THE MARTHA'S VINEYARD COMMISSION

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May 27, 1976

To: Tisbury Board of Health

From: the Martha's Vineyard Commission

Subject: Development of Regional Impact Decision Re John Geary and John M. Meldon

Applicant: John Geary and John M. Meldon

SUMMARY

The Tisbury Board of Health is granted approval by the Martha's Vineyard Commission to grant the necessary development permits for the development proposal of John Geary and John M. Meldon. The Tisbury Board of Health may approve the development proposal, approve it with conditions, or disapprove the proposal.

DECISION OF THE MARTHA'S VINEYARD COMMISSION

RE JOHN GEARY AND JOHN M. MELDON

A Public Hearing was held on May 20, 1976 by the Martha's Vineyard Commission ("the Commission"), at 8:15 p.m., upon public notice to consider the application of John Geary and John M. Meldon ("the Applicant") for a Food Establishment Permit in the Town of Tisbury. The proposed development is for the change of use of an existing structure to a window-service ice cream shop, as shown on Tisbury Assessors Map 9, Lot B20. This proposal is the change of use of an existing structure to a window-service ice cream shop within 500 feet of mean high water of a tidal pond and within 300 feet of a Regional Feeder Road on a map adopted by the Commission, and is thus a Development of Regional Impact under the Criteria and Standards, Development of Regional Impact Checklist Sections 1.202 and 2.102. 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 John Geary and John M. Meldon in favor of the proposal. Additional information, including a floor plan of the proposal, an elevation, and a plot plan, was also submitted to the Commission.

The Development of Regional Impact Committee of the Commission presented a verbal report and recommendation to the Commission on May 20, 1976. The Committee recommended that the Commission allow approval of the applicable development permits by the Town of Tisbury Board of Health. The Committee report and recommendations are incorporated herein.

Under Sections 15 and 16 of the Act, the Commission is required to make findings after its review of the development proposal. In this matter, the Commission has been guided by its Policies to be Used in Considering Development Proposals Whose Impact is of a Regional Nature, adopted by the Commission on June 5, 1975 ("DRI Policies") and it has considered each factor enumerated in these Sections of the Act.

The Commission finds as described herein that the probable benefits from the proposed 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 Dukes County or of the Town of Tisbury.

The Commission finds that the development proposal will be more beneficial than detrimental when compared to alternative manners of development and development occurring in alternative locations. Specifically, it will provide opportunity for economic development.

The Commission finds that the development proposal will conform to DRI Policy 2.10, Economic Development. The Commission finds that the proposed development is consistent with local development ordinances and bylaws 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 boards and officials for any other Development Permits required. The Commission approves Town of Tisbury officials granting applicable development permits.

BY VOTE OF THE COMMISSION
May 27, 1976

EDWIN G. TYRA, CHAIRMAN