

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557
617-693-3453

DATE: February 11, 1982
TO: Conservation Commission, Town of Oak Bluffs
FROM: Martha's Vineyard Commission
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION
RE: COASTAL CONSTRUCTION
APPLICANT: Frederick L. Loud, Jr., Jean Curtis Loud

SUMMARY

The Conservation Commission 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 coastal construction. This approval with the recommendation contained herein was by vote of the Commission on January 21, 1982. 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 January 21, 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 Frederick L. Loud, Jr., Jean Curtis Loud for a coastal construction approval in the Town of Oak Bluffs (the "Application"). The proposed development is for construction of a 100 foot pier with three tie-off piles and placement of stone rip-rap and a concrete cap as shown on a plan entitled "Plan accompanying petition of Frederick L. Loud, Jr., et ux, to build & maintain: a timber pier, 3 tie-off piles, stone rip-rap, and conc. cap in Oak Bluffs Harbor, Oak Bluffs, Mass., Sheet 1 of 1, September 4, 1981, certified by Dean R. Swift, Registered Land Surveyor and Donald L. DeSorcy, Registered Professional Engineer." The development is within Oak Bluffs Harbor and is thus a Development of Regional Impact under the Criteria and Standards, Develop-

ment of Regional Impact, Section 3.501. 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 21, 1982, the Hearing was held pursuant to the Act and the Massachusetts General Laws, Chapter 30A, Section 2 and was chaired by Margaret Harris, Land Use Planning Committee member. James Muth, staff member, noted on a map the location of the proposal and followed with a slide presentation. Photographs of the area were circulated. Mr. Loud spoke in favor of the proposal and discussed reasons necessary for placement of rip-rap and a concrete cap. He further discussed the proposed pier and added that two moorings may need to be moved as a result. He speculated that this could be done during construction of the project. Lastly, he summarized his communications with other boards, committees, and individuals. Mrs. Harris read two letters into the record: 1) From Edwin A. Bugbee, Shellfish Constable expressing no objections as long as there will not be excessive disturbance to the bottom during construction; 2) From Robert A. Penney, an abuttor, expressing no objection to the proposal. There were no other proponents. There was a call for opponents. There were none. Mr. Bradford Smith, Oak Bluffs Harbor Advisory Committee, offered that the Committee had discussed the proposal and had no objections as long as relocation of moorings, which may be required, are done at the Applicant's expense. 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 Information for Evaluation of Coastal Developments together with the information presented at the Public Hearing.

The Commission finds that the probable benefits, with the recommendation contained herein, 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.

In response to the concern for bottom disturbance and moorings within the Harbor, the Commission made the following approval and recommendation upon the development proposal:

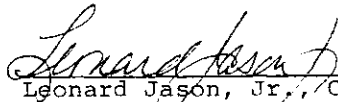
THAT THE LOUD DRI BE APPROVED WITH THE UNDER-
STANDING THAT THERE BE NO DREDGING AND THAT
ANY RELOCATION OF MOORINGS WILL BE AT THE
APPLICANT'S EXPENSE.

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 21, 1982.


Leonard Jason, Jr., Chairman


Notary Public

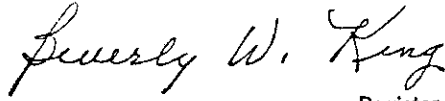
2/12/82
date

my commission expires: 11/10/83



Edgartown, Mass. Feb 16 19 82
at 9 o'clock and 55 minutes A M
Received and entered with Dukes County Deeds
book 389 Page 539.

Attest:


Register