

THE MARTHA'S VINEYARD COMMISSION

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November 21, 1975

To: Town Permit Granting Agencies
From: The Martha's Vineyard Commission
Subject: Development of Regional Impact Decision
Re Richard I. Colter

Enclosed is the Decision of the Martha's Vineyard Commission regarding the application of Richard I. Colter which was voted upon, after Public Hearing, on November 13, 1975.

The Town has been granted approval by the Commission to grant the necessary development permits for Mr. Colter's proposed alteration of a commercial structure.

This approval carries no additional conditions other than the following administrative conditions:

- a) The approval given by the Martha's Vineyard Commission is only for the applicant and is not transferable.
- b) This approval is contingent on the development proceeding as proposed; any substantial change in the size, bulk, or intensity of use of the proposed development as submitted with the Application shall revoke this approval.
- c) To be effective, this Decision must be filed by the Applicant in the Registry of Deeds together with appropriate title reference.

Once all of these conditions have been fulfilled, the Town is free to process the necessary applications for the development permits which the Applicant may need under local law to proceed with the proposed construction.

November 20, 1975

DECISION

OF

THE MARTHA'S VINEYARD COMMISSION

RE: RICHARD I. COLTER

A Public Hearing was held by the Martha's Vineyard Commission on November 13, 1975, at 8:20 p.m. upon Public Notice to consider the application of Mr. Richard I. Colter for a Building Permit in the Town of Edgartown ("The Application"). The proposed development is the alteration of a commercial structure on Dock Street in Edgartown. This location is within 500 feet of the ocean and the development is thus a Development of Regional Impact under Development of Regional Impact Checklist Section 1.202. The application was referred to the Commission for action pursuant to Chapter 637 of the Acts of 1974 as amended. Said application is incorporated herein by reference.

At the hearing held pursuant to said Chapter 637 and Massachusetts General Laws Chapter 30A, Section 2, the Commission heard testimony from Mr. Richard I. Colter, who reviewed his proposal and expressed his views regarding the benefits of the proposal as compared to its detriments, and received other information including the plans of the proposed alteration, and a Moratorium Exemption form, dated October 7, 1975.

The Commission also received the report and recommendation from the Development of Regional Impact Committee dated November 13, 1975, which is incorporated herein.

Under Sections 15 and 16 of the Act, the Commission is required to make findings after its review of the Development. It must consider the probable benefits and detriments of the 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 Policy").

The Commission finds the probable benefits from the proposed development will exceed the probable detriment and that the proposal will not substantially interfere with the achievement of any general plan of Edgartown or of Dukes County. In particular, although the alteration will result in the creation of stores which may increase the traffic level of the village center, the benefits of the proposed alteration will outweigh the detrimental impacts:

- a) This alteration will promote the enhancement of sound local economies and thus conform to DRI Policy 1.004, General Policies.
- b) The proposed activity would be consistent with the Economic Development Policies under Section 2.00.

The Commission finds the proposed development is consistent with local development ordinances and by-laws to the extent it is required to, only the Building Permit being before it at this time. The applicant must, consistent with this decision, apply to appropriate Edgartown officers or boards for other Development Permits required.

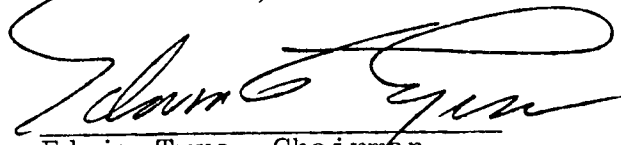
The proposed development would have been a Section 7(a) exemption to the Island-wide moratorium under the Act and is thus also exempt from the moratorium imposed on this area which is under consideration by the Commission as a possible District of Critical Planning Concern, by vote of the Commission on October 23, 1975.

The Commission approves Town of Edgartown officials granting applicable Development Permits subject, however, to this decision and these administrative conditions:

- a) The approval given by the Martha's Vineyard Commission is only for the applicant and is not transferable.
- b) This approval is contingent on the development proceeding as proposed; any substantial change in the size, bulk, or intensity of use of the proposed development as submitted with the Application shall revoke this approval.
- c) To be effective, this Decision must be filed by the Applicant in the Registry of Deeds together with appropriate title reference.

VOTED BY THE COMMISSION

NOVEMBER 13, 1975.



Edwin Tyra, Chairman