

THE MARTHA'S VINEYARD COMMISSION

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DATE: February 16, 1995
 TO: Planning Board, Town of Edgartown
 FROM: Martha's Vineyard Commission
 SUBJECT: Development of Regional Impact
 RE: subdivision of land in a commercial zone
 APPLICANT: Scrooge McDuck Trust
 264 Upper Main Street
 Edgartown, MA 02539

 DECISION OF THE MARTHA'S VINEYARD COMMISSION

SUMMARY

The Martha's Vineyard Commission (the Commission) hereby approves the granting of permits for the development, as submitted, contained in the Application of the Scrooge McDuck Trust, 264 Upper Main Street, Edgartown, MA, as shown on the plan entitled: "Plan of Land in Edgartown, MA, prepared for the Scrooge McDuck Trust, scale 1"=20', June 7, 1994, Schofield, Barbini and Hoehn, Inc., civil engineers and land surveyors, 97 State Road, Box 339, Vineyard Haven, MA 02568, MV-6855", consisting of one (1) sheet, (the Plan).

This Decision is rendered pursuant to the vote of the Commission on February 16, 1995.

The Planning Board of the Town of Edgartown may now grant the request for approval of the Applicant's proposal in accordance with this Decision or may grant the request for approval and may place conditions thereon in accordance with applicable laws or may deny the request for approval.

FACTS

The proposed development is a Development of Regional Impact as defined by the Commission's Standards and Criteria, Developments of Regional Impact Section 3.204. The Application was referred to the Commission by the Planning Board of the Town of Edgartown for action pursuant to Chapter 831 of the Acts of 1977, as Amended (the Act). The Application and Notice of Public

Hearing relative thereto are incorporated into the record herein. Martha's Vineyard Commission staff document exhibits are also incorporated into the record by reference.

A duly noticed public hearing on the application was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2 on Thursday, January 19, 1995, at 7:30 pm in the Commission offices, Olde Stone Building, Oak Bluffs, MA. The hearing was closed the same night.

The proposal is for the subdivision of land in a commercial zone on Upper Main Street in Edgartown, MA.

A summary of the testimony provided at the hearing is provided as Exhibit A attached hereto. The hearing summary is for the convenience of the reader and was not relied upon by the Commission in reaching its decision on this matter.

FINDINGS AND CONDITIONS

The Commission has considered the Application and the information presented at the public hearing and based upon such considerations, makes the following findings pursuant to Section 14 of the Act.

- 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. (SECTION 14(A) OF THE ACT).
- B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WILL NOT SUBSTANTIALLY OR UNREASONABLY INTERFERE WITH THE ACHIEVEMENT OF THE OBJECTIVES OF THE GENERAL PLAN OF ANY MUNICIPALITY OR THE GENERAL PLAN OF THE COUNTY OF DUKES COUNTY.
- C. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH MUNICIPAL DEVELOPMENT ORDINANCES AND BY-LAWS, TO THE BEST OF THE COMMISSION'S KNOWLEDGE.
- D. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS NOT WITHIN ANY DISTRICT OF CRITICAL PLANNING CONCERN AND THEREFORE THIS ISSUE IS NOT PERTINENT TO THE PROPOSAL.

The Applicant must, consistent with this Decision, apply to appropriate Town of Edgartown Officers and Boards for any other development permits which may be required by law.

The Decision is written consistent with the vote of the Commission: February 16, 1995.

Any applicant aggrieved by a Decision of the Staff or Committee hereunder, may appeal to the full Martha's Vineyard Commission which shall decide such appeal, after notice and hearing, within 21 days of the close of the public hearing.

Any party aggrieved by a determination of the Commission may appeal to 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 in the Town in which the proposed development is located.

Jane A. Greene
Michael J. Donaroma, Chairman
JANE A GREENE Vice Chair

2/16/95
Date

Thomas R.G. Simmons
Notary

2/16/95
Date

Thomas R.G. Simmons
Notary Public
My Commission Expires August 11, 2000



SUMMARY OF THE HEARING TESTIMONY (1/19/95)

The Martha's Vineyard Commission held a public hearing on Thursday, January 19, 1995, in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA on the following Development of Regional Impact (DRI):

Applicant: Scrooge McDuck Trust
PO Box 2064
Edgartown, MA 02539

Location: off Upper Main Street
Edgartown, MA

Proposal: division of land in commercial zone

Linda Sibley, Chairman of the Land Use Planning Committee, (LUPC), read the hearing notice and opened the hearing for testimony at 7:39 pm.
Mr. Donaroma left the room and abstained.

Heather Harper, MVC staff, reviewed the proposal, the current use and the fact that the lot would not be a buildable lot. A discussion of the characteristics of the neighborhood followed.

Ms. Sibley called for testimony from Town Boards - there was none.

Ms. Sibley then called for testimony from proponents - there was none.

She then called for opponents - there were none.

There was no general testimony.

A discussion of the history of the site followed.

There being no further testimony the hearing was closed at 7:45 pm.

Edgartown, Mass. Feb 21 19 95
at 8 o'clock and 50 minutes P M
received and entered with Dukes County Deeds
book 650 page 263

Attest: Dianne E. Powers
Register

RECEIVED-ENTERED
2-29-95
DIANNE E. POWERS
REGISTRY OF DEEDS
COUNTY OF DUKE COUNTY