

THE MARTHA'S VINEYARD COMMISSION

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25 March 1977

TO: Conservation Commission, Town of Tisbury
FROM: The Martha's Vineyard Commission
SUBJECT: Development of Regional Impact Decision RE:
A. Freeman Leonard, Jr.
APPLICANT: A. Freeman Leonard, Jr.

SUMMARY

The Conservation Commission of the Town of Tisbury is granted by the Martha's Vineyard Commission to grant the necessary permits for the proposal of A. Freeman Leonard Jr., Applicant. The approval of the proposal is subject to the condition contained within this Decision; the local Conservation Commission may approve the development proposal with the conditions herein, approve it with additional conditions, or disapprove the proposal.

DECISION OF THE MARTHA'S VINEYARD COMMISSION

A Public Hearing was held on March 24, 1977 by the Martha's Vineyard Commission (the "Commission") at 8:00 p.m. at Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts upon public notice to consider the application of A. Freeman Leonard (the "Applicant"). The proposal is for a 50 ft. extension of an existing pier of 85 ft. with a 15 ft. "L" and the placing of four tie piles. The proposal is within a water body of 10 acres or more and is thus a Development of Regional Impact under the criteria and standards, Regional Impact Checklist Section 3.502. This application was referred to the Commission by the Applicant for action pursuant to Chapter 637, Acts of 1974, as amended (the "Act"). Said application is incorporated herein.

At the Hearing held pursuant to said Chapter 637 and Massachusetts General Laws, Chapter 30A, Section 2, the Commission received testimony from the "Applicant". Ronald H. Mechur staff of the Commission delivered a presentation concerning the probable benefits and detriments of said "Application". Anne Crossley, appointed Commissioner of the Commission from the Town of Oak Bluffs, spoke in favor of the construction of the proposal.

Edith Potter, chairman of the Land Use Planning Committee of the Commission presented a verbal report and recommendation to the Commission. The Committee recommended that the Commission

allow approval of the development proposal subject to the review and conditions of the Massachusetts Division of Waterways.

Under Sections 15 and 16 of Chapter 637, the Commission is required to make findings after its review of the development proposal. In this matter, the Commission has considered each factor enumerated in these sections of the Act.

The Commission finds as described herein that the probable benefits from the proposal will exceed the probable detriments. The Commission also finds that the proposal will not interfere substantially with the achievement of any general plan of the Town of Tisbury or of Dukes County, or violate any local ordinances.

The Commission finds that the development proposal will be more beneficial than detrimental when compared to alternative manners of development or development occurring in alternative locations. The Commission finds that navigational and fisheries requirements will not be impacted.

The Commission finds the proposed development is consistent with local development ordinances and by-laws to the extent it is required to.

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

1. that the Applicant satisfy the requirements of the Massachusetts Division of Marine Fisheries.

BY VOTE OF THE COMMISSION

March 24, 1977

George H. Mathiesen

George H. Mathiesen, Chairman

Date April 4, 1977

Edgartown, MA April 6 1977
at 10:30 AM
Book 344-2-120

Attest: *Jessie W. King*
Register



Norman Fildine

Notary Public

My commission expires

Nov. 10, 1983