

BK408PG771

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557
617-693-3453

DATE: September 15, 1983
TO: Planning Board of the Town of Oak Bluffs
FROM: Martha's Vineyard Commission
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT
RE: RESIDENTIAL SUBDIVISION
APPLICANT: Meadow View Farms, Peter Van Rosbeck, Trustee
1359 Centre Street, Newton Center, MA 02159

DECISION OF THE MARTHA'S VINEYARD COMMISSION

SUMMARY

The Martha's Vineyard Commission (the "Commission") hereby approves with certain conditions the Application of the Meadow View Farms, Peter Van Rosbeck, Trustee, 1359 Centre Street, Newton Center, MA 02159 for the subdivision of land in the Town of Oak Bluffs as shown on the plans entitled: "Meadow View Farms, a Plan of Land in Oak Bluffs, MA, Dean Swift, June 1983.", consisting of one sheet, (the Plan).

The decision, with conditions contained herein, is rendered pursuant to the vote of the Commission on September 15, 1983.

The Planning Board of the Town of Oak Bluffs 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, or may disapprove the development application.

FACTS

The proposed development is a Development of Regional Impact as defined by the Commission's Criteria and Standards, Developments of Regional Impact, Section 3.203. The application was referred to the Commission by the Planning Board of the Town of Oak Bluffs 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.

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, on July 14, 1983 at 8:00 p.m. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts. The proposal is for the division of 106.4⁺ acres of common land.

The hearing was chaired by Margaret Harris, Co-Chairman of the Land Use Planning Committee. Mrs. Harris read the legal notice and opened the public hearing for testimony.

James Muth, Commission staff member described the proposal using an aerial photo of the area in which the property is located, a map of the proposed subdivision showing contours and elevations and a map of the proposed subdivision with an overlay showing common land, open space and slope of the land. Mr. Muth discussed the number of lots, road configuration, open space design and the relationship to surrounding parcels or developments.

Peter Rosbeck, Trustee of Meadow View Farms, spoke on behalf of the proposal and described the history of and planning behind the present proposal. Mr. Rosbeck described the design of the proposal and the main characteristics of the proposal.

Mrs. Harris then called for other proponents of the proposal. There were none.

Mrs. Harris called for opponents of the proposal. There were none.

Mrs. Harris read two letters from interested parties which had been received by the Commission and these are made part of the record. The first letter was from members of the Oak Bluffs Historical Society and the Martha's Vineyard Archeological Survey requesting notification should any prehistoric materials be encountered; the second letter was from abutters requesting information regarding the decision since they are overseas. There being no additional information nor testimony, Mrs. Harris closed the public hearing at 8:30 p.m.

FINDINGS AND CONDITIONS

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 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.
- C. The Commission finds that the proposed development as set forth in the Application and the plan(s) will be consistent with local development ordinances and by-laws.

- D. 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.

The Commission has considered the question of potential burden on existing public facilities resulting from this proposal pursuant to Section 15 of the Act. In order to secure a reasonable rate of development, the Commission sets the following condition:

BUILDING PERMITS FOR RESIDENTIAL CONSTRUCTION ON LOTS SHOWN ON ANY PLAN APPROVED BY THE TOWN PLANNING BOARD PURSUANT TO THIS DECISION MAY BE ISSUED AT A RATE NOT GREATER THAN SEVEN PERMITS EACH YEAR COMMENCING FROM THE DATE OF THIS DECISION. BUILDING PERMITS NOT ISSUED IN ANY YEAR WITHIN THE ALLOWED GROWTH RATE MAY BE ISSUED IN A SUBSEQUENT YEAR. IF THE TOWN ADOPTS REGULATIONS REGARDING THE RATE OF DEVELOPMENT WITHIN THE TOWN, SUCH REGULATIONS SHALL CONTROL THE DEVELOPMENT OF LAND AND LOTS SHOWN ON SUCH PLANS.

In addition to the rate of development, the Commission has considered the potential adverse effect of this proposal on the supply of needed low and moderate income housing for Island residents pursuant to Section 15 of the Act. In order to secure opportunities for low or moderate income housing for Island residents, the Commission sets the following condition:

THE BOARD OF SELECTMEN AND THE APPLICANT JOINTLY, AND/OR IN CONJUNCTION WITH ANY OTHER APPROPRIATE TOWN BOARDS, SHALL DETERMINE, FROM THE ALTERNATIVES LISTED BELOW, EITHER "ALTERNATE A" OR "ALTERNATE B", WHICHEVER IS DEEMED MOST APPROPRIATE AND SUITABLE FOR THE TOWN IN THE GIVEN SITUATION:

"ALTERNATE A"

TWO LOTS SELECTED BY THE APPLICANT SHALL BE DESIGNATED "RESIDENTIAL HOMESITE LOTS". THE LOCATION OF SUCH LOTS SHALL BE DESIGNATED WITHIN THE SUBDIVISION PRIOR TO THE SALE OF ANY LOT(S) WITHIN THE SUBDIVISION. 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 OAK BLUFFS AND THE MARTHA'S VINEYARD COMMISSION. SUCH LOTS SHALL BE SOLD IN A BONA FIDE SALE TO A PERSON OR PERSONS OF LOW OR MODERATE INCOME AT BELOW-MARKET VALUE. STANDARDS DETERMINING APPROPRIATE QUALIFICATIONS FOR A PERSON OR PERSONS PURCHASING SUCH LOTS WILL BE ESTABLISHED BY THE BOARD OF SELECTMEN IN CONSULTATION WITH ANY OTHER APPROPRIATE BOARD OF THE TOWN OF OAK BLUFFS. PUBLIC NOTICE SHALL BE GIVEN BY THE SELECTMEN TO RECEIVE APPLICATIONS FOR THOSE PERSONS MEETING THE ESTABLISHED STANDARDS. IF NO APPLICANTS ARE APPROVED BY THE BOARD OF SELECTMEN FOR PURCHASE OF SUCH LOTS, THIS CONDITION SHALL LAPSE AND BE OF NO FUTURE

FORCE OR EFFECT. SUCH RESIDENT HOMESITE LOTS SHALL BE EXCLUDED FROM THE RATE OF DEVELOPMENT ESTABLISHED IN THE FIRST CONDITION OF THIS DECISION.

OR

"ALTERNATE B"

IN LIEU OF THE TWO LOTS AS SPECIFIED IN THE PREVIOUS PARAGRAPH, A SUM OF MONEY EQUAL TO AN AMOUNT TO BE DETERMINED BY THE BOARD OF SELECTMEN OF THE TOWN OF OAK BLUFFS AND THE APPLICANT JOINTLY TO BE USED TO ESTABLISH A FUND FOR THE PURPOSES OF DISTRIBUTION TO A PERSON OR PERSONS OF LOW OR MODERATE INCOME TO ASSIST SAID PERSON(S) WITH THE PROVISION OF HOUSING. STANDARDS DETERMINING APPROPRIATE QUALIFICATIONS FOR A PERSON OR PERSONS WILL BE ESTABLISHED BY THE BOARD OF SELECTMEN TO RECEIVE APPLICATIONS FOR THOSE PERSONS MEETING THE ESTABLISHED STANDARDS. IF NO APPLICANTS ARE APPROVED BY THE BOARD OF SELECTMEN FOR RECEIPT OF SUCH MONEY WITHIN ONE YEAR AFTER THE ESTABLISHMENT OF SUCH FUND, THIS CONDITION SHALL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT.

The Commission has considered the question of the potential impact of this proposal on any prehistoric material that may be within the site pursuant to Section 15 of the Act. In light of the possibility of prehistoric materials being located within the site in question, the Commission sets the following condition:

THAT THE APPLICANT NOTIFY AND ADVISE THE OAK BLUFFS HISTORICAL COMMISSION AND THE MARTHA'S VINEYARD ARCHEOLOGICAL SURVEY TEAM OF THE PENDING START OF ANY CONSTRUCTION AND THAT THE AFOREMENTIONED ARCHEOLOGICAL TEAM AND HISTORICAL COMMISSION BE PERMITTED TO MAKE A BRIEF INSPECTION OF THE SITE SHOULD ANY PREHISTORIC MATERIAL BE FOUND, FOR THE PURPOSES OF DETERMINING THE HORIZONTAL AND VERTICAL BOUNDARIES OF THE SITE AND ITS CULTURAL COMPONENTS.

The Commission finds that the proposed development is consistent with local ordinances and by-laws to the extent it is required to, only the Application being before it at this time. The Applicant must, consistent with the decision, apply to appropriate Town of Oak Bluffs officers or boards for any other development permits which may be required together with any other development permits required by law.

The Commission approves the Town of Oak Bluffs officials granting applicable development permits.

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This Decision is written consistent with the Vote of the Commission:

September 15, 1983.

Any party aggrieved by a determination of the Commission may appeal to the Superior Court within twenty 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 of the town in which the proposed development is located.

Leonard Jason Jr.
Leonard Jason Jr., Chairman

9/29/83
date

Harriet French
Notary

9/29/83
date

my commission expires 11/10/83



Edgartown, Mass. September 30, 1983
at 9 o'clock and 50 minutes A M
Received and entered with Dukes County Deeds
book 406 Page 771.

Attest: Dorothy W. King
Register