

**DCPC NOMINATION
IN THE TOWN OF WEST TISBURY
ISLAND ROAD DISTRICT SPECIAL WAYS ZONE**

(for MVC to accept for consideration or not to accept the nomination for consideration)

August 12, 2010

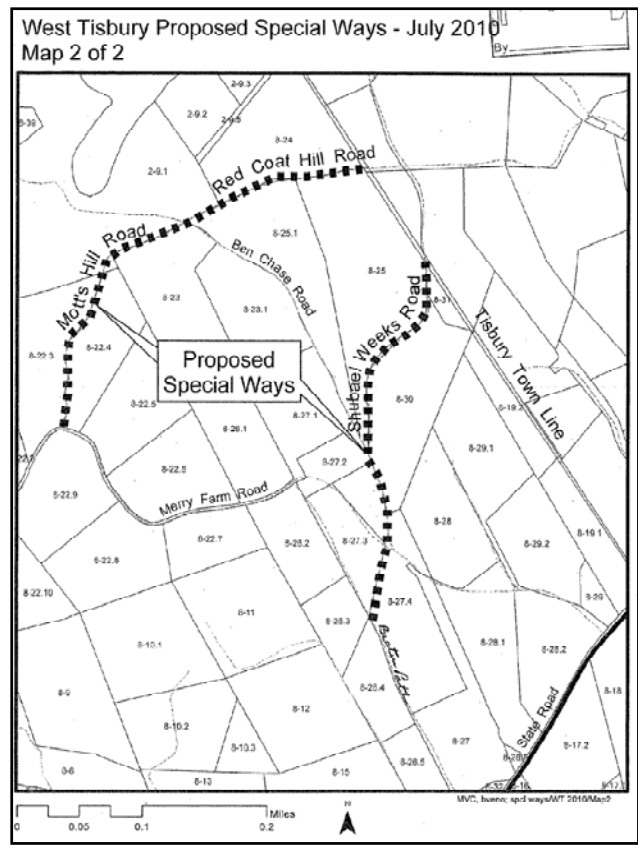
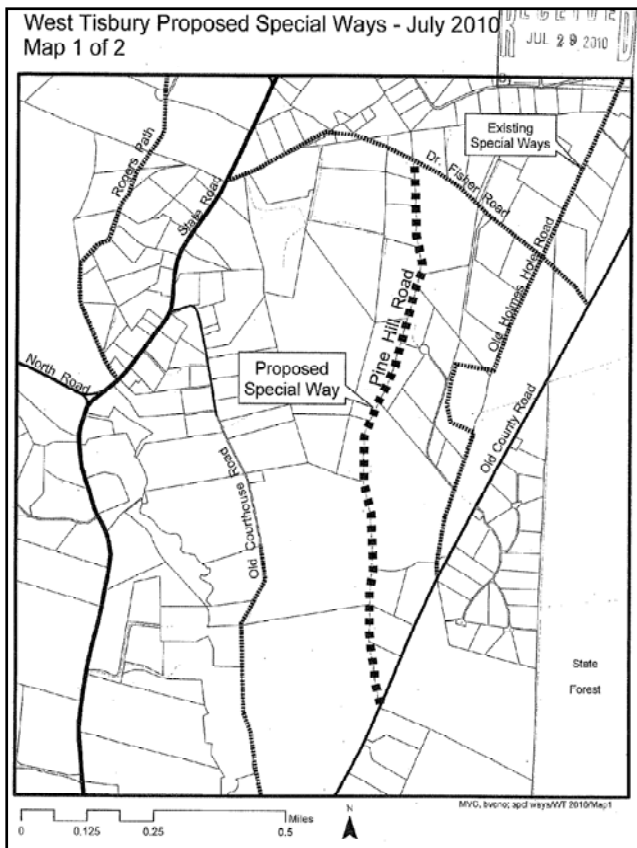
staff notes (Jo-Ann Taylor, DCPC Coordinator)

Area to be considered for expansion:

Within twenty feet of either side of the centerline of **Pine Hill Road**: Beginning at Old County Road at the southern point of Assessors Map 26, Lot 14.1, opposite the Sheriff's Meadow parking lot at Nat's Farm, proceeding northerly along the west boundary of said lot and continuing northerly until the northwestern point of Assessors map 21, Lot 13 where it intersects Doctor Fisher Road.

Within twenty feet of either side of the centerline of **Red Coat Hill Road/Motts Hill Road** – Beginning at the Tisbury town line on the south side of the easternmost point of Assessors Map #8, Lot 24 and continuing westerly and becoming Motts Hill Road at the intersection with Ben Chase Road and proceeding southwesterly to its intersection with Merry Farm Road between Assessors Map 8, Lots 22.3 and 22.4

Within twenty feet of the either side of the center line of **Shubael Weeks Road** – Beginning at the Tisbury town line at the northernmost point of Assessors' Map 8, Lot 31 and proceeding southerly to its intersection with Ben Chase Road at the southern point of Assessors Map 8, Lot 25 and continuing southerly crossing Merry Farm Road and intersecting Beaten Path near the northernmost point of Assessors Map 8, Lot 26.4



Nomination: The nomination was made by the West Tisbury Board of Selectmen, received July 29, 2010 (see nomination).

The nomination notes that Pine Hill Road connects people, bikes and horses between the State Forest and other conservation lands and byways. Red Coat Hill Road/Motts Hill Road is part of an old cart path and trail system between State Road and Lambert's Cove Road, "In the 1700's and 1800's, when the Island consisted mainly of farmland, Vineyard Haven Harbor could be seen easily from the highest point on Red Coat Hill Road....used during the Revolutionary War to oversee the harbor. On September 10, 1778, a British force of red coats led by General Grey seized this high ground during a four-day invasion, leaving a red coat on a nearby hill...". This way is also seen as an important connector to Land Bank and Nature Conservancy trails. Shubael Weeks Road extended from road intersections at State Road and to cranberry bogs in Tisbury along Lambert's Cove Road.

Concerns are stated for keeping the ways and interconnections safe and enjoyable for people on foot, bicycle and horseback.

MVC response to nomination: The MVC has been asked by the West Tisbury Board of Selectmen to **ACCEPT THE PROPOSED NOMINATION FOR CONSIDERATION. THIS IS NOT THE DESIGNATION VOTE.** Should the MVC vote **to accept the nomination for consideration**, the MVC would **then** schedule a Public Hearing and **subsequently vote to amend or not to amend** the district (This proposal would amend the Island Road District Special Ways Zone). The vote **to accept the nomination for consideration** commits the MVC to hearing and making a decision on the boundary amendment, and institutes a development moratorium.

Should the MVC vote **to accept the nomination for consideration for designation**, such vote would initiate a development moratorium in the area proposed for designation (exemptions may be granted under certain circumstances).

Timeline: Although this nomination is actually for a boundary amendment (to amend the Island Road District Special Ways Zone), MVC considers a boundary amendment in the same manner as a new nomination. MVC has 45 days from July 29 (Sept. 16 mtg.) to vote **to accept or to reject the nomination for consideration, with reasons stated clearly in the vote.** An affirmative vote would begin a moratorium and commit the MVC to hold a public hearing and vote on designation (boundary amendment) within 60 days from the consideration vote. If MVC were to accept the nomination on August 12, a public hearing could be held as soon as the Sept. 16 mtg).

Goals of the Island Road District Special Ways Zone:

The Goals for the Special Ways are: To protect historic places, to retain these ways open primarily for uses such as walking and horseback riding, but not developed as a primary vehicle route except for access to properties where no alternative access exists.

Criteria for boundary designation:

(from the Critical Planning District Qualifications – see full text attached)

SIZE AND SHAPE OF DISTRICT

The district shall consist of the land and water which reasonably belong in the district for the three following reasons:

- It is the critical area or critical resource which is in need of protection.
- It is the logical planning area which should be considered in adopting a coordinated system of regulations to protect the critical resource or critical area.
- The dimensions or landmarks which form the boundary of the district are convenient and recognizable.

Analysis:

The nomination appears to present compelling statements regarding the need for and suitability of consideration for designation.

Note that the MVC designated Red Coat Hill/Motts Hill Road in 2001 (although not confirmed by 2/3 vote of the town meeting). Note also that Red Coat Hill Road and Shubael Weeks Road continue on into Tisbury, where there are as yet no Special Ways designated.

Note also that Dr. Fisher Road is NOT a Special Way as noted on the illustration. Dr. Fisher Road was designated as the Dr. Fisher Road District, with different regulations than those for the Special Ways.

Also please note that it is not necessary to vote on August 12th. MVC has 45 days from July 29 to vote. An affirmative vote starts the moratorium and commits MVC to a public hearing and vote within 60 days.

No correspondence as of August 9, 2010.

CRITICAL PLANNING DISTRICT QUALIFICATIONS

GENERAL QUALIFICATIONS FOR ALL DISTRICTS

NEED FOR DESIGNATION

There must be a regional need for special regulations or planning to protect the district from damage or losses by inappropriate development. The Commission shall find:

- that present public or private regulations in a substantial part of the district cannot assure protection: and
- that damage to the district or impediments to proper development will be a substantial loss to the region or to two or more towns.

SIZE AND SHAPE OF DISTRICT

The district shall consist of the land and water which reasonably belong in the district for the three following reasons:

- It is the critical area or critical resource which is in need of protection.
- It is the logical planning area which should be considered in adopting a coordinated system of regulations to protect the critical resource or critical area.
- The dimensions or landmarks which form the boundary of the district are convenient and recognizable.

SPECIFIC QUALIFICATIONS

DRINKING WATER RESOURCE DISTRICT

The district is important to the protection of a regional aquifer, watershed, aquifer recharge zone or surface water supply with the following considerations:

- Development or waste disposal without special regulations in the district could endanger the quality or quantity of the water.
- Studies or expert advice indicate that the designation and regulation of the district could be effective in protecting the quality or quantity of water, and that, since public health, safety and welfare are paramount, special precaution should be taken.

FISHING RESOURCE DISTRICT

The water body in the district is particularly well suited for the production of shell or fin fish or can be made productive through good management and improvements.

FARMING RESOURCE DISTRICT

The district includes areas particularly suited now and in the future for sustaining or augmenting the Island's food supply or other agriculture. The district must have one or more of the following characteristics:

- The district is generally being farmed or can be converted to farming conveniently relative to other areas on the Island.
- Land ownerships within the district are generally of adequate size to support farming. Soil, climate and topography are well suited for farming.

WILDLIFE, NATURAL, SCIENTIFIC OR ECOLOGICAL RESOURCE DISTRICT

The district contains an important and identifiable wildlife, natural, scientific or ecological resource. This would include but not be limited to special plant and animal life and their habitats, as well as unusual geological features, and is critical because development may disrupt the ecological balance.

CULTURAL OR HISTORIC RESOURCE DISTRICT

The district contains a place, landscape, way or view which is in some special way expressive of the character of the Island, traditions of the Island residents, and of special interest to Island visitors. The maintenance and protection of those values is essential to a sound local economy. The district also:

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- is of exceptional symbolic or recreational importance to the residents of more than one town and is either visible or accessible to them or can reasonably be made so; or
- is rare, unique, or makes an unusual contribution to the diversity of the Island character; or
- is irreplaceable, or replaceable only with extraordinary effort or expense.

Subject to the above general tests, designations may be considered for areas which are important for their connection with the history of the region-including its geological history or the history of its Indian settlement-or which symbolize and support the traditional activities and ways of Island life, or which give us a particular understanding of the Vineyard lands and their setting in the sea. These include places which present opportunities for hunting and fishing and the enjoyment of wildlife.

ECONOMIC OR DEVELOPMENT RESOURCE DISTRICT

The district will include areas which have special potential for providing employment or housing for Island residents, or for accepting necessary development which might be detrimental in other locations. The district must also:

- require special regulations to create, preserve or enhance that potential, and
- be better suited or more readily available for the facility or development than other areas of the Island, considering topography, utilities, costs and environmental and social impact; and
- have adequate access, preferably from a regional feeder road.

MAJOR PUBLIC INVESTMENT DISTRICT

The district will include areas which have a significant impact on an existing or possible future major public investment or areas which are significantly affected by such an investment. In addition, the district must qualify as follows:

- The district pertains to a major public investment as defined in Chapter 831 as amended¹, and may include airports, highways, schools, parks, beaches, preserves, public utilities and medical facilities owned or operated by a Federal, state or county agency, or by a quasi-public or charitable non-profit agency; and
- the intended use or operation of the public investment or the health, safety and welfare of the public could be impaired by improper development in the district.

HAZARDOUS DISTRICT

It is an area which possesses hazards due to marginal soil or topographic conditions which render it unsuitable for intense development. Factors to be considered include: Flooding, waste treatment, groundwater, erosion, construction problems, salt water intrusion and pollution.

¹“A major public facility is any publicly owned facility of regional importance except:

(1) any public facility operated by a municipality primarily for the benefit of the residents of that municipality, or by any agency serving primarily the residents of one municipality;

(2) any street or highway which is not recognized as or maintained as a part of the state or federal highway system; or

(3) any educational institution serving primarily the residents of one municipality.”