

Public Hearing September 18, 2008

PROPOSED BOUNDARY AMENDMENT ISLAND ROAD DISTRICT SPECIAL WAYS ZONE IN THE TOWN OF WEST TISBURY

Staff notes (Taylor)

(Please watch for update next week!!! ...any incoming correspondence will be posted on our website calendar page)

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

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

1. PROCEDURAL NOTES

Purpose of hearing:

- To consider boundary amendment for Island Road District in the Town of West Tisbury, as proposed by the Board of Selectmen.
- 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 Board of Selectmen's nomination on August 7, 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 the October 2 MVC meeting.

2. PROPOSED BOUNDARY AMENDMENT TO ISLAND ROAD DISTRICT

Criteria for boundary designation:

(from the Critical Planning District Qualifications – also attached)

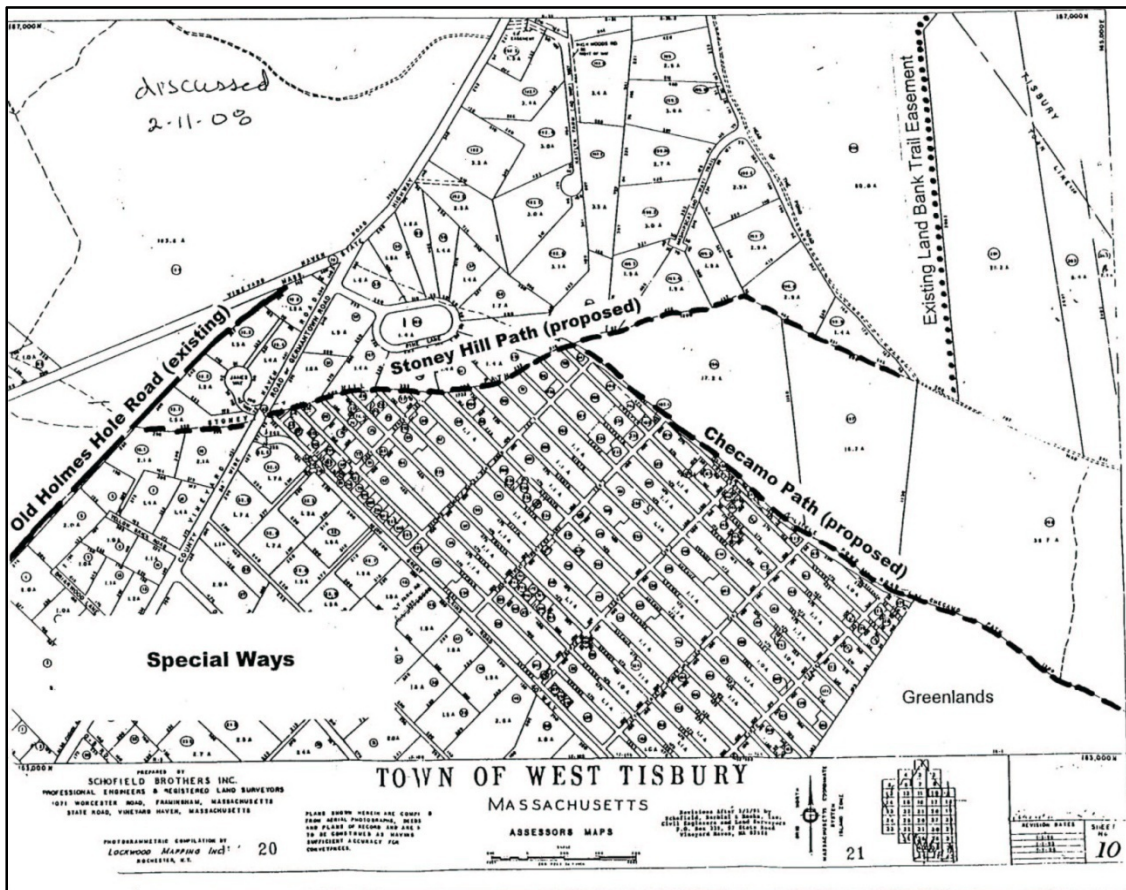
The district shall consist of the land and water which reasonably belong in the district for the three following reasons:

- 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 under consideration:

Within twenty feet on either side of the center line of Stoney Hill Path: Begins (WT Assessors' map #10) as a turn to the east from Old Holmes Hole Rd. (aka the Old Mail Rd.), crosses Old County Rd., and continues east until it merges with Stoney Hill Rd. or Head of the Pond Rd.

Within twenty feet on either side of the center line of Checamo Path (aka Chicama Path & Little Pond Rd.): Begins at Stoney Hill Path (WT Assessors' map # 10)) and continues southeast (WT Assessors' Map #9 and Map #18) to the 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 WEST TISBURY:

- Tiah's Cove Road
- Watcha Path
- Old Holmes Hole Road aka Old Mail Road
- Old Courthouse Road
- Scrubby Neck Road
- Roger's Path and Burying Ground Road
- Red Coat Hill Road/Motts Hill Road

5. EXCERPTS FROM NOMINATION:

Stoney Hill Path and Checamo Path predate the Colonial era. The name Checamo is believed to be Wampanoag/Algonquin for "Path to the Fishes", and was used by the Wampanoag to get from Lambert's Cove to Duarte's Pond, the head of the Lagoon, and connected to trails to the Great Ponds.

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

These two trails are part of a network of interconnecting trails that link all the Island towns. They are a visible part of our history, and offer a hope for our future – as a safe alternative to roads monopolized by motor vehicle use. Walking, bicycling and horseback riding are alternative forms of transportation becoming more important as gas prices continue to rise.

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

Uncontrolled or inappropriate development would compromise the free flow of foot and hoof passage on these trails, and possibly either usurp them for vehicular traffic or block them entirely. Their loss would be irreplaceable.

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

Advantageous development would be that which respects the unimpeded rights of public use of these trails, and would keep them open and protected.

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 and including amendments voted in 2007)

(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 already 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, except that greater width may be allowed by Special Permit after approval by the Martha's Vineyard Commission as a Development of Regional Impact.
2. No fences, walls, or structures shall be erected, placed, or constructed within twenty (20) feet of the centerline of the Special Way, except that lesser setbacks for fences or stone walls may be allowed on abutting lots of less than one acre in size, taking into account such factors as height, transparency, materials and natural screening to prevent creation of a narrow, visually confined effect; in which case the town shall demonstrate that the purpose of this guideline's intent is respected.
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. However, continued vehicular use may be allowed where specifically identified by the town as routinely travelled by motor vehicles prior to nomination of the Special Way and provided that the continued vehicular use is of the same nature and extent as that which existed prior to the nomination of 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.....