



## Martha's Vineyard Commission

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January 26, 2023

Jane Rossi  
West Tisbury Planning Board  
1059 State Road  
West Tisbury, MA 02575

### **Re: Procedural denial of Windsong/Rattner discretionary referral**

Dear Jane,

The MVC received a discretionary referral from the West Tisbury Planning Board in regard to proposed changes to the Windsong/Rattner property on Obed Daggett Road (Map 6, Lots 2 and 2.1) on April 19, 2022. Due to the time that elapsed since then, and as explained below, the referral must be procedurally denied.

The project first came to the MVC as Form A subdivision, which was approved in 1990. The town then made a discretionary referral to the MVC in 2006 for relocation of an existing 3,300 ft<sup>2</sup> house and construction of a new 12,700 ft<sup>2</sup> house in its place. That referral was remanded to the town, but the remand decision required that any substantial changes should be referred to the MVC for consideration as to whether they require DRI review. Our understanding is that the project has changed since 2006, which initiated the most recent discretionary referral.

According to the Commission's DRI Procedures, the MVC must open and conclude a hearing within 40 days of a discretionary referral, in order to determine whether to accept it as a DRI, unless the applicant agrees to an extension. The procedures also state: "Unless the Commission votes to accept the Discretionary Referral within 50 days after the receipt of the referral, or within 10 days after the end of any extended period, the referral shall be deemed denied." MVC staff attempted on four occasions in 2022 to obtain the required documents from the applicant (in May, June, July, and September), but have not received any material other than a scanned copy of the initial plan set, which was only partially legible, and the town referral and cover letter. The initial staff request to the applicant in May is attached here.

Due the time that elapsed since April, the referral must be procedurally denied. This means that the MVC will not review the project as a DRI, unless the Planning Board or other town agency resubmits the referral and the MVC votes to accept it as a DRI. Please note that any new discretionary referral for the project should be resubmitted only when the requested application materials are available. Apart from a discretionary referral, if any aspect of the project triggers other items in the DRI Checklist, it must also be referred.

Please let me know if you have any questions or would like to discuss anything in more detail.

Sincerely,

A handwritten signature in black ink that reads "Alex Elvin". The signature is written in a cursive, slightly slanted style.

Alex Elvin

DRI Coordinator

cc: Reid Silva  
Joe Tierney  
Ginny Jones  
Adam Turner

**From:** [Alex Elvin](#)  
**To:** [reid@vlse.net](mailto:reid@vlse.net)  
**Subject:** Windsong referral  
**Date:** Monday, May 9, 2022 4:40:43 PM

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Hi Reid,

Hope you are doing well. We have received a referral from the West Tisbury Planning Board for the Windsong project on Obed Daggett Road. This was a discretionary referral, which means that the commission will determine whether or not to review it as a DRI. In order to begin the review process, we will need the following application materials:

1. Original PDFs of the proposed plans, including existing and proposed site plans, and floor plans and elevations of the proposed structure
2. Subdivision plan (if applicable)
3. Project narrative describing the proposal
4. List of proposed spaces and uses in the building(s), including number of bedrooms
5. Existing and proposed wastewater flow for the property
6. Septic plan or narrative
7. Grading plan showing existing and proposed grades
8. Proposed exterior building materials
9. Total existing and proposed impervious surface on the site
10. Drainage plan or narrative
11. Preliminary landscape plan or narrative, including existing and proposed vegetation
12. Staging and construction plan or narrative
13. Any renderings of the project upon completion
14. Any other plans or documents submitted to the town

Once this is provided, we would like to set up a staff-applicant meeting to discuss the project and identify any other information that may be needed. The next steps would be a meeting of the LUPC, and then the full commission, which will decide whether to accept the referral.

Let me know if you have any questions.

Thanks,

Alex

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