

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557
617-693-3453

DATE: December 6, 1984
TO: Conservation Commission Town of Oak Bluffs
FROM: Martha's Vineyard Commission
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT
RE: JETTY REPAIR

APPLICANT: William H. Hart Realty Co.
c/o Joseph Forns, Applied Marine Ecology Lab
25 Greengate Road
Falmouth, MA 02540

DECISION OF THE MARTHA'S VINEYARD COMMISSION

SUMMARY

The Martha's Vineyard Commission (the Commission) hereby approves with certain conditions the Application of the William H. Hart Realty Co., c/o Joseph Forns, Applied Marine Ecology Lab, 25 Greengate Road, Falmouth, Massachusetts, 02540 for the repair and reconstruction of the existing jetties at the inlet to Harts Harbor in the Town of Oak Bluffs as shown on the plan entitled: "Plan Accompanying Petition of William H. Hart Realty Co., to reconstruct and maintain jetties in Nantucket Sound at Oak Bluffs, Massachusetts, September 25, 1984, J.M.Forns d/b/a/, Applied Marine Ecology Lab, Falmouth, Massachusetts, consisting of one (1) sheet, (the Plan).

The decision, with conditions contained herein, is rendered pursuant to the vote of the Commission on December 6, 1984. The Conservation Commission of the Town of Oak Bluffs may now grant the necessary development permits for the Applicant's proposed reconstruction work in accordance with the conditions 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 December 6, 1984 at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts. The proposal is for the reconstruction and repair of jetties at the entrance to Harts Harbor.

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.

Joseph Forns, agent for the applicant explained the proposal. He noted that the problem was a chronic one and that the jetty had suffered from severe northeast storms. He noted that the applicant was in the process of securing Chapter 91 licenses to make the alterations to the structure. He anticipated that the work would be done in the wintertime when less damage would occur. Mr. Forns discussed a number of questions that were raised in the staff checklist. He discussed using a barge vs. coming over land. He further discussed the construction of the repairs to the jetty. He did not believe that a MEPA review would be necessary. Mr. Forns responded to questions from the Commission regarding terms that were used. He noted that the applicant had been working with the Town over the past couple of years on the problem. A discussion of the possible repairs followed as well as the life expectancy of the work being proposed. Mr. Forns indicated that the spoils of work in the past had been placed south of the work area. A discussion of the permits necessary followed.

Mr. Widdiss called for a staff report. Carol Borer, MVC staff discussed several items related to the project. Ms. Borer indicated that indeed a MEPA review would probably be needed. A number of points regarding usage followed.

Mr. Widdiss read a letter from Maxwell Moore, President of Hart Realty Co., explaining further the need for the project.

Mr. Widdiss called for proponents - Rob Culbert of the Oak Bluffs Conservation Commission noted that the Town and the applicant had indeed been exploring the problem for years and he questioned whether the stoned from the old jetties could be used. Mr. Forns explained the possibilities and problems of this approach.

There being no further proponents, Mr. Widdiss called for opponents- there were none. Mr. Widdiss then read a letter from John L. Barry III questioning the meeting and the proposal. He then read a letter of response from the MVC Executive Director. A brief discussion of the matter followed.

There being no further testimony, Mr. Widdiss closed the public hearing at 8:55 p.m.

FINDINGS and CONDITIONS

The Commission has considered the Application and the information presented the 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.
- 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 and 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 potential impact upon the natural resources of the area and in particular the barrier beach and in order to lessen that impact sets the following condition:

THAT THERE SHALL BE NO MAJOR GRADING PERFORMED WITHIN THE PROJECT AREA OR ON THE ABUTTING BEACH AND/OR DUNES.

Further, the Commission has considered the impact of the proposed development upon the beach itself and sets the following condition:

THAT IF ANY DREDGING IS PROPOSED WITHIN THE PROJECT AREA, THE APPLICANT SHALL BE IN CONSULTATION WITH THE APPROPRIATE AGENCIES OF THE COMMONWEALTH WITH RESPECT TO THE PROPER LOCATION FOR THE DEPOSITION OF THE SPOILS OF SUCH DREDGING OPERATIONS.

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 granting applicable development permits.

This Decision is written consistent with the vote of the Commission: December 6, 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.

Margaret Harris
Margaret Harris, Vice-Chairman

12/13/84
Date

Norman Friedman
Notary

12/13/84
Date

Edgartown, Mass. Dec 16, 1984
at 9 o'clock and 01 minutes A
Received and entered with Dukes County Deeds
book 423 Page 387

NORMAN FRIEDMAN
NOTARY PUBLIC
My commission expires Nov 2, 1990

Attest: *Suzerly W. King*

