

## THE MARTHA'S VINEYARD COMMISSION

BOX 1447  
OAK BLUFFS  
MASSACHUSETTS  
02557  
617-693-3453

Date: November 7, 1985  
To: Planning Board, Town of Chilmark  
From: Martha's Vineyard Commission  
Subject: Development of Regional Impact  
RE: Residential Subdivision  
Applicant: Howard; G. Geoffrey & Louis W. Young  
c/o Tom Counter & Associates, Agent  
P.O. Box 531  
Vineyard Haven, MA 02568

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Decision of the Martha's Vineyard Commission

SUMMARY

The Martha's Vineyard Commission (the Commission) hereby approves the Application of Howard, G. Geoffrey and Louis W. Young, c/o Tom Counter and Assoc., Box 531, Vineyard Haven, Mass. 02568 for the subdivision of land in the Town of Chilmark as shown on the plan entitled: "Plan of Land in Chilmark, Mass, surveyed for Howard W., G. Geoffrey, and Louis W. Young, November 6, 1985, Dean Swift, Registered Land Surveyor, Vineyard Haven, Mass.", consisting of one (1) sheet, (the Plan).

The Decision is rendered pursuant to the vote of the Commission on December 19, 1985. The Planning Board of the Town of Chilmark may now grant the necessary development permits for the Applicant's residential subdivision in accordance with the Decision contained herein and place further conditions thereon, or, may disapprove the development application.

FACTS

The proposed development is a Development of Regional Impact as defined by the Commission's Criteria and Standards, Developments of Regional Impact, Section 3.201. The Application was referred to the Commission by the Planning Board of the Town of Chilmark for action pursuant to MGL Chapter 831, Acts of 1977, as amended. (the Act). The Application and notice of public hearing relative thereto are incorporated herein.

A duly noticed public hearing on the Application was conducted by the Commission pursuant to the Act and Massachusetts General Laws, Chapter 30A, Section 2 on December 19, 1985 at 8:15 PM at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts. The proposal is for the division of 70.91 acres into 9 lots.

Edith Eber of the Land Use Planning Committee read the hearing notice and opened the hearing for testimony at 8:35 P.M.

Jim Muth, MVC staff discussed the general area and showed a series of slides of the site. He explained the overlay districts and their relationship to the site.

Tom Counter, agent for the owners explained the proposal and noted that the large open area was to be purchased by the town/state using self-help funds. He discussed the roadway as it joins Middle Road and the fact that a new culvert would be placed under the roadway.

A discussion of youth lot inclusion followed, none was proposed.

A discussion of the use of the conservation land followed with respect to public access.

Pam Goff, Chilmark Conservation Commission explained the self help proposal and spoke in favor of the application.

Mrs. Eber then called for proponents - there were none.

She then called for opponents - there were none.

There being no further testimony, the hearing was closed at 9:00PM.

#### FINDINGS

The Commission has considered the Application and the information presented at the public hearing and based upon such consideration, makes the following findings pursuant to Section 14 of the Act:

- A. The Commission finds that the probable benefits of the proposed development will exceed the probable detriments

of the proposal in light of the considerations set forth in section 15 of the Act.

- B. The Commission finds that the proposed development will not interfere substantially or unreasonably with the achievement of the objectives of any general plan of the Town or of Dukes County.
- C. The Commission finds that the proposed development as set forth in the Application and the Plan will be consistent with local development ordinances or by-laws.
- D. The Commission finds that the development proposal will be more beneficial than detrimental when compared to alternative manners of developments or developments occurring in alternative locations.

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The Commission finds that the proposed development is consistent with the 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 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 December 19, 1985.

Any party aggrieved by a determination of the Commission may appeal to the Superior Court within twenty days after the Commission has of its decision and has filed a copy of its decision with the Town Clerk of the town in which the proposed development is located.

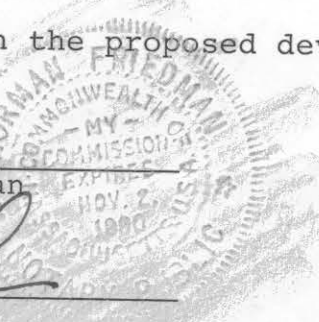
*Leonard Jason, Jr.*  
Leonard Jason, Jr., Chairman

1/16/86  
Date

*Michael V. ...*  
*Robert Fried*

1/16/86  
Date

Notary  
My Commission expires Nov. 2, 1990



Edgartown, Mass. January 17, 1986  
at 8 o'clock and 37 minutes AM