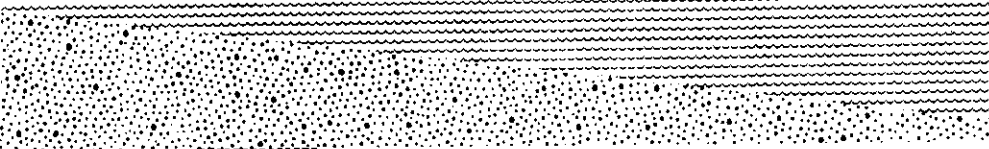


## THE MARTHA'S VINEYARD COMMISSION



BOX 1447 • OAK BLUFFS  
MASSACHUSETTS 02557  
(508) 693-3453  
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Date: November 10, 2003

To: Building Inspector, Town of Tisbury

From: Martha's Vineyard Commission

Subject: Development of Regional Impact  
Re: Construction of an office building with two 2<sup>nd</sup> story apartments

Applicant: Martha's Vineyard Electricians Inc.  
RFD #2 Box 69-A  
Vineyard Haven, MA 02568  
44 Evelyn Way

## 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 and modified by the conditions herein, contained in the application of Martha's Vineyard Electricians Inc. RFD #2 Box 69-A Vineyard Haven, MA 02568; shown on the plans entitled: "Parking & Drainage Plan" and "Landscaping & Lighting Plan" at Map 22, Block C, Parcel 7.1, Tisbury, Massachusetts prepared for Martha's Vineyard Electric, Inc; Scale: 1"=16', November 6, 2003 by Sourati Engineering Group, PO Box 4458, Vineyard Haven, MA 02568 and "New Sewage Disposal System in the Town of Tisbury" Scale "as shown", July 25, 2003 by Sourati Engineering Group, PO Box 4458, Vineyard Haven, MA 02568.

This Decision is rendered pursuant to a vote of the Commission on November 6, 2003.

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 3.401d. 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, November 6, 2003, at 7:30 p.m., the hearing was closed the same night. The hearing was held in the Commission Offices, Olde Stone Building, 33 New York Avenue, Oak Bluffs, Massachusetts.

The proposal is for the construction of an office building with two second story apartments.

#### 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 in the manner proposed will have a more favorable or adverse effect on the environment in comparison to alternative manners of development, the Commission sets forth the following conditions; (Section 15 (b))

- a. **The Commission accepts the applicant’s offer to plant four hardy shade trees, such as Red Maple or Oak, in addition to or instead of some of the proposed Hollies or Rhododendrons or White Pines located in the front part of the site, in order to shade the parking area.**

2. Based on the record and testimony presented therein and in considering whether the proposed 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))

- a. **The Commission accepts the Applicant's offer of a donation of \$1,300 to a recognized Island non-profit housing provider, that shall be made prior to the granting of a Certificate of Occupancy to the Applicant by the Town.**

**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 allowed under the Town of Tisbury's Zoning Bylaw and consistent with the goals and policies of the Commission's Regional Island Plan.

**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.**

This project is allowed under the Town of Tisbury's Zoning Bylaw.

**D. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS NOT WITHIN A 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: November 6, 2003.

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.

James A. O'Hear  
Chairman

Nov. 20, 2003  
Date

Dr. Susan Taylor  
Notary  
My Commission expires Feb. 12, 2004

Nov. 20, 2003  
Date

Edgartown, Mass. November 21 2003  
at 12 o'clock and 55 P M  
received and entered with Dukes County Deeds  
book 979 page 233

Attest: Deanne E. Powers Register