

VINEYARD GAZETTE

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Trail of Lawsuits

Moshup Trail is an ancient place, named for the legendary giant of the Wampanoags, the indigenous people of the Vineyard. Its windswept, salt-blasted heathlands are rare and unlike even any other rare place on the Island. The clean air is washed with salt and the light that plays across the trail has a quality all its own. Perhaps it is the absence of trees, the extreme western exposure, or the spirit of legendary giants.

But for more than a decade now Moshup Trail has been a quiet battleground of lawsuits in a property rights case so tangled that even the lawyers involved in the case at times are at a loss to explain it clearly.

Beneath the stacks of briefs and motions for summary judgment, much is at stake. James J. Decoulos, an engineer and developer, is trying to establish access to a series of landlocked parcels that he owns. If he is successful, more than one hundred acres off Moshup Trail will be open to development. Fighting Mr. Decoulos are the town, the Vineyard Conservation Society, the Martha's Vineyard Land Bank, the Martha's Vineyard Commission and the Massachusetts Attorney General, among others. All believe that the need to protect this ancient land from development is paramount.

And they are right.

The conservation society, the land bank and others have been working for more than a decade, and at considerable expense, to protect the rare heathlands of Moshup Trail. But despite all these efforts, the trail remains at risk.

Mr. Decoulos has been dogged in his fight and his claims of property rights. Whether or not he has a constitutional right to develop his land is of course a matter for the courts to decide. To date they have solidly sided with the interests of the town — and also, importantly, in the latest decision from the Massachusetts Supreme Judicial Court, the Martha's Vineyard Commission.

It was reassuring to see the state's highest court again uphold the powers that the Massachusetts legislature vested in the commission more than thirty years ago.

The court restated the purpose of the commission:

“To protect the health, safety and general welfare of Island residents and visitors by preserving and conserving for future generations the unique natural, historical, ecological, scientific and cultural values of Martha’s Vineyard which contribute to public enjoyment, inspiration and scientific study, by protecting these values from development and uses which would impair them, and by promoting the enhancement of sound local economies.”

Words to live by, for all Islanders.

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