

## Public Hearing September 20, 2007

### PROPOSED BOUNDARY AMENDMENT FOR DCPC'S IN THE TOWN OF EDGARTOWN

**NOTE: MEETING LOCATION CHANGED TO OAK BLUFFS SENIOR CENTER,  
WAMSUTTA AVE.**

(to accommodate a DRI hearing later)

#### **Preliminary staff notes (Taylor)**

#### **Please watch for update next week!!!**

Note: other helpful documents, including nomination, guidance, flow chart, etc. grouped on web calendar date

<http://www.mvcommission.org/calendar.html>

#### 1. PROCEDURAL NOTES

##### Purpose of hearing:

- To consider boundary amendment for Island Road District in the Town of Edgartown, as proposed by the Planning Board.
- The Commission considers boundary amendments in the same manner as new nominations, in accordance with Chapter 831 of the Acts of 1977, as amended ("the Act") and with the Criteria for Critical Planning Districts.
- This public hearing concerns designation only, and is not concerned with regulations beyond addressing the criteria.

Timeline: MVC accepted the Planning Board's nomination on August 9, commencing a development moratorium and committing to this hearing and vote. Definitive time limits are defined in the Act. Within those limits, the Commission should close the hearing and vote on or before October 8 (October 4 MVC meeting is last chance).

#### 2. PROPOSED BOUNDARY AMENDMENT TO ISLAND ROAD DISTRICT

##### Criteria for boundary designation:

(from the Critical Planning District Qualifications – also attached)

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.

Area to be considered for expansion:

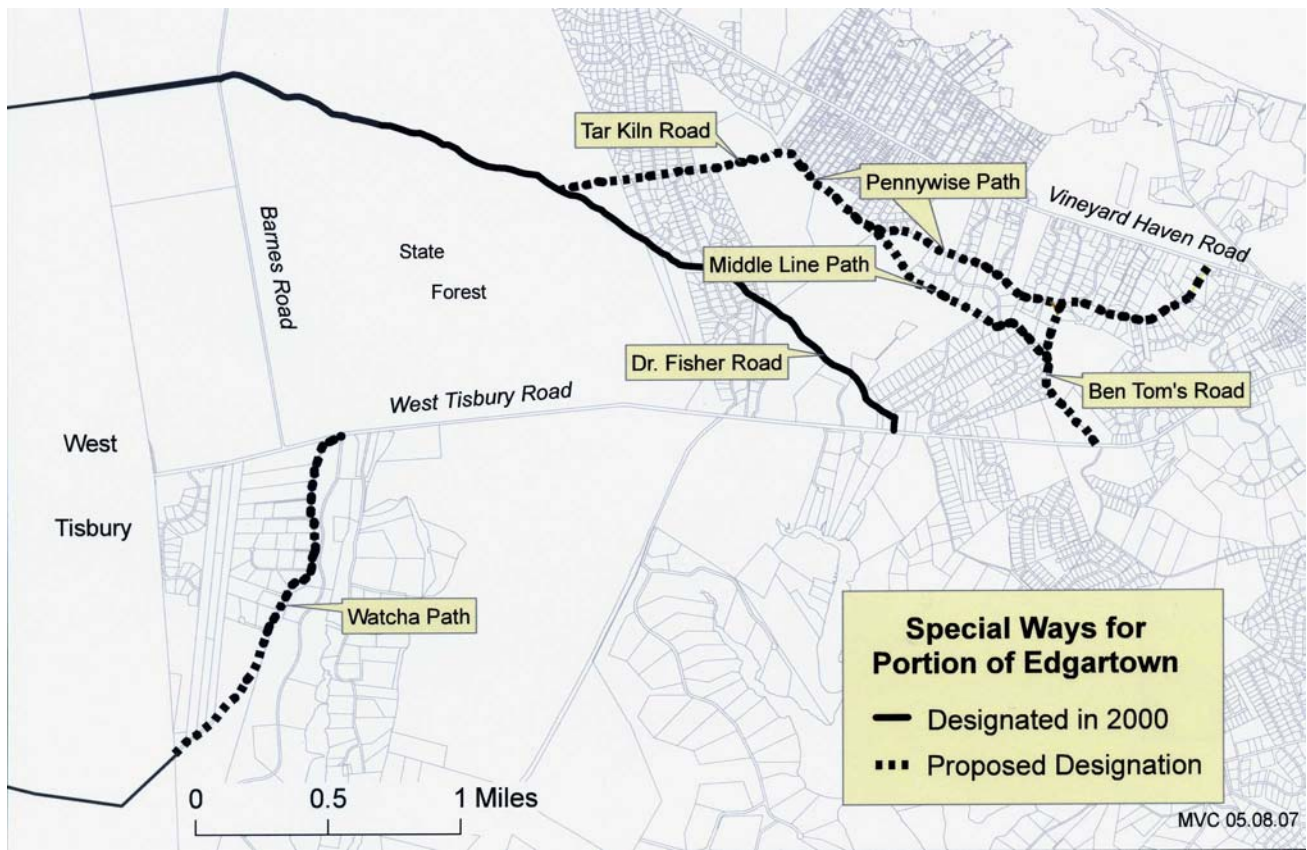
Within twenty feet of the center line of Ben Tom's Road: Begins at the north side of Edgartown-West Tisbury Road between Edgartown Assessors' Map 23 Lot 6 and Edgartown Assessor's Map 21 Lot 96 northwesterly and northerly following the west fork to Pennywise Path along the south border of Edgartown Assessors' Map 21 Lot 169.

Within twenty feet of the center line of Middle Line Path: Begins at Ben Tom's Road at the easternmost point of Edgartown Assessors' Map 21 Lot 133.1 and runs northwesterly until it merges with Pennywise Path at the westernmost point of Edgartown Assessors' Map 22 Lot 125.20.

Within twenty feet of the center line of Pennywise Path: Begins at the intersection of Tar Kiln Road and Three Cornered Rock Road easterly to the Vineyard Haven-Edgartown Road at northwestern point of Edgartown Assessors' Map 21 Lot 148.1.

Within twenty feet of the center line of Tar Kiln Path: Begins at the Manuel Correllus State Forest between Edgartown Assessors' Map 10 Lot 96 and Edgartown Assessors' Map 11 Lot 1.143 running east to its intersection with Three Cornered Rock Road in the interior of Edgartown Assessors' Map 11 Lot 86.1.

Within twenty feet of the center line of Watcha Path: Begins at the northeast point of Edgartown Assessors' Map 40 Lot 4.2 and runs southwest to the West Tisbury town line.



3. BACKGROUND ON THE DISTRICT: The Island Road District was designated in 1975, as one of three Island-wide Districts that the early MVC created from many nominations received when the Commission first opened its doors. The early Commission apparently felt strongly that these three should be Island-wide (the Coastal District, Island Road District and Special Places District) and there were designations in the Major Roads Zone in all 6 towns. At the time, the Commission found the District to meet all of the Critical Planning District Qualifications (see attachment). For the Special Ways Zone, there were designations in West Tisbury, Chilmark and Aquinnah. The MVC has since made a number of amendments, including adding Special Ways for Oak Bluffs and Edgartown. Regulations are in place, and have been for at least some Special Ways since 1976. The regulations follow closely from the Goals and Guidelines. Excerpts from the December 22, 1975 Decision of the Martha's Vineyard Commission Designating the Island Road District as a District of Critical Planning Concern follow:

Cultural or Historic District: Special Ways ( Compliance with Qualifications)

Special Ways, roads which have been virtually abandoned or left to infrequent use, are historical by definition. Also, by definition, however, they have not been part of the Island life and commerce for some time. They are a unique resource because they provide public rights of way, but are not committed to major vehicular travel. They do tend to link origins and destinations that people will frequent; therefore they offer a resource which can be developed as a means to experience the Island landscape by slower means of transportation, such as walking, horseback riding, or possibly bicycling. This is clearly a case where proper development guidelines at this time could preserve the historic aspects of old rights-of-way while enhancing them for use by Island residents and visitors. Development near the Special Way is not so injurious as it might be along major vehicular transportation corridors, because it could be pleasant to walk or horseback ride through populated, as well as unpopulated areas. However, new vehicular roads in the area should be on new rights-of-way, thus preserving the Special Ways for alternative forms of transportation.

4. EXISTING SPECIAL WAYS IN EDGARTOWN:

- Dr. Fisher Road

5. EXCERPTS FROM NOMINATION:

*These five ancient ways each date back to 1600s and 1700s. As with many cart paths of the period, some likely traced over paths established by the native Wampanoags. Middle Line Path and Pennywise Path were both significant enough that they were used to define some of the earliest set offs of land to individuals. Tar Kiln Road is a reminder of the Island's nautical past, named for the important colonial industry of extracting pitch from pine trees for use in waterproofing ship hulls. Watcha Path skipped along the upper reaches of the south shore great ponds.*

*In addition to being visible reminders of how previous generations of Vineyarders have gotten around the Island and which places were significant to connect, today these ancient ways are enjoyed recreationally. They provide neighborhoods with paths to enjoy the outdoors and to exercise. They also link neighborhoods and provide an alternative to using automobiles for some trips. The interconnection of most of the ancient ways with other Special Ways and paths enables people to take longer excursions into other towns.*

1. Why is this resource or area important to more than one town or to the Island as a whole?

*These ancient ways are artifacts from the Island's past. While the recorded historical references of these ancient ways apply to the European settlement of the Vineyard, many are presumed to have been established by Native Americans. Watcha Path is the only east-west route south of the Edgartown-West Tisbury Road and is an important walking and horseback-riding route. West Tisbury protected its portion of Watcha Path by designating it a Special Way in 1990. The interconnection of these ancient ways combine to allow users to travel extended distances - even to ancient ways and paths in other towns - that does not require using a motor vehicle. On the contrary, retention of these ancient ways fosters exercise and enjoyment of the outdoors, by visitors as well as residents.*

2. What are the problems associated with the uncontrolled or inappropriate development of the area.

*Watcha Path and Pennywise Path are telling examples of what development can do to these ancient ways. Both paths have segments that are well traveled by automobiles and other segments that receive little or no vehicular traffic. Over time, the former have been widened between 12 and 20 feet and land has been subdivided fronting the paths. There is little if anything distinguishing these traveled segments from any other recently created dirt road in Edgartown or on Martha's Vineyard. On the other hand, vegetated, 8-foot wide, two-track "roads" or even narrower pathways that oftentimes are bounded by natural vegetation buffering any nearby development characterize segments not regularly traveled. Unchecked continued expansion of development along these ancient ways would forever erase the visual reminders they hold of the Island's past.*

3. What kind of development would be advantageous within the proposed district?

*Existing residential neighborhoods are bordered by some of these ancient ways and are well served by the recreational opportunity they provide. If the ways are to be used by occupants of additional homes, the ways would not be compromised as long as new development complied with the provisions of the district. There is also a fair amount of conserved green space along some of the ancient ways that allows both abutting landowners and users of the ways to enjoy the outdoors.*

APPENDIX I  
CRITICAL PLANNING DISTRICT QUALIFICATIONS (excerpts)

**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** (excerpt relevant to nomination)

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:

- 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.

APPENDIX II – GOALS AND GUIDELINES FOR THE DISTRICT  
(excerpted from the 1975 designation Decision)

(Although regulations are not being considered for this hearing, it is helpful when considering the qualifications to note what types of regulations may come. The regulations in place follow very closely from these Goals and Guidelines.)

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

Special Guidelines For The Special Ways Zone

A. Development Guidelines

1. No way or road shall be constructed within the Special Ways Zone which exceeds a width of twelve (12) feet.
2. No fences, walls, or structures shall be erected, placed, or constructed within twenty (20) feet of the centerline of the Special Way.
3. No special way shall be paved with any impervious material.

B. Uses Within the Special Ways Zone

1. Permitted Uses

Any use permitted by the applicable town zoning district, provided that the development does not result in direct vehicular access to the Special Way.

2. Uses Allowed by Special Permit

Any use permitted by the applicable town zoning district, which results in direct vehicular access to the Special Way.

3. Uses Not Permitted

Any development within forty (40) feet of a special place of historic value, as listed on the Special Places Register of the Commission.

Guidelines Applicable in Both Zones (Major Road Zone and Special Ways Zone)

A. No stone wall shall be moved, removed, or otherwise altered, except for repair, except by a Special Permit

B. Any additional vehicular access to the public road must be at least 1000 feet, measured on the same side of the road from any other vehicular access, unless this rule prevents at least one access to a contiguous piece of land now in separate ownership. In the latter case, that contiguous land will be allowed a single access. No land shall in the future be divided (or sold) so as to require more points of access than permitted above.....

APPENDIX III – CORRESPONDENCE  
(as of 11:35 A.M. 9/14/7)

Several faxes have been received of the following letter, with different signatures as follows:

Cathy C. Lewis  
Frederick and Virginia Corcoran  
C. Jack Coleman