

THE MARTHA'S VINEYARD COMMISSION

BOX 1447 • OAK BLUFFS
MASSACHUSETTS
02557
(617) 693-3453

Minutes of MVC Meeting
January 7, 1988

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

Applicant: Leland/Rogers
P.O. Box 729
Vineyard Haven, MA 02568

Location: Martha's Vineyard Airport
West Tisbury, MA

Proposal: Construction of an airport hangar
qualifying as a DRI since the proposal is greater than
3,000 square feet and is the subject of a previous DRI
application.

James Young, Chairman of Land Use Planning Committee, read the public hearing notice, explained the procedure of the public hearing and asked for the staff presentation.

Melissa Waterman, MVC Staff, stated that the proposal is for the construction of an airport hangar qualifying as a DRI since the proposal is greater than 3,000 square feet and has been included in a previous DRI application approved in August 1986. She showed a video of the existing hangars, surrounding area and location for the proposed hangar. She then stated that the location of the proposal is in West Tisbury, Martha's Vineyard Airport on Tax Assessor's Map 28. Ms. Waterman described the project as follows: proposal is to build a T-hangar, from Fulfab Inc. building plans the dimensions being: 50' x 273' equalling 13,650 sq. ft., steel framed with 12 units, floor will be poured slab concrete, exterior walls of metal, roof of metal with a 1:12 slope, height to eaves 14'5", and 16'6" to roof line as per building permit application, no heating or plumbing proposed, lighting to consist of 2 lights on the corner of building and applicant proposes to sell these units, not rent.

Ms. Waterman then stated the applicable zoning regulations for the proposed site stating that the lot in West Tisbury is zoned light industrial with minimum lot size of 20,000 sq. ft. and minimum setbacks as follows: front - 20 feet; side - 20 feet; and rear 20 feet also that maximum height restrictions are 3 stories or 35 feet.

Ms. Waterman stated that the applicant went to the Airport Advisory Committee in June for preliminary review of project and on October 14, 1988 the Martha's Vineyard Airport Commission approved the project. She further

stated that the applicant applied for a West Tisbury Building Permit on November 4, 1987. Further that the applicant currently leases the land on which the existing hangar is located. She stated that the applicant has a letter of commitment from the Airport Commission concerning leasing the 125' x 313' parcel on which the new hangar will be located.

Ms. Waterman further noted that the 1987 M.V. Airport Master Plan Update addresses the projected demand for T-hangar space for the years 1984 - 2004. She stated two T-hangars currently exist, providing approximately 20 spaces for aircrafts.

Ms. Waterman stated that there are no development concerns for this project.

Mr. Young asked for the applicant's presentation.

Peter Rogers, Applicant, stated that all units have been pre-sold at this time as there is a need for the hangars. Further stated that the staff presentation was complete.

Mr. Evans asked how close to the Edgartown-West Tisbury Road could development of this sort take place. Mr. Morgan, Commissioner, stated that this type of development could go out to the West Tisbury Road and further that there is room for an addition 6 hangars of this kind.

Mr. Evans then asked if there is a Master Plan in place for the Airport. Melissa Waterman answered in the affirmative stating the most recent up-date is dated July 1987.

Mr. Ferraguzzi asked what the difference between a T-Hangar and Conventional Hangar is? Mr. Rogers explained that a conventional hangar has one door for planes to enter and a T-hangar has a door for each plane.

Mr. Jason asked if the area at the end of the hangar which has no proposed use at this time would be used as offices or storage? Mr. Rogers stated that this area would most likely be used for offices for aviation purposes.

Mr. Young then called for Town Boards, proponents, opponents and comments regarding this proposal. There were none.

Mr. Young stated that no correspondence has been received regarding this proposal.

There being no further testimony the hearing was closed at 8:25 P.M. and stated that the record would be kept open for one week.

Following the public hearing, John G. Early, Chairman of the MVC, opened the special meeting of the Commission at 8:25 P.M.

Item #1 - Chairman's Report

Mr. Early introduced to the Commissioners two new staff members:

Greg Saxe, Water Resources Planner and
Mark Adams, Regional Planner/Cartographer.

Further, a third staff planner will start at the MVC next week.

Item 2 - Old Business

Mr. Early stated that a letter from Secretary Hoyte, EOE, has been received by the MVC dated January 4, 1988 regarding the Lagoon Pond Piers Safe ruling which states that the Secretary is not evoking the Fail

Safe Provision of the MEPA Regulations as per the MVC request of October 29, 1987. Mr. Early read the letter in its entirety.

Mr. McCavitt, Commissioner, summarized the letter and stated now the Commission must make its recommendation to DEQE. There was discussion of what is meant by a Generic EIR? Mr. McCavitt stated that a hypothetical situation is used and suggested this issue be discussed at a future meeting.

Mr. Early then stated that the special meeting of the Commission will reconvene following the scheduled public hearings at 8:35 P.M.

The Martha's Vineyard Commission held a public hearing at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA at 8:30 P.M. on the following Development of Regional Impact (DRI):

APPLICANT: Marc Hanover
Dockside Inn
P.O. Box 1206
Oak Bluffs, MA 02557

LOCATION: Circuit Avenue Extension
Oak Bluffs, MA 02557

PROPOSAL: Demolition of an existing structure and new construction of an Inn qualifying as a DRI since the proposal is greater than 3,000 square feet and will accommodate more than 10 dwelling units.

James Young, Chairman of Land Use Planning Committee, read the public hearing notice and opened the hearing for testimony at 8:35 P.M. He asked for the staff presentation.

Ann Skiver, MVC staff, showed an aerial photo of the North Bluff area and depicted the location of the proposal. She referenced a handout and stated the location of the proposal is on Circuit Avenue Extension & Pasque Avenue Oak Bluffs Assessor's Map #8 Lot #289. The proposal is for the demolition of existing 18 room Dockside Inn (approx. 4,634 sq. ft.) and the construction of new 18 room Dockside Inn (approx. 5,760 sq. ft.) equalling an additional 1,136 sq. ft. or 20% increase. Ms. Skiver then showed a video of the existing Inn and the surrounding. She then described the existing and proposed building stating: the existing building footprint = 48' x 68' = 3,264 sq.ft., the proposed building footprint = 54' x 60' = 3,240 sq.ft. including porches. She stated the 1st Floor of the proposed building will include: Two handicapped accessible units 12' x 20', two guest units 12' x 20', lobby/main entrance, laundry & storage room, four 8'x10' Employee dorm rooms with shared bathroom and kitchen and a Manager's 1 bedroom Apartment with bathroom and kitchen. The second floor will include: nine guest units 12' x 20', one guest unit 12' x 22', all with separate bathroom and a covered porch along west and east elevation. The third floor will include: three suites including sitting room, bathroom and bedroom, and one guest unit with separate bathroom 12'x 26'.

Ms. Skiver stated the proposal is located within the B-2 District and discussed the required, existing and proposed setbacks. She further described various required zoning variances which the applicant requires from the Zoning Board of Appeals under Section 5-2 c stating the Applicant

seeks to increase the building height from 24' to 32'. Further under Section 6-2 Pre-existing Non-Conforming Uses and Structures: No pre-existing non-conforming uses and structures shall be changed, moved or extended and no pre-existing non-conforming uses and structures or buildings shall be structurally or substantially altered or enlarged or replaced by a new building unless, upon application to the Board of Appeals for a Special Permit it can be shown that if not carried out it would work a substantial hardship. "And the Board of Appeals has made a finding that such change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood." The Applicant's proposal includes demolition of pre-existing/non-conforming structure. Under Section 20-44 - Flood Plain Zone: The lowest floor of any new and substantially improved non-residential structures shall be elevated to or above the base flood elevation to be floodproofed (as defined) to this level. The applicant seeks to build below base flood elevation level of 9 feet. Further, Ms. Skiver noted that under Section 20-61-a.: The Board of Appeals may grant a special permit in the case of "new construction and substantial improvements to be erected on a lot adjacent to lots where existing structures have previously been constructed below the base flood level." She noted to Commissioners that the entire ZBL Regulations and map are attached to the handout.

Ms. Skiver stated that the Applicant requires Variances from Zoning Board of Appeals under the following ZBL: Under Section 7-1 General Regulations, e. B-2 Business Districts - 1. Except where exempted by Section 7-2, the minimum lot size shall be 10,000 sq.ft., plus 10,000 sq.ft. lot area per family in excess of one on the lot. The Applicant seeks to rebuild on under sized lot. Under Section 7-1-e.-4., 4. The setback between any structure and any lot line other than the street line shall be at least 20 feet. The Applicant seeks to build within 13 feet of side lot line where 20 feet is required.

Reviewing parking Ms. Skiver stated that the Applicant proposes to provide 9 total spaces of which 4 are existing and 5 will be newly created.

Ms. Skiver stated that the proposed building will be on Town water and that the existing Dockside Inn Septic permit (6-87) has been approved for 18 bedrooms. Ms. Skiver noted that the additional 5 bedrooms (1 Manager's Apt. & 4 employee dorm rooms) will require approval of Oak Bluffs Board of Health.

Ms. Skiver stated that correspondence for the record has been received by the following: To: MVC, From: Marc Hanover, Applicant regarding plans for demolition of existing Dockside Inn and removal of refuse from site. The Applicant has been in contact with the Board of Health regarding permit and fees involved in demolition. Applicant proposes to complete demolition as soon as possible with least amount of inconvenience to neighbors. Further from the Oak Bluffs Board of Appeals Correspondence File: Including general letters of support from: Oak Bluffs Architectural Assistance Committee; Steve Kruger; Terry McCarthy; Jules BenDavid and Mrs. Stella BenDavid.

Mr. Ferraguzzi questioned the condition of the existing building. Ms. Skiver stated that the applicant has done substantial work on the building and stated the applicant would best be able to answer.

Mr. Jason asked if the building was within a Coastal District? Ms. Skiver answered in the negative as it is within the Business District.

Mr. Evans questioned the proposed first floor elevation vs. the Flood Plain.

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

Marc Hanover, Applicant, stated that the current building is in need of much repair and that a substantial amount of work has already been done on the foundation. He stated that it is an old building, each year the building must be inspected prior to occupancy as it is in very poor shape. Further, that financially it is beneficial to demolish the existing building and rebuild a new Inn. He stated that the proposed building's footprint is smaller than the existing and that the additional square footage is the third floor. He stated that the proposal has additional parking, includes employee housing and handicap rooms. Further that the height of the proposed building complies with current zoning. Mr. Hanover stated that the proposal does not ask for additional rooms. Addressing the septic plans, he stated that the plans have been approved by the Board of Health for 18 rooms and the Manager's apartment. He stated during discussion with the Land Use Planning Committee it was decided to add the four dorm rooms and one bath for employees.

Mr. Young asked for testimony from Town Boards.

Linda Marinelli, Oak Bluffs Selectmen, asked if the applicant owned any other businesses in Oak Bluffs. Mr. Hanover answered in the affirmative, Linda Jeans. Mrs. Marinelli then asked if the applicant intended on having a restaurant in the Inn? Mr. Hanover answered in the negative. Mrs. Marinelli then asked if the Conservation Commission has reviewed the plans. Ms. Skiver, MVC Staff, stated that these plans will be reviewed by the Building Inspector and Board of Appeals and will receive input from the Planning Board and Conservation Commission. Mrs. Marinelli then asked when the Board of Health approved the septic plans. Ms. Skiver answered the septic permit was issued in June of 1987.

Mr. Young asked Mr. Hanover how many rooms the septic system was approved for. Mr. Hanover stated for 18 rooms and the Manager's apartment and further, the system has been over designed to accommodate the employee housing. He stated that he has not applied to the Board of Health as of yet for the additional rooms. Mr. Hanover then stated that he has met with the Zoning Board of Appeals.

Mr. McCavitt, asked what the proposed exterior materials are to be used. Mr. Hanover stated there would be a combination of shingles and clapboard.

Mr. Young then called for proponents. Mike Wallace, abutter, stated that this proposal will be an asset to the neighbors and tourist to the harbor.

Mr. Young called for opposition and general comments. There was none.

Mr. Young stated that an additional correspondence was received by the MVC from Sean Murphy, Hole in One Donut Shop, in support of the proposal.

There being no further testimony Mr. Young closed the public hearing at 9:00 P.M. and kept the record open for one week.

The Martha's Vineyard Commission held a public hearing regarding the Martha's Vineyard Commission's fiscal year 1988 - 1989 Budget on January 7, 1988 at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA at 9:00 P.M.

Mr. J. Woodward Filley, Clerk/Treasurer of the MVC, read the public hearing notice, opened the hearing for public testimony and stated each Commissioner has a copy of the draft budget. He gave a brief chronology of meetings held with Town Finance Committees regarding the budget stating each Town has reviewed the budget.

Mr. Filley asked if there were any questions from Commissioners? There was none.

Mr. Filley asked if there was any public testimony or questions? There was none.

As there was no further testimony the public hearing was closed at 9:05 P.M.

Mr. Early, Chairman of the MVC, reconvened the public hearing at 9:11 P.M.

Item #3 - Minutes of December 17, 1987

Motion to approve as prepared. Seconded. The motion carried with 2 abstentions (Jason, McCavitt).

Item # 4 - Committee Reports

District of Critical Planning Concern Committee (DCPC Committee)

Mr. Young, Chairman of the DCPC Committee, stated that the Committee met prior to this evening's meeting to review 12 applications for exemptions from the DCPC boundaries. He stated a majority of applicants received approval and a few needed more information. He stated that the Committee will consider the remainder of the applications on Monday, January 11, 1988 at 5:30 P.M. at the Commission offices.

Land Use Planning Committee (LUPC)

Mr. Young, Chairman of the LUPC, stated the Committee met on January 4, 1988. He stated there is a great need for new members as he was the only member present at Monday's meeting. He stated that the Committee can not give a recommendation however, he looked at the Stafford DRI, Parker DRI and discussed the Zeytoonjian DRI with Martin Tomassian, Attorney for the applicant.

Joint Transportation Committee - No report.

Item #5 - Discussion

Zeytoonjian DRI -

Ann Skiver, MVC Staff, gave a brief summary of the Zeytoonjian DRI. She referenced the handout to Commissioners and stated the Applicant proposes to change use of existing 3,735 sq. ft. Morey residence to commercial (retail) use. She noted the Applicant proposes no structural or facade change. Ms. Skiver stated the location of the proposal is in the Town of Edgartown, Assessor's Map 20D Lot 185 (Lot Area = 7,940 sq. ft. or .18 acre) on South Water Street. She stated access is existing access/egress onto South Water Street. The proposal is located in B-1 District with the requirements of minimum lot size - 5,000 sq.ft., front setback of 10 ft., side & rear yard setback 5 ft. and noted that the proposal is located in Edgartown Historic District. Ms. Skiver stated that the Applicant requires special permit from Zoning Board of Appeals under Section 9.2a of Edgartown Zoning By-laws which reads: Conditionally Permitted uses by Special Permit from the

Board of Appeals. a. Business use of more than 1,500 square feet floor area not in such use January 1, 1984, whether through new construction, addition, or conversion to business from residential use.

Addressing parking requirements Per Edgartown Zoning By-laws for B-1 District: For retail sales or service establishments: 1 space/500 sq.ft. = 8 spaces required and that the Applicant proposes to pay \$400.00 per space per year to Town off-site provision fund under Zoning By-law 9.4h. Also she noted that 2-3 parking spaces exist on property driveway and will be utilized for future employee parking.

Further she reviewed correspondence for the record following close of hearing as follows:

To: Carol Borer, Executive Director, MVC, From: Martin Tomassian, Attorney representing Mr. Zeytoonjian, dated 11-18-87

RE: Submitting Assessor's plan indicating ownership and usage of surrounding properties. Also requesting that the MVC not restrict the building as to type of business or number of shops as restriction as to type and style of business would be disastrous to client. Mr. Zeytoonjian is however, philosophically committed to particular type and style of business discussed at public hearing.

To: MVC, From: Garret Conover, Charlotte Inn, Dated 11-19-87

RE: Mr. Conover is opposed to parking in backyard of Morey/Zeytoonjian property, as this would mean cutting old trees, disturbance of guests in his Inn and adding to congestion on South Water Street. Letter also questions need for additional retail space in Town when much retail space goes unused.

To: MVC, From: H. Harding Brown, Law Offices of Epstein, Epstein, Brown & Bosek, dated 11-17-87

RE: As a summer resident of 50 South Water Street, Mr. Brown is opposed to conversion of Morey house to commercial retail purposes. Recognizes that the zoning ordinances of Edgartown may permit use, but feels that specifically retail use in a predominantly residential neighborhood is inappropriate. Feels that office use within Historic District is a benign usage, feels that MVC should limit the extension of actual non-conforming uses for the welfare of the whole community.

To: Carol Borer, Executive Director, MVC, From: Martin Tomassian, dated 12-1-87, RE: extension of due date on Zeytoonjian DRI to January 30, 1987.

Ms. Skiver then addressed development concerns as follows: increase in pedestrian traffic impact on neighborhood; adequacy of employee parking; Future utilization of backyard area and types of retail operation.

James Young, Chairman LUPC, stated that there was discussion regarding the development concerns listed and stated there was some give and take on possible impact of pedestrian traffic generated by other small complexes of retail stores in areas nearby. There was discussion of the issue of the appropriateness of giving money to the Town's transportation fund in lieu of providing parking, he stated that the Committee has requested a letter from the Edgartown Planning Board indicating their reasons for supporting this option, however, the letter has not been received. He stated that there was also discussion regarding this proposal still coming under two additional Town Boards (Historic District Commission and the Board of Appeals).

Mr. Evans asked if any information from the Edgartown Board of Trade was obtained regarding the number of unused retail space in Edgartown. Ms. Skiver answered in the negative.

Mr. Morgan stated concerns regarding the conversion of residential use to commercial use and questioned how long it would take before existing residential areas are exploited in this manner. Further, he stated that this is one persons scheme to make money and that this does not mean the Town must accommodate. Lastly, he stated that he feels it is ridiculous to accept a fee in lieu of parking.

Mr. Evans stated that he has concerns for this proposal and the increase of pedestrian traffic on the Town's narrow street. Further, he stated that he feels the concerns of neighbors and abutters regarding safety in the area are real.

Bob Lee, Commissioner, stated that the neighbors are opposed and he feels that the neighbors and the Town of Edgartown do not need this type use.

There being no further comments Mr. Early moved to the next Item.

Item #6 - Possible Vote

- Zeytoonjian DRI

Motion to instruct the Executive Director to prepare a Draft Decision to Deny the Zeytoonjian DRI for the following reasons:

Development of this type is not essential or appropriate in this location.

Proposed development will have an adverse effect on other persons and property.

Adverse effects on the Towns municipal services.

Motion Seconded.

There being no discussion Mr. Early took a roll call vote. The motion carried unanimously.

Item #5 - Discussion

Parker DRI

Melissa Waterman, MVC Staff, stated that a letter has been submitted by the applicant which explains the proposed means of drainage. She read to the Commissioners the letter in its entirety.

Mr. Young stated that LUPC requested the written explanation of the drainage plan and stated the letter satisfies the Committee.

There being no further discussion Mr. Early moved to the next item.

Item #6 - Possible Vote

Parker DRI

Motion to instruct the Executive Director to prepare a draft decision approving the Parker DRI as presented. Second.

As there was no discussion Mr. Early took a roll call vote.

The motion carried with a vote of 10 in favor, 0 opposed and 2 abstentions (Jason, Ferraguzzi).

Item #5 - Discussion

- Stafford DRI

Ann Skiver, MVC Staff, stated that the proposal is for the construction 9,600 square foot storage facility, steel framed with metal siding, she showed the site plan and existing buildings in the area. Under development concerns are: adequate security, which has been addressed by having lighting, locks and a possible gate.

Mr. Fuller asked how many bays and units are being proposed. Ann Skiver answered that there are 4 bays and 5 units.

Mr. Evans questioned extensively the drainage plan. Ms. Skiver stated that infiltration through gravel is what is existing and proposed.

Mr. Evans questioned if a formal drainage plan would be more appropriate?

Marie Scott asked if there were restrictions in place regarding hazardous waste. Ann Skiver stated that this issue is defined in the applicants lease with the M.V. Airport.

Mr. Young asked Mr. Stafford what is meant by phased plan. Mr. Stafford, Applicant, stated at first he was proposing to build two storage facilities and the Airport Commissioners asked him to phase the project, so therefore, if there is a need for this type of storage in the future there is room for an additional building.

Mr. Young stated that at this point there is no security as there is not a need at this time however, there are provisions proposed for the future.

Mr. Evans then stated that he has concerns for run-off from a roof of this size and the drainage. He stated rather than experimenting there needs to be some technical help as too how much water can be tolerated.

Mr. Jason asked if there is an existing drainage problem at the location of the existing storage facility. Mr. Stafford stated that there is very little standing water on site. He further stated that he has ordered hydrocloth to put under the gravel. He stated that the hydrocloth stops sediment from clogging drainage channels and also lifetime firms up the ground. Mr. Stafford stated that drainage is dealt with on their property and not drained any where else.

There being no further discussion Mr. Early moved to the next item.

Item #6 - Possible Vote

Stafford DRI

Motion to direct the Executive Director to prepare a draft decision approving the Stafford DRI with the following condition:

That the applicant document the drainage plan and present to the Land Use Planning Committee for review, prior to occupancy and if appropriate have the Airport Commissioners be aware of how these problems are being addressed.

Seconded.

Bob Morgan stated that he feels this condition may create a problem as, regarding review being placed on LUPC, the Airport Commission receives its technical advise through the Airport Advisory Committee.

Mr. Young stated that he feels this type of documentation could be useful.

Mr. Early asked if Mr. Evans would restate the motion.

Mr. Evans stated:

To approve the application as presented with the addition that the Stafford's present their drainage description and documentation of its success as proposed to LUPC and Staff prior to occupancy.

Mr. Early asked for a clarification as to whether this means an engineered plan or product description. Mr. Evans stated that he feels that the applicant should be able to convince the staff and subcommittee his plan will work by putting together documentation.

Mr. Early asked if Mr. Stafford is prepared to submit this type of documentation. Mr. Stafford stated that he is satisfied with his plan. He stated that he is a tenant and there are surrounding factors and stated that he is dealing with his drainage on-site at this time.

There was lengthy discussion of hydrocloth and how it is used.

There being no further discussion Mr. Early took a roll call vote.

The motion carried with a vote of 9 in favor, 0 opposed and 3 abstentions (Jason, Lee, McCavitt).

Item #7 - New Business

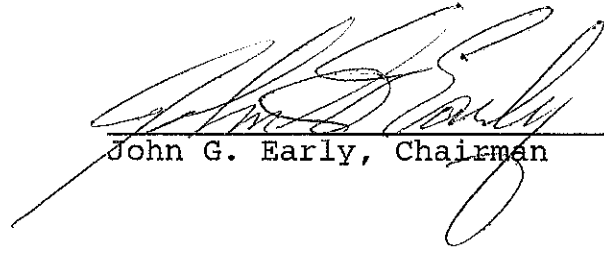
MVC Budget Fy 1988 - 1989

Motion to adopt the draft budget for the Commission's Fiscal Year 1988 - 1989. Seconded. Motion carried unanimously.

Item #8 - Correspondence - There was none.

There being no further business the Special Meeting of the Commission adjourned at 10:10 P.M.

Attest



John G. Early, Chairman

1/21/88
Date



J. Woodward Filley
Clerk/Treasurer

_____ Date

PRESENT: Jason, Filley, Young, Ferraguzzi, Evans, Scott, Early, Wey,
Fuller, Lee, Morgan, McCavitt

ABSENT: Lynch, Widdiss, West, Eber, Custer, Delaney, Allen, Geller, Harney,
Harris