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Modification to a Decision of the Martha's Vineyard Commission

DRI 628-M2 – Oak Bluffs Fishing Pier Modifications to add seasonal safety lights on the "L", hand pump for seawater wash and bait-cutting surfaces.

1. SUMMARY

- Referring Board: Oak Bluffs Conservation Commission, Town of Oak Bluffs, MA
- Subject: Development of Regional Impact #628-M2
Modifications to add solar-powered safety lights on the "L", seawater hand pump and
bait-cutting surfaces.
- Owner: Town of Oak Bluffs
- Applicants: Town of Oak Bluffs and Commonwealth of Massachusetts
- Applicant Addresses: Oak Bluffs Board of Selectmen, 56 School Street (P.O. Box 1327), Oak Bluffs, MA
02557; and Ross Kessler, Public Access Coordinator, Massachusetts Division of Marine
Fisheries, 1213 Purchase Street, New Bedford, MA 02740
- Project Location: Sea View Avenue Extension, Oak Bluffs, Map 9, Lot 58
- Description: In order to improve safety, to affix self-contained solar-powered safety lights on the "L" of
the pier, between April 1 and November 30. In order to provide for clean-up, install a
hand pump to bring seawater to the deck of the "L". In order to prevent damage to the
pier's wood surfaces, install several bait-cutting surfaces on top of the pier's rail at the "L".
- Decision: The Martha's Vineyard Commission (the Commission) approved the modifications at a
vote of the Commission on September 18, 2014.

The permit-granting authorities of the Town of Oak Bluffs may now grant the request for approval of the Applicant's proposed modification and may place further conditions thereon in accordance with applicable law, or may deny the request for approval.

2. FACTS

The exhibits listed below including the referral, the staff report, and other related documents are incorporated into the record herein by reference. The full record of the application is kept on the premises of the Martha's Vineyard Commission.

2.1 Referral Correspondence

The request for the proposed modifications was referred to the Commission on July 16, 2014 by the Conservation Commission of the Town of Oak Bluffs for action as modification to a previously approved DRI, pursuant to Chapter 831 of the Acts of 1977, as amended (the Act) and the Commission's Standards and Criteria Administrative Checklist for Developments of Regional Impact, Section 5.1c Development in the Ocean. The Conservation Commission voted to allow the modifications, noting that the Martha's Vineyard Commission will also have to address the proposed changes, and that "The Oak Bluffs Pier Regulations do not allow lighting on piers but the Commission determined that this is an exception since it is a public pier, open 24 hours, and lighting is a safety issue".

2.2 Determination of Significance and Need for Public Hearing

On September 18, 2014, the Martha's Vineyard Commission determined that the proposed modification is not significant to warrant a public hearing. The Commission held no public hearing on the proposed modification, having determined that none was warranted.

2.3 Description of Proposed Amenities

The amenities proposed to be added to the pier consist of three types:

- Self-contained solar charging LED footlights on the inside posts of the "L" end of the pier, to be affixed between April 1 and November 30. The sample provided was housed in stainless steel. No shore power is to be provided to the lights.
- A hand pump to manually bring seawater to the deck of the "L" end of the pier, for washing. No shore power or running water is to be provided.
- Individual bait-cutting surfaces to be affixed at several locations on the top rail of the pier. These were described as comparable to a kitchen cutting board.

2.4 Other Exhibits

- E1. Referral correspondence from the Oak Bluffs Conservation Commission; July 16, 2014.
- E2. Staff Report for September 18, 2014 by Jo-Ann Taylor, DRI Coordinator for this project, dated September 4, 2014.
- E3. PowerPoint presentation prepared by MVC staff member Jo-Ann Taylor for September 18, 2014.
- E4. Minutes of the Commission's Land Use Planning Committee meeting, August 11, 2014.

2.5 Summary of MVC Discussion on September 18, 2014

The following is a summary of the proceedings during the MVC Meeting of September 18, 2014.

- Staff report by Jo-Ann Taylor, DRI coordinator for this project, including PowerPoint presentation.

- Presentation by Ross Kessler, Public Access Coordinator, Division of Marine Fisheries.
- Report of LUPC Chairman Linda Sibley on the LUPC vote and recommendation from August 11, 2014.
- Brief site visit to MVC parking lot where light samples were displayed in operation. The model encased in stainless steel was offered by the applicant as preferred. Another sample encased in plastic was withdrawn from consideration.
- Brief discussion of proposed modifications and reasons, noting as follows:
 - The proposed footlights should provide a measure of safety for fishing at night. The footlights are self-contained and require no shore power. They are restricted to the far end of the pier and are to be removed for the off-season.
 - The proposed bait-cutting surfaces should protect the wood surfaces of the benches, deck and rail from the damage that has been observed in their absence.
 - The proposed hand pump should provide a measure of cleanliness for users and for the facility. The proposed hand pump will not be provided with running water or shore power.
 - The proposed changes have previously been reviewed and approved by the Oak Bluffs Conservation Commission.

3. DECISION

The Martha's Vineyard Commission deliberated about the proposed modifications at a duly noticed meeting of the Commission held on September 18, 2014 and made its decision at the same meeting.

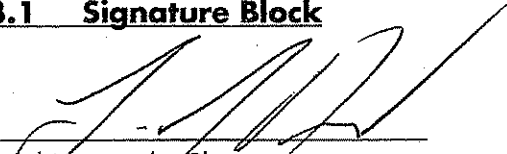
The following Commissioners, all of who participated in all hearing and deliberation on this project, participated in the decision on September 18, 2014.

- Voting in favor: T. Barnes, J. Breckenridge, M. Fisher, J. Goldstein, L. Jason, J. Joyce, J. Malkin, K. Newman, and J. Vercruyse.
- Voting against: E. Hammarlund and F. Hancock.
- Abstentions: C. Brown, D. Sederholm, and L. Sibley.

Based on this vote, the Commission approved the amendments as proposed.

Written decision approved October 2, 2014.

3.1 Signature Block

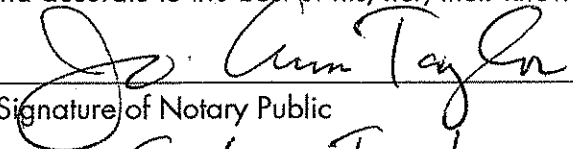

Fred Hancock, Chairman

10-3-14
Date

3.2 Notarization of Decision

Commonwealth of Massachusetts
County of Dukes County, Mass.

On this 3rd day of October, 2014, before me,
Jo-Ann Taylor, the undersigned Notary Public, personally
appeared Fred Hancock, proved to me through satisfactory evidence of identity, which
was/were driver's license to be the person(s) whose name(s) was/were
signed on the preceding or attached document in my presence, and who swore or affirmed to me that the
contents of the document are truthful and accurate to the best of his/her/their knowledge and belief.


Signature of Notary Public

Jo-Ann Taylor
Printed Name of Notary

My Commission Expires February 9, 2018

3.3 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: October 17, 2014

Deed Book 1359, Page 1035

DECIS 00005909