

THE MARTHA'S VINEYARD COMMISSION

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BOX 1447
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617-693-3453

DATE: September 14, 1978
TO: Conservation Commission of the Town of Tisbury
FROM: Martha's Vineyard Commission
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION
RE: COASTAL DEVELOPMENT
APPLICANT: Ralph M. Packer, Jr. et ux

SUMMARY

The Conservation Commission of the Town of Tisbury is granted approval by the Martha's Vineyard Commission to grant the necessary development permits for the Applicant's coastal development. This approval was by vote of the Commission on September 7, 1978. The Town Conservation Commission may approve the development proposal and may, if authorized by local development ordinances and by-laws, place conditions upon it or disapprove the development application.

DECISION OF THE MARTHA'S VINEYARD COMMISSION

A Public Hearing was held on September 7, 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 Ralph M. Packer, Jr. et ux (the "Applicant") for a coastal development approval in the Town of Tisbury (the "Application"). The proposed development is to build and maintain a timber pier and walkway in Lake Tashmoo off land located on West Spring Street as shown on plans entitled "Proposed Timber Pier in Lake Tashmoo at Tisbury, County of Dukes, State Mass., Application by Ralph M. Packer Jr. et ux, October 12, 1977, sheet 1 of 2, and, locus map sheet 2 of 2, and Proposed Timber Walkway, Feb. 8, 1978, scale as noted, Dean R. Swift, R.L.S., Vineyard Haven, Mass." This proposal is a proposed coastal development within a water body of ten acres or more and is thus a Development of Regional Impact under the Criteria and Standards, Development of Regional Impact 3.502. 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 September 7, 1978 the Hearing was held pursuant to the Act

and Massachusetts General Laws, Chapter 30A, Section 2, and was chaired by Ben Moore, Acting Chairman of the Commission's Land Use Planning Committee. Mr. Moore opened the Public Hearing and read the public notice. Michael Wild, staff of the Commission, delivered a presentation concerning the development of the locus. There was a call for proponents. There were none. There was a call for opponents. There were none. Mr. Moore raised issues concerning the number of boats, disruption to shellfish, electricity and water use. Mr. Packer testified that one or two boats would make use of the pier and that electricity and water would be available. Ronald Mechur, Executive Director of the Commission, read the local Order of Conditions dated March 22, 1978. The Applicant testified that additional conditions 11-16 were acceptable. Correspondence from Richard E. Kendall, Commissioner of the Department of Environmental Management, Executive Office of Environmental Affairs, Commonwealth of Massachusetts, was also read into the record. There was no additional testimony. The Hearing was closed.

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 matter the Commission has considered each factor enumerated in these sections of the Act and has considered its Information for Evaluation of Coastal Developments, together with the information presented at the Public Hearing.

The Commission finds that the probable benefits of the application will exceed the probable detriments and will not interfere substantially with the achievement of any general plan of the Town of Tisbury 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 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 the Decision, apply to appropriate Town of Tisbury officers or boards for any other development permits which may be required together with any other development permits

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required by law.

The Commission approves the Town of Tisbury Officials granting applicable development permits.

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

September 7, 1978

George H. Mathiesen
George H. Mathiesen, Chairman

Mourian Friedman
Notary Public

my commission expires: 11/10/83

Edgartown, Mass. October 24 19 78
at 2 o'clock and 00 minutes P M
Received and entered with Dukes County Deeds
book 361 Page 19

Attest:

Sewerly W. King
Register



10/20/77
date