

THE MARTHA'S VINEYARD COMMISSION

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DATE: April 18, 1980

TO: Building Inspector of the Town of Oak Bluffs

FROM: Martha's Vineyard Commission

SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION
RE: COMMERCIAL DEVELOPMENT

APPLICANT: Moshup Realty Trust, Kenneth A. Rose, Trustee

SUMMARY

The Building Inspector of the Town of Oak Bluffs is granted approval by the Martha's Vineyard Commission to grant the necessary development permits for the Applicant's commercial development. This approval was by vote of the Commission on April 10, 1980. The Town Building Inspector 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 10, 1980 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 Moshup Realty Trust, Kenneth A. Rose, Trustee (the "Applicant") for a commercial development approval in the Town of Oak Bluffs (the "Application"). The proposed development is for the conversion of existing movie theatre into a roller skating rink. This change of use incorporates a floor area greater than 3,000 square feet and is thus a Development of Regional Impact under the Criteria and Standards, Development of Regional Impact 3.30. This application was referred to the Commission for action pursuant to Chapter 831, as amended, Acts of 1977 (the "Act"). Said application and notice of public hearing are incorporated herein.

On April 10, 1980, the Hearing was held pursuant to the Act and Massachusetts General Laws, Chapter 30A, Section 2, and was chaired by Marc Widdiss, Acting Chairman of the Commission's Land Use Planning Committee. Mr. Widdiss opened the Public Hearing and

read the public notice. Michael Wild, Executive Director of the Commission, delivered a presentation concerning the development. There was a call for proponents.

Mr. Rose described the proposal and stated it was in conformance with all the necessary permits. Mr. Widdiss read a letter in favor of the proposal from Mr. Jack Burton, Probation Officer. There was a call for opponents. Mr. Benjamin Hall, an abutter, expressed concern over an on-going problem with rain runoff from Mr. Rose's property onto his, and potential music and ventilation noise problems from the proposal. Mr. Hall's wife described problems related to Mr. Rose's use of other portions of the property for a tour bus business. Mr. Rose responded that a large number of small speakers would be used to reduce noise from music and that the ventilation system would remain the same. A Mr. Bill Hass remarked that Mr. Brickman's roller rink in Tisbury has had no problem with noise. 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 Commercial 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 Oak Bluffs or of Dukes County, or violate any local development ordinances or 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 has considered the question of noise problems. It was felt that Mr. Rose had addressed the issue well and that, in addition, this was a private matter between these two parties to be worked out between themselves. It was noted that Mr. Rose's abuttor on the opposite side, with whom he shares a common wall, is a motel, and no complaint had been received from

that party. The Commission has considered the problem of runoff and considers it again a problem to be resolved between the two involved parties. The Commission has considered the question of tour bus operation and determined that this matter is not germane to the subject of this hearing.

The Commission finds 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 Oak Bluffs 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 Oak Bluffs official granting applicable development permits.

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

April 10, 1980.

Benjamin C. Moore
Benjamin C. Moore, Chairman

Wanda F. ...
Notary Public



4/25/80
date

my commission expires: 11/10/83

Edgartown, Mass. April 29, 1980
at 9 o'clock and 15 minutes A.M.
Received and entered with Dukes County Deeds book 373 Page 794.

Attest: Suzerly W. King
Register