

THE MARTHA'S VINEYARD COMMISSION

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DATE: November 11, 1977

TO: Planning Board of the Town of Chilmark

FROM: Martha's Vineyard Commission

SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION
RE: RESIDENTIAL SUBDIVISION

APPLICANT: Jerome & Laya Wiesner

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 subdivision plan. This approval was by vote of the Commission on November 10, 1977. The Chilmark Planning Board may approve the development proposal, place conditions upon it or disapprove it.

DECISION OF THE MARTHA'S VINEYARD COMMISSION

A Public Hearing was held on November 10, 1977 by the Martha's Vineyard Commission ("the Commission") at 8:00 p.m. at the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA upon public notice to consider the application of Jerome and Laya Wiesner ("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 81+ acres into 8 residential lots and common open space, as shown on a plan entitled "Plan of Land in Chilmark, MA prepared for Jerome and Laya Wiesner", dated September 26, 1977, at a scale of 1" = 100' by Vineyard Open Land Foundation, West Tisbury, MA. This proposal is a division of a contiguous ownership of more than 30 acres into 4 or more lots and thus qualifies as a Development of Regional Impact under the criteria and standards, Development of Regional Impact Checklist 3.201. The proposal contained only minor changes from a preliminary subdivision plan of the same parcel, which was approved by vote of the Commission August 4, 1977. 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 brief testimony concerning the proposal from David Thompson, Commission staff, and Tom Counter, of the Vineyard Open Land Foundation. Edith Potter, Chairwoman of the Land Use Planning Committee of the Commission offered the Committee recommendation that the Commission allow

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approval of the development proposal.

Under Sections 15 and 16 of Chapter 637, the Commission is required to make findings after its review of the development proposal and consider the probable benefits and detriments. In this regard, 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 proposal development will exceed the probable detriments. The Commission also finds that the proposal will not interfere substantially with the achievement of any general plan of the Town of Chilmark or of Dukes County, or violate any local ordinances.

The Commission finds that the proposed development will be more beneficial than detrimental when compared to alternative manners of development occurring in alternative locations. The development lots will be larger than the 3 acre minimum being permitted by Town Zoning and the development preserves valuable open space in an area of high scenic value. Additional protection will be afforded by compliance with the Martha's Vineyard Commission Coastal District Regulations which affect the property.

The Commission finds that the proposed development is consistent with local development ordinances and by laws. The Applicant must, consistent with this decision, apply to appropriate Town of Chilmark boards or officials for other necessary approvals, as required.

BY VOTE OF THE COMMISSION

November 10, 1977

George H. Mathiesen
George H. Mathiesen, Chairman

Norman Friedman 11/15/77
Notary Public

my commission expires 11/10/83



Edgartown, Mass. Nov. 15, 1977
at 3 o'clock and 16 minutes P M
Received and entered with Dukes County Deeds
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Attest: Sewerly W. King
Register