

William & Michelle Seward  
69 Cobbs Hill Road  
Chilmark, MA 02535

March 6, 2017

By email (foley@MVCommission.org)

Martha's Vineyard Commission  
Box 1447  
Oak Bluffs, MA 02557

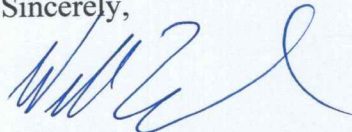
Re: Proposed Damroth Subdivision

Dear Sirs and Madams:

We are writing in connection with the March 9, 2017 public hearing concerning the proposed four lot subdivision of the Damroth property in Chilmark. Our property, at 69 Cobbs Hill Road, is adjacent to the proposed subdivision. To the extent useful to your inquiry, we wanted to submit for your attention the letter that we, together with Adam and Carrie Marcus, wrote to the Town of Chilmark's Planning Board, regarding the subdivision.

If you have any questions regarding the letter or our concerns, please do not hesitate to call me at (917) 881-6185.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W. Seward', with a stylized flourish at the end.

William Seward

cc: Adam and Carrie Marcus

Will & Michelle Seward  
69 Cobbs Hill Road, Chilmark, MA 02535

Adam & Carrie Marcus  
81 Cobbs Hill Road, Chilmark, MA 02535

January 19, 2017

By U.S. Mail and email ([jchristy@chilmarkma.gov](mailto:jchristy@chilmarkma.gov))

Planning Board  
Town of Chilmark  
Chilmark, Mass 02535

RE: Damroth Subdivision

Dear Sirs and Madams:

I am writing on behalf my myself (Parcel 11-25.3) and Adam & Carrie Marcus (Parcel 11-26.3). Our properties together constitute the eastern boundary of the proposed Damroth Lot 5B subdivision. The Marcuses and Michelle and I are writing to express our concerns with this subdivision, most notably the absence in the plan of an adequate building buffer – a minimum of 100 feet – to protect Old Fields Path and the natural landscape around it.

The Planning Board has enjoyed a long tradition of preserving the areas surrounding the ancient ways of Chilmark, and the Board's protection, in the past, of Old Fields Path saw no exception. In 1991, as part of the Cobbs Hill subdivision plan (which includes our properties), the Board recommended a buffer zone from the path. (See attached Minutes of Chilmark Planning Board, dated March 11, 1991.) The then-owners of the properties, heeding the Board's recommendation, presented a new plan. (See attached Minutes of Chilmark Planning Board, dated April 22, 1991.) It was precisely that plan, which requires the western-most lots of the subdivision to maintain a 100' buffer zone protecting Old Fields Path from having any trees or vegetation removed, that was approved and is in effect today. (See attached Plan of Subdivision, approved by Town of Chilmark Planning Board, dated August 5, 1991.)<sup>1</sup>

Likewise, to the extent the Damroth subdivision is approved, we ask that that 100' buffer zones for both Old Fields Path and Magee's Path be required. As there is no

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<sup>1</sup> It is notable that during those proceedings, David Damroth himself appeared to recognize the importance of these zones of protection and requested there be a buffer around the property. (See Minutes of Chilmark Planning Board, dated March 11, 1991.)

ancient way to be protected on the lot's western border, we believe this leaves a sufficient area in terms of the future placement of a dwelling. If Mr. Damroth does not believe so, he does have the ability to move the subdivision line further west to increase the size of the building envelope.

Thank you for your attention and consideration.

Sincerely,



William Seward



Michelle Seward



Adam Marcus



Carrie Marcus





MINUTES  
CHILMARK PLANNING BOARD  
MARCH 11, 1991

PRESENT: William Rossi, presiding, Russell Walton, Kate Warner, Steven Sinnett, Christopher Murphy, Annabel Dietz and C. Dona Vanderbilt.

OTHERS PRESENT: W. Robert Haskell, John H. Montgomery, David Damroth, David Rossi, Dean Swift, Glenn Provost, H. B. Engley, Deb Hancock, M. Anthony Fisher, Mark Racicot and James Hornblower.

Hiers - Form C Subdivision Plan for three lots

Mr. Swift presented the plan for the old Purdom property, now owned in part by the Hiers. A list of conditions was suggested by Mr. Swift as being agreeable to the Hiers. They are: no guest houses on smaller lots, larger lot not to be further subdivided, documentation to give rights to Fishermen access to the Great Pond (vehicular). This access, formerly agreed upon, expired and the owners want to renew it as part of the subdivision in perpetuity. There was a question on Old Fields Path, would like to see it restricted to bicycles, horses and walking. Letters from the Trustees of Reservations and the Conservation Commission were read. Mr. Fisher, abuttor to applicant, proposed a plan to include his property. He suggested his property and the applicants each be subdivided into two lots. There is only a 25' right of way and the property borders the Great Pond and the TTOR farm on the other. Mr. Damroth requested that there be buffer zones around the property for building beyond. There followed discussion on the road, its condition and possible improvements. It was suggested not to be allowed to use fertilizer due to the proximity of the Pond. Mr. Swift indicated that there is no construction planned and the coastal restrictions prohibit certain types of building. They also do not intend to sell. The Board stated that the applicant does have a right to subdivide. Mr. Fisher should go to the applicant with the proposal and then return to the Board. Mr. Montgomery thought it would be too lengthy a procedure to attempt. The Board requested some time for Mr. Fisher to contact the applicant (and Morris and Williams). Mr. Montgomery agreed to this. The Board recommended a buffer zone from Old Fields Path, needs the building envelopes on the plan. The hearing is continued to April 22, 1991 at 5:00 pm.

Morris - Form C Subdivision Plan for three lots

This hearing was opened and is part of the Purdom property filing. Ms. Warner indicated that her family has always had permission to walk the road and she would like this in writing. Hearing continued to April 22, 1991 at 5:15 pm.

Williams -Form C Subdivision Plan for three lots

This hearing was opened and is part of the Purdom property filing. The hearing is continued to April 22, 1991 at 5:15 pm.

Cape Cod Co. - Form C Subdivision Plan, continued

Mr. Racicot presented the Board with the updated draft Environmental Impact Report with indicator maps. The following items have been agreed upon by the applicants: a road agreement, for maintenance; mowing in the rare species areas; building envelopes of 1 acre; no pesticide use; lots 1 - 11 & 16 will have one house, lots 12 - 15 will have two houses; an architectural review committee will be formed; youth lots (affordable housing) off-site, one for Chilmark and one for Housing Authority or other; the archeological sites will be preserved. No agreement yet concerning the eastern beach,

which is leased to the Town, and the applicant. The Partners do not wish to increase the size of the beach. They feel that enough people ignore the boundary and camp out at the fringe area to warrant keeping the size the same. They are favorable to extending the lease to the Town. The Board pointed out that agreement would be needed in writing for the plan to go before the Martha's Vineyard Commission. Mr. Racicot has had correspondence with Squibnocket Associates concerning an easement agreement through Spruce Gate as main access to beach. They will develop a parking area next to the Associates' parking area, but on thier property. The non-residential lots were to have gone into conservation restriction, but they already have restrictions on them through the covenants. The agricultural lots, 17 & 25, do not have a farm plan. It was suggested that Don Liptack will look at the site, and the Soil Conservation Service, to develop a plan and give suggestions. The Board would like the gates to be indicated on the plan. There was a question of a traffic study required by the Martha's Vineyard Commission. The Board did not feel it was necessary to have one done. The hearing will be continued to March 18th at 5:00 pm.

#### Minutes - March 4, 1991

A motion was made and seconded to accept the minutes with corrections. The Board voted 5 yea and 1 abstain (Warner).

#### Correspondence

The Board noted the correspondence before them.

#### Reports

Mrs. Vanderbilt reported that she has found the text book for cluster or open space planning. She also has a copy of the Rules & Regulations for West Tisbury, these were recommended by the Center for Rural Massachusetts.

#### New Business

It was suggested that the Haskell property may have guest house restrictions on the subdivision. Should speak with David Flanders.

#### Adjournment

The meeting adjourned at 7:00 pm.

Respectfully submitted,



C. Dona Vanderbilt  
Administrative Assistant

MINUTES  
CHILMARK PLANNING BOARD  
APRIL 22, 1991

PRESENT: William Rossi, presiding, Kate Warner, Stephen Sinnett, Christopher Murphy, Ted Farrow, Russell Walton and C. Dona Vanderbilt.

OTHERS PRESENT: Phil Smith, Ron Crowe, Deb Hancock, Glenn Provost, Anthony Fisher, Paula Fisher, Barbara Heil, Jean Hiers, Maurice Hiers, John H. Montgomery Jr., Dean Swift, Cindy Matthews Boudreau, George W. Manter, John W. Mayhew and John Scott, Jr.

Crowe - request for a guest house

The Board and Mr. Crowe brought Mr. Farrow up-to-date on the proposal. Although allowed a guest house in the covenant of the subdivision, the Board is concerned about the heavy traffic, using the guest house as increased Bed & Breakfast space and future impacts on the area. The letter of request for the guest house by Mr. Crowe was read to the Board. Mr. Rossi and Mrs. Vanderbilt stated that they had both read all letters sent to the Board and found them all in favor of the guest house. It was suggested that a covenant be added to the original subdivision covenant to read that the use of the guest house is for family and friends and not for additional rental space. It was also suggested that the Board include a statement to clarify the Zoning Bylaws regarding Bed & Breakfast establishments to indicate that the Bed & Breakfast is the dwelling of residence, not the guest house. The Board will communicate this to the Zoning Board of Appeals for their review. A motion was made and seconded to approve the guest house subject to 1) the guest house is not for rental purposes, it is to be used by family, friends and non-paying guests and 2) Mr. Crowe, and all subsequent owners, are to maintain their residence in the Bed & Breakfast building. The Board voted all in favor. The Board also would like the approval to be conditional on the return of a copy of the covenant filed at the Registry of Deeds.

Hiers, Morris and Williams - Form C Subdivision request for three lots/parcel

Mr. Swift presented the new plan to the Board. It includes the building envelopes, a buffer zone along Old Field's Path and common drives for the two smaller lots west of the proposed road. They will draw up a covenant which will include the access to Tisbury Great Pond for the licensed fishermen. Mr. Fisher informed the Board that he has come to an agreement with the other property owners regarding the right-of-way through his property. It will not necessarily affect the plan presented to the Board. The Board thought there might be a problem as there is a restriction on the easement to allow fisherman access to the easement to Tisbury Great Pond. Mr. Montgomery assured the Board that the covenants will go with the road. The Board questioned Mr. Fisher if all of his problems had been addressed. He is confident that the easement will be worked out with the owners. A Board member was concerned about the sight lines on the easement on Rainbow Farm. The owners felt the turns are adequate as is. Applicant stated that they have done everything the Board requested at the last hearing and asks the Board to approve the plans. Participants of this hearing supported the plans. The Trustees of Reservations are the only abutters objecting to the proposed plan. They would prefer to see an Open Space development of the area. The Chair closed the hearings for Hiers, Morris and Williams. A motion was made and seconded to approve the Hiers plan as presented (Lot A). The Board voted all in favor. A motion was made and seconded to approve the Williams plan as presented (Lot B). The Board voted all in favor. A motion was made and seconded to approve the Morris plan as presented (Lot C). The Board voted 5 yea and 1 abstain (Warner).

Mr. Fisher presented a sketch for a subdivision of his property at this

time for the Board's consideration when reviewing the proposed subdivision. The Board did not make a comment, approval or encouragement to Mr. Fisher at this time. Mr. Fisher indicated he was considering a subdivision due to the subdivision proposal presented by Hiers, Morris and Williams. He would prefer to have a no subdivision restriction on all property in question.

#### Scott - questions regarding woodlot on South Road

Mr. Scott presented the Board with the plan of his property. He would like to improve the road and asks for the Board's recommendations. The Board discussed what should be done if he intends to build and/or subdivide in the future.

#### Minutes - April 8, 1991

A motion was made and seconded to approve the minutes. The Board voted all in favor.

#### Reports

Mr. Walton researched the Assessors maps and determined that there are approximately 650 buildable lots still left. He did not count questionable lots and had considered current zoning bylaws.

Squibnocket herring study with Donald Bourne is going well. The Gay Head Planning Board and Board of Selectmen have been notified. Mr. Bourne will try to meet with Mr. Murphy, Mrs. Vanderbilt and anyone else who is interested.

The New England Chapter of the American Planning Association and the MA EOCD's Office of Planning and Management is having a conference June 12th at the Ramada Inn in Auburn.

#### Correspondence

The Board noted the correspondence before them.

#### Zoning Board of Appeals - petition from Ron Crowe to construct a guest house

The Board would like to communicate the same concerns that they expressed when speaking to Mr. Crowe earlier in the meeting.

#### Conservation Commission - Hearing for Prospect Hill Assoc. to trim and cut vegetation

The Board has no comment at this time.

- Hearing for Gudrun Dunkl to construct a driveway and fill low area of high traffic

The Board questioned if they have the right to use the road.

#### Old Business

Mr. Farrow was concerned about the date the Cape Cod Co. application went to the Martha's Vineyard Commission. Mrs. Vanderbilt will check as to when the application was received by the Commission.

The Board discussed their standing on the warrant article regarding guest houses submitted for the Town Meeting.

#### New Business

The Board would like to recommend to the Conservation Commission that they look into the problems at Peaked Hill Pastures.

The Board discussed their position on the Windy Gate property. It was suggested to have a joint meeting with the Board of Selectmen. The Board will recommend



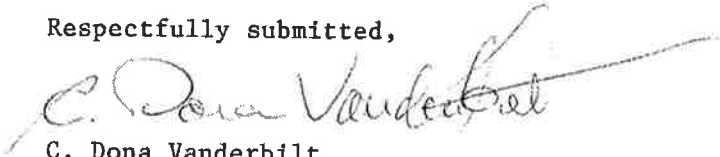
the Board of Selectmen look into it further.

A motion was made and seconded to approve payment to Thomas Bracken for services received. The Board voted all in favor.

Adjournment

The meeting adjourned 8:00 pm.

Respectfully submitted,

A handwritten signature in cursive script, reading "C. Dona Vanderbilt". The signature is written in dark ink and is positioned above the printed name and title.

C. Dona Vanderbilt  
Administrative Assistant