

THE MARTHA'S VINEYARD COMMISSION

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May 27, 1976

To: Oak Bluffs Conservation Commission and Board of Selectmen
From: The Martha's Vineyard Commission
Subject: Development of Regional Impact Decision Re: Our Market
Applicant: Our Market Corporation

SUMMARY

The Oak Bluffs Board of Selectmen and the Oak Bluffs Conservation Commission are granted approval by the Martha's Vineyard Commission to grant the necessary development permits for the development proposal of Our Market Corporation. This approval is subject to the development conditions contained within this Decision. The Oak Bluffs Board of Selectmen and the Oak Bluffs Conservation Commission may approve the development proposal, approve it with additional conditions, or disapprove the proposal.

DECISION OF

THE MARTHA'S VINEYARD COMMISSION

RE: OUR MARKET CORPORATION

A Public Hearing was held on January 22, 1976 by the Martha's Vineyard Commission ("the Commission"), at 8:00 p.m., upon public notice to consider the application of Our Market Corporation ("the Applicant") for a Conservation Commission order of conditions, in the Town of Oak Bluffs. The proposed development is for the construction of a bulkhead, pier, and two docks, and the dredging of Oak Bluffs Harbor on the lot shown on the deed of Our Market Corporation, in Book 305, Page 266 as filed at the Dukes County Registry of Deeds, Edgartown, Massachusetts. This proposal is both within 500 feet of the mean high water of Lake Anthony and within the Oak Bluffs Harbor itself, and is thus a Development of Regional Impact under the criteria and standards, Development of Regional Impact Checklist Section 1.202. 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 those persons listed in Appendix A, appended hereto.

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 with conditions, approval of the applicable development permits by the Town of Oak Bluffs Board of Selectmen and the Oak Bluffs Conservation Commission. The Committee report and recommendations are incorporated herein.

Under Section 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 provided that the Applicant comply with development conditions contained within this Decision. 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 Oak Bluffs.

The Commission finds that the development proposal will be more beneficial than detrimental when compared to alternative manners of development provided the conditions are satisfied, and development occurring in alternative locations. It would provide shoreline erosion protection and additional mooring for recreational vessels which would not conflict with harbor traffic and density.

The Commission finds that the development proposal will conform to DRI Policy 2.602, Water Resources if development conditions are placed on the proposed development. These conditions were agreed upon by the applicant at the Commission's meeting of May 20, 1976. The Commission finds that, without these conditions which are contained herein, the development proposal will not be able to conform to these adopted policies, and thus have more detrimental aspects associated with it. Therefore the Commission places the following conditions upon the development proposal as part of its approval:

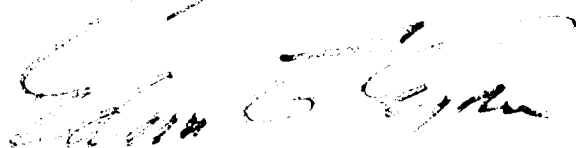
1. The ninety-three foot long pier as shown on the plans entitled "Plan to accompany petition of Our Market Corp. to dredge 1,005 c.y. + build and construct (3) piers, and construct a bulkhead in Lake Anthony, Oak Bluffs, Mass.,

September 17, 1975, John P. Doyle, R.L.S." shall be allowed, provided said pier conforms to the standards established by the Department of Environmental Quality Engineering, Executive Office of Environmental Affairs, of the Commonwealth of Massachusetts.

2. No dredging of any area shown on said plan shall be allowed.
3. The construction of two twenty-foot long piers as shown on said plan shall not be allowed. The applicant may, however, construct a removable ramp and removable float in the area indicated on said plan reserved for the installation of said twenty-foot long piers.
4. A bulkhead, as shown on said plan, shall be allowed.
5. The emplacement of fill in the area shown on said plan as the "Disposal Area", lying between the existing store shown on said plan and the proposed bulkhead shall be allowed, provided said fill is not paved or otherwise covered with an impervious surface.
6. This Decision shall not be effective until recorded at the Dukes County Registry of Deeds, and indexed in the grantor index under the names of the Applicant and the Martha's Vineyard Commission, and in the grantee index under the names of the Martha's Vineyard Commission, the Applicant, and the Town of Oak Bluffs, Massachusetts.

BY VOTE OF THE COMMISSION

MAY 27, 1976



Edwin G. Tyra, Chairman

In Re Our Market Corp.

APPENDIX "A"

Listing of testimony received regarding Our Market Corp. proposal

Plans of Our Market Corp. showing proposed dredging bulkhead and piers, dated 8/18/75 by John P. Doyle

Plans to accompany petition of Our Market Corp. to dredge and build 3 piers and construct a bulkhead at Lake Anthony, Oak Bluffs dated 9/17/75 by John P. Doyle.

"Discussion of proposed Our Market dredging and pier construction" submitted by William M. Wilcox, Water Quality Manager.

Letter from Our Market Corp. submitted by Kim Sears, in rebuttal to objection raised to proposal, dated 2/10/75.

Notice of intent and plans for the Commonwealth of Massachusetts Wetland Protection Act G.L.c.131s.40. from Oak Bluffs Conservation Commission 10/24/75, File #53-9.

Notice of intent, dated 9/1/75, of Our Market Corporation.

Letter from Our Market Corporation dated 10/7/75 notifying Martha's Vineyard Commission of application for construction of bulkhead.

DRI referral Form 2 "Non-residential Land-use and Construction" received from Mrs. Donald A. Roberts, Oak Bluffs Conservation Commission dated 12/6/75.

Copies of letters received by Oak Bluffs Conservation Commission from John P. Doyle, Land Surveying Company.

Letter from Stuart MacMackin, Atty. president of East Chop Assoc. dated 11/14/75 sent to Oak Bluffs Conservation Commission.

Letter from Mr. MacMackin, Atty. president of East Chop Assoc. dated 11/10/75 to Oak Bluffs Conservation Commission.

Letter from Robert A. Penney, owner of property in area of proposal dated 11/21/75 sent to Oak Bluffs Conservation Commission.

Letter from Stuart MacMackin, Atty., president of East Chop Assoc. dated 12/1/75 and 12/12/75 sent to Oak Bluffs Conservation Commission.

Letter from Stuart MacMackin, Atty. president of East Chop Assoc. dated 12/17/75 and 12/23/75 sent to Martha's Vineyard Commission.

Letter from J. Alfred Guest, summer resident of Oak Bluffs dated 1/30/76.

Letter from Peter T. Austin, summer resident of East Chop dated 1/28/76.

In Re Our Market Corp.
APPENDIX "A" continued.....

Letter from Jean K. Kay resident at 19 East Chop Drive, dated 2/2/76.

Letter from Edwin J. Landers, shellfisherman of Oak Bluffs, dated 2/3/76.

Letter from Sterling H. Ivison, Jr. Commodore, East Chop Yacht Club dated 2/3/76.

Staff testimony "Preliminary Staff Draft" dated 2/10/76.

Memorandum "Statement of Opposition to Our Market, Inc. Pier Permit Application" from the East Chop Association, Inc. accompanied by a letter of referral from Ivo Meisner, Atty. dated 2/12/76.

Letter from Paul Roedel, homeowner in East Chop, dated 2/4/76.

Letter from John H. Brooks, summer resident of East Chop, dated 3/5/76.

Letter from Sara Jane Sylvia, summer resident, dated 2/1/76.

Letter from Technical Rubber Co. President, Gordon B. Goodwin, dated 2/3/76.

Letter from Evan Crossley, camp grounds resident, dated 2/3/76.

Letter from John and Ester L. Bell summer residents of East Chop, dated 2/4/76.

Letter from Linda Marinelli (Mrs. Charles) shellfish industry member, dated 2/7/76.

Letter from Edwin Bugbee, Shellfish Constable of Oak Bluffs, dated 2/10/76.

Letter from Edward A Karl, resident of 7 East Chop Drive, dated 2/9/76.

Letter from George L. Wey, resident of Oak Bluffs and licensed engineer, dated 2/5/76.

Petition from Our Market dated 2/9/76 containing 37 signatures of persons in favor of the proposal.

Letter from Our Market Corporation dated 2/10/76, with additional copies of plans.

Letter from Oak Bluffs Planning Board dated 2/10/76 signed by David Ferraguzzi.

Letter from Joseph C. Iagallo, Acting Director of the Executive Office of Environmental Affairs, Dept. of Environmental Quality Engineering Division of Wetlands, dated 4/1/76.

In Re Our Market Corp.

APPENDIX "A" continued.....

Committee and Staff notes on meetings with applicant dated 4/23/76.

Letter from Frank W. Townes, Chairman of Oak Bluffs Planning Board, dated 4/23/76.

Letter from Shellfish Advisory Committee dated 4/30/76.

Copies of letter sent to the Oak Bluffs Selectmen dated 4/30/76 from Robert Komives, Executive Director, Martha's Vineyard Commission.

Copy of letter sent to Kim Sears, of Our Market Corp. informing of DRI Committee recommendations dated 5/17/76.

Letter received from Kim Sears, Our Market Corp. with plans dated 5/20/76.