

THE MARTHA'S VINEYARD COMMISSION

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DATE: May 14, 1981

TO: Conservation Commission of the Town of Chilmark

FROM: Martha's Vineyard Commission

SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION
RE: COASTAL CONSTRUCTION

APPLICANT: Donald Hurley, Jr., Quitsa Pond Trust, c/o Christopher
Murphy

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 May 14, 1981. 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 May 14, 1981 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 Donald Hurley, 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 (50' X 4') over a salt marsh with a dock (60' X 4') extending into Quitsa Pond (Kettle Cove) as noted on plans entitled "Exhibit A, prepared by Christopher Murphy, March 20, 1981." 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. The 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 May 14, 1981, the Hearing was held pursuant to the Act and Massachusetts General Laws, Chapter 30A, Section 2, and was chaired

by Jules Worthington, Chairman of the Commission's Land Use Planning Committee. Mr. Worthington read the public notice and opened the Hearing for testimony. Jim Muth, staff of the Commission, delivered a presentation describing the proposal. Using a large schematic drawing, Mr. Muth described the manner of construction, the relative position of the walkway and dock to the marsh, cove bottom, and tides. He also described the various conditions placed on the proposal by the Chilmark Conservation Commission. Mr. Muth followed this presentation with photographic slides illustrating the position and length of the walkway/dock on the actual site. There was a call for proponents. Mr. Donald Ives, representing Christopher Murphy, answered several questions regarding the intended use of the dock and the applicant's willingness to implement any suggested options in the construction of the proposal. There was a call for opponents. Mr. Worthington read a letter from the Chilmark Site Review Committee which expressed concern regarding the visibility of the proposal and winter maintenance problems. The letter suggested that the dock be shorter with a floating dock extension which could be removed off-season.

There was discussion of the pros and cons relative to public visibility of a floating dock as opposed to a free-standing pier. Alfred Vanderhoop, Commissioner from Gay Head, expressed concern that a floating dock extension might offer greater visual disruption because of its manner of construction and that the floating dock extension would be in place during the time of year when most people would be viewing it. Marc Widdiss, Commissioner from Gay Head, suggested that the width of the pier be constructed less than four feet over the marsh area. 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 appli-

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cation 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:

May 14, 1981.

Benjamin C. Moore
Benjamin C. Moore, Chairman

Norman Friedman
Notary Public



5/22/81
date

my commission expires: 11/10/83

Edgartown, Mass. May 28 1981
at 9 o'clock and 20 minutes A M
Received and entered with Dukes County Deeds
book 383 Page 105

Attest: Sue W. King
Register