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# THE MARTHA'S VINEYARD COMMISSION

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MASSACHUSETTS  
02557  
617-693-3453

DATE: June 17, 1982  
TO: Conservation Commission, Town of Chilmark  
FROM: Martha's Vineyard Commission  
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION  
RE: COASTAL CONSTRUCTION  
APPLICANT: Emma T. Parker

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## SUMMARY

The Conservation Commission of the Town of Chilmark is granted approval by the Martha's Vineyard Commission to grant the necessary development permits for the Applicant's coastal construction. This approval was by vote of the Commission on June 17, 1982. The Town Conservation Commission 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, May 27, 1982 by the Martha's Vineyard Commission (the "Commission") at 8:30 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 Emma T. Parker for a coastal construction approval in the Town of Chilmark (the "Application"). The proposed development is for construction of a wooden retaining wall and an extension to an existing wooden pier as shown on a plan entitled, "Plan to Accompany Petition of Emma T. Parker to Construct an Extension to Existing Wooden Pier (License No. 4462) in Menemsha Basin, Chilmark, Mass.- Scale: 1" = 20', June 24, 1981, Schofield Brothers, Inc., Registered Professional Engineers & Land Surveyors, State Road, Vineyard Haven, Mass. 02568." The development is within Menemsha Harbor and is thus a Development of Regional Impact under the Criteria and Standards, Development of Regional Impact, Section 3.501. The Application was referred to the Commission for action pursuant to Chapter 831, Acts of 1977, as amended ("the Act").

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 June 3, 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 Land Use Planning Committee. Mrs. Harris read the legal notice and opened the public hearing. Jim Muth, of the Commission's staff, described lot layout and locus of the proposal emphasizing the location of the plan relative to West Tisbury town center and Music Street. Mr. Muth also described height restrictions within the Road District and conditions presented by the West Tisbury Planning Board. There was a further explanation of the estate and inheritance tax situation of the applicants and their compliance with IRS Tax Code 2032 as a strategy to maintain lot 1 (approximately 63.5 acres) as agricultural land. There was a call for proponents. There were none. There was a call for opponents. There were none. Ron Mechur, Vineyard Open Land Foundation, mentioned that Road District regulations relative to the height of structures might be a limiting factor in carrying the theme of nearby Music Street where there are taller homes built close to the road. Ronnee Schultz, Chairman of the West Tisbury Planning Board, responded with the Planning Board's position of diminishing the impact on the field by restricting home sites to within 200 feet of Panhandle Road. Mr. Block, West Tisbury resident, inquired about covenants on the lots. Don Voltz, of Smith & Dowling and representing the Applicant, described the sequence of availability of the lots. Mr. Schultz mentioned how the plan could have a better access arrangement off Panhandle Road if there was some flexibility to the "1,000 foot regulation" of the Road District. He further indicated the Planning Board's interest to provide a special permit provision in the town's zoning by-law to allow for some flexibility for additional access with less than 1,000 feet separation. Commissioner Ben Moore commented that he supported the idea of the development plan extending the village center theme and found that in this case the Road District regulations were working against that prospect. He further supported the idea of additional access

Said Application and notice of Public Hearing are incorporated herein.

On May 27, 1982, the Hearing was held pursuant to the Act and the Massachusetts General Laws, Chapter 30A, Section 2 and was chaired by Benjamin Moore, Land Use Planning Committee member, who read the public notice and opened the Hearing for testimony. Jim Muth, staff member, gave a slide presentation of the site with Mr. Parker narrating. However, Mr. Parker stated that the Applicant's plan had been revised hours before the Hearing at a meeting with Schofield Brothers, Inc. and Mr. Hancock and Mr. Barnes, abutters to the Applicant. Mr. Parker stated that the work will be done in the off season. There were no other proponents and no opponents. Russell Walton, Chairman of the Chilmark Conservation Commission, asked that this revised application be referred to the board for review of the revisions. Mr. Moore stated that in view of the new information the Hearing would be recessed until June 17, 1982 at 8:30 p.m. The Hearing was recessed.

On Thursday, June 17, 1982 at 8:30 p.m. the Public Hearing was reopened upon the reading of the legal notice by Margaret Harris, Co-Chairman of the Land Use Planning Committee. The revised plan, entitled, "Plot Plan of Land in Chilmark, Mass., Scale: 1" = 20', Date: 6/1/82, Prepared for Emma T. Parker, by Schofield Brothers, Inc., State Road, Vineyard Haven, Massachusetts 02568", was presented by Mr. Barbini, Schofield Brothers, Inc., who discussed the changes from the original plan. These included the elimination of the proposed wooden retaining wall, an added pier extension, and a proposed metal bulkhead with attendant piles and dredging. There was a call for proponents. There were none. There was a call for opponents. There were none. Michael Wild, Executive Director of the Martha's Vineyard Commission, stated that the Chilmark Conservation Commission had heard the proposal and rendered identical conditions to a concurrent coastal construction development on the abutting land of Mr. Hancock and Mr. Barnes. 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 Coastal 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 or by-laws.

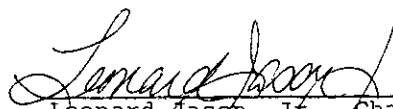
The Commission finds that the development proposal will be more beneficial than detrimental when compared to alternative manners of development or development occurring in alternative locations.

The Commission finds that the proposed development is consistent with local 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 approves the Town of Chilmark officials granting applicable development permits.

This decision is written consistent with the VOTE OF THE MARTHA'S VINEYARD COMMISSION:

June 17, 1982.

  
Leonard Jason, Jr., Chairman

7/1/82  
date

  
Notary Public

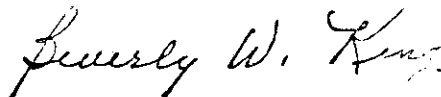
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my commission expires: 11/10/83

Edgartown, Mass. July 7, 1982  
at 9 o'clock and 10 minutes A M  
Received and entered with Dukes County Deeds  
book 393 Page 734

Attest:



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