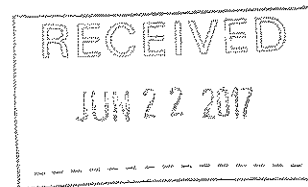




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June 22, 2017

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BY E-MAIL

Mr. Adam Turner
Executive Director
c/o Martha's Vineyard Commission
P.O. Box 1447
Oak Bluffs, MA 02557

Re: Chilmark Zoning Amendments

Dear Mr. Turner:

We write to the Commission on behalf of our client, Squibnocket Farm, Inc., to express support for the Commission's approval of the actions recently taken by the Chilmark Town Meeting to amend Article 11 of the Town of Chilmark Zoning Bylaws (the "Amendments"). Article 11 regulates activities within the Coastal District. As explained in your staff's memorandum to the Commission dated June 2, 2017, Article 11 originally was enacted in the 1970's in response to the Commission's original "Designation Decision" for the Coastal District.

The staff memo frames the question presented to the Commission as "whether [the Amendments] are in conformance with the Goals and Guidelines specified in the Commission's Designation Decision for the Coastal District." It is not the purpose of this letter to explain to the Commission what these "Goals and Guidelines" are. The staff memo covers this with perfect clarity and the Commission understands its mission better than we could ever explain. My purpose instead is to explain very briefly how the Amendments practically *by definition* conform to the Goals and Guidelines.

The Commission has in effect already made this determination. Approximately one year before Town Meeting approved the Amendments, the Commission approved the "Squibnocket Farm Access Causeway" project, DRI #338-M2 ("Causeway Project"), as a Development of Regional Impact. In doing so, the Commission determined that the Causeway Project conforms to Chilmark's Coastal District zoning regulations (i.e., Article 11) as then in effect, and to the "Goals and Guidelines." These were companion findings, because the Coastal District zoning is required to be consistent with the Goals and Guidelines. The Commission could not have found that the Causeway Project conforms to Article 11 (as in effect at the time of the Commission's decision) without also finding conformity with the "Goals and Guidelines."

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One purpose of the Amendments was to eliminate any confusion as to whether the Causeway Project complies with the Chilmark Zoning Bylaw, and in the process confirm and clarify that similar roadway improvement and relocation projects sited within Chilmark's Coastal District or Squibnocket Pond District may likewise conform to zoning as well, so long as review and approval by any governing body with jurisdiction (e.g., the Commission) is properly obtained. The Amendments eliminated any doubts about what the Commission had already decided – i.e., that the Causeway Project complies with the "Goals and Guidelines." It follows that the Amendments must likewise be consistent with the "Goals and Guidelines" – with respect to both the general aspects of the guidelines and their detailed aspects, including the limitation of roadways to a width, for vehicular use, of no more than 10 feet. Any decision to the contrary would contradict the Commission's prior (and proper, and unappealed) approval of the Causeway Project.

We thank the Commission for the opportunity to submit this comment.

Very truly yours,



Peter A. Alpert

cc: Ronald Rappaport, Esq.
Warren Spector