COMMISSION, OF A REGISTERED PERMANENT RESTRICTION TO EFFECT THIS CONDITION. RESIDENTIAL DWELLINGS SHALL BE LIMITED TO

THREE (3) BEDROOMS. APPLICANT SHALL SUBMIT TO THE MARTHA'S VINEYARD COMMISSION EVIDENCE, IN A FORM SATISFACTORY TO THE COMMISSION, OF A REGISTERED PERMANENT RESTRICTION TO EFFECT THIS CONDITION.

2. The Commission has considered the question of the potential affect of this proposal on the municipal services of the Town pursuant to Section 15 of the Act and sets the following conditions:

a. ONE HYDRANT FACILITY SHALL BE INSTALLED BY THE APPLICANT AT A LOCATION AND WITH SPECIFICATIONS TO BE DETERMINED BY THE WEST TISBURY FIRE CHIEF. A DONATION OF \$20,000 SHALL BE GIVEN TO THE TOWNS' FIRE DEPARTMENT FOR A HYDRANT FUND. THE APPLICANT SHALL SUBMIT TO THE MARTHA'S VINEYARD COMMISSION EVIDENCE, IN A FORM SATISFACTORY TO THE COMMISSION, OF COMPLIANCE HEREWITH.

b. ALL RECREATIONAL FACILITIES SHALL BE DEEDED TO A HOMEOWNERS ASSOCIATION AND MAINTENANCE OF SAID FACILITIES SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION. THE APPLICANT SHALL SUBMIT TO THE MARTHA'S VINEYARD COMMISSION EVIDENCE, IN A FORM SATISFACTORY TO THE COMMISSION, OF A REGISTERED PERMANENT EASEMENT TO EFFECT THIS CONDITION.

3. The Commission has considered the question of the potential burden of this proposal on the existing public facilities or those which are to be developed within the succeeding five years pursuant to Section 15 of the Act and sets the following conditions:

a. THE APPLICANT SHALL INSTALL, AT HIS EXPENSE, A DEEP OBSERVATION WELL AT A LOCATION AND WITH SPECIFICATIONS TO BE DETERMINED BY THE TOWN OF WEST TISBURY'S BOARD OF HEALTH, PLANNING BOARD AND THE STAFF OF THE MARTHA'S VINEYARD COMMISSION. THE PURPOSE OF SAID WELL IS TO ESTABLISH AN INFORMATIONAL DATA BASE AND MONITOR THE ISLAND'S AQUIFER. THE APPLICANT SHALL INSTALL SAID WELL WITHIN 12 MONTHS OF THE MVC DECISION. THE APPLICANT SHALL ALLOW COLLECTION OF SAMPLES TO BE TAKEN AT REASONABLE TIMES BY THE TOWN OR ITS APPOINTED DESIGNEE AND OR THE STAFF OF THE MARTHA'S VINEYARD COMMISSION. THE APPLICANT SHALL SUBMIT TO THE MARTHA'S

VINEYARD COMMISSION EVIDENCE, IN A FORM SATISFACTORY TO THE COMMISSION, OF COMPLIANCE HEREWITH.

- b. THE APPLICANT SHALL GRANT A PERMANENT BICYCLE PATH EASEMENT IN A FORM SATISFACTORY TO THE MARTHA'S VINEYARD COMMISSION TO THE TOWN OF WEST TISBURY TWENTY (20) FEET WIDE, ALONG THE NORTHWEST PROPERTY BOUND BETWEEN FIRST AVENUE AND STONEY HILL ROAD (AS SHOWN ON SAID LAND COURT PLAN) AND OLD COUNTY ROAD, A WIDTH OF THE PROPERTY OF APPROXIMATELY 100 FEET.

4. Pursuant to the statutory requirement of Section 14c of the Act and pursuant to Section 15 of the Act, the Commission has considered the potential impacts of this development regarding the supply of needed low and moderate income housing for Island residents and has weighed the proposals density pursuant to the Towns' development ordinances and by-laws and pursuant to the Commission's adopted Affordable Housing Policy. The Commission finds that the Applicant has provided an opportunity for the community to obtain housing at low cost to low/moderate income persons, with no public expenditure, which will be integrated within a larger development, a development in which the Town Boards have indicated that while the plan may be inconsistent with present zoning, the Town approves of the density bonus in exchange for the provision of low/moderate income housing in accordance with the following condition:

- a. THE APPLICANT SHALL DESIGNATE TWO (2) LOTS TO BE LOW/MODERATE INCOME RESIDENTIAL HOMESITE LOTS. THE LOCATION OF SUCH LOTS SHALL BE DESIGNATED WITHIN THE PARCEL PRIOR TO THE SALE OF ANY LOTS WITHIN THE PARCEL. NOTIFICATION BY THE APPLICANT OF THE DESIGNATION OF SUCH LOTS SHALL BE GIVEN TO THE BOARD OF SELECTMEN AND PLANNING BOARD OF THE TOWN OF WEST TISBURY AND THE MARTHA'S VINEYARD COMMISSION. SUCH LOTS SHALL BE SOLD IN A BONA FIDE SALE TO PERSONS OF LOW OR MODERATE INCOME AT APPROXIMATELY 50% OF FAIR MARKET VALUE. STANDARDS DETERMINING APPROPRIATE QUALIFICATIONS FOR PERSONS OF LOW OR MODERATE INCOME WILL BE ESTABLISHED BY THE BOARD OF SELECTMEN, APPLICANT AND IN CONSULTATION WITH OR

RECOMMENDATION FROM THE DUKES COUNTY REGIONAL HOUSING
AUTHORITY.

FURTHER,

- b. THE COMMISSION ACCEPTS THE OFFER OF THE APPLICANT AND
THEREFORE REQUIRES THE APPLICANT TO:

ABSORB ALL CLOSING COSTS ON THE LOW/MODERATE INCOME
RESIDENT HOMESITE LOTS; ABSORB ALL COSTS REGARDING
DESIGN AND ARCHITECTURAL ASSISTANCE; ARRANGE FINANCING
AT A 5% DOWN PAYMENT AT OR BELOW CURRENT MARKET RATES,
AT A FIXED RATE OVER 30 YEARS; AND TO BUILD ONE HOME ON
EACH OF THE DESIGNATED LOTS AT NO PROFIT TO SAID
APPLICANT.

For condition number 4a and 4b, the Commission requires the
Applicant to enter into an Agreement with the Dukes County Regional
Housing Authority, in a form satisfactory to the Martha's Vineyard
Commission, to govern the disposition of the two (2) residential
homesite lots and future sales of said lots.

FURTHER,

5. In light of the considerations set forth in Section 14 and
Section 15 of the Act, the Commission sets the following additional
conditions:

- a. THE CONSTRUCTION OF SINGLE FAMILY DWELLING UNITS WITHIN
STONEY HILL FARMS SHALL BE NO GREATER THAN 8 UNITS PER YEAR;
THE TWO (2) DESIGNATED RESIDENTIAL HOMESITE LOTS SHALL BE
EXEMPT FROM THIS PROVISION. THE WEST TISBURY BUILDING
INSPECTOR SHALL ENFORCE THIS PROVISION.
- b. IF ADDITIONAL LOTS WITHIN THE BOUNDS OF STONEY HILL FARMS
ARE BUILDABLE, THE APPLICANT SHALL MAKE EVERY EFFORT TO
PURCHASE SAID LOTS AND SHALL DESIGNATE THEM COMMON AREA
ONLY.

6. The following lots are part of a subdivision of Land Court No.
12402 filed with Certificate of Title No. 358 Registry District of
Dukes County and designated on Subdivision Plan No. 12402 C, Sheets

1, 2, 3 and 4 filed with Certificate of Title No. 363 - William A. Colby, Surveyor.

THE BUILDING LOTS SHALL BE COMPRISED AS FOLLOWS:

LOT 1 is:

Lots 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67 - Second Avenue, and

Lots 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68 - Third Avenue.

LOT 2 is:

Lots 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 53, 57, 59, 61, 63 - Third Avenue, and

Lots 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62 - Fourth Avenue.

LOT 3 is:

Lots 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105 - Second Avenue, and

Lots 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106 - Third Avenue.

Lot 4 is:

Lots 65, 61, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101 - Third Avenue, and

Lots 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100 - Fourth Avenue.

LOT 5 is:

Lots 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95 - Fourth Avenue, and

Lots 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92 - Fifth Avenue.

LOT 6 is:

Lots 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, - Seventh Avenue, and

Lots 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 66, 62, 64 - Eighth Avenue.

LOT 7 is:

Lots 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 41, 49, 51, 53, 55, 57, 59 - Eighth Avenue, and

Lots 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 56, 54, 56 - Ninth Avenue.

LOT 8 is:

Lots 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53 - Ninth Avenue, and

Lots 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54 - Tenth Avenue.

LOT 9 is:

Lots 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143 - Second Avenue, and

Lots 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144 - Third Avenue.

LOT 10 is:

Lots 97, 99, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133 - Fourth Avenue, and

Lots 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130 - Fifth Avenue.

LOT 11 is:

Lots 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113 - Sixth Avenue, and

Lots 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112 - Seventh Avenue.

LOT 12 is:

Lots 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105 - Seventh Avenue, and

Lots 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102 - Eighth Avenue.

LOT 13 is:

Lots 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91 - Ninth Avenue, and

Lots 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92 - Tenth Avenue.

Lot 14 is:

Lots 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89 - Tenth Avenue, and

Lots 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90 - Eleventh Avenue.

LOT 15 is:

Lots 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91 - Eleventh Avenue, and

Lots 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, - Twelfth Avenue.

LOT 16 is:

Lots 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63 - Twelfth Avenue, and

Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 - Thirteenth Avenue.

LOT 17 is:

Lots 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 179, 179, 181 - Second Avenue, and

Lots 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182 - Third Avenue

LOT 18 is:

Lots 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177 - Third Avenue, and

Lots 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176 - Fourth Avenue.

LOT 19 is:

Lots 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171 - Fourth Avenue, and

Lots 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168 - Fifth Avenue.

LOT 20 is:

Lots 107, 109, 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143 - Seventh Avenue, and

Lots 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140 - Eighth Avenue.

LOT 21 is:

Lots 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121, 123, 125, 127 - Tenth Avenue, and

Lots 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128 - Eleventh Street.

LOT 22 is:

Lots 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119 - Twelfth Avenue, and

Lots 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, - Thirteenth Avenue.

LOT 23 is:

Lots 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229 - First Avenue, and

Lots 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228 - Second Avenue.

LOT 24 is:

Lots 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215 - Second Avenue, and

Lots 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220 - Third Avenue.

LOT 25 is:

Lots 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215 - Third Avenue, and

Lots 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214 - Fourth Avenue.

LOT 26 is:

Lots 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199 - Fifth Avenue, and

Lots 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196 - Sixth Avenue.

LOT 27 is:

Lots 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191 - Sixth Avenue, and

Lots 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188 - Seventh Avenue.

LOT 28 is:

Lots 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181 - Seventh Avenue, and

Lots 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178 - Eighth Avenue.

LOT 29 is:

Lots 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167 - Ninth Avenue, and

Lots 132, 134, 136, 138, 140, 142, 144, 146, 152, 154, 156, 158, 160, 162, 164, 166, 168 - Tenth Avenue.

LOT 30 is:

Lots 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165 - Tenth Avenue, and

Lots 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, - Eleventh Avenue.

LOT 31 is:

Lots 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167 - Eleventh Avenue, and

Lots 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164 - Twelfth Avenue.

LOT 32 is:

Lots 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153 - Twelfth Avenue, and

Lots 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110 - Thirteenth Avenue.

LOT 33 is:

Lots 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43 - Thirteenth Avenue, and

Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28 - Fourteenth Avenue.

7. FURTHER, PURSUANT TO SECTION 14B OF THE ACT, THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WILL NOT INTERFERE SUBSTANTIALLY OR UNREASONABLY WITH THE ACHIEVEMENT OF THE OBJECTIVES OF ANY GENERAL PLAN OF THE TOWN OR OF DUKES COUNTY REGARDING THE PROTECTION OF THE GREENLANDS PROPERTY. THE APPLICANT SHALL SUBMIT TO THE MARTHA'S VINEYARD COMMISSION EVIDENCE, IN A FORM SATISFACTORY TO THE COMMISSION, OF A REGISTERED TRANSFER OF TITLE WHICH EFFECTS THE FOLLOWING CONDITION:

LOTS TO BE DEEDED TO THE TOWN OF WEST TISBURY SHALL BE:

FIRST AVENUE: Lots 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261 and 263

SECOND AVENUE: Lots 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 253, 255, 256, 258, 260, 262 and 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251 and 253

THIRD AVENUE: Lots 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252 and 217, 219, 221, 223, 225, 227, 229, 231, 233, 255, 237, 239, 241, 243, 245, and 247

FOURTH AVENUE: Lots 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, and 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 239, 241, and 243

FIFTH AVENUE: Lots 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, and 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225 and 227

SIXTH AVENUE: Lots 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, and 193, 195, 197, 199, 201, 203 and 209, 211, 213, 215, and 217.

SEVENTH AVENUE: Lots 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, and 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203 and 205

EIGHTH AVENUE: Lots 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202

NINTH AVENUE: Lots 169, 171, 173, 175, 179, 181, 183, 185, 187, and 189

TENTH AVENUE: Lots 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, and 167, 169, 171, 173, 175, 177, 179, 181, 183, and 185

ELEVENTH AVENUE: Lots 168, 170, 172, 174, 176, 178, 180, 182, 184, and 169, 171, 173, 115, 117, 179, 181, 183

TWELFTH AVENUE: Lots 166, 168, 170, 172, 174, 176, 178, 180 and 163, 165, 167, 169, 171, and 173

THIRTEENTH AVENUE: Lots 120, 122, 124, 126 128 and 49, 51, 53, 55, and 57

FOURTEENTH AVENUE: Lots 34, 36, 38, 40 and 1, 3, 5, 7, 9, 11

8. THE FOLLOWING LOTS SHALL BE DESIGNATED COMMON AREAS. THESE LOTS SHALL BE THE SUBJECT OF AN EASEMENT FROM THE APPLICANT FOR THE BENEFIT OF EACH BUILDING LOT FOR COMMON USE AND THE APPLICANT SHALL SUBMIT TO THE MARTHA'S VINEYARD COMMISSION, IN A FORM SATISFACTORY TO THE COMMISSION, A REGISTERED PERMANENT EASEMENT TO EFFECT THIS CONDITION:

FIRST AVENUE: 3, 13, 15, 17, 23, 27, 33, 35, 63, 65, 71, 73, 75, 83, 85, 87, 89, 91, 93, 95, 97, 99, 147, 149, 151, 153, 163, 165, 191

SECOND AVENUE: Lots 2, 4, 6, 8, 10, 11, 12, 13, 15, 17, 19, 21, 22, 28, 30, 32, 34, 36, 70, 72, 74, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 142, 146, 150, 152

THIRD AVENUE: Lots 1, 3, 5, 7, 9, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23, 25, 111, 123, 125, 127, 129, 131, 133, 135, 137, 139

FOURTH AVENUE: Lots 2, 4, 6, 8, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 29, 31, 110, 112, 122, 124, 126, 128, 130, 132, 134, 136, 138, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209

FIFTH AVENUE: Lots 1, 3, 5, 7, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 115, 117, 119, 121, 125, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206

SIXTH AVENUE: Lots 112, 114, 116, 118, 129, 131, 133, 135, 139, 141, 143, 145, 147, 149, 151, 190

SEVENTH AVENUE: Lots 13, 15, 17, 19, 21, 23, 25, 27, 29, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150

EIGHTH AVENUE: Lots 1, 3, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 26, 61, 63, 65, 67, 69, 71, 73, 75

NINTH AVENUE: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 58, 60, 62, 64, 66, 68, 70, 72, 113, 115, 117, 119, 121, 123, 125, 127, 129

TENTH AVENUE: Lots 2, 4, 6, 8, 10, 12, 14, 16, 47, 49, 51, 116, 118, 120, 122, 124, 126, 128, 130

ELEVENTH AVENUE: Lots 47, 48, 49, 50, 51, 52, 93, 95, 97, 99, 101, 103, 105, 111, 113, 115, 117, 119, 121, 123, 125, 127, 129

TWELFTH AVENUE: Lots 37, 39, 41, 46, 48, 50, 69, 71, 73, 75, 79, 81, 83, 85, 90, 92, 94, 96, 98, 100, 102, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126

THIRTEENTH AVENUE: Lots 1, 3, 5, 28, 30, 32, 34, 36, 38, 40, 42


The Applicant must, consistent with the Decision, apply to appropriate Town of West Tisbury Officers or Boards for any other development permits which may be required by law.

The Commission approves the Town of West Tisbury Officials granting applicable development permits.

Upon the satisfaction of these conditions, the applicant shall certify compliance therewith to the Martha's Vineyard Commission under oath. Upon satisfying itself, as to compliance, the Commission shall issue a Certificate (or Certificates) of Compliance which shall be conclusive evidence that the conditions in this Decision have been satisfied as to the lots specified therein.

Further, building lots shall be certified in phases, and the schedule of such phases shall be: Phase I - Upon completion of conditions 1a, 1b, 1c, 2a, 2b, 3b, 4a, 4b, 7 and 8, sixteen (16) lots shall be certified for sale, two (2) of which shall be the residential homesite lots. Phase II - upon completion of Phase I and conditions 3a, 5a, and 5b, the remaining lots shall be certified. The applicant shall submit evidence of completion of Phase I and Phase II to the Town of West Tisbury Planning Board and the Martha's Vineyard Commission.

Any party aggrieved by a determination of the Commission may appeal to the Superior Court within twenty (20) days after the Commission has sent the development Applicant written notice, by certified mail, of its decision and has filed a copy of its decision with the Town Clerk in the Town in which the proposed development is located.



John G. Early, Chairman


4/16/87
Date

A TRUE COPY ATTEST:



Carol Borer, Executive Director

4/16/87
Date



Notary

4/16/87
Date

NORMAN FRIEDMAN
NOTARY PUBLIC
My commission expires Nov 2, 1990

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RECEIVED-ENTERED
2:10 P M
COUNTY OF DUKES COUNTY
REGISTRY OF DEEDS

DEC 17 1982

BEVERLY W. KING
REGISTER

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