

THE MARTHA'S VINEYARD COMMISSION

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DATE: October 16, 1980

TO: Planning Board of the Town of Chilmark

FROM: Martha's Vineyard Commission

SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION
RE: RESIDENTIAL SUBDIVISION

APPLICANT: Clarissa Allen, et al

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 in accordance with the conditions contained herein. This approval was by vote of the Commission on October 16, 1980. The Town Planning Board may approve the development proposal and may, if authorized by local development ordinances and by-laws, place conditions upon or disapprove the development application.

DECISION OF THE MARTHA'S VINEYARD COMMISSION

A Public Hearing was held on October 16, 1980 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, Massachusetts, upon public notice to consider the application of Clarissa Allen, et al (the "Applicant") for a residential subdivision approval in the Town of Chilmark (the "Application"). The proposed development is for the division of 116.5 acres into 12 (twelve) lots as shown on a plan entitled "A Plan of Land in Chilmark, Mass., Surveyed for Clarissa Allen et al, August 19, 1980 at a scale of 1"=100', by Dean R. Swift, Registered Land Surveyor, Vineyard Haven, Mass." The applicant proposes to divide a contiguous ownership of land into 12 or more lots and is thus a Development of Regional Impact under the Criteria and Standards, Development of Regional Impact, Section 3.201, 3.203. The Application was referred to the Commission for action pursuant to Chapter 831, Acts of 1977, as amended ("the Act"). Said application and notice of public hearing are incorporated herein.

On October 16, 1980, the Hearing was held pursuant to the Act and the Massachusetts General Laws, Chapter 30A, Section 2, and was chaired by Marc Widdiss, Acting Chairman of the Commission's Land Use Planning Committee. Mr. Widdiss read the legal notice and opened the Public Hearing. There was a call for proponents. Robert Kendall, representing the Applicant, discussed the plan. Various points discussed by Mr. Kendall included designated building zones, architectural review, and energy related siting requirements for the prospective buildings. Mr. Kendall also described a cluster approach used by the Applicant as well as the Applicant's commitment to the Farmland Assessment Act program for the large fields within the development plan. There were questions regarding septic system placement and the status of the plan as a definitive plan. There were also questions regarding access to and visibility of the development from South Road. There was a call for opponents, and there were none. There was no further testimony and the Hearing was 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 this information presented at the Public Hearing.

The Commission finds that the probable benefits 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 or 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 that the proposed development is consistent with local 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.

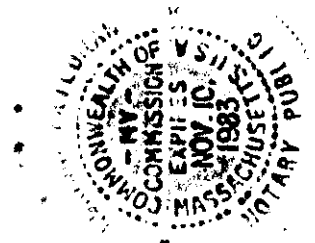
The Commission approves the Town of Chilmark officials granting applicable development permits.

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

October 16, 1980.

Benjamin C. Moore
Benjamin C. Moore, Chairman

Maureen Tweeder
Notary Public



11/17/80
date

my commission expires: 11/10/83

Edgartown, Mass. November 19 1980
at 2 o'clock and 10 minutes P M
Received and entered with Dukes County Deeds
book 377 Page 538

Attest: Suzerly W. King
Register