

## THE MARTHA'S VINEYARD COMMISSION

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MASSACHUSETTS  
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DATE: April 27, 1979  
TO: Conservation Commission of the Town of Chilmark  
FROM: Martha's Vineyard Commission  
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION  
RE: COASTAL CONSTRUCTION  
APPLICANT: Arthur E. Peckham, Jr.

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## SUMMARY

The Conservation Commission of the Town of Chilmark is granted approval by the Martha's Vineyard Commission to grant the necessary development permits for the Applicant's coastal construction. This approval was by vote of the Commission on April 26, 1979. The Town Conservation Commission may approve the development proposal and may, if authorized by local development ordinances and by-laws, place conditions upon or disapprove the development application.

DECISION OF THE MARTHA'S VINEYARD COMMISSION

A Public Hearing was held on April 26, 1979 by the Martha's Vineyard Commission (the "Commission") at 8:00 p.m. at the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA upon public notice to consider the application of Arthur E. Peckham, Jr. (the "Applicant") for a coastal construction approval in the Town of Chilmark (the "Application"). The proposed development is for the construction of an elevated walkway over a salt marsh with a floating dock on plans entitled "Exhibit A, Exhibit B, Arthur E. Peckham, Jr., March 18, 1979." This proposal is a development within a waterbody of 10 acres or more and is thus a Development of Regional Impact under the Criteria and Standards, Development of Regional Impact 3.502. This application was referred to the Commission for action pursuant to Chapter 831, Acts of 1977 (the "Act"). Said application and notice of public hearing are incorporated herein.

On April 26, 1979 the Hearing was held pursuant to the Act and Massachusetts General Laws, Chapter 30A, Section 2, and was chaired by John Allen, Member of the Commission's Land Use Planning Committee. Mr. Allen opened the Public Hearing and read the public notice. Jeff Goodwin, staff of the Commission, delivered a presentation of

the locus. The existing walkway would be removed, according to the applicant. There was a call for proponents. Mr. & Mrs. Peckham, Jr. were present. There was a call for opponents. There were none. There was no further testimony and the Hearing was closed.

Under the Act, the Commission is required to make findings after its review of the development proposal. It must consider the probable benefits and detriments of the proposal. In this matter the Commission has considered each factor enumerated in these sections of the Act and has considered its Information for Evaluation of Coastal Developments, together with the information presented at the Public Hearing.

The Commission finds that the probable benefits of the application will exceed the probable detriments and will not interfere substantially with the achievement of any general plan of the Town of Chilmark or of Dukes County, or violate any local development ordinances and by-laws.

The Commission finds that the development proposal will be more beneficial than detrimental when compared to alternative manners of development or development occurring in alternative locations.

The Commission finds that the proposed development is consistent with local development ordinances and by-laws to the extent it is required to, only the Application being before it at this time. The Applicant must, consistent with the Decision, apply to appropriate Town of Chilmark officers or boards for any other development permits which may be required together with any other development permits required by law.

The Commission approves the Town of Chilmark officials granting applicable development permits.

This decision is written consistent with the VOTE OF THE COMMISSION:

April 26, 1979

Benjamin C. Moore  
Benjamin C. Moore, Chairman

Walter F. Fisher  
Notary Public

my commission expires: 11/10/83



May 7 1979  
Edgartown Mass.  
at 12 o'clock and 00 minutes P M  
Received and entered with Dukes County Deeds  
book 365 Page 730

Attest: Severly W. King  
Register