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THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557

DATE: October 16, 1986

TO: Planning Board, Town of Chilmark

FROM: Martha's Vineyard Commission

SUBJECT: Development of Regional Impact
RE: Residential Subdivision

APPLICANT: Quansoo Realty Trust
Fred M. Dellorfano Jr. &
Michael Solimando, Trustees
126 High Street
Boston, MA 02110

DECISION OF THE MARTHA'S VINEYARD COMMISSION

SUMMARY

The Martha's Vineyard Commission (the Commission) hereby approves, with certain conditions, the application of Quansoo Realty Trust, Fred M. Dellorfano Jr. and Michael Solimando, Trustees, 126 High Street, Boston, MA 02110 for the development of land in the Town of Chilmark as shown on the plans entitled: "Plan of Land, Chilmark, Massachusetts, Quansoo Realty Trust, Dated: June 26, 1986 by Schofield Brothers, Inc. Engineers, and Weinmayr Associates, Inc. Landscape Architects", consisting of seven (7) sheets; and "Plan of Land in Chilmark, Mass., prepared for Quansoo Realty Trust, Dated June 24, 1986, by Schofield Brothers Inc., State Road, Vineyard Haven, Mass," consisting of one (1) sheet; and "Plan showing existing conditions and possible improvements at Quansoo Road, Chilmark, MA., by Schofield Brothers, Inc., State Road, Vineyard Haven, MA., Dated August 20, 1986 and revised September 9, 1986," consisting of one (1) sheet; making a total of nine (9) sheets.

The Decision, with conditions contained herein, is rendered pursuant to the vote of the Commission on October 16, 1986. 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 conditions contained herein, or may approve in accordance with the conditions 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 M.G.L. 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 August 21, 1986 at 8:15 P.M. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts. The proposal is for the subdivision of 71.1 acres of land into 15 lots plus one youth lot and open space.

Marc Widdiss, Chairman of the Land Use Planning Committee, read the public hearing notice and opened the hearing for testimony.

Mr. Widdiss called upon the Applicant to present the proposal. Doug Hoehn, Agent from Schofield Brothers, introduced the owners and gave the history of developing this proposal. He then called upon Michael Weinmayr, Landscape Architect, to further explain the proposal.

Mr. Weinmayr reviewed rendered drawings of the proposed subdivision regarding: meadows, buffers, house sites, dense thickets, existing roads, soils, road and path schemes. He further stated that the owners have agreed to deed one lot

to the Town of Chilmark to be used as a resident homesite youth lot.

Mr. Widdiss called upon Town Boards for testimony. Chris Murphy, Chilmark Planning Board, stated that there will be 2 covenants with the applicant regarding the no cut buffer areas: one with the Planning Board; one with the Road Association.

Rick Hopkins, Staff of Martha's Vineyard Commission, reviewed access along Quansoo Road and Field Path and the trail system in and around this proposal. Discussion followed regarding road width, turnouts, brushcuts, number of users and vehicle trips per day. Mr. Hopkins further reviewed the visibility of this land based on height limitations for structures and vegetation consisting of scrub oak. He further reviewed soil capabilities for this parcel, proximity to Tisbury Great Pond, depth to ground water and drainage. The Town's zoning by laws were reviewed regarding this proposal.

Mr. Widdiss then called for proponents. There were none.

Mr. Widdiss then called for opponents. Tom Waller, abutter, raised the issue of traffic along Quansoo Road. Loren Gilonni and Mr. Sydell questioned the no cut buffers, walking paths, and vehicular access through no cut areas. Barbara Norfleet and Mike Rodell further raised concern regarding walking paths. The opponents concerns were addressed by Michael Weinmayr and Doug Hoehn.

Malcolm Jones, neither for nor against, expressed concern for a Master Plan for the pond as properties are affected by the pond level.

Questions from Commissioners were answered regarding the number of subdivisions and number of existing homes (year-round and seasonal) in the surrounding area; and widths and locations of no cut buffer zones and enforcement of these zones.

There being no further testimony the hearing was closed at 9:03 P.M.

FINDINGS AND CONDITIONS

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, subject to the conditions set forth herein, 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 the development as set forth in the Application and the plan will be consistent with local development ordinances and By-laws.
- d. The Commission finds that the development proposal will be more beneficial then detrimental when compared to alternative manners of development or developments occurring in alternative locations.

The Commission has considered the Question of the potential impact of this proposal on the environment and on other persons or property pursuant to Section 15 of the Act and has set the following conditions:

THE APPLICANT SHALL SATISFY THE CHILMARK PLANNING BOARD IN PROVIDING SAFE AND ADEQUATE ACCESS ALONG QUANSOO ROAD. IF THE CHILMARK PLANNING BOARD STATES THAT IMPROVEMENTS ARE NECESSARY ALONG SAID ROAD, THE APPLICANT SHALL INCUR THE EXPENSE OF IMPROVEMENTS.

NO GUEST HOUSES SHALL BE ALLOWED WITHIN THE SUBDIVISION.

NO MORE THAN 20% OF ANY LOT'S LAND AREA WILL BE LAWN AND GARDEN. THIS CONDITION SHALL BE INCORPORATED WITHIN THE HOMEOWNERS ASSOCIATION GENERAL COVENANTS.

THE NO-CUT BUFFER ZONES SHOWN ON THE PLAN ENCIRCLING THE PARCEL OF LAND AND RANGING IN WIDTH BETWEEN 100 FEET AND 200 FEET SHALL REMAIN IN THEIR NATURAL STATE.

NO NEW PATHS SHALL BE DEVELOPED ALONG THE EASTERN BOUND OF THIS SUBDIVISION.

THE APPLICANT SHALL INSTALL, AT HIS EXPENSE, A DEEP EXPLORATION WELL WITHIN THE SUBDIVISION AT A LOCATION AND WITH SPECIFICATIONS TO BE DETERMINED BY THE TOWN OF CHILMARK'S BOARD OF HEALTH AND THE STAFF OF THE MARTHA'S VINEYARD COMMISSION. THE TOWN'S BOARD OF HEALTH AND STAFF OF THE MARTHA'S VINEYARD COMMISSION SHALL CREATE A TESTING PROGRAM AND MAINTAIN RECORDS OF ALL TESTS TAKEN. COSTS FOR SUCH TESTS SHALL BE INCURRED BY THE TOWN. THE APPLICANT SHALL INSTALL SAID WELL WITHIN TWELVE (12) MONTHS OF THE APPROVAL OF THE PLAN AND ALLOW THE COLLECTION OF SAMPLES TO BE TAKEN AT REASONABLE TIMES BY THE TOWN OR ITS APPOINTED DESIGNEE AND OR THE STAFF OF THE MARTHA'S VINEYARD COMMISSION.

The Commission has considered the Applicant's offer of a youth lot and in light of that consideration and pursuant

to Section 15 of the Act, the Commission sets the following condition:

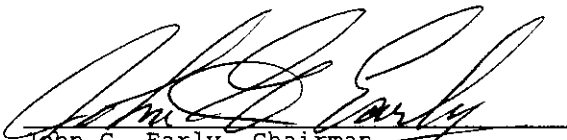
ONE YOUTH LOT, AS DESIGNATED ON THE PLAN, SHALL BE GIVEN TO THE TOWN OF CHILMARK FOR ASSISTANCE WITH THE TOWN'S HOUSING NEEDS.

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 by law.

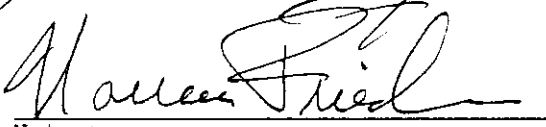
The Commission approves the Town of Chilmark officials granting applicable development permits.

This Decision is written consistent with the vote of the Commission: October 16, 1986.

Any party aggrieved by a determination of the Commission may appeal to the Superior Court within twenty (20) days after the Commission has sent the development Applicant written notice, by certified mail, of its decision and has filed a copy of its decision with the Town Clerk in the Town in which the proposed development is located.


John G. Early, Chairman

10/23/86
Date



Notary

10/23/86
Date

NORMAN FRIEDMAN
NOTARY PUBLIC
My commission expires Nov 2, 1991

Edgartown, Mass. Oct 24 1986
at 8 o'clock on 50 minutes A M
Received and entered in the County Deeds
book 258 Page 676

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Attest: 
Register