

THE MARTHA'S VINEYARD COMMISSION

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December 30, 1975

TO: BUILDING INSPECTOR OF THE TOWN OF TISBURY AND PLANNING BOARD
FROM: MARTHA'S VINEYARD COMMISSION
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION: RE Robert Cimeno
APPLICANT: ROBERT CIMENO

SUMMARY

Theo Town permit-granting agencies have been granted approval by the Martha's Vineyard Commission to grant the necessary development permits for Robert Cimeno's proposed development. This approval was by vote of the Commission on December 30, 1975 and is contingent upon the conditions contained within the Decision. Development must proceed within one-year of the issuance of this approval, or else new approval from the Martha's Vineyard Commission will be necessary.

DECISION

OF

THE MARTHA'S VINEYARD COMMISSION

RE: Robert Cimeno

A Public Hearing was held on December 22, 1975 by the Martha's Vineyard Commission, at 8:20 p.m. upon Public Notice to consider the application of Robert Cimeno for an addition to a commercial structure in the Town of Tisbury ("the Application"). The proposed development is for an addition to a commercial structure, the premises shown as Folk to Cimeno Book 316, page 51 and from Robert Cimeno to the Captain's Galley Trust Book 324, Page 42.

This location is within 300 feet of a regional feeder road, and is thus a Development of Regional Impact under criteria and standards, Development of Regional Impact Checklist Section 2.102. This application was referred to the Commission for action pursuant to Chapter 637, Acts of 1974 as amended ("the Act"). Said application is incorporated herein by reference.

At the hearing held pursuant to said Chapter 637 and Massachusetts General Laws, Chapter 30A, section 2, the Commission received testimony from Robert Cimeno, and additional information, including a building permit application from the Town of Tisbury with a floor plan, a letter from the Board of Selectmen of the Town of Tisbury dated November 25, 1975.

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Based on the testimony and information, the Development of Regional Impact Committee of the Commission presented a verbal report and recommendation to the Commission on December 30, 1975, which is incorporated herein.

Under Section 15 and 16 of Chapter 637, the Commission is required to make findings after its review of the development proposal. It must consider the probable benefits and detriments of the proposal. In this matter, the Commission has been guided by its Policies to be Used in Considering Development Proposals Whose Impact is of a Regional Nature, adopted by the Commission on June 5, 1975 ("DRI Policy").

The Commission finds the probable benefits from the proposed development will exceed the probable detriment and that the proposal will not substantially interfere with the achievement of any general plan of the Town of Tisbury or of Dukes County. In particular, although there may be visual problems and traffic/access difficulties associated with the proposed development the Commission finds that the benefits will out weigh the detriments. The proposed development conforms to DRI Policies 2.10 Economic Development, and does not conflict with DRI Policy 2.905 Visual Quality.

The Commission finds the proposed development is consistent with local development 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 this decision, apply to appropriate Town of Tisbury officers or boards for any other Development Permits which may be required.

The Commission approves the Town of Tisbury officials granting applicable Development permits, subject, however, to the following conditions:

1. Prior to the issuance of a permit a) the applicant shall submit a plan to the Tisbury Planning Board which attempts to minimize the visual, traffic, and circulation problems in the parking area in front of the building, after consultation with the "Friends of Tisbury" or a professional landscaping contractor and b) post a bond with the Town of Tisbury to assure faithful performance of the plan as approved and c) the Tisbury Planning Board shall have approved the plan of the applicant.
2. There shall be no "take out" service unless it is provided in a way which requires customers to enter the building for service. By "take out service" is meant service of food or drink for consumption off the premises.
3. There shall be no more than 60 seats for people dining inside or outside the existing or proposed structure.
4. No additional exterior lighting of the building shall be erected or maintained on the proposed structure except the minimum necessary to provide for safe pedestrian ingress and egress.

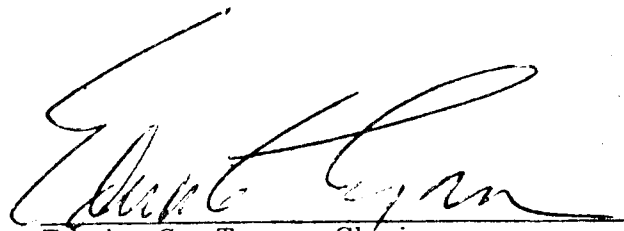
In Re Robert Cimeno

5. This Decision shall not be effective until recorded at the Dukes County Registry of Deeds (or filed at the Dukes County Registry District of Land Court, in the case of registered land), and indexed in the grantor index under the names of the Martha's Vineyard Commission and the Town of Tisbury, respectively, and the name of the Applicant, and in the grantee index under the names of the Martha's Vineyard Commission and the Applicant.

Upon completion of the development proposed by the Applicant under this Decision, the Applicant shall apply to the Town of Tisbury Planning Board and Building Inspector for a certificate evidencing compliance with Conditions 1,2,3&4, of this Decision. This certificate of compliance, when approved by the town permit-granting agency, shall be approved by the Martha's Vineyard Commission and shall be filed at the Dukes County Registry of Deeds (or filed at the Dukes County Registry District of Land Court, in the case of registered land) and shall constitute conclusive evidence of such compliance in favor of all persons relying thereon.

BY VOTE OF THE COMMISSION

DECEMBER 30, 1975



Edwin G. Tyra, Chairman