

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557
617-693-3453

DATE: March 14, 1985
TO: Building Inspector, Town of Oak Bluffs
FROM: Martha's Vineyard Commission
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT
RE: ADDITION TO COMMERCIAL DEVELOPMENT
APPLICANT: Terrence P. McCarthy
Circuit Avenue Extension
Oak Bluffs, MA 02557

DECISION OF THE MARTHA'S VINEYARD COMMISSION

Summary

The Martha's Vineyard Commission (the Commission) hereby approves with certain conditions the Application of Terrence P. McCarthy, Circuit Avenue Extension, Oak Bluffs, Massachusetts, 02557 for the construction of an addition to an existing business in the Town of Oak Bluffs as shown on the plans entitled: "Terry McCarthy, Dockside Marketplace, October, 1984", consisting of three (3) sheets plus "Plot Plan of Land in Oak Bluffs, Massachusetts, Schofield Brothers Inc., Vineyard Haven, Massachusetts, February, 1985", consisting of one (1) sheet and totalling four (4) sheets, (the Plan).

The Decision with conditions contained herein is rendered pursuant to the vote of the Commission on March 14, 1985.

The Building Inspector of the Town of Oak Bluffs may now grant the necessary development permits for the Applicant's addition to an existing business in accordance with the conditions contained herein, or, may approve 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 3.30. The application was referred to the Commission by the Building Inspector of the Town of Oak Bluffs for action pursuant to M.G.L. Chapter 831, Acts of 1977, as amended (the Act).

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 February 21, 1985 at 8:45 PM, at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts. The proposal is for the construction of an addition to an existing business.

The hearing was chaired by Marc Widdiss, Chairman of the Land Use Planning Committee who read the legal notice and opened the public hearing for testimony at 8:46 PM.

Sean Murphy, agent for the applicant, explained the proposal. A one story addition of 3 to 4 shops; all dry goods, no restaurant, etc. Some of existing plantings to be incorporated in the interior: 2,600 square feet of addition....

A discussion of the interior space use followed. A discussion of the exact location of the street line followed. A discussion of the flood plain lines followed. A discussion of the parking requirements of the Town of Oak Bluffs followed. A discussion of future potential septic systems locations followed. A discussion of potential retail expansion or increase followed.

Jim Muth, Commission staff, discussed the checklist and showed the location of the proposal and showed a series of slides of the area.

A discussion of the goals of Oak Bluffs followed. A discussion of the parking issues and the fact that the majority of the traffic in the area is pedestrian as a result of the harbor activities and the tourist boats.

A discussion of the bulkhead problems of the recent past followed. The pedestrian facilities in the area followed.

Mr. Widdiss called for proponents - there were none.

Mr. Widdiss then called for opponents.

Robert Culbert raised the issue of the closeness of the proposal to the pedestrian traffic flow of the area. A discussion of the roof usage and exterior materials followed.

There being no further testimony, the hearing was closed at 9:22 PM.

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.
- 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 question of whether the proposal, in the manner proposed, will have a more favorable or adverse impact on the environment in comparison to alternative manners of development and in considering thusly sets the following condition:

THAT NO BUSINESSES BE ALLOWED THAT WOULD NOT MEET THE DEFINITION IN TITLE 5 OF "DRY GOODS" USES UNTIL SUCH TIME AS THE TOWN OF OAK BLUFFS HAS CONSTRUCTED A PUBLIC SEWER SYSTEM TO SERVE THE AREA. SALES OF RETAIL FOOD PRODUCTS NOT MADE OR PREPARED ON THE PREMISES ARE NOT RESTRICTED BY THIS DECISION.

With respect to compliance with the condition set forth in this Decision, the Board of Health of the Town of Oak Bluffs shall be charged with careful monitoring of the proposal and shall insure full compliance with the condition contained herein and all other conditions that may be placed on this Application by local boards and officials.

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 officials 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: March 14, 1985.

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.

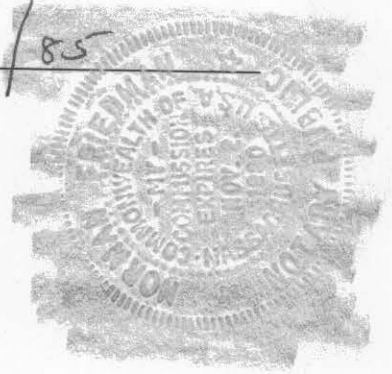
Leonard Jason, Jr.
Leonard Jason, Jr., Chairman

3-21-85
Date

Norman Friedman
Notary

3/21/85
Date

NORMAN FRIEDMAN
NOTARY PUBLIC
My commission expires Nov 2, 1990



Edgartown, Mass. March 25, 1985
at 9 o'clock and 50 minutes A.M.
Received and entered with Dukes County Deeds
book 426 Page 387

Attest: *Severly W. King*
Register