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THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557
617-693-3453

DATE: April 19,1984

TO: Conservation Commission of the Town of Oak Bluffs

FROM: Martha's Vineyard Commission

SUBJECT: DEVELOPMENT OF REGIONAL IMPACT
RE: PRIVATE PIER - LAGOON POND

APPLICANT: John Cahill
P.O. Box 25, Lagoon Road
Oak Bluffs, MA 02557

DECISION OF THE MARTHA'S VINEYARD COMMISSION

SUMMARY

The Martha's Vineyard Commission (the Commission) hereby approves the Application of John Cahill, P.O. Box 25, Lagoon Road, Oak Bluffs, Massachusetts, 02557 for the construction of a private pier on Lagoon Pond as shown on the plan entitled: "Proposed Pier in Lagoon Pond for John Cahill - Oak Bluffs, G.L. Wey Engineering Consultants, March 1984", consisting of one sheet, (the Plan).

The decision is rendered pursuant to the vote of the Commission on April 19, 1984.

The Conservation Commission of the Town of Oak Bluffs may now grant the necessary development permits for the Applicant's proposed pier in accordance with the decision contained herein, or may approve in accordance with the decision contained herein and place further conditions thereon, or may disapprove the development application.

FACTS

The proposed development is a Development of Regional Impact as defined by the Commission Standards and Criteria, Developments of Regional Impact, Section 3.502. The application

was referred to the Commission by the Conservation Commission of the Town of Oak Bluffs for action pursuant to M.G.L. Chapter 831, Acts of 1977, as amended (the Act). The application and notice of public hearing relative thereto are incorporated herein.

A duly notice public hearing on the Application was conducted by the Commission pursuant to the Act and Massachusetts General Laws, Chapter 30A, Section 2, on April 19, 1984 at 8:30 p.m. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts. The proposal is for the construction of a private pier on Lagoon Pond.

The hearing was chaired by Marc Widdiss, Chairman of the Land Use Planning Committee. Mr. Widdiss read the legal notice and opened the public hearing for testimony at 8:40 p.m.

Carol Borer, Commission staff member, described the proposal using an aerial photo of the area in which the property is located and plan of the proposed development.

Mr. Cahill explained his proposal and the reasons for requesting the permit.

Mr. Widdiss read two letters from abuttors of the applicant who had no objection to the proposal. Mr. Widdiss then called for other proponents of the proposal. There were none.

Mr. Widdiss then called for opponents of the proposal. Mr. Culbert of the Oak Bluffs Conservation Commission spoke of the actions the Town was contemplating regarding regulations for the ponds in Town. He noted that the Oak Bluffs Shellfish Group was opposed to any piers on the ponds. Mrs. Marsh of the Oak Bluffs Board of Appeals spoke in general as being opposed to any additional piers due to the potential for increased boating activity.

Mr. Widdiss then called for other testimony. There was none and the hearing was closed at 9:06 p.m.

FINDINGS and CONDITIONS

The Commission has considered the Application and the information presented at the public hearing, and based upon such consideration, makes the following findings pursuant to Section 14 of the Act:

A. The Commission finds that the probable benefits of the proposed development will exceed the probable detriments of the proposal in light of the consideration set forth in Section 15 of the Act.

B. The Commission finds that the proposed development will not interfere substantially or unreasonably with the achievement of the objectives of any general plan of the Town or of Dukes County.

C. The Commission finds that the proposed development as set forth in the Application and the plan will be consistent with local development ordinances of by-laws.

D. The Commission finds that the development proposal will be more beneficial then detrimental when compared to alternative manners of development or developments 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 Applicant 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: April 19, 1984.

Any party aggrieved by a determination of the Commission may appeal to the Superior Court within twenty days after the Commission has sent the development Applicant written notice, by certified mail, of its decision and has filed a copy of its decision with the Town Clerk of the town in which the proposed development is located.

Leonard Jason Jr., Chairman

May 17, 1984
Date

Notary

May 17, 1984
Date

NORMAN FRIEDMAN
NOTARY PUBLIC
My commission expires Nov 2, 1990

NORMAN FRIEDMAN NOTARY PUBLIC COMMONWEALTH OF MASSACHUSETTS MY COMMISSION EXPIRES NOV. 2, 1990

Edgartown, Mass. May 21 1984
at 10 o'clock and 30 minutes A M
Received and entered with Dukes County Deeds
book 415 Page 151.

Attest: Beverly W. King
Register