

# THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF FEBRUARY 18, 1988

## MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA 02557 on February 18, 1988 at 8:00 P.M. regarding the following Development of Regional Impact (DRI):

APPLICANT: George B. Stern  
33 Walker Street  
North Andover, MA 01845

LOCATION: Fuller Street  
Edgartown, MA

PROPOSAL: Change of use of the Fuller Street Boathouse  
qualifying as a DRI since the floor area is greater than  
1,000 square feet.

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James Young, Chairman of the Land Use Planning Committee, read the public hearing notice and opened the hearing for testimony at 8:30 P.M. at which time a quorum was present. He then stated the order of the public hearing and asked for the staff presentation.

Tom Bales, MVC staff planner, referenced a handout to Commissioners and stated this proposal qualifies as a DRI since it is a change of use of a building with a floor area greater than 1000 square feet and was referred by the Board of Appeals, Town of Edgartown. Further stated the proposal is for the conversion of a 21,000 sq. ft. boathouse into 7 condominium units which will contain a total of 14 bedrooms. This proposal will convert a boat house in a Residential District to a multi-unit condominium development. If passed it will be a change of use of an existing non-conforming use and noted boats are presently being stored at this location. He stated the location is Fuller Street, Edgartown, Assessor's Map #20 B-94. Mr. Bales stated that George Stern, Applicant, holds a Purchase and Sales Agreement to this land and building.

Mr. Bales then discussed applicable zoning regulations referencing Article 11.9 - C of Edgartown Zoning By-law regarding special permit granting authority and Article 11.15 of Edgartown Zoning By-law regarding multi-unit dwellings. Mr. Bales noted that only Article 11.9 applies to Mr. Stern and that Article 11.5 has been included for reference.

Mr. Bales addressed increased residents as a result of this proposal as follows: Proposed new seasonal residents at 3 - 6 persons/unit x 7 units equals 21 - 42 total people and stated that proposed new year-round

residents equals zero as the applicant considers winter subletting unlikely.

Mr. Bales stated the Applicant's property is located in Zone A and/or B of the Flood Insurance Rate Map further, the Applicant's property is located in the inland zone of the Coastal District. He stated the height of any structure created in any district shall not exceed thirty-two feet for a pitched roof (Article XI - 11.3 Edgartown Zoning By-law) and the present building height is 43' with the proposed building height at 43'. Basing solid waste generation on the 1980 Census he stated at 3 lbs per day per person (summer), with 21 - 42 summer people x 3lbs. will equal 63 - 126 lbs per day. Further sewage as proposed will be a minimum of 1,540 GPD and maximum of 2,541 GPD with the allowed usage of 231 GPD. Mr. Bales stated the ratio 110 GPD per 10,000 sq. ft. = .011 Ratio. He stated the proposal is for 14 Bedrooms x 110 GPD (Title 5 estimates) = 1540 GPD however with a foldout sofa counted, the total is 21 Bedrooms x 110 GPD = 2,541 GPD. He stated the Sewer Commission received the sewer hookup application and will consider it only if the Zoning Board of Appeals approves it. (Oct. 21, 1987 Sewer Commission Minutes) and noted according to Steve Vancour, Superintendent of the Sewerage Department, recent applications for single family homes have been denied sewerage hookup permits because of the extreme overloading of the present system. Furthermore, he said, the situation has become much worse since October when they first talked to Mr. Stern. They no longer plan to lease a belt filter press to help process water.

Mr. Bales then stated that access to the proposal will be a 25' wide easement along east side of property and noted it is owned by Edgartown Marine and the easement is used by two neighboring homes for access. He questioned if the easement ownership is included in the Purchase and Sales Agreement? He then stated the required parking in the R-5 District is 2 spaces/dwelling unit and the proposed spaces are 3/dwelling unit and stated the provided spaces will be at ground level within the building.

Mr. Bales then addressed existing traffic generation using the Applicant's estimate on Fuller Street as 2,000 vehicle trips per day and on Cooke Street & Pease Point Way 1,355 vehicle trips per day and stated this is the only exit from downtown Edgartown. He stated staff projections regarding trips to be generated by this development equal 40 - 63 trips per day and stated the wide range is because of the wide range in possible usage intensities and further stated this wide range is a result of the applicant's inability to supply information stating if the units will each accommodate 3 people for 2-4 weeks a season, if each of the units will accommodate 6 people every week during the season (as a result of rentals) or any combination in between. He then discussed the impacts of traffic in the area stating the area presently carries the traffic from the Harborview Hotel which consists of 60 guest rooms and the change in traffic for this proposal will be from 60 boat transport trips per year to a condominium which will generate 40 to 63 vehicle trips per day.

Mr. Bales then stated the following building materials are proposed: White wood patio doors; asphalt roof shingles; white cedar shingles on the front and rear of building; white Clapboard on sides of building and windows 6 over 6.

He stated the burden on the school system as proposed will not add any children to school system as the cost of housing will be prohibitive to year-round residents and there are places more suitable to year round residence in the same price range.

Mr. Bales noted the applicant proposes to contribute to affordable housing by giving \$4,000 for each unit sold to the Dukes County Regional Housing Authority. He questioned if this was an appropriate sum of money?

Mr. Bales noted that plans which have not been received is the exhaust system for the garage.

Mr. Bales then addressed alternative uses for the building as would be permitted: a municipal use (bus storage and community hall) and affordable housing. Other possibilities could be a different condominium development; an apartment building; an Inn; commercial business; light industrial use; carpentry or building supply building.

Mr. Bales then stated the area requirements for total lot are 5,000 sq. ft.; front yard set back, 20 ft.; side yard setback, 5 ft.; rear setback, 5 ft. and stated area which is provided is total lot 9,000 sq.ft.; front setback, 1 ft.; side setback 11' + and rear setback 2 ft.

Mr. Bales stated that according to Paul Thibideau of the Edgartown Water Department there will be no problem hooking this development into the water line if Mr. Stern is willing to pay for it.

Mr. Bales stated development concerns as follows: quality and character of the new buildings; possible refusal of sewer hookup; no guarantee from Applicant to prevent future buyers from renting units out; preservation of neighborhood character; possibility of 4-6 people in each unit; noise; local demand for recreation; absentee ownership; possible corporate ownership; change in activity patterns for neighborhood; Flood Plain and Coastal Zone District and increased traffic. He then stated possible benefits: development will add the spending power of 7 families to the Island economy; donation of \$4,000 for each unit sold will go to the Dukes County Housing Authority; employment of 15 people during construction; applicant estimates that owners will pay \$17,000 per year in property taxes ( $5.47/1,000 \times \$3,107,861$  applicant's estimation on future assessment = \$17,000.) and the elimination of boats presently stored in the boathouse with full tanks of gas. He then stated questions regarding the proposal: who will maintain the Road; will there be a cap on how much sewage is allowed; is the proposed exterior lighting plan sufficient; is it possible to provide open space nearby for the residents; does the applicant plan to make arrangements with the Harborview so the residents may use the tennis courts and will there be scaffoldings set up on the tennis courts so work can be done on the building?

Mr. Bales then showed a video of the existing structure which depicted the structural supports, existing bays which equal 7 and stated each bay will be a condo unit; existing first floor, proposed parking and further showed the location of property lines.

Mr. Young asked for questions from Commissioners.

Mr. Filley asked if winter use will be restricted? Mr. Bales answered in the negative.

Mr. Ewing questioned how the applicant will be able to landscape as there is no land surrounding the building? Mr. Bales described the proposed plan.

Mrs. Harney asked how the vehicles will access the parking area. Mr. Bales answered through the side of the building.

Mr. West stated that he feels this proposal is inappropriate as the existing building has no sewerage flow.

Mr. Young then asked for the Applicant's presentation.

Mr. Stern, Applicant, stated he is not here to destroy the neighborhood and that he is a professional developer. Mr. Stern stated

That the existing building is not practical for storing boats. He stated that he has entered into an agreement with Mr. Greene to purchase the boathouse with the idea it may be a good place for residences. Mr. Stern stated the prices of the units have not been established yet as actual engineering for this proposal has not been developed and further, no intention of leaving out year-round residents has been made. He stated that he has a home on the Island and is ready to work with the community. Further, that he is presently rebuilding a house on Pease Point Way. Mr. Stern stated he has a problem with the issues of sewer and traffic and stated that he hired a firm, Vanesse and Hagen, to do a traffic study and discussed the extent of the study. Regarding the issue of sewer he stated an application was submitted to the Sewer Commission in September and the consensus of the Sewer Commission at that time was this project would be allowed to enter into the sewer. Further, if known there would be any problem with sewer hookup he stated the project would not have gone this far.

Addressing other concerns Mr. Stern stated the quality and character of the building will be superb; to rental guarantees he stated that rentals happen in single family homes; preservation of the character of the neighborhood he stated that this proposal will not change the character; noise issue can not be addressed; recreation issue he stated that there are enough recreational areas (i.e. beaches); to corporative ownership, he does not see this as a problem as this is done often; condominium documentation regarding rules will be made available to the MVC and rentals will be limited to a certain period (i.e. monthly) not weekly basis; change in the activity patterns of the area, he stated this was addressed in the traffic study which has been submitted to the MVC and the flood plain issue, he stated that there will be no residences within the flood plain, only vehicle parking. Lastly, he stated there will be no increase in traffic.

Suzan Custer asked if the building was built right on the lot lines or if the lot has been subdivided since. Mr. Stern stated that this is the location of the original building that it has not been moved.

Mr. West asked if this is a residential area? Mr. Stern answered in the affirmative. Mr. West then asked if there was any sewer at the existing building? Mr. Jason stated it is his understanding there is not.

Mr. Evans asked what the plans for roof runoff are? Mr. Stern stated presently, there is none and that he has accounted for this with 2 gutters and 4 down spouts into a dry well.

Mr. Filley asked how the garage will be vented. Mr. Stern stated venting will be done to State Code and the entire building will have a sprinkler system.

Mr. Ewing asked if the chimneys are functional and will they serve fireplaces? Mr. Stern answered in the affirmative.

Mr. Young then asked for Town Board Testimony.

Ted Morgan, Selectmen, stated his Board has a number of concerns as follows: the sewer hookup is a concern and stated that Edgartown voted a 6 million dollar sewer project as the sewer is at over capacity and something must be done about this issue. He stated 3 years ago the DEQE recommended a moratorium on sewer hookups. Secondly, there are a number of zoning issues i.e. height; four units to one building versus 7 units; and setbacks. Further, he stated there is no question in the minds of the Selectmen that the detriments outweigh the benefits, that this a stable neighborhood with little new construction in area. He discussed damage which occurred when tour buses used to come through this area and noted

that the practice of tour buses using this route has stopped. Mr. Morgan also stated that the boat shed has been a good neighbor as it is a quiet situation with some noise while moving boats in the spring and then again in the fall. He stated that by denying this proposal it will not cause a hardship to anyone and further, that he does not see the benefit of transferring boats to Mill Hill as this existing facility is much easier to transfer large boats to. He stated with the new traffic pattern in Edgartown there is no direct route to Mill Hill. He stated there is no need for condos or additional people or monies from this project in Edgartown. Lastly, he spoke of the hours the Planning Board and Growth Management Committee have spent on controlling growth and asked the MVC to consider these issues and vote accordingly.

Curry Jones, Edgartown Planning Board Representative, stated that they have met on two occasions on this matter with the applicant and his representatives and that the Board unanimously agrees with the Selectmen's statement and read a letter from the Planning Board to the MVC which in summary stated opposition to this conversion and reasons for their opposition (letter submitted for the record).

Mr. Filley asked Mr. Jones if there is an Article in the Town Warrant increasing zoning. Mr. Jones answered in the affirmative from 5,000 to 10,000 square feet.

Mr. Filley asked if the sewer plant is over capacity. John Lovewell, Sewer Commissioner, stated it is over loaded. Mr. Filley then asked what the Sewer Commissioners are planning for in the future. Mr. Lovewell stated the new plant should be able to handle single family dwellings.

Mr. Ewing asked how long before the new plant is built. Mr. Lovewell, Sewer Commissioner, stated that the position of his Commission is that the Town should approve this sewer project for better sewer hookup as there is nowhere else for it to go. Further, he stated the plant will be complete in 1990 - 1991.

Mr. West asked if the present plant can handle the sewer of this proposal? Mr. Lovewell answered in the negative.

Mr. Young then called for proponents. There were none.

Mr. Young then called for opponents.

Joe Whitney, Resident of Fuller Street, introduced Eric Peters, Attorney for the Fuller Street Association. Mr. Peters submitted a letter for the record and then summarized the letter stating zoning regulations; impacts on neighborhood i.e. traffic generation/increase and present uses in the area.

Mr. Whitney stated that the property has been subdivided since the building was built and discussed the history of ownership. He then stated it is his understanding that the applicant was told that no action would be taken on his sewer application until if and when he received a permit he should reapply.

Mr. Lovewell read from the minutes of a Sewer Commission meeting and read as follows: the chairman stated that permission to connect proposed condominiums to sewer will be granted only if the ZBA rules favorably on this project. Further, that the Commission has not met on this issue since and that it could change its decision.

Mr. Whitney stated that he agrees with everything which Ted Morgan stated and that the project should be in a more appropriate location.

Peter Clough, Resident, also stated that he is opposed to this project for reasons as stated by others and also stated the project is located near

the Historic District and further there is an attempt in progress to bring this area into the historic district.

Mr. Stern then stated that he would be willing to come back to the MVC with an alternative plan which would reduce the density of the project.

Granville White, mother is an abutter to this proposal, stated concerns regarding fire and the location of a standpipe connection. He further questioned the proposed maintenance of the access road and the water runoff from Fuller Street into nearby wetlands.

Steven Karalukus, resident, stated he endorses all the negative comments and further spoke of congestion on the street, using beach at the end of Fuller Street, noise levels and rubbish during summer months.

David Prethcer, 29 Morse Street, stated he is moving to the Island year-round, he is from in CT, which has been overrun by apartments and condominiums which has had an adverse effect on the quality of life. He then spoke of existing vehicular traffic and pedestrian traffic and the increased vehicular and pedestrian traffic of this proposal.

Mr. Berry, stated that he endorses all comments made by opponents further, questioned the applicant's counts on increased traffic generation.

Mrs. Custer stated that she is uncomfortable with the emotional testimony that has been given. She then asked Mr. Clough, Town Assessor, if he happens to know the amount of taxes that are now collected on the property as a business use. Mr. Clough answered in the negative. Mr. Young stated this will be looked at by staff.

Mr. Young asked for the applicant's rebuttal.

Mr. Stern stated he would appreciate the chance to come before the MVC with a downscale proposal which might meet with the approval of the neighbors.

Following Mr. Stern's request to come before the Commission with a downscale plan there was lengthy discussion as to whether this would constitute a new public hearing vs. a continuation of this hearing.

Mr. Young stated the Commissioners have a handout which summarizes all correspondence submitted for the record and stated there are 38 letters further, he read the name of person and date written.

Mr. Young then addressed the Commissioners questions regarding whether the hearing should be continued or a new hearing should be scheduled due to the request for modification by the applicant. Mrs. Borer, Executive Director, stated not knowing the extent of the modifications at this time it is uncertain to her if a new hearing should be scheduled or this one continued. The consensus of the Commission was to close the public hearing. Mr. Young then closed the public hearing and stated the record would be kept open for two weeks.

### ITEM #3 - Minutes of February 11, 1988

Motion to approve as prepared. Seconded. The motion carried with one abstention (Custer).

### ITEM #5 - Possible Vote

Marc Hanover - Dockside Inn DRI Written Decision

There was discussion as to whether a vote on the Decision could be taken as the number of abstentions would be greater than the number that could vote. It was the consensus to take the vote.

Motion to approve as prepared. Seconded. The motion to approve carried with a vote of 5 in favor and 6 abstentions (Widdiss, West, Eber, Custer, Ewing, Lynch).

ITEM #1 - Chairman's Report - Mr. Lynch stated the Landlord will begin renovations tomorrow and therefore locations of public hearings and meetings will be as announced.

ITEM #2 - Old Business - Carol Borer stated that she has information on the Bronson Fargo DRI but would rather hold it over to a later date when more Commissioners will be in attendance.

ITEM #4 - Committee Reports - James Young, Chairman of the Land Use Planning Committee stated the next meeting of the Committee will be on February 29, 1988 at the Oak Bluffs Selectmen's meeting room, Town Hall, Oak Bluffs at 4:30 P.M.

ITEM #6 - New Business - There was none

ITEM #7 - Correspondence - There was none

There being no further business the meeting of the MVC was adjourned at 10:45 P.M.

ATTEST:

Michael Lynch 3/17/88  
Michael Lynch, Vice Chairman Date

J. Woodward Filley 3/17/88  
J. Woodward Filley Date  
Clerk/Treasurer

Attendance:

Present: Jason, Lynch, Widdiss, Filley, West, Young, Eber, Evans, Custer, Ewing, Morgan, Harney

Absent: Ferraguzzi, Scott, Wey, Lee, Delaney, McCavitt, Allen, Geller, Harris