

11
December 30, 1975

TO: Planning Board of the Town of Chilmark
FROM: THE MARTHA'S VINEYARD COMMISSION
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION: RE Robert Clark
APPLICANT: Robert K. Clark

SUMMARY

The Town permit-granting agencies have been granted approval by the Martha's Vineyard Commission to grant the necessary development permits for Robert K. Clark's proposed development. This approval was by vote of the Commission on December 30, 1975 and is contingent upon the conditions contained within the Decision. Development must proceed within one-year of the issuance of this approval, or else new approval from the Martha's Vineyard Commission will be necessary.

DECISION

OF

THE MARTHA'S VINEYARD COMMISSION

RE: Robert K. Clark

A Public Hearing was held on December 11, 1975 by the Martha's Vineyard Commission, at 8:00 p.m. upon Public Notice to consider the application of Robert K. Clark for an endorsement of the Planning Board that approval under the subdivision control law is not required in the Town of Chilmark ("the Application"). The proposed development is for a division of land, the premises shown as 4 acres of land on a plan entitled "Plan of Land in Chilmark, Massachusetts prepared for Robert K. Clark, scale 1"=50', October 8, 1975, Schofield Brothers, Registered Land Surveyors, State Road, Vineyard Haven". This location is within 500 feet of Chilmark Pond, and is thus a Development of Regional Impact under criteria and standards, Development of Regional Impact Checklist Section 1.202. This application was referred to the Commission for action pursuant to Chapter 637, Acts of 1974 as amended ("the Act"). Said application is incorporated herein by reference.

At the hearing held pursuant to said Chapter 637 and Massachusetts General Laws, Chapter 30A, section 2, the Commission received testimony from Steven Pflug, and additional information, including maps of the general area and specific site, a plan of the proposed division of land, and a letter from J. Riggs Parker, Chairman, Chilmark Planning Board, dated October 17, 1975.

In Re Robert K. Clark

Based on the testimony and information, the Development of Regional Impact Committee of the Commission presented a verbal report and recommendation to the Commission on December 22, 1975, which is incorporated herein.

Under Sections 15 and 16 of Chapter 637, 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 been guided by its Policies to be Used in Considering Development Proposals Whose Impact is of a Regional Nature, adopted by the Commission on June 5, 1975 ("DRI Policy").

The Commission finds the probable benefits from the proposed development will exceed the probable detriment and that the proposal will not substantially interfere with the achievement of any general plan of the Town of Chilmark or of Dukes County. In particular, the division is on a major Island road which has been designated as a District of Critical Planning Concern, where the control of access has been adopted by the Commission as a development guideline on December 22, 1975. The Commission finds that the benefits of the proposed development will outweigh the detrimental impacts:

- a) The division is consistent with preserving the rural quality of life, as expressed in DRI Policy 1.001.
- b) The division will not adversely affect water quality (DRI Policy 2.60), open space (DRI Policy 2.80 and visual quality (DRI Policy 2.90).

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 this decision, apply to appropriate Town of Chilmark officers or boards for any other Development Permits which may be required.

The Commission approves the Town of Chilmark officials granting applicable Development permits, subject, however, to the following conditions:

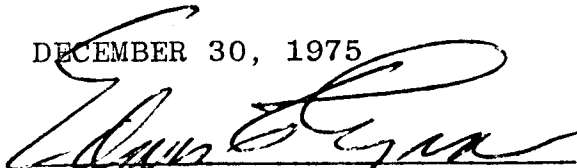
1. The planning board shall not endorse the plan until it finds that the Applicant shall provide only a single access from the proposed lot to the existing dirt road providing access to the State Highway. The access road from the proposed lot to the existing access road shall be marked upon the plan and any deed referring to the parcel to be divided shall refer to this access road so marked on the plan.
2. There shall be no direct access to the State Road from the proposed lot and notation to that effect shall be made on the plan before the planning board endorsement.
3. The planning board shall not endorse the plan until the Applicant has marked on the plan the location of existing and pro-

posed vegetation of sufficient size, density and depth to provide adequate screening of any proposed structure to be erected on the lot. Said vegetative screening shall be parallel to the State Road and the screening shall be sufficient so as to minimize visual impact of the site, as observed from the State Highway. Any deed by the applicant referring to the parcel shall contain a covenant referring to this vegetative screening and provide for the continued maintenance of such a vegetative screen. If the planning board finds no vegetative screening necessary, and all other conditions are met, the planning board may endorse the plan with no special indications on the plan, thereby obviating this condition.

4. The planning board shall not endorse the plan until the location of any proposed residential construction site or sites have been marked upon the plan by the Applicant in such location or locations as deemed suitable by the planning board based on the criterion that any future structure should not create unnecessary disruption to the quality of the view from the State Highway.
5. The plan, with all access roads, proposed construction sites and vegetative screening marked thereon, shall be filed at the Dukes County Registry of Deeds, and shall also have marked thereon reference to this Decision, as filed in the office of the Town Clerk of the Town of Chilmark.
6. Endorsement of the plan by the Chilmark Planning Board shall be conclusive evidence of compliance with the conditions in favor of all persons relying thereon.

BY VOTE OF THE COMMISSION

DECEMBER 30, 1975



Edwin G. Tyra, Chairman

Condition (5) revised as per the December 30, 1975 Decision.