

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
 OAK BLUFFS
 MASSACHUSETTS
 02557
 617-693-3453

DATE: January 21, 1982
 TO: Inspector of Buildings, Town of Oak Bluffs
 FROM: Martha's Vineyard Commission
 SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION
 RE: COMMERCIAL DEVELOPMENT
 APPLICANT: Dorkris Realty Trust, c/o Harold H. Sears, Trustee

SUMMARY

The Inspector of Buildings 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 January 7, 1982. The Town Inspector of Buildings 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 January 7, 1982 by the Martha's Vineyard Commission (the "Commission") at 8:30 p.m. at the Martha's Vineyard Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts upon public notice to consider the application of Dorkris Realty Trust, c/o Harold H. Sears, Trustee for a commercial development approval in the Town of Oak Bluffs (the "Application"). The proposed development is for construction of an 800 square foot building as shown in drawings and on a plan entitled "Plan of Land in Oak Bluffs, Mass., Surveyed for Albert J. Notargiacomo, Jr., July 14, 1972, Scale: 1"=40', Dean R. Swift, Reg'd. Land Surveyor, Vineyard Haven, Mass." The Applicant proposes expansion of a retail business which has 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, Section 3.30. The Application was referred to the Commission for action pursuant to Chapter 831, Acts of 1977, as amended ("the Act").

Said Application and notice of public hearing are incorporated herein.

On January 7, 1982, the Hearing was held pursuant to the Act and the Massachusetts General Laws, Chapter 30A, Section 2 and was chaired by Benjamin Moore, Land Use Planning Committee member. Mr. Moore read the legal notice and opened the Public Hearing. Jim Muth, Commission staff member, presented a drawing which depicted Lot 137 and Lot 138 with notation of existing structures and the proposed structure. He followed with a slide presentation of the area. Mr. Moore read two letters from the following: 1) Oak Bluffs Conservation Commission; 2) Davis, Malm & D'Agostine, representing the Applicant. Michael Wild, Executive Director for the Commission, discussed particulars of this referral and explained the computation of square footage. Alfred Metell, Inspector of Buildings, stated he had issued a building permit since he felt the work was not under purview of the Commission. However, he acceded to the Commission Counsel's determination that the proposal be reviewed by the Commission. Mr. Metell was in favor of the application. Also speaking in favor of the application were Mr. Anthony Rebello, Oak Bluffs Selectmen, and Herbert Combra. There were no further proponents. There was a call for opponents. There were none. Mr. Moore reported that the Land Use Planning Committee was in favor of the proposal since the new structure would hide the tractor trailer and dumpster located there and since Mr. Sears previously made changes which have much-improved the area. There was question whether the structure would obstruct the view of the harbor for surrounding abutters. No one felt any abutter's view would be obstructed. There was no further testimony. 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 Checklist for Evaluation of Commercial/Small Scale 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 finds that the proposed development is consistent with local 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.

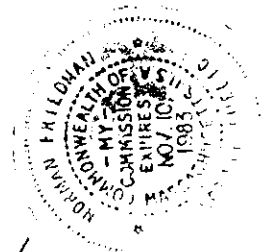
The Commission approves the Town of Oak Bluffs officials granting applicable development permits.

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

January 7, 1982.

Leonard Jason
Leonard Jason, Jr. Chairman

Maureen Friede
Notary Public



1/22/82
date

my commission expires: 11/10/83

Edgartown, Mass. Jan 25 1982
at 2 o'clock and 11 minutes PM
Received and entered with Dukes County Deeds
book 319 Page 258, 271

Attest: *Dorothy W. King*
Register