

## Quenames Road, Chilmark Form A Division: DRI

Dear Mr. Turner, Mr. Foley, Commissioners and Members of the Chilmark Planning Board:

My wife and I have a house at 72 Quenames Rd in Chilmark, adjacent to the currently proposed Form A division. (Our property is parcel 21-2.) When we built our house in 1985, this was an almost perfect piece of rural scenery, with deep historical origins, Quenames Road having been hewed out over many centuries by the wheels of horse drawn vehicles. For many years we have followed with concern and consternation the subdividing and development of the land next to our property and thus would like to submit to you our chronology of what has happened along Quenames Road.

We apologize for not being able to attend the Land Use Planning Committee meeting on November 28, 2016, but hope that you will take our interests in this matter into consideration.

In 2003, the owner of the approximately fifteen-acre property, Billie Hancock, appeared before the Chilmark Planning Board to inquire about the possibility of subdividing her land. The Planning Board was not encouraging, largely because of the inadequacy of Quenames Road to support additional traffic.

Ms. Hancock soon thereafter put the property on the market, advertising and pricing it as not being subdividable. Shortly thereafter Mr. Rivera purchased the property.

In 2005 Mr. Rivera submitted several plans to the Chilmark Planning Board for three and four lot subdivisions. These subdivision (Form C) plans were denied, for a variety of reasons, including the inadequacy of Quenames Road. The Planning Board minutes of 12/12/05 state: "Mr. Walton also stated concern with the safety of the road. He also stated Mr. Rivera is able to improve the road along his property but not the Handlin property without obtaining permission. (Fire) Chief Norton would like to see 16 feet of clearance with the width of the road being 14 feet. This will provide for the fire apparatus to be able to maneuver within the road. Mr. Osness referred to the recent fire on Hewing (sic) Field Road with the fire department having difficulty bringing water to the property; the road was a factor, even though the way was an approved subdivision road."

In 2006 Mr. Rivera submitted another Form C. Subdivision. The Planning Board minutes for 9/25/2006 record that "the board was concerned about the adequacy of Quenames Road and requested Mr. Rivera to contact his neighbors /abutters to seek approval from them in writing to allow the upgrading of the road to meet zoning board requirements for a Form C. Subdivision."

In subsequent years Mr. Rivera has tried to achieve through a series (the current application is the third Form A) of Form A divisions what he was denied in the Form C. process in 2005 and 2006.

At no time has he received abutters' permission, either written or verbal to change Quenames Road. In 2010 a person in his employment was caught (with the Chilmark police notified) cutting brush along the Handlin property line.

In 2012 Mr. Rivera sent the abutters a letter, dated September 28, 2012, by express mail notifying them of a meeting to be held on October 6 to form a road association. Despite the short notice, Michael and Cynthia DiRosa, Paul Pettegrove, Bridget Montgomery and Michael Spangler, Holly and David Handlin, and Flip Harrington and Susan Whiting showed up at the appointed time. Mr. Rivera did not. Having waited a reasonable amount of time, Michael DiRosa called the meeting to order and all the abutters present signed a statement saying that none of the attendees wanted to form a road association. This statement was filed with the Chilmark Town Clerk on October 9, 2012.

Despite all of the above, even as recently as September 2016 a person in Mr. Rivera's employment was intercepted attempting to grade and lay binder material on Quenames Road. (Dated photographs available)

The October 6, 2012 document also included a statement that the abutters wanted to be notified by the Planning Board of any future attempts to divide or subdivide the property. However, in 2013 when Mr. Rivera applied for another Form A, the abutters were not notified of the hearing. Had they been in attendance, they would have contradicted Mr. Rivera's false statement that he had the approval of his neighbors to change Quenames Road.

They probably also would have pointed out that this application should have been referred to the Martha's Vineyard Commission as a Development of Regional Impact because it was for the division of more than ten acres of land and also that Mr. Rivera had recently clear cut much of his property, listed as prime agricultural soil and containing natural habitat. This act, as one Planning Board member recently remarked during a site visit on November 15, 2016, has radically changed the character of the neighborhood, from one with houses set deep in wooded land to one with houses standing starkly in cleared land.

The most recent Form A application will entail more clearing of land, if approved. Because of Chilmark set back requirement, the only building site is in the south east corner. Thus not only will a building site be cleared, but access to it will have to be along a long driveway from Quenames Rd.

It should also be noted that Quenames Rd. for its entire length continues not to be anywhere close to Chief Norton's specifications. Part of it unfortunately no longer resembles the old horse cart road, but even in the areas that have been changed (due to illegal activities noted above) it is at most eight to ten feet wide, it has no turn outs, and in fact it is now a dead end road, being all but impassable at the Blue Barque end. In effect, in terms of safety, Quenames Road is less satisfactory now than it was in the early 2000's when the Form C's were first denied.

Also to be considered is the fact that the eastern edge (Magee's Path) of Mr. Rivera's property is in dispute with the abutting owner. Susan Whiting and Flip Harrington. The resolution of that dispute could diminish the size of Mr. Rivera's property.

Finally, it should be noted that the use of successive Form A's, especially to circumvent the Form C process, is a dangerous precedent. There are large pieces of land in this neighborhood

of Chilmark, in Chilmark in general, and indeed in all Martha's Vineyard towns, that could be similarly sliced up into saleable parcels.

For these reasons we hope that the Chilmark Planning Board and the Martha's Vineyard Commission will deny all current and future attempts to further divide or subdivide this land. Rather, it should require Mr. Rivera to restore the natural habitat that he has destroyed.

David and Holly Handlin  
72 Quenames Rd.  
Chilmark MA.

Cc: Mr. Adam Turner  
Mr. Paul Foley  
Chilmark Planning Board  
Bridget Montgomery and Michael Spangler  
Susan Whiting and Flip Harrington  
Paul Pettegrove  
Michael and Cynthia DiRosa  
Chris Alley (Sheriff's Meadow Foundation)