

# THE MARTHA'S VINEYARD COMMISSION

BOX 1447  
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MASSACHUSETTS  
02557  
617-693-3453

DATE: June 17, 1982  
TO: Conservation Commission, Town of Chilmark  
FROM: Martha's Vineyard Commission  
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION  
RE: COASTAL CONSTRUCTION  
APPLICANT: Joan & Wallace Barnes and Herbert Hancock  
c/o Schofield Brothers, Inc.

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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 June 17, 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 Thursday, May 27, 1982 by the Martha's Vineyard Commission (the "Commission") at 8:00 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 Joan & Wallace Barnes and Herbert Hancock for a coastal construction approval in the Town of Chilmark (the "Application"). The proposed development is for construction of a bulkhead and dredging around an existing pier as shown on a plan entitled, "Plot Plan of Land in Chilmark, Mass., Prepared for Wallace & Joan C. Barnes & Herbert Hancock, Scale: 1" = 20', Date: 5/29/82, Schofield Brothers, Inc., State Road, Vineyard Haven, Massachusetts 02568." The development is within Menemsha Harbor and is thus a Development of Regional Impact under the Criteria and Standards, Development 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 May 27, 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, who read the public notice and opened the Hearing for testimony. Jim Muth, Commission staff member, distributed a copy of an air-photo of the area entitled, "Locus Map: Existing Property Lines and Piers Shown." He then pointed out that two additional changes had been made in the plan since its review at the Land Use Planning Committee meeting. These changes affected the bulkhead layout and height. He then discussed the areas to be dredged and followed with a slide presentation. There was a call for proponents. Dick Barbini, Schofield Brothers, Inc., who represented the Applicant, stated that a resolution had been reached between the Applicant and an abutter, Emma T. Parker, regarding the location of the bulkhead and dock. The resolution was reached hours before the Hearing, and therefore, a plan was not yet available. Robert Tuchman, the Attorney representing the Applicant, further explained that the resolution was the result of an effort to accommodate the two abutting uses. Mr. Hancock stated that the line of his proposed bulkhead was so changed to provide further protection to his neighbor's dock and increase the clearance for berthing space for both properties. There was a call for opponents. There were none. Russell Walton, Chilmark Conservation Commission, asked that the revised plan be referred back to the Conservation Commission for review. Mr. Moore stated that in view of the new information the Hearing would be recessed until June 17, 1982 at 8:00 p.m. There was no further testimony and the Hearing recessed.

On Thursday, June 17, 1982 at 8:00 p.m., the Public Hearing was reopened upon the reading of the legal notice by Margaret Harris, Co-Chairman of the Land Use Planning Committee. The revised plan, entitled "Plot Plan of Land in Chilmark, Mass., Prepared for Wallace & Joan C. Barnes & Herbert Hancock, Scale: 1" = 20', May 29, 1982, Revised June 2, 1982, Schofield Brothers, Inc., State Road, Vineyard Haven, Massachusetts 02568", was presented by Mr. Barbini who indicated what changes had been made

from the original plan relative to the bulkhead alignment and dredge spoil placement. There was a call for proponents. There were none. There was a call for opponents. There were none. Michael Wild, Executive Director of the Martha's Vineyard Commission, stated that the Chilmark Conservation Commission had heard the proposal last week and had placed appropriate conditions on the proposal. 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 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 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 this 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  
MARTHA'S VINEYARD COMMISSION:

June 17, 1982.

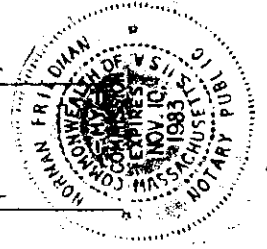
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*Leonard Jason, Jr.*  
Leonard Jason, Jr., Chairman

7/1/82  
date

*Maureen Freed*  
Notary Public

7/1/82  
date



my commission expires: 11/10/83

Edgartown, Mass. July 7 1982  
at 9 o'clock and 12 minutes A.M.  
Received and entered with Dukes County Deeds  
book 393 Page 741

Attest: *Jessie W. King*  
Register