

THE MARTHA'S VINEYARD COMMISSION

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Date: April 18, 2002

To: Building Inspector, Town of Tisbury

From: Martha's Vineyard Commission

Subject: Development of Regional Impact
 Re: reconstruction of Tisbury Inn with
 additional square footage,
 including new retail space.

Applicant: The Tisbury Inn
 Sherman and Susan Goldstein
 9 Main Street
 Post Office Box 428
 Tisbury, MA 02568
 Map 7 Lot 17

Decision of the Martha's Vineyard Commission
Summary

The Martha's Vineyard Commission (the Commission) hereby approves the granting of permits for the development, as submitted, contained in the Application of The Tisbury Inn, 9 Main Street, Tisbury, MA 02568, as shown on the set of plans entitled: "The Tisbury Inn Reconstruction, Schematic Design Progress Set, Prellwitz/Chelinski Associates, Inc., 221 Hampshire Street, Cambridge, MA 02139, Date: March 29, 2002," consisting of nine (9) sheets and a cover; including, "Site Plan of the Tisbury Inn, Schofield, Barbini & Hoehn Inc., Box 339, Vineyard Haven, MA 02568, Scale: 1"=20', Date: 2/8/2002," consisting of one (1) sheet; and "Floor Plan, Lower Level Plan," "First Floor Plan," "Second Floor Plan," "Third Floor Plan," "Fourth Floor Plan," "Roof Plan," "Main Street and Beach Street Elevations," and "Service Road and Side Building Elevations," Prellwitz/Chelinski Associates, Inc., 221 Hampshire Street, Cambridge, MA 02139, Scale: 1/8"=1', Date: 3/29/02," totaling nine (9) sheets (the Plan).

This Decision is rendered pursuant to a vote of the Commission on April 4, 2002.

The Building Inspector of the Town of Tisbury may now grant the request for approval of the Applicant's proposal in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law or may deny the request for approval.

Facts

The proposed development is a Development of Regional Impact (DRI) as defined by the Commission's Standards and Criteria, Developments of Regional Impact, Section 3.301a. The Application was referred to the Commission by the Building Inspector of the Town of Tisbury for action pursuant to Chapter 831 of the Acts of 1977, as amended (the Act). The Application and notice of public hearing relative thereto are incorporated into the record herein. Martha's Vineyard Commission staff document exhibits are also incorporated into the record by reference.

A duly noticed public hearing on the Application was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831, on Thursday, April 4, 2002, at 7:30 p.m. in the Commission Offices, Olde Stone Building, 33 New York Avenue, Oak Bluffs, Massachusetts. The hearing was closed the same night.

The proposal is for the reconstruction of a fire-damaged inn, including additional square footage and new retail space.

Findings and Conditions

The Commission has considered the Application and the information presented at the public hearing and based upon such considerations makes the following findings pursuant to Section 14 of the Act.

- A. **THE COMMISSION FINDS THAT THE PROBABLE BENEFITS OF THE PROPOSED DEVELOPMENT, AS MODIFIED BY THE CONDITIONS IMPOSED HEREIN, WILL EXCEED THE PROBABLE DETRIMENTS AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 15 OF THE ACT (SECTION 14(A) OF THE ACT).**

The purpose of the Commission, as set forth in Section 1 of the Act, is to “protect the health, safety and general welfare of island residents and visitors by preserving and conserving for the enjoyment of present and future generations the unique natural, historical, ecological, scientific and cultural values of Martha’s Vineyard which contribute to public enjoyment, inspiration and scientific study.”

1. Based on the record and testimony presented therein and in considering whether the development will favorably or adversely affect the environment, the Commission finds that the development as proposed and subject to the following conditions will have benefits which will outweigh its detriments as measured against the interests and values protected under the Act.
 - a. **That the Commission accepts the Applicant’s landscaping plan with the addition of a seven-inch (7”) to eight-inch (8”) caliper Zelkova Elm to be planted on the Beach Street side of the property in the area located between the five-story gabled face of the building and the sidewalk; further, the Applicant shall maintain the landscaping for the life of the project; and further, a Certificate of Compliance, verifying the completion of the landscaping and issued by the Executive Director of the Martha’s Vineyard Commission, shall be required prior to the issuance of an occupancy permit by the Building Official in the Town of Tisbury.**
2. Based on the record and testimony presented therein and in considering whether the development will favorably or adversely affect other persons or property, the Commission finds that subject to the following conditions, on balance, the development will favorably affect other persons and properties (Section 15(c) of the Act):
 - a. **That the Commission accepts the Applicant’s offer to build the project as shown on the architect’s plan previously referenced, including architectural details which will be consistent with the historical nature of the building;
And further**
 - b. **That the Applicant shall encourage the use of the Tisbury Park-and-Ride facility by its employees.**

3. Based on the record and testimony presented therein and in considering whether the development will favorably or adversely affect other persons or property, the Commission sets the following conditions (Section 15(d) of the Act):

a. **That the Commission accepts the Applicant's offer to house three employees at no cost to the employee.**

B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WILL NOT SUBSTANTIALLY OR UNREASONABLY INTERFERE WITH THE GENERAL PLAN OF ANY MUNICIPALITY OR THE GENERAL PLAN OF THE COUNTY OF DUKES COUNTY.

The Tisbury Inn was an existing structure that is being rebuilt due to fire damage. It is located at the beginning of an established business district. Additionally, the project complies with the Commission's Regional "Island Plan" by encouraging a vital local economy, maintaining historic integrity, providing year-round job opportunities, diversifying the local economic base and providing a welcoming environment toward visitors.

C. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH MUNICIPAL DEVELOPMENT ORDINANCES AND BY-LAWS, TO THE BEST OF THE COMMISSION'S KNOWLEDGE.

Within the B1 zoning district, hotels are allowed by a Special Permit from the Board of Appeals.

D. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS NOT WITHIN ANY DISTRICT OF CRITICAL PLANNING CONCERN AND THEREFORE THIS ISSUE IS NOT PERTINENT TO THE PROPOSAL.

The Applicant must, consistent with this Decision, apply to the appropriate Town of Tisbury Officers and Boards for any other development permits which may be required by law.

This Decision is written consistent with the vote of the Commission: April 4, 2002.

Any applicant aggrieved by a Decision of the Staff or Committee hereunder may appeal to the full Martha's Vineyard Commission, which shall decide such appeal, after notice and hearing, within twenty-one (21) days of the close of the public hearing.

Any party aggrieved by a determination of the Commission may appeal to Superior Court within twenty (20) days after the Commission has sent the development Applicant written notice, by certified mail, of its Decision and has filed a copy of its Decision with the Town Clerk in the Town in which the proposed development is located.

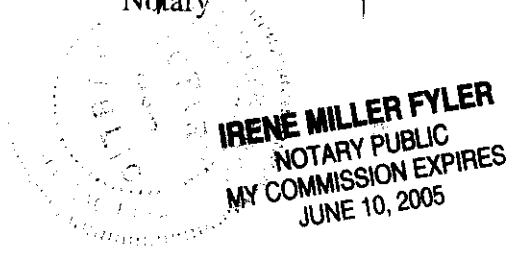
The applicant shall have two (2) years from the date of receipt of the Decision of the Martha's Vineyard Commission contained in this document to begin substantial construction, and should substantial construction not occur during said two (2) year period, then this Decision shall become null and void and have no further effect. This time period may be extended upon written request from the Applicant and written approval from the Martha's Vineyard Commission.

[Signature]
Chairman

4-24-02
Date

[Signature]
Notary

4-24-02
Date



Edgartown, Mass. April 24, 2002
at 3 o'clock and 40 minutes PM
received and entered with Dukes County Deeds
book 880 page 471

Attest:
[Signature] Register