

THE MARTHA'S VINEYARD COMMISSION

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DATE: April 22, 1982
TO: Planning Board of the Town of Oak Bluffs
FROM: Martha's Vineyard Commission
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION
RE: RESIDENTIAL SUBDIVISION
APPLICANT: "Tower Ridge", Hope F. Tower

SUMMARY

The Planning Board of the Town of Oak Bluffs is granted approval by the Martha's Vineyard Commission to grant the necessary development permits for the Applicant's residential subdivision in accordance with the conditions contained herein. This approval was by vote of the Commission on April 22, 1982. The Town Planning Board may approve the development proposal and may, if authorized by local development ordinances and by-laws, place additional conditions upon or disapprove the development application.

DECISION OF THE MARTHA'S VINEYARD COMMISSION

A Public Hearing was held on April 22, 1982 by the Martha's Vineyard Commission (the "Commission") at 8:00 p.m. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts, upon public notice to consider the application of "Tower Ridge", Hope F. Tower (the "Applicant") for a residential subdivision approval in the Town of Oak Bluffs (the "Application"). The proposed development is for the division of 55.83+ acres into 41 lots and common space as shown on a plan entitled "'Tower Ridge', A Plan of Land in Oak Bluffs, Mass., prepared for Hope F. Tower, Scale: 1"=100', February 18, 1982, Smith & Dowling, Engineers, Surveyors, Planners, State Road, Post Office Box 1087, Vineyard Haven, Mass. 02568." The Applicant proposes to divide a contiguous ownership of land into ten or more lots and is thus a Development of Regional Impact, Section 3.203. The Application was referred to the Commission for action pursuant to Chapter 831, Acts of 1977, as amended ("the Act"). Said application and notice of public hearing are incorporated herein.

On April 22, 1982, the Hearing was held pursuant to the Act and the Massachusetts General Laws, Chapter 30A, Section 2, and was chaired by Ann Crossley, member of the Commission's Land Use Planning Committee. Ms. Crossley read the legal notice and opened the Public Hearing. Jim Muth of the Commission's staff described the location of the site and various design features of the plan including the location of a greenbelt along County Road as well as other interconnecting open space areas. This presentation was followed by a slide presentation of the site. After the slide presentation Mr. Muth described the topography of the area and raised several issues of concern of the Land Use Planning Committee. One of the issues of concern was the placement of the access road on County Road as well as its position entering into the subdivision over a ridge line. An alternate access location was presented illustrating a somewhat better line of sight when entering onto County Road as well as requiring less cutting and filling in the subdivision proper. Mr. Muth further described the various benefits and detriments of both the proposed and alternative accesses relative to cost, aesthetics, and safety. Other issues raised related to a growth rate provision and resident homesite lots. Mr. Wild, Executive Director of the Commission, added that County Road is not within the Island Road District and that some of the provisions in the proposed plan such as a single access road and a greenbelt along County Road reflected the intent of the Island Road District. Mr. Wild also mentioned the potential of thru-traffic when a link is made between the proposed subdivision and the "Vineyard Hills Trust" subdivision which abuts and continues onto Barnes Road.

Doug Dowling, representing the Applicant, discussed the open space community plan developed for the Applicant and the value to the town of interconnecting utilities. He also briefly described the covenants associated with the open space areas and the reasoning behind the placement of the proposed access road. From the Applicant's point of view the placement of the access road included visual considerations and the cost of utility placement. Mr. Dowling indicated that a safety hazard relative to line-of-sight on County Road was not severe enough to alter the plan at this

point in time. There was added discussion about the access road grade relative to safety in winter.

There was further discussion of a "youth lot" relative to the phased development of the subdivision. Mr. Dowling also requested amending the Commission's previously conditioned rate of development of five lots or ten percent of the total lots in a subdivision, which ever is greater, to that of ten lots for the first year and five lots each year thereafter.

There was a call for proponents. There were none. There was a call for opponents. There were none. A letter from the Oak Bluffs Wastewater Advisory Committee was read into the record which related to the area being a tentative site for a treatment facility for the town. There was discussion regarding the process open to the town for acquiring a treatment facility site.

Ann Crossley again discussed the concern and recommendations of the Land Use Planning Committee and suggested that, in the absence of two members of the Committee, the hearing be continued next week. There was discussion of the problem of reviewing and possibly amending definitive plans relative to cost to the applicant and unnecessary time delays. There was no further testimony and the hearing was closed.

Under the Act, the Commission is required to make findings after its review of the development proposal. It must consider the probable benefits and detriments of the proposal. In this matter the Commission has considered each factor enumerated in these sections of the Act and has considered its Information for Evaluation of Large Scale Residential Developments together with this information presented at the Public Hearing.

The Commission finds that the probable benefits of the Application will exceed the probable detriments and will not interfere substantially with the achievement of any general plan of the Town of Oak Bluffs or of Dukes County, or violate any local development ordinances or by-laws.

The Commission finds that the development proposal will be more beneficial than detrimental when compared to alternative manners of development or development 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. 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 FIVE 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 a 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. In order to secure opportunities for low or moderate income housing for Island residents, the Commission sets the following condition:

ONE LOT SELECTED BY THE APPLICANT SHALL BE DESIGNATED A "RESIDENT HOMESITE LOT". THE LOCATION OF SUCH LOT SHALL BE DESIGNATED WITHIN THE SUBDIVISION PRIOR TO THE RELEASE OF THE FOURTEENTH LOT WITHIN THE SUBDIVISION. NOTIFICATION BY THE APPLICANT OF THE DESIGNATION OF SUCH LOT SHALL BE GIVEN TO THE BOARD OF SELECTMEN OF THE TOWN OF OAK BLUFFS. SUCH LOT SHALL BE SOLD IN A BONA FIDE SALE TO A PERSON OR PERSONS OF LOW OR MODERATE INCOME AT BELOW-MARKET VALUE ACCORDING TO QUALIFICATIONS ESTABLISHED BY THE OAK BLUFFS BOARD OF SELECTMEN. 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 LOT WITHIN ONE YEAR AFTER THE DESIGNATION OF SUCH LOT, THIS CONDITION SHALL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT. SUCH "RESIDENT HOMESITE LOT" SHALL BE EXCLUDED FROM THE RATE OF DEVELOPMENT ESTABLISHED IN THE FIRST CONDITION OF THIS DECISION.

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.

This decision is written consistent with the VOTE OF THE COMMISSION:

April 22, 1982.

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

4/30/82
Date

Walter F. Freil
Notary Public

4/30/82
Date

my commission expires: 11/10/83

Edgartown, Mass. April 30, 1982
at 11 o'clock and 31 minutes A M
Received and entered with Dukes County Deeds
book 391 Page 866



Attest: *Severly W. King*
Register