To: Members of the Board of Health:

From: The Residents of Chocker’s Lane Neighborhood

Re: Quitsa Nominee Trust Proposal

Date: April 17, 2023

We write again to communicate our continued opposition to the application submitted by Quitsa Nominee Trust requesting variances to permit the installation of a septic system off of Chocker’s Lane in preparation for the construction of a three-bedroom residence at that location.

We will not repeat our serious concerns about the damage that will be done to a very precious and endangered piece of our town if this project is allowed to go forward. We covered that in our first letter to you, and our feelings – set forth there – have only gotten stronger as we have engaged with you over the past weeks. Over and above the adverse impact that will surely come to pass by allowing this project to go forward, we would point out as well that the process -- with heavy-duty machinery -- of transporting construction materials to the site, of preparing the site and installing a foundation and of building the structure itself will almost certainly – by itself – do serious and permanent damage to the surrounding environment and all that is in it.

The recent revisions in the proposed Plan demonstrate awareness that this project poses a serious challenge to this Board’s obligation to protect the wetlands, but they do not change the basic character of the proposal. On the contrary, they underscore the indefensibility of the entire project.

1. Variances requested in the original proposal must be granted for the project to go forward. There is no meaningful change in that regard.
2. The revised plan actually moves the new leaching facility 9’ closer to the Salt Marsh to the North of the property and closer to Menemsha Pond.
3. The 5’ reduction in the length of the new leaching facility – from 30’ to 25’ -- allows there to be a marginal increase in some set-backs and separations from the leaching facility. We believe those increases are not material:
* Separation from the Bezanson well *increases 2’* from 155 ‘ to 157’ (200’ is required);
* Separation from saltmarsh in the West *increases 11’* from 165‘ to 176 (200’ is required);
* Separation from saltmarsh in the North *decreases* 9’ from 190’ to 181’ (200’ is required).

The revised plan claims that the separation between the two septic facilities is increased from 46’ to 66’ but provides no explanation as to how that is actually accomplished. Even if such increased separation could be achieved, it would not resolve the problem of nutrient loading that clearly will result from the close proximity of these two fields. (The regulation requires 300’ separation.).

The argument that the Board should approve the request for a 66’ separation between the leaching fields because it granted such a variance to the Bezansons in the 1990s is unsound. At the time of that decision, there was of course no house on the Quitsa Nominee Trust property, meaning that the leaching field was not in use. (It is quite possible that the permit for the Quitsa Trust property had already lapsed.) More importantly, as stated at the April 5 hearing, the Board’s responsibility is to enforce the applicable regulations today, based on current standards, regardless of what might have been permitted thirty years ago.

We also note that the new plan does not include a measurement to the wetlands on the Bezanson property to the south southeast of the leaching field, and it still omits the bathing beach and marshland to the north northeast.

We do not share the view that the opinion of the Secretary of the Chilmark Board of Health about this property in 1982 – “[The proposed setbacks] do not make this unbuildable lot buildable.” – is entitled to no weight or consideration.

We recognize that flexibility in the application of Wetlands Regulations is sometimes necessary if not always desirable. We agree that property owners should be able to improve living conditions within reason and if there is no insult to the core purpose of the regulatory framework.

This proposal is not of that category. It asks the Board to abandon the Regulations altogether to allow a landowner to construct an entirely new residence close to, a stone’s throw away from Menemsha Pond. Such a result – requiring the approval of many variances to build a new structure in close proximity to the Pond – would be a regulatory failure of the first order.

Very truly yours,

The Chocker’s Lane Neighbors

See the List Below

The Ryerson Family

 Francis Shaw

Mitch and Nora Ryerson

Susan Ryerson Moon

Aleta Bezanson

Graeme and Judie Flanders

The Straight Family

 Dorothy Straight

 Michael and Audrey Straight

Elliott Fankuchen

The Craig-Noyes Family

Greg Craig and Derry Noyes

 Will, Eliza, Maggie, Mary, James

Kate Shands and Joe Mulinare

The Linden Cohen Family

 Dan, Mara, Sam, Ethan and Sasha

Dan and Priscilla Karnovsky