

THE MARTHA'S VINEYARD COMMISSION

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BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557
617-693-3453

DATE: December 26, 1978
TO: Planning Board, Town of Chilmark
FROM: Martha's Vineyard Commission
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION
RE: RESIDENTIAL SUBDIVISION
APPLICANT: Prospect Hill Real Estate Trust

SUMMARY

The Planning Board of the Town of Chilmark is granted approval by the Martha's Vineyard Commission to grant the necessary development permits for the Applicant's residential subdivision. This approval with the condition contained herein was by vote of the Commission on December 21, 1978. The Town Planning Board may approve the development proposal and may, if authorized by local development ordinances and by-laws, place additional conditions upon or disapprove the development application.

DECISION OF THE MARTHA'S VINEYARD COMMISSION

A Public Hearing was held on December 14, 1978 by the Martha's Vineyard Commission (the "Commission") at 8:00 p.m. at the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA upon public notice to consider the application of Prospect Hill Realty Trust (the "Applicant") for a residential subdivision approval in the Town of Chilmark (the "Application"). The proposed development is for the division of 32 \pm acres into 4 lots as shown on a plan entitled "North Road Property, Prospect Hill Real Estate Trust, Chilmark, Ma. 4/25/72, scale 1" = 88.1', a compendium of all previous issues and supplementary data, as drawn by R.G. Lawrence, 11/15/74." This proposal proposes to divide a contiguous ownership of more than 30 acres into 4 lots and is thus a Development of Regional Impact under the Criteria and Standards, Development of Regional Impact 3.201. This application was referred to the Commission for action pursuant to Chapter 831, Acts of 1977 (the "Act"). Said application and notice of public hearing are incorporated herein.

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On December 14, 1978 the Hearing was held pursuant to the Act and Massachusetts General Laws, Chapter 30A, Section 2, and was chaired by Marc Widdiss, member of the Commission's Land Use Planning Committee. Mr. Widdiss opened the Public Hearing and read the public notice. Ronald Mechur, Executive Director of the Commission, delivered a presentation concerning the development of the locus. The proposal lies within a major watershed and due to subsurface soil characteristics, is a seasonal wetland. There was a call for proponents. Mr. Robert Lawrence, Trustee, addressed the Commission concerning the water features and the association, as well as the man-made pond and open space. Following a call for opponents, Mr. Sidney Harris of Chilmark discussed the history of abutting properties. He expressed concern of surface water carrying clay particles from previous excavation into the water resources.

Commissioner Frisch recommended that the Land Use Planning Committee of the Commission meet to consider the testimony and present a recommendation to the Commission at the next meeting. Commissioner Jason questioned whether monitoring the wells could be placed on-site to monitor subsurface water pollution. There was no further testimony and the Hearing closed.

Under the Act, the Commission is required to make findings after its review of the development proposal. It must consider the probable benefits and detriments of the proposal. In this matter the Commission has considered each factor enumerated in these sections of the Act and has considered its Information for Evaluation of Large Scale Residential Developments together with the information presented at the Public Hearing.

The Commission finds that the probable benefits, with the condition contained herein, of the application will exceed the probable detriments and will not interfere substantially with the achievement of any general plan of the Town of Chilmark or of Dukes County, or violate any local development ordinances and by-laws.

The Commission finds that the development proposal will be more beneficial than detrimental when compared to alternative manners of development or development occurring in alternative locations.

The Commission finds the proposed development is consistent

with local development ordinances and by-laws to the extent it is required to, only the Application being before it at this time. The Applicant must, consistent with the Decision, apply to appropriate Town of Chilmark officers or boards for any other development permits which may be required together with any other development permits required by law.

The Commission adopted the recommendation of the Land Use Planning Committee on December 21, 1978 and places the following condition, agreed to by the Applicant, upon the development approval:

That the Commission Chairman and Executive Director, or their successors in office from time to time, be granted all rights of access to examine, collect, and take surface waters, and as more explicitly set forth in a Memorandum of Intent (12/21/78), which is incorporated as part of this Decision.

The Commission approves the Town of Chilmark officials granting applicable development permits.

This decision is written consistent with the VOTE OF THE COMMISSION:

December 21, 1978


George H. Mathiesen, Chairman


Notary Public



12/29/78
date

my commission expires: 11/10/83

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December 21, 1978

Memorandum of Intent

The purpose of this Memorandum is to maintain and enhance the water quality conditions of the Prospect Creek Watershed and the locus.

The Executors, Administrators, Heirs, Successors, Trustees, and Assigns of the Owners of Land in Chilmark, MA as shown on a plan of land entitled "Plan of Land in Chilmark, Mass. - Surveyed for Prospect Hill Real Estate Trust - Henry R. Anderson - Registered Land Surveyor, Vineyard Haven, March 30, 1972 at a scale of 1" = 200'", and being a subdivision of land of 32 acres into 4 lots referred to the Martha's Vineyard Commission as a Development of Regional Impact, grant to the Martha's Vineyard Commission through its Chairman and Executive Director and their successors in office from time to time, all rights of access to examine, collect, and take surface waters located on the property.

Such access shall be limited to weekdays between 9:00 a.m. and 11:00 a.m.

The owners shall not pay any fee associated with the sampling and the owners shall be informed by the Martha's Vineyard Commission of results.

This Memorandum may be amended from time to time by agreement of all the Signatories, or their Successors, Assigns, or Successors in office.

The foregoing Memorandum of Intent is hereby approved.

PROSPECT HILL REAL ESTATE TRUST

Robert G. Lawrence
Robert G. Lawrence, Trustee

1/2/79

date

PLANNING BOARD, TOWN OF CHILMARK

Annabelle Dietz
Annabelle Dietz, Chairman

1/4/79
date

MARTHA'S VINEYARD COMMISSION

George H. Mathiesen
George H. Mathiesen, Chairman

12-29-78 am
date

Edgartown, Mass. January 10 1979
at 1 o'clock and 30 minutes P M
Received and entered with Dukes County Deeds
book 363 Page 597.

Attest:

Beverly W. King
Register