

THE MARTHA'S VINEYARD COMMISSION

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DATE: May 13, 1982
TO: Planning Board, Town of Chilmark
FROM: Martha's Vineyard Commission
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION
RE: RESIDENTIAL SUBDIVISION
APPLICANT: James Baclawski et al, c/o Schofield Brothers, Inc.

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 was by vote of the Commission on May 13, 1982. 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 Thursday, April 8, 1982 by the Martha's Vineyard Commission (the "Commission") at 8:00 p.m. at the Martha's Vineyard Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts upon public notice to consider the application of James Baclawski et al, c/o Schofield Brothers, Inc. (the "Applicant") for a residential subdivision approval in the Town of Chilmark (the "Application"). The proposed development is for the division of 44.74+ acres into 11 lots and common land as shown on plans entitled "Plan of Land in Chilmark, Mass., Being a Subdivision of Lot 4, L.C.C. 22053-C, Scale: 1"=100', February 9, 1982, Schofield Brothers, Inc., Registered Professional Engineers and Land Surveyors." The proposed development is for division of a contiguous ownership of land into ten or more lots and is thus a Development of Regional Impact under the Criteria and Standards, Development of Regional Impact, Section 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 April 8, 1982, the Hearing was held pursuant to the Act and the Massachusetts General Laws, Chapter 30A, Section 2 and was chaired by Margaret Harris, Co-Chairman of the Commission's Land Use Planning Committee. Mrs. Harris opened the Hearing and read the public notice. Jim Muth, Commission staff member, made a verbal and slide presentation regarding the locus of the proposal including a slope analysis, lot and access road configuration, and wetlands. Mr. Muth also described appropriate Road District regulations on the site as well as points of concern including the number of access roads and house and road sitings relative to slopes and availability of drinking water. Dick Barbini, Schofield Brothers, Inc., representing the Applicant, described the road system, the presence of a youth lot, common areas, and buffer zones. There was a call for proponents. There were none. There was a call for opponents. Mr. Peter Colt Josephs, a Chilmark resident, described the history of concern regarding development in the Meeting House Road/King's Highway area. Mr. Barbini mentioned that his client would covenant that there be no detached guest houses on any of the lots. Mr. Jonathan Scott, a Chilmark resident, mentioned his concern for housing density in the area. A letter in opposition from Melvin & Betty Taymor; Michael & Constance Hume; Russell Albert; David & Jane Fagell; and Richard & Elizabeth Levine was read into the record by Mrs. Harris. Mr. Andrew Marvel, representing the Chilmark Site Review Committee, read the Committee's report regarding the proposal. Mr. Jules Worthington, representing the Chilmark Planning Board, described the unresolved problems of distance between access roads as well as several provisions that could be incorporated into the plan for its overall improvement. Mr. Worthington expressed the board's concern and interest to further work on the plan with the Applicant toward a more acceptable plan. There was further discussion regarding the 1,000 foot rule of the Road District between access roads. Mrs. Harris, in view of several unresolved issues between the town Planning Board and the Applicant, recommended that the Hearing be continued on May 13, 1982 at 8:00 p.m. The Hearing recessed.

On Thursday, May 13, 1982 at 8:00 p.m., Commissioner Margaret Harris reconvened the the Public Hearing and called for testimony. Dick Barbini, representing the Applicant, presented a revised plan entitled "Plan of Land in Chilmark, Mass., Being a Subdivision of Lot 4, L.C.C. 22053-C, Scale: 1"=100', February 9, 1982, Schofield Brothers, Inc., Registered Professional Engineers and Land Surveyors, Petitioner: James Baclawski et al., Revised: May 12, 1982." He described the common areas, road access and lot configuration, and the differences between the revised and original plans. Jules Worthington, Chilmark Planning Board, read a letter describing the various plan specifications agreed upon between the board and the Applicant. Those specifications included:

1. Wells shall be installed on all lots prior to the sale or transfer of the lots;
2. A 75 foot setback on King's Highway;
3. A 75 foot setback on the first 200 feet off Meeting House Road from the corner of Meeting House Road and King's Highway in a southerly direction. The remainder of the property abutting Meeting House Road shall have a 200 foot setback. The setback on South Road shall be 100 feet. In these setback areas there will be no cutting except that approved by the Site Review Committee to maintain view. A screen of foliage will be left uncut to screen the road from the houses.
4. A youth lot will be put in along South Road.
5. The King's Highway access will be used only for the two lots which abut King's Highway.
6. The main entrance to the subdivision (to be used for the remainder of the lots) will be from South Road at the blue gate. This road will be extended in a northerly direction to 100 feet south of the southern edge of the wetland.
7. Building sites 200 feet in diameter or less shall be included on the plan.

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 the 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 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 that 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 comply with the aforementioned specifications for the revised plan agreed upon with the Chilmark Planning Board and, consistent with the Decision, apply to appropriate Town of Chilmark officers and 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:

May 13, 1982.

Leonard Jason, Jr.
Leonard Jason, Jr., Chairman

Norman Fred
Notary Public

my commission expires: 11/10/83

3 June 82
date

6/4/82
date

