

## THE MARTHA'S VINEYARD COMMISSION

BOX 1447  
OAK BLUFFS  
MASSACHUSETTS  
02557  
617-693-3453

DATE: September 5, 1985  
TO: Planning Board, Town of Oak Bluffs,  
FROM: Martha's Vineyard Commission  
SUBJECT: Development of Regional Impact  
RE: Residential Subdivision  
APPLICANT: Russell R. Rogers  
P.O. Box 823  
Oak Bluffs, MA 02557

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DECISION OF THE MARTHA'S VINEYARD COMMISSIONSUMMARY

The Martha's Vineyard Commission (the Commission) hereby approves the Application of Russell R. Rogers, P.O. Box 823, Oak Bluffs, MA 02557 for the subdivision of land in the Town of Oak Bluffs as shown on the plan entitled: "A Plan of Land in Oak Bluffs, MA, prepared for Russell R. Rogers, August 5, 1985; Smith and Dowling-Engineers, Box 1087, Vineyard Haven, MA 02568, consisting of one sheet (the Plan).

The Decision contained herein is rendered pursuant to the vote of the Commission on September 5, 1985.

The Planning Board of the Town of Oak Bluffs may now grant the necessary development permits for the Applicants proposed subdivision of land 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 3.202. The Application was referred to the Commission by the Planning Board of the Town of Oak Bluffs for action pursuant to M.G.L. Chapter 831 of the 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 the Massachusetts General Laws Chapter 30A, Section 2, on September 5, 1985 at 8:30 P.M. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts. The proposal is for the subdivision of land off Norris Avenue in the Town of Oak Bluffs.

Benjamin Moore of the Land Use Planning Committee read the public hearing notice and opened the hearing for testimony at 9:06 P.M.

Jim Muth; MVC staff indicated the location of the proposal and showed a series of slides depicting the area.

Russell Roger, Applicant, explained the changes made from the preliminary proposal and how the new plan evolved. He noted the various lot sizes and the potential for low income lots, He discussed the various aspects of the proposal and how the vegetation would be saved and where it would be located.

A discussion the potential of low or moderate income housing followed.

Mr. Moore called for other proponents - there were none

Mr. Moore called for opponents - there were none.

Mr. Moore then read notes from the Land Use Committee.

There being no further testimony the hearing was closed at 9:23P.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 Acts:

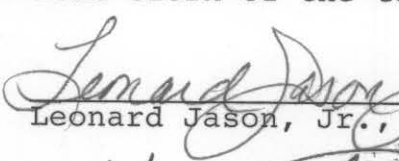
- A. The Commission finds that the probable benefits of the proposed development will exceed the probable detriments of the proposal in light of the considerations set forth in Section 15 of the Act.
- B. The Commission finds that the proposed development will not interfere substantially or unreasonably 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 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 the appropriate Town of Oak Bluffs officers and boards for any other development permits required by law.

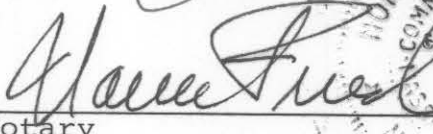
The Commission approves the Town of Oak Bluffs officials granting applicable development permits.

This decision is written consistent with the vote of the Commission: September 5, 1985.

Any party aggrieved by a determination of the Commission may appeal to the Superior Court within twenty (20) 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

19 Sept 1985  
Date

  
Notary

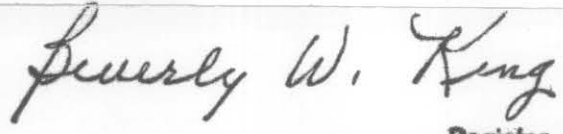
9/19/85  
Date

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

-2-

Edgartown, Mass. Sept. 23, 1985  
at 1 o'clock and 32 minutes PM  
Received and entered with Dukes County Deeds  
book 434 Page 723

Attest:

  
Register