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# THE MARTHA'S VINEYARD COMMISSION

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December 21, 1976

TO: PLANNING BOARD OF THE TOWN OF CHILMARK  
FROM: MARTHA'S VINEYARD COMMISSION  
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT RE:  
BELDEN PROPERTY  
APPLICANT: LAWRENCE P. BELDEN

SUMMARY

The Planning Board of the Town of Chilmark has been granted approval by the Martha's Vineyard Commission to grant the necessary development permits for the Applicants definitive plan subdivision. This approval was by vote of the Commission of December 20, 1976 and is contingent upon the conditions within this Decision. The Town Planning Board must act upon the development proposal with the conditions herein or place additional conditions upon it or disapprove it within one year of the date of this Decision or new referral to the Martha's Vineyard Commission will be necessary.

DECISION OF THE MARTHA'S VINEYARD COMMISSION

A Public Hearing was held on December 8, 1976 by the Martha's Vineyard Commission (the "Commission") at 8:00 p.m. at Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts upon public notice to consider the application of Lawrence P. Belden (the "Applicant") for a definitive subdivision plan approval in the Town of Chilmark (the "Application"). The proposed development is for the subdivision of land of 31.32+ acres into 7 residential lots, varying in size from 3.3+ acres to 6.0+ acres, as shown on a plan entitled "Property of Lawrence P. Belden", A Subdivision Plan of Land in Chilmark, Mass., as surveyed and prepared at a scale of 1"=50' with two foot contour intervals by Schofield Brothers, Inc., Registered Land Surveyors, Lagoon Pond Road, Vineyard Haven, Massachusetts. This

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proposal is a division of land creating seven lots located within 500 feet of Chilmark Pond and thus a Development of Regional Impact under the criteria and standards, Development of Regional Impact Checklist 1.202 and 1.205. This application was referred to the Commission for action pursuant to Chapter 637, Acts of 1974, as amended (the "Act"). Said application is incorporated herein.

At the Hearing held pursuant to said Chapter 637 and Massachusetts General Laws, Chapter 30A, Section 2, the Commission received testimony from Stephen Pflug, of Schofield Brothers, Inc., representing said Applicant, and from Lawrence P. Belden, Applicant in favor of the proposal. Ronald H. Mechur and David Thompson, staff of the "Commission" delivered a presentation concerning the probable benefits and detriment of said "Application". Eight major issues were presented in oral, graphic and/or written format:

1. Soil Suitability- wetness and hardpan on site
2. Protection of Drainageway- Soil from earthwork into Warren Tiltens Brook and Chilmark Pond
3. Roadway Dead-End (T)- safety
4. Pedestrian Movement- access to beach
5. Grouping of Dwellings- provision for common open spaces
6. Districts of Critical Planning Concern- area within Island Road District, Coastal District, DNR designation
7. Omitted Items-proposed location of sewage disposal systems and water supply on each lot, and environmental plan contents, as required by local regulations
8. Road Alignment- easements across parcels

The Development of Regional Impact Committee of the Commission presented a verbal report and recommendation to the Commission on December 20, 1976. The Committee recommended that the Commission allow approval of the development proposal by the Chilmark Planning Board.

Under Sections 15 and 16 of Chapter 637, 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 Draft Policies for Large Scale Development.

The Commission finds as described herein that the probable benefits from the proposed development, will exceed the probable detriments, provided that the Applicant comply with development conditions which are contained within this decision. The Commission also finds that the proposal will not interfere substantially with the achievement of

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any general plan of the Town of Chilmark or of Dukes County, or violate any local ordinances.

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 provided the conditions are satisfied. The developed lots will be larger than the minimum 3 acre being permitted by the Town By-Law. The Commission finds the proposed subdivision to be in an area of high scenic quality and because of the large lots proposed, valuable open space is being provided. The protection of these features will be insured by compliance with the Martha's Vineyard Commission Island Road District and Coastal District regulations which affect the property.

The Commission finds 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 this 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, subject, however, to the following condition:

1. that the land not be further subdivided except upon approval by the Martha's Vineyard Commission.

BY VOTE OF THE COMMISSION

DECEMBER 21, 1976



Edwin G. Tyra, Chairman