

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557
617-693-3453

DATE: August 23, 1984

TO: Planning Board and Conservation Commission
of the Town of Edgartown

FROM: Martha's Vineyard Commission

SUBJECT: DEVELOPMENT OF REGIONAL IMPACT
RE: PRIVATE PIER - KATAMA BAY

APPLICANT: Leonard S. Melrod
c/o Dean R. Swift, R.L.S.
Box 1982
Vineyard Haven, MA 02568

DECISION OF THE MARTHA'S VINEYARD COMMISSION

SUMMARY

The Martha's Vineyard Commission (the "Commission") hereby approves with certain conditions the Application of Leonard S. Melrod, c/o Dean R. Swift, R.L.S., Box 1982, Vineyard Haven, Massachusetts 02568 for the construction of a private pier on Katama Bay as shown on the plan entitled: "Plan accompanying petition of Leonard Melrod to build and maintain a timber pier in Katama Bay, Edgartown, Massachusetts, Dean R. Swift, Registered Land Surveyor, dated May 15, 1984, Revised August 7, 1984, consisting of two (2) sheets, (the Plan).

The Decision with conditions contained herein, is rendered pursuant to the vote of the Commission on August 23, 1984.

The Planning Board and Conservation Commission of the Town of Edgartown 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 Planning Board of the Town of Edgartown 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 August 23, 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 Katama Bay.

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 8:30 p.m.

Carol Borer, Commission staff member, described the proposal using an aerial photo of the area in which the property is located and the plan of the proposed development. She briefly went through the staff checklist noting that the proposal called for a 140 foot pier with a 25 foot "T" at the end, of timber construction. She noted the questions on the checklist that the applicant could more easily answer. She discussed the potential shellfish affect and indicated that the Coastal Zone Management office had indicated that the proposal was on a State designated Barrier Beach under Executive Order 181-80 and therefore there should be no regrading work within the proposed project area and on the abutting beach and dune system. A second concern of Coastal Zone Management was that any permitted construction should be performed from a floating barge to lessen adverse effects on the beach and pond and further that mechanical pile driving should be required to maintain beach volume and form. She distributed a map from the State which indicated the area and items she had just noted. A discussion of potential shellfish impediment followed. Any impediment was thought to be minimal.

Dean Swift, agent for the applicant discussed the points that were in question. He indicated a fall or spring construction period and discussed the tidal differences. There would be no dredging.

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- 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 has considered the question of potential impact and damage to a State designated barrier beach as set forth in Executive Order 181-80. In order to minimize to the greatest extent possible those impacts, the Commission sets the following conditions:

THERE SHALL BE NO REGRADING WORK PERFORMED WITHIN THE PROPOSED PROJECT AREA OR ON THE ABUTTING BEACH AND DUNE SYSTEM.

Further, the Commission sets the following additional condition:

THERE SHALL BE NO DREDGING IN THE AREA AND THAT ALL CONSTRUCTION SHALL BE PERFORMED FROM A FLOATING BARGE IN ORDER TO LESSEN THE ADVERSE EFFECTS ON THE BEACH AND POND AND THAT THERE SHALL BE ONLY THE USE OF A MECHANICAL PILE DRIVER DURING CONSTRUCTION TO MAINTAIN THE BEACH VOLUME AND FORM.

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 the appropriate Town of Edgartown officers and boards for any other development permits which may be required together with any other development permits required by law.

He noted the plan had been revised to meet an objection by the southerly abutter by moving the proposal 20 feet north. Mr. Swift responded to several questions regarding the proposal.

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

Mr. Ray Fugier, friend of Faulkners who are abutters to the south, discussed the problem of a turning approach to the abutters pier when the wind was southerly and the need to approach the lee side of the dock. It was noted the Faulkners had asked that the pier be moved and it had been moved northerly by 20 feet. Sumner Mead asked if the proposed pier would be longer than the existing piers. Mr. Swift indicated no. A discussion of the lengths of the piers in the area followed. Mr. Mead noted that if the proposal were to be built that it not go beyond the existing piers. A discussion of the depth of water at the end of the pier followed.

Pam Faulkner, daughter of the abutters, discussed the encouragement of as short a dock as possible to meet the needs of the applicant and not interfere with the abutters. A discussion of the views and dock usage followed. Mr. Durawa raised a question regarding the length of docks in the area. A clarification and discussion followed as well as the depth of the water in the area. Mr. Geller questioned whether construction would be from a floating barge. Mr. Swift indicated that that could be a condition and expected that it would be.

Mr. Widdiss then called for other testimony. There being none, he closed the hearing at 8:53 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, subject to the conditions set forth herein, will exceed the probable detriments of the proposal in light of the considerations set forth in Section 15 of the Act.

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

This Decision is written consistent with the vote of the Commission: August 23, 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.
Leonard Jason Jr., Chairman

30 Sept 1984
Date

Norman Friedman
Notary:

9/20/84
Date

Edgartown, Mass. September 24, 1984
at 3 o'clock and 10 minutes P.M
Received and entered with Dukes County Deeds
book 420 Page 642



Attest: Suzerly W. King
Register