

Chilmark Planning Board Minutes, 11 May 1987

Present: W. Rossi, A. Marvel, E. Farrow (Chair), C. Murphy, R. Walton (secy. pro tem.), T. Counter, B. O'Neill, Eric Peters, Tom Foster, Bart Bonanno, Ron Crowe

1. Sign permit for Crowe (Breakfast at Tiasquam) was approved by the four members present, with serious reservations as to the ambiguity of the sign:

-It is not clear that the "lobster bakes" are not to be done on premises;

-It is not clear from the name that meals are limited to B & B guests.

2. Tom Counter et al. presented for Trustees of Reservations a Form A subdivision of the "Sigourney" property. After long discussion, this was withdrawn as being technically incomplete. (Note: the Planning Board had asked for a Form C by letter dated March 18, 1987.)

3. Brendan O'Neill discussed (a) consideration by those concerned with the Crocker & Clair/Tea Lane area in terms of the Mill Brook watershed, abbuttors' interest in preserving segments, and possible new owners.

4. Brendan also reported on the feelings of the VCS board in re Youth Lot transfers. It is felt that an ad hoc, case-by-case treatment is permissible; a regular agreement whereby such transfers would be made routinely might endanger the tax-exempt status of VCS. It was suggested that it should be possible to set up a new "501" entity within the Town. There is a further conceptual conflict possible, as the charter and mandate of VCS deal (to the exclusion of development) with conservation and open space.

5. Bart Bonanno came with one copy of a plan for his Form C (future) subdivision on Tea Lane. He was warned that the proposed moratorium, if approved, would be retroactive to last Friday (May 8, 1987). Ted is to discover from Town Counsel the exact status of applications, notify Claire so she will be able to tell Bart (and others). Some few changes were discussed, as was the slightly ambiguous status of lots 24 & 25 (hence of the youth lot in this subdivision).

6. The Damroth linen was signed, with the understanding of the Board that the covenants now include provision for a youth lot to be generated prior to sale outside the family of the entire area, unless a lot (or lots) be settled on the Damroth children.

7. Drew reported that Warren Flint cannot come to the Island until the week of the 25th. (It was decided to ask him to come 26 May at 9 AM). He charges \$60/hr.; this preliminary trip will probably cost us \$400-500. He will supply a schedule of fees for specific tasks or classes of problems.

-He is to be asked to work specifically on the Tea Lane problem & impact.

-He is to be asked (by Drew, ~~THE XXXXXXXX~~) to give us a list of data needed.

- Rusty and Chris are to attempt to generate data on: existing dwellings, potential houses and guest houses, total potential, layout of Tea Lane, status as historical and/or scenic way, maintenance costs, etc.

see end
of next
page



TOWN OF CHILMARK
CHILMARK, MASS

TOWN OFFICE:
P. O. BOX 119
CHILMARK, MASS. 02535
TELEPHONE 817-645-2651

April 17, 1987

Carol Skydell
Town Clerk
Town Office
Chilmark, MA 02535

Dear Carol:

At their meeting on April 13, 1987, the Chilmark Planning Board approved the subdivision plan submitted by Mary Jane and David Damroth on February 24, 1987 at their property at Quansoo by a unanimous vote.

There are several conditions regarding notes in the covenants and on the linen which will be included when the linen is signed by the members.

Very truly yours,

Ted Farrow, Chairman
Chilmark Planning Board

TF/cc

cc: Mary Jane & David Damroth

Minutes of the Chilmark Planning Board Meeting on April 13, 1987

Attending: Chris Murphy, Acting Chairman, Bart Smith, Drew Marvel, Bill Rossi and Ted Farrow

→ The Mary Jane/David Damroth plan was approved with conditions to be noted on the linen referencing covenants. The road is approved for these lots only. The remaining lot cannot be subdivided into more than 2 lots. When the linen is brought in, the members will sign it.

The minutes of the April 6th meeting were reviewed and with one change were approved.

A memo will be sent to the Board of Selectmen about the vacancy on the board and will ask for a meeting with them to appoint a replacement for Pat Lynch after the town meeting and election at their regularly scheduled time (May 13). Also, this will be advertised in the newspaper and posted on the bulletin board at the town office.

There was discussion about the current youth lot regulations and the fact that when revised in 1986, the provision about the lot being turned back to the town for another youth in the event that the first youth cannot retain it for whatever reasons. The secretary is asked to send copies to all the selectmen before the next meeting for their review.

The minutes of the March 30 meeting were approved with one change.

Bart brought up the proposed changes to the Chilmark Store. He said that he heard that it would be used primarily for pizza take-out. Chris said he thinks there is a need for the store for coffee and snacks, etc. Also, that the Board of Health has always given their permission for changes in the past. Bill said he didn't feel that this would be much of a change from what has gone on there this past year. Ted asked if this could be brought up at the Town Meeting for everyone's review. Chris thought that it was too late for this meeting and also that, if the Board of Appeals gives them the go ahead and then the people object to it at the Town Meeting, how would it be resolved? PB decided to send a letter to the Board of Appeals before the hearing and give their opinions on this renovation.

The PB budget for the current year was reviewed to allow money for the printing of the Subdivision Rules and Regulations at Tisbury Printers. All agreed that the money should be expended for this project. The printing will be kept on the computer and can be revised at any future time at minimal expense.

Letter from J.B. Riggs Parker regarding the pending Homeport litigation and asking for their approval to withdraw the suit. The members present agreed that this should be done and a letter will be sent to this effect.

The referral by the Assessors Office regarding The Chilmark Company was discussed.

Minutes of Chilmark Planning Board Meeting on March 23, 1987 at 7:00 p.m.

Attending: Chris Murphy, Acting Chairman, Annabel Dietz, Pat Lynch, Bart Smith, Bill Rossi, Rusty Walton, Mary Jane and David Damroth, Mark and Richard Baumhoffer, Tim Lasker, Larry Hepler, Flip Harrington, Sue Tonry, and Claire Checchi, secretary

Review of the minutes of the March 16, 1987 meeting. Motion was made and seconded and minutes were unanimously approved by the members.

Public Hearing on Form C Application of Mary Jane and David Damroth

Have had covenants drawn up with specifics...no guest houses on four lots... option will remain open on 5th lot - possible youth lots for Damroth children. Also, it will be noted that if they sell this lot in the future, they will request part of it be a youth lot for the town's youth. There will be 100 ft. buffer zones around Lots 1 thru 4. They are making up a road association to tie-in with the Quansoo Road Association for these 4 properties. Also, they were asked to include in the covenants that they will only divide the 5th lot into two lots and NOT into three in the future, if subdivided. David said that they will have an architectural review board to see that there will not be any structures that will not conform with the area. It was asked if they were going to allow people to walk the paths in the area and there was some question of liability.....they were told that by law they are not liable for anyone walking on these roads. Rusty said that the Conservation Commission would like permission to walk these and other paths for 9 months of the year only. This will be further discussed. The Damroths were asked to put everything on the linen when they come back to the board. Also that it be noted that after the new road is put in that they will not use the present road. They agreed to do this. They were also asked to include the covenants. Sue Tonry was in for a sign permit. The board approved the sign but told her that she needs to go to the Building Inspector because the business exists as a home occupancy for Roberta Morgan. A letter will be sent to the building inspector.

Tim Lasker was in with the Baumhoffers because there was a problem passing papers for Lot #1 because of the road arrangement. A Certificate of Performance was signed by the board on March 2, 1987 and an escrow account was set up to finish the road if need be. The lawyers at the closing asked that there be additions to this Certificate and it will be revised by them and will be brought back to the board for signatures.

The Baumhoffers asked about the youth lot that will be going to Daniel Rossi, Lot #8. Chris said that an agreement will be drawn up by the Vineyard Conservation Society who will be handling this and that they will be back in touch with Chris when it is completed, and Chris will get in touch with the Baumhoffers and Rossi.

Chris said that he had spoken with Drew Marvel and that Drew had spoken with Warren Flint from Lincoln about his consulting with the town on future planning, such as Chilmark Center, etc. This will be discussed further when Drew is back with the board and Ted Farrow returns on April 6.

Minutes of the Chilmark Planning Board Meeting on April 13, 1987

Attending: Chris Murphy, Acting Chairman, Bart Smith, Drew Marvel, Bill Rossi and Ted Farrow

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THE GREAT POND ROAD ASSOCIATION

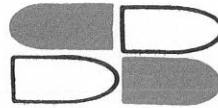
The undersigned are the owners of certain parcels or lots of land and/or are users of certain roads and ways as shown on "A Plan of Land in Chilmark, MA. 02535., prepared for David A. & Mary Jane Damroth, Scale: 1" = 100', Feb. 19, 1987, Schofield Brothers Inc., Reg. Professional Eng. & Land Surveyors, State Road, Vineyard Haven, MA. 02568." Here and after referred to as the "Plan".

- I. Each of us has an appurtenant right to our respective properties and easement of access over the ways as shown on said plan.
- II. In order to provide for the maintenance and upkeep, we hereby agree as follows:
 1. Each of us has easements as described in our respective deeds to use the ways shown on the Plan for all purposes for which private ways are commonly used in the Town of Chilmark.
 2. Such easements are in common with others who are also entitled to use said ways.
 3. Pursuant to Chapt. #84, Section 12, of the Massachusetts General Laws, We hereby establish "THE GREAT POND ROAD ASSOCIATION", herein referred to as G.P.R.A.
 4. To insure that the roadway be kept in good condition which provides for safe vehicular access and adequate drainage, maintenance shall be performed at a minimum of twice a year to the minimum standards as set forth below:
 - A. The roadway is to be eight(8) feet wide.
 - B.
 - C.
 - D.
 - E. Any person disturbing the road surface by way of installing utilities, constructing driveways, etc., shall be responsible for repairing the road and bringing it back to a condition specified by the minimum standards set forth above.

THE GREAT POND ROAD ASSOCIATION

4. G.P.R.A. shall from time to time have the right to change the minimum standards for the road maintenance, as set forth in Section #4, provided however, that those standards shall never be set to a standard less than those specified by the original G.P.R.A. agreement.
6. G.P.R.A. affairs shall be managed by a President and a Treasurer. The president shall serve as Surveyor and the Treasurer shall serve as the Clerk and both shall serve as Assessors as these officers are defined in the Massachusetts General Laws, Chapt. #84, Section #12, 13, and 14.
7. We hereby appoint David A. Damroth as the first President of THE GREAT POND ROAD ASSOCIATION until his successor is elected.
8. We hereby appoint _____ as the first Treasurer of THE GREAT POND ROAD ASSOCIATION until her successor is elected.
9. By signing this agreement, we hereby agree to be bound by the provisions of this agreement and the rights and obligations hereby created shall be binding on our heirs, successors and assigns as holders of an interest in our respective lands. The conveyance of any of the lots on the Plan shall contain provisions whereby the Grantee shall become a member of the G.P.R.A. and be bound by the terms of this agreement.
10. This Agreement may be executed in any number of counterpart parts. Each counterpart shall become effective when recorded in the County of Dukes County Registry of Deeds or filed in the Dukes County Registry District of Massachusetts Land Court.

SCHOFIELD BROTHERS, INC.



PROFESSIONAL ENGINEERS • REGISTERED LAND SURVEYORS

STATE ROAD • BOX 339 • VINEYARD HAVEN, MA 02568-0339 • TELEPHONE (617) 693-2781

February 23, 1987

Chilmark Planning Board
Chilmark Town Hall
Chilmark, MA 02535

Re: Definitive Subdivision Plan for David A. & Mary Jane Damroth,
Chilmark Assr. Pcl. 11-54.

Dear Members,

On behalf of the applicants, David A. & Mary Jane Damroth, Schofield Brothers, Inc. is hereby submitting the above referenced definitive plan for your consideration. Enclosed please find the following items relative to this submittal;

1. Four prints of definitive subdivision plan.
2. Two copies of executed Form C application.
3. Filing fee of \$450.00
4. Application Form for Road Specification Acceptance attached to a proposed travelled road layout.
5. Copy of deed to parcel.

Since this plan creates less than five new buildable lots, we are asking for a waiver of section 2.12 "Enviromental Analysis" of the Rules and Regulations Governing the Subdivision of Land, Town of Chilmark, Mass.

If you have any questions, please feel free to contact either the Damroths or myself.

Very truly yours,

SCHOFIELD BROTHERS, INC.

Douglas R. Hoehn
Professional Land Surveyor

cc. David A. & Mary Jane Damroth

cah

APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN

File two completed forms with the Planning Board, one with the Town Clerk, and one with the Board of Health, together with the required filing fees.

Chilmark, Ma. Feb. 23, 19 87

To the Planning Board & Board of Health:

The undersigned herewith submits the accompanying Definitive Plan of the property located in the Town of Chilmark for approval as a subdivision under the requirements of the Subdivision Control Law and the Planning Board's Rules and Regulations Governing the Subdivision of Land in the Town of Chilmark. A list of the names and addresses of all persons owning rights in property abutting the proposed subdivision, including surface, mineral and security rights, is attached. These names are as they appear on the most recent tax list and land records.

1. Name of Subdivider David A. & Mary Jane Damroth
Address Box 295 Chilmark Mass. 02535
Name of Owner same
Address _____
2. Name of Engineer or Surveyor Schofield Brothers Inc.
Address Box 339 Vineyard Haven, Mass.
3. Deed of Property Recorded in Year 1983, Book 400, Page 623
4. Location and Description of Property Chilmark Assessor Parcel 11-54

5. Is any part of this property within the boundaries of a District of Critical Planning Concern, as described in Article 2 of the Chilmark Zoning By-laws? no
6. The following are all the mortgages, liens, easements, restrictions and other encumbrances on the whole or any part of the land within the proposed subdivision _____

Form C - Application for Approval of a Definitive Plan (cont.)

7. The following are the easements and restrictions appurtenant to the land within the proposed subdivision over the land of others:

see copy of deed enclosed with application

8. Check where applicable:

☒ No Preliminary Plan of this proposed subdivision has been submitted to the Board.

☐ A Preliminary Plan of this proposed subdivision, to which this Plan conforms, was approved by the Board on _____, 19

☐ A Preliminary Plan of this proposed subdivision, to which this Plan conforms, was approved by the Board with modifications, which modifications have been incorporated in the Plan herewith submitted, on _____, 19

9. The applicant(s) covenant(s) and agree(s) for himself (themselves) and his (their) heirs, executors, administrators, successors and assigns:

- a. To construct and complete the required improvements as finally approved by the Board within one year from the date of this application, or within such further time as the Board may allow in accordance with the specifications set forth in the Rules and Regulations of the Board.
- b. That, before the approval of the Plan to which this application relates becomes effective, he (they) will cause to be filed with the Board a covenant satisfactory to the Board to run with the land, such covenant to be properly recorded or registered, providing that no lot in the subdivision shall be sold and that no building shall be erected on any lot until the required improvements are completed in accordance with the specifications laid down by the Board so as to adequately serve such lot, and that if this application is approved, he (they) will fulfill such condition until compliance therewith is evidenced by a certificate of the Board.
- c. That if this application is approved, he (they) will cause the Definitive Plan of the subdivision to be recorded in the Registry of Deeds of Dukes County within fifteen days after such approval and that he (they) will not sell, or offer to sell, any of the lots within the subdivision until such Plan is recorded and all other conditions specified by the Board have been carried out.

Form C - Application for Approval of a Definitive Plan (cont.)

10. This application is accompanied by an original drawing of the Definitive Plan and all other plans, maps and material required as part of the Definitive Plan, and the required number of print copies of each, all on the forms and in the manner prescribed by the Board, and the necessary fee(s) as required under the Rules and Regulations of the Board.

WITNESS the signature(s) and seal(s) of the undersigned applicant(s) this _____ day of _____, 19____.

Edward C. McCormick

Mary Jane Danner

(Address of Owner)

(Mortgagees)

Assented to:

NOTES:

1. This plan and the accompanying certifications do not constitute a certification of title to the property displayed hereon. The owners of locus and abutting properties are shown according to current town assessors' records.

Lots 1 through 5 and the 40' wide private way shown on this plan are currently shown in the assessors' records as Assessors' Parcel 11-54, owned by David & Mary Jane Damroth.

2. The utility easement over Lot 3 extends from the southwest corner of Lot 3 to the northeast corner of Lot 3 approximately along the existing dirt road as shown.
3. Prior to the sale of any lot outside of the Damroth family, a well shall be drilled and pumped on said lot which produces water of a quality and at a rate satisfactory to the Board of Health.
4. Prior to the sale of any lot outside of the Damroth family, a disposal works construction permit shall be obtained from the Board of Health.

ADDITIONAL NOTES:

1. Prior to the sale of any lot outside of the Damroth family, the travelled way will be constructed within the Private Way (40' Wide) according to the specifications of the Chilmark Planning Board as of April 15, 1987.
2. Lot 5 shall not be subdivided into more than two buildable lots.

A PLAN OF LAND
IN
CHILMARK, MASS.
PREPARED FOR
DAVID A. & MARY JANE DAMROTH

SCALE: 1"=100'

FEBRUARY 19, 1987

SCHOFIELD BROTHERS, INC.

REGISTERED

PROFESSIONAL ENGINEERS

LEGEND

- ...denotes concrete bound with drill hole found unless otherwise noted.
- ... denotes steel survey marker set for original survey (See Plan Reference).
- F.S.B..denotes field stone bound.

ADDITIONAL NOTES:

1. Prior to the sale of any lot outside of the Damroth family, the travelled way will be constructed within the Private Way (40' Wide) according to the specifications of the Chilmark Planning Board as of April 15, 1987.
2. Lot 5 shall not be subdivided into more than two buildable lots.

APPROVAL UNDER THE SUBDIVISION
CONTROL LAW REQUIRED:

CHILMARK PLANNING BOARD

John Murphy
Andrew G. Davis
William F. ...
Russell K. ...
David W. Farnell

DATE: _____

See Covenants recorded at County of
Dukes County Registry of Deeds:

Book _____ Page _____

Book _____ Page _____

MV- 3952

APPLICATION FORM
ROAD SPECIFICATION ACCEPTANCE AND FINAL CONSTRUCTION APPROVAL

Note: See Appendix C, Road Construction Specifications
File the original form with the Planning Board

Subdivision Name: Damroth Subdivison

Subdivider (Owner): David Damroth & Mary Jane Nevin

Representative: _____

Location (Map & Parcel): 11-54 Date of Plan: March 12, 1987

Revised: _____

This application must be completed and signed by the subdivider or his agent and the Layout must be accepted by the Planning Board as a condition of approval of the subdivision.

Unless waived, or delayed under a covenant agreed to between the Planning Board and the subdivider, the roadway and installation of utilities must be completed and that completion approved by the Board prior to sale or transfer of any lot and prior to commencement of any new building on any subdivision lot.

Acceptance of Layout

Agent, Planning Board: M. Poni

Date: _____

Construction Stages for Inspection and Approval

(The Planning Board Agent shall be notified at least 48 hours prior to a requested inspection.)

1. Water Diversion Methods	Agent: <u>M. Poni</u>	Date: _____
2. Roadway Base	Agent: <u>M. Poni</u>	Date: _____
3. Utility Completion	Agent: <u>M. Poni</u>	Date: _____
4. Roadway Completion	Agent: <u>M. Poni</u>	Date: _____
5. Installation of Permanent Surveyor's Markers	Agent: <u>M. Poni</u>	Date: _____
6. Clean-up	Agent: <u>M. Poni</u>	Date: _____
7. Other _____	Agent: _____	Date: _____

Approval of Completed Roadway

Agent: Mitchell Poni Date: 8-4-03

Chairman, Planning Board: William May Date: 8-7-03