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THE MARTHA'S VINEYARD COMMISSION

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DATE: April 13, 1978
 TO: Building Official of the Town of Chilmark
 FROM: Martha's Vineyard Commission
 SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION
 RE: COMMERCIAL DEVELOPMENT
 APPLICANT: Everett Poole, Seafood Processing Plant

RECEIVED BY
 MARTHA'S VINEYARD
 COMMISSION
 MAY 5 1978

SUMMARY

The Building Official of the Town of Chilmark is granted approval by the Martha's Vineyard Commission to grant the necessary development permits for the Applicant's commercial development. This approval was by vote of the Commission on April 6, 1978. The Town Building Official may approve the development proposal only in accordance with this decision and with the conditions contained herein and may, if authorized by local development ordinances and by-laws, place conditions upon or disapprove the development application.

DECISION OF THE MARTHA'S VINEYARD COMMISSION

A Public Hearing was held on March 9, 1978 by the Martha's Vineyard Commission (the "Commission") at 8:00 p.m. at the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA upon public notice to consider the application of Everett Poole (the "Applicant") for a commercial development approval in the town of Chilmark (the "Application"). The proposed development is for an addition to an existing structure as shown on plans entitled "Proposed Addition to Processing Plant". This proposal is a proposed retail business which has a floor area greater than 3000 square feet and is thus a Development of Regional Impact under the Criteria and Standards, Development of Regional Impact Checklist 3.30. This application was referred to the Commission for action pursuant to Chapter 831, Acts of 1977 (the "Act"). Said application and notice of public hearing are incorporated herein.

On March 9, 1978 the Hearing was held pursuant to the Act and Massachusetts General Laws, Chapter 30A, Section 2, and was chaired by Edith Potter, Chairman of the Commission's Land Use Planning

Committee. William Wilcox, staff of the Commission, delivered a presentation concerning the probable benefits and detriments of said "Application". There was no testimony. The "Applicant" requested the hearing be recessed until March 16, 1978. There was discussion concerning the disposal of water, structure style, and materials. A letter received from Harriet Otteson, a proponent and abuttor, was read into the record. The hearing was then recessed until March 16, 1978.

The Poole Development of Regional Impact Hearing was reconvened on March 16, 1978. There was no quorum of the Commission present due to storm conditions. There was no testimony and the hearing was recessed until the next meeting of the Commission.

The Poole Development of Regional Impact Hearing was reconvened on March 23, 1978. Ben Moore of the Land Use Planning Committee conducted the hearing and read again the legal notice. Bill Wilcox presented slides of the locus. Everett Poole, applicant, spoke in favor of the application. A letter in opposition received from Dr. Richard and Carol Gross was read into the record. There was discussion concerning noise from compressors, traffic and parking problems, pedestrian safety, night trucking, water quality impacts, disposal of shells and other litter, and employment effects. The applicant responded to some of the issues presented; it was acceptable to the applicant to place a monitoring well and to take measures to reduce noise pollution. There was no further testimony and the Hearing was closed.

On April 6, 1978 the Land Use Planning Committee presented a recommendation to the Commission concerning the application. The recommendation was for approval of the application with the following conditions: that adequate parking be provided, that the holding tanks be tested at least one time per year and that the applicant certify that the tanks are not leaking, and that measures be taken to reduce the noise from the compressors. There was discussion on the recommendation, and most particularly on the method to be used to reduce noise impacts. The applicant suggested a vegetative screen as one suitable alternative.

Under the Act, 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

BOOK 355 PAGE 424

matter, the Commission has considered each factor enumerated in these sections of the Act and has considered its Checklist for Evaluation of Commercial/Small Scale Industrial Developments, together with the information presented at the Public Hearing.

The Commission finds that the probable benefits, with the conditions contained herein, of the application will exceed the probable detriments, and will not interfere substantially with the achievement of any general plan of the Town of Chilmark or of Dukes County, or violate any local development ordinances and by-laws.

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 the 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 the Decision, apply to appropriate Town of Chilmark officers or boards for any other development permits which may be required together with any other developments required by law.

The Commission adopted the recommendation of the Land Use Planning Committee on April 6, 1978 and places the following conditions upon the development proposed by this Application:

1. That adequate parking be provided;
2. That the holding tanks be tested at least one time per year and that the applicant certify to the local Health Board that the tanks are not leaking;
3. That measures be taken to reduce the noise from compressors.

The Commission approves the Town of Chilmark officials granting of applicable development permits only in accordance with this decision.

This decision is written consistent with the VOTE OF THE COMMISSION:

April 6, 1978

Wilfred A. Lawrence
Wilfred Lawrence, Vice Chairman

Norman Friedman
Notary Public

my commission expires: 11/10/83

Edgartown, Mass. April 19, 1978
at 9 o'clock and 45 minutes A.M.
Dukes County Deeds

