

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557
617-693-3453

DATE: May 17, 1984

TO: Conservation Commission of the Town of Oak Bluffs

FROM: Martha's Vineyard Commission

SUBJECT: DEVELOPMENT OF REGIONAL IMPACT
RE: DREDGING IN SENGEKONTACKET POND

APPLICANT: Shellfish Department - Town of Oak Bluffs

DECISION OF THE MARTHA'S VINEYARD COMMISSION

SUMMARY

The Martha's Vineyard Commission (the "Commission") hereby approves the Application of the Shellfish Department - Town of Oak Bluffs, Town Hall, Oak Bluffs, Massachusetts 02557 for the dredging of a channel at the Little Bridge on Sengekontacket Pond, Oak Bluffs, Massachusetts as shown on the plan entitled "Map A - Proposed Channel Dredging", undated, consisting of one sheet, (the Plan).

The Decision is rendered pursuant to the vote of the Commission on May 17, 1984.

The Conservation Commission of the Town of Oak Bluffs may now grant the necessary development permits for the Applicant's proposed dredging 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's Criteria and Standards, 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 noticed public hearing on the Application was conducted by the Commission pursuant to the Act and Massachusetts General Laws, Chapter 30A, Section 2, on May 17, 1984 at 8:00 p.m. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts. The proposal is for the dredging of the channel in Sengekontacket Pond at the Little Bridge.

The hearing was chaired by Marc Widdiss, Chairman of the Land Use Planning Committee. Mr. Widdiss read the legal notice and opened the hearing for testimony.

Carol Borer, Commission staff member, described the proposal using a base map of the area as well as a checklist of pertinent questions. She explained the proposal and discussed a number of points that had been raised during the Land Use Planning Committee's meeting with the Applicant.

Edwin Bugbee, Oak Bluffs Shellfish Warden spoke on behalf of the Oak Bluffs Shellfish Department and explained the history of the proposal and of previous work done in the area. He explained the reasons for the proposal and that the proposal called for the deposition of the removed sand on the State Beach as part of a beach nourishment program to restore State Beach to a more usable resource. Mr. Bugbee responded to a series of brief questions from the Commission.

Mr. Widdiss called for other proponents of the proposal. There were none.

Mr. Widdiss called for opponents of the proposal. There were none.

Mr. Widdiss then recessed the public hearing briefly at 8:15 p.m.

At 8:29 p.m., Mr. Widdiss reconvened the public hearing on the proposal before the Commission. There being no further testimony, Mr. Widdiss closed the public hearing at 8:30 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 or by-laws.
- D. The Commission finds that the development proposal will be more beneficial than 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 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: May 17, 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.

RECEIVED
COMMISSIONER
BENJAMIN M. COOK

Handwritten notes in the top right corner.

Leonard Jason Jr.
Leonard Jason Jr., Chairman

June 21, 1984
Date

Norman Friedman
Notary

June 21, 1984
Date

**NORMAN FRIEDMAN
NOTARY PUBLIC
My commission expires Nov 2, 1990**



Edgartown, Mass. June 26 1984
at 1 o'clock and 46 minutes PM
Received and entered with Dukes County Deeds
book 416 Page 521

Attest: Severly W. King
Register

RECEIVED BY
COMMISSIONER
BENJAMIN M. COOK
JUL 3 1 1984