

DRI No. 557

#910694

# THE MARTHA'S VINEYARD COMMISSION

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Date: November 21, 2002

To: Building Inspector, Town of Tisbury

From: Martha's Vineyard Commission

Subject: Development of Regional Impact  
Re: Demolition and reconstruction of and existing residence,  
including conversion of the first floor into a retail space

Applicant: Michael Kidder  
Post Office Box 461  
Edgartown, MA 02539

*11 Beach Street (Tisbury)*

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Decision of the Martha's Vineyard Commission  
Summary

The Martha's Vineyard Commission (the Commission) hereby approves, with Conditions, the granting of permits for the development, as submitted, contained in the Application of Michael Kidder, Post Office Box 461, Edgartown, MA 0253, physical location of property at 11 Beach Street, Tisbury, Massachusetts, as shown on the plans entitled: "11 Beach Street Proposed Retail & Residential Building," Architects: Breese Architects, Inc. - Vineyard Haven, date stamped Oct 24, 2002 Martha's Vineyard Commission, consisting of seven (7) pages as follows: "Landscape Plan, 11 Beach Street, Vineyard Haven Massachusetts," Kimberly Mercurio Landscape Architecture, 11 High Street, Woods Hole, Massachusetts, dated 10.24.02, not to scale; and "Basement Plan," "First Floor Plan," "Roof & Attic Plan," "North & West Elevations," "East & South Elevations"; in addition to "Site and Floor Plans," date-stamped Oct 24, 2002, Martha's Vineyard Commission, consisting of six (6) sheets as

follows: "Locus - 11 Beach Street," "Exist Site Plan," "Exist 1<sup>st</sup> Floor Plan," "Exist 2<sup>nd</sup> Floor Plan," "East & North Elev., Existing Bldg.," "South & West Elev., Existing Bldg."; and "Proposed Bldg & Site Plans," consisting of seven (7) sheets, including: "Basement Plan," "First Floor Plan," "Second Floor Plan," "Attic Plan," "East & North Elev.," "South & West Elev."; Peter James Breese, Architect, Post Office Box 2726, Vineyard Haven, MA 02568, dated 23 Oct 02, scales vary; and totaling twenty (20) sheets (the Plan).

This Decision is rendered pursuant to a vote of the Commission on October 24, 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 and 3.402. 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, October 24, 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 demolition and reconstruction of an existing residence, including conversion of the first floor into a retail space.

BK 910PC696

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 other persons and property, and if so, whether, because of circumstances peculiar to the location, the effect is likely to be greater than is ordinarily associated with the development of the types proposed, the Commission sets forth the following conditions (Section 15(c) of the Act):

- a. **That the Applicant shall post a construction bond in an amount adequate to cover potential impacts to the abutting properties; and**
- b. **That the Commission accepts the Applicant’s offer to post a sign indicating that the driveway and parking area are private; and**
- c. **That the Commission accepts the Applicant’s offer that all exterior lighting shall either be turned off after close of business or be set on a motion sensor, and that either one-hundred-watt or fluorescent bulbs shall be used; and**
- d. **That the Commission encourages the Applicant to encourage those people working in the building to use the Tisbury Park-and-Ride facility.**

BK 910PC697

2. Based on the record and testimony presented therein and in considering whether the development will favorably or adversely affect the supply of needed low- and moderate-income housing for island residents, the Commission sets forth the following condition (Section 15(d) of the Act):

- a. That the Commission accepts the Applicant's offer to advertise the availability of the house currently on site, to be removed to another site; and that the Applicant shall donate up to Thirty Thousand and Zero-Hundredths Dollars (\$30,000.00) to assist in the moving of that house; and further, that if, after so offering, no one is willing to move the house, the Commission accepts the Applicant's offer of a donation of One Thousand and Zero-Hundredths Dollars (\$1,000.00) to an Island affordable housing entity approved by the Commission.

- 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.**

This project is in a commercial area and is compliant with all local and regional plans.

- 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.**

The requested project is consistent with the zoning requirements of the town of Tisbury.

- D. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS NOT WITHIN ANY DISTRICT OF CRITICAL PLANNING CONCERN.**

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: October 24, 2002.

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

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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.

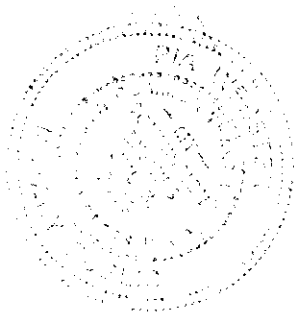
Jan P. U  
Chairman

November 22, 2002  
Date

Pia Webster  
Notary Public

November 22, 2002  
Date

Pia Webster  
Notary Public  
My Commission Expires  
July 3, 2009



Edgartown, Mass. November 22, 2002  
at 11 o'clock and 50 minutes A M  
received and entered with Dukes County Deeds  
book 910 page 694

Attest:  
Deanne E. Powers Register