

P.O. BOX 1447 • 33 NEW YORK AVENUE • OAK BLUFFS • MA • 02557 • 508.693.3453  
INFO@MVCOMMISSION.ORG • WWW.MVCOMMISSION.ORG

## Decision of the Martha's Vineyard Commission

### DRI 717 Big Sky Tents Building

#### 1. SUMMARY

---

<u>Referring Board:</u>	Martha's Vineyard Airport Commission
<u>Subject:</u>	Development of Regional Impact #717 Big Sky Tents Building
<u>Project:</u>	Expansion of a 7,500 ft <sup>2</sup> building by 8,500 ft <sup>2</sup> for a total of 16,000 ft <sup>2</sup> building in the Airport Business Park.
<u>Owner:</u>	Martha's Vineyard Airport; Bun Bun LLC (leaseholder)
<u>Applicant:</u>	Bun Bun LLC; Big Sky Tents; James Eddy
<u>Applicant Address:</u>	Bun Bun LLC, James Eddy P.O. Box 4835 Vineyard Haven, MA 02568
<u>Deed:</u>	Recorded Land - Airport Business Park
<u>Project Location:</u>	26 East Line Road, Edgartown, Map 24, Lot 2.34 (approximately 0.774 acres).
<u>Decision:</u>	The Martha's Vineyard Commission (the Commission) approved the application for the project as a Development of Regional Impact with conditions, at a vote of the Commission on April 14, 2022.
<u>Written Decision:</u>	This written decision was approved by a vote of the Commission on April 14, 2022.

The permit-granting authorities of the Town of Edgartown 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.

## **2. FACTS**

---

The exhibits listed below including the referral, the application, the notice of the public hearing, the staff report, the plans of the project, and other related documents are incorporated into the record herein by reference. The full record of the application is kept on the premises of the Martha's Vineyard Commission.

### **2.1 Referral**

The project was referred to the Commission on November 17, 2021 by the Martha's Vineyard Airport Commission for action pursuant to Chapter 831 of the Acts of 1977, as amended (the Act) and the Martha's Vineyard Commission - Martha's Vineyard Airport Development Agreement, section IV.a) *Any building or structure that is proposed to be greater than 8,000 square feet.* A referral through the Development Agreement requires a public hearing review as a Development of Regional Impact.

### **2.2 Hearings**

Notice: Public notice of the hearing on the Application was published in the MV Times on March 3 and 10, 2022; notice was also published in the Vineyard Gazette on March 4 and 11, 2022. Abutters within 300 feet of the property were notified by mail on March 1, 2022.

Hearings: The Commission scheduled a public hearing on the Application pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831 on March 17, 2022 which was closed that same night with the exception of the written record which was left open until 5:00 pm on March 24, 2022 and closed at that time. The hearing was held entirely using remote conference technology as allowable under Chapter 20 of the Acts of 2021.

### **2.3 The Plan**

The following plans and documents submitted by the Applicant and contained in the Commission's project file constitute "the Plan." All pages are 8.5" x 11" unless otherwise noted.

- P1. Application Package entitled Big Sky Tent Building, East Line Road, Edgartown MA Assessor's Parcel 24A-2.34, consisting of seven (7) 36" x 24" pages dated August 3, 2021, including: A01 Site Plan, scale  $\frac{1}{16}" = 1'-0"$ ; A02 First Floor Plan, Second Floor Plan, scale  $\frac{1}{8}" = 1'-0"$ ; A03 Exterior Elevations & Section, scale  $\frac{1}{8}" = 1'-0"$ ; B01 Buffers, Setbacks, Utilities, scale  $\frac{1}{16}" = 1'-0"$ ; C01 Parking, Circulation Plan, scale  $\frac{1}{16}" = 1'-0"$ ; and E01 Light & Security Plan, scale  $\frac{1}{8}" = 1'-0"$ ; L01 Landscape, Planting, Drainage, scale  $\frac{1}{16}" = 1'-0"$ .
- P2. Parking & Stormwater Drainage Plan prepared for Big Sky Tents by Vineyard Land Surveying & Engineering, consisting of one (1) 36" x 24" page, scale 1" = 20', dated February 21, 2022.

### **2.4 Other Exhibits**

- E1. Referral to the MVC from the Martha's Vineyard Airport Commission, consisting of one (1) page, received November 17, 2021.

- E2. Lighting Fixture Specification Sheet for EnVisionLED Wall Pack Full Cutoff, consisting of two (2) pages, submitted on December 10, 2021.
- E3. Lighting Fixture Specification Sheet for RAB VXBR100DG, consisting of two (2) pages, submitted on December 10, 2021.
- E4. Example of proposed light bulb, submitted on December 10, 2021.
- E5. Excerpt from the 2009 International Building Code Use and Occupancy Classification, consisting of two (2) pages (35 & 36) regarding Section 310 Residential Group R, Section 311 Storage Group S, and Section 312 Utility and Miscellaneous Group U, submitted on December 10, 2021.
- E6. Staff Report for DRI 717 Big Sky Tents Building, consisting of three (3) pages, dated January 6, 2022 and updated on March 1, 2022.
- E7. Emails between Alex Elvin and James Eddy, Applicant, with responses to staff questions, consisting of nine (9) pages, dated January 11, 2022.
- E8. A collection of photos taken by staff, consisting of seven (7) pages, taken on January 21, 2022.
- E9. Staff Presentation for DRI 717 Big Sky Tents Building presented to the Land Use Planning Committee on February 14, 2022.
- E10. Emails between Alex Elvin and James Eddy regarding clarifications on energy and West Tisbury location, consisting of two (2) pages, dated February 21, 2022.
- E11. Staff Presentation for DRI 717 Big Sky Tents Building presented to the Commission on March 17, 2022.
- E12. Depictions of vegetative buffers required by MVY Airport Development Regulations and Edgartown Zoning Bylaws, consisting of two (2) pages, prepared on March 23, 2022.
- E13. Emails between Alex Elvin and James Eddy regarding possible conditions, consisting of three (3) pages, dated March 23, 2022.
- E14. Minutes of the Commission's Land Use Planning Committee Pre-Public Hearing Review, February 14, 2022.
- E15. Minutes of the Commission's Public Hearing, March 17, 2022.
- E16. Minutes of the Commission's Land Use Planning Committee Post-Public Hearing Review, April 4, 2022.
- E17. Minutes of the Commission's Deliberation and Decision & Written Decision, April 14, 2022.

## **2.5 Summary of Testimony**

The following gave testimony during the public hearing on March 17, 2022:

- Staff presentation by Alex Elvin, DRI Coordinator.
- Presentation of the project by James Eddy.

### **3. FINDINGS**

---

#### **3.1 Project Description**

Big Sky Tents previously had a location at 15 East Line Road, which included a 10,000 ft<sup>2</sup> building for storage. The company plans to relocate to 26 East Line Road, a previously cleared site where it recently constructed 7,500 ft<sup>2</sup> of storage space on two floors (5,000 ft<sup>2</sup> on the first floor and 2,500 ft<sup>2</sup> on the second floor). That work on its own did not trigger referral to the MVC under the MVC-Airport Development Agreement. The applicant is also a leaseholder at 10 East Line Road, which has a 5,770 ft<sup>2</sup> building with office space and other commercial uses.

The MVC approved DRI 618-M4 (Big Sky Tents Modification) on August 12, 2021, which allowed for the installation of three temporary storage units at 90 Dr. Fisher Road in West Tisbury, which is also owned by the applicant but is used by FFD Enterprises for marijuana cultivation. The approval was conditioned in part on the units being removed by August 12, 2023.

The proposal is to expand the newly constructed building by 2,500 ft<sup>2</sup> on the second floor, and construct a two-story 6,000 ft<sup>2</sup> addition, bringing the total floor area of the building to 16,000 ft<sup>2</sup>. The new building will replace the existing storage at 15 East Line Road, provide space for materials that are currently stored outside at that location (including about 60 20- and 40-pound propane tanks), and allow for future growth.

Once the proposed 6,000 ft<sup>2</sup> addition is completed, the temporary storage units at 90 Dr. Fisher Road in West Tisbury will be removed.

#### **3.2 Statutory Authority**

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 by protecting these values from development and uses which would impair them, and by promoting the enhancement of sound local economies.”

The Commission has reviewed the proposal as a Development of Regional Impact, using the procedures and criteria that the Commission normally uses in evaluation the benefits and detriments of such a proposal. The Commission has considered the Application and the information presented at the public hearing, including listening to all testimony presented and reviewing all documents submitted during the hearing and review period.

#### **3.3 Benefits and Detriments**

Based on the record and testimony presented therein, the Commission finds the following pursuant to Sections 14 and 15 of the Act.

**A. THE COMMISSION FINDS THAT THE PROBABLE BENEFITS OF THE PROPOSED DEVELOPMENT WOULD EXCEED THE PROBABLE DETRIMENTS, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(a) OF THE ACT.**

**A1. The Commission finds that the proposed development at this location is essential and appropriate in view of the available alternatives (Section 15(a) of the Act.)**

The Commission finds that the probable benefits of the project outweigh the probable detriments, as described below. With respect to impacts upon the environment (Section 15(b) of the Act), the Commission finds the project will have neutral impact. With respect to impacts upon persons and property (Section 15(c) of the Act), the Commission finds the project would have a beneficial impact.

The Commission also finds that the project would not adversely affect the provision of municipal services or the burden on taxpayers, would not unduly burden existing public facilities, and would not interfere with local, regional, or state planning objectives.

**A2. The Commission finds that the proposed development would have a neutral impact upon the environment relative to other alternatives (Section 15(b) of the Act).**

With respect to Stormwater and Energy (considered primary factors in the decision), the Commission finds the project will have a neutral impact. The Commission also notes the following:

Stormwater

- A drainage plan for the property shows six drainage basins that have already been installed, and three drainage basins that will be installed south of the proposed addition. The system is designed to handle up to a 25-year storm.
- The new parking area will be reclaimed asphalt pavement (RAP).
- The plans are subject to review by the MVY Airport Commission in regard to paving and drainage.

Energy

- The building will need a wet sprinkler system, which requires insulation and heating.
- The applicant's energy consultant has proposed a 26.4 kW rooftop solar array that would be able to power an electric heating system to maintain a temperature of about 40 degrees in the winter.
- The applicant is not proposing any electric-vehicle charging infrastructure, but has stated that they would be considered in the future when electric trucks become more commercially viable for the business.
- The plans are subject to review by the MVY Airport Commission in regard to energy conservation.

Water quality (including groundwater)

- The building will include two bathrooms for employees.
- No other increase in water use is expected. Dishwashing and laundry will continue to occur at 10 East Line Road.
- The plans are subject to review by the MVY Airport Commission in regard to pollution, waste disposal, and water systems.

**A3. The Commission finds that the proposed development would have a beneficial effect upon other persons and property (Section 15(c) of the Act).**

With respect to Economic Development (considered a primary factor in the decision), the Commission finds the project will have a beneficial impact. With respect to Traffic and Transportation, and Landscape and Lighting (considered primary factors in the decision), the Commission finds the project will have a neutral impact. The Commission also notes the following:

Economic development

- Big Sky Tents caters to various public and private events across the Island, including fundraisers and weddings.
- The project will create new indoor storage space, and allow for increased efficiency and future growth.
- The company would operate from 7:30AM to about 9:30PM (depending on workload) seven days a week from May to October, and 9AM-5PM Monday through Friday in the offseason, with occasional meetings and small events on weekends.

Traffic and transportation

- The applicant anticipates 10-20 daily vehicle trips to and from the property from May to October. The company currently stores six 16-20 ft box trucks at 15 East Line Road, which will be relocated to the project site.
- A parking plan shows 17 parking spaces on the site, including two handicapped spaces, and room for six box trucks near the building.
- The applicant has stated that most Big Sky Tents employees who are provided with housing commute in company-owned trucks, so do not require additional parking spaces, and that other employees use public transportation or carpool, or park at 10 East Line Road.
- The company plans to relocate from 15 to 26 East Line Road.
- The project is subject to MVY Airport Commission review in regard to parking and loading areas.

Landscape and lighting

- A vegetated buffer of about 19 ft along a portion of East Line Road will remain, but a previous area with vegetation extending about 48 ft in from the road has been cleared.
- Plans show a 5 ft vegetative buffer along the property line to the north, along with two existing trees that will remain.
- Fourteen of the proposed parking spaces appear to replace areas of existing vegetation along the north and east property lines.

- The MVY Development Regulations require at least 20 ft of vegetative buffer along the front lot line of all leased property. The Edgartown Zoning Bylaws require a 200 ft no-build, no-cut zone along Barnes Road.
- The proposed exterior lighting is downward shielded and aligns with Dark Sky standards. Lighting spec sheets and color temperature ratings have been provided.
- The plans are subject to review by the MVY Airport Commission in regard to landscaping.

#### Character and identity / Scenic values

- The new building will be similar in appearance to other large buildings in the Business Park, with wood shingles on the east and west facades (facing East Line Road and Barnes Road), and painted metal on the north and south facades.
- The new building will replace the existing storage space at 15 East Line Road, provide space for materials that are currently stored outside at that location (including about 60 20- and 40-pound propane tanks), and allow for future growth.
- The applicant has stated that once the proposed 6,000 ft<sup>2</sup> addition is completed, the temporary storage units at 90 Dr. Fisher Road in West Tisbury will be removed.
- The plans are subject to review by the MVY Airport Commission in regard to building height and material, landscaping, signs, and other factors.

#### **A4. The Commission finds that the project will have a neutral effect on the supply of needed low- and moderate-income housing for Island residents (Section 15(d) of the Act).**

The Commission notes the following with respect to Island Housing Needs:

- Big Sky Tents currently employs 30-35 full- or part-time workers from May to October, including six that are employed year-round.
- The proposed building is intended for use by the tent crew, which has included up to 20 employees in the past, but has declined to around 13. The applicant hopes to eventually bring that number back up to 20.
- The applicant currently provides employee housing at two locations, each capable of housing up to eight people. Six of the 13 tent crew employees and five members of the dishwashing crew in 2021 lived in the employee housing, while the remaining employees already had housing on the Island, including college students living with their parents. The applicant has stated that the employee housing has room for five additional people.
- As conditioned, the applicant would continue to provide comparable housing to 16 employees of Big Sky Tents, with annual confirmation provided to MVC staff.

#### **A5. The Commission finds that the proposed development would not adversely affect the provision of municipal services and the burden on taxpayers in making provision there for (Section 15(e) of the Act).**

With respect to the provision of municipal services or burden on taxpayers, the project will likely have a minimal impact on municipal services and taxpayers.

**A6. The Commission finds that the proposed development would use efficiently and would not unduly burden existing public facilities (other than municipal) or those that are to be developed within the succeeding five years (Section 15 (f) of the Act).**

**A7. The Commission finds that the project as proposed generally does not interfere with the ability of the municipality to achieve objectives set forth in the municipal general plan, and would not contravene land development objectives and policies developed by regional or state agencies (Sections 14(b), 15(g), and 15(h) of the Act), respectively.**

The Commission notes that the project generally aligns with the Island Plan.

**A8. The Commission finds that the proposed development as conditioned is consistent with municipal ordinances and by-laws (Section 14(c) of the Act).**

**B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WOULD BE CONSISTENT WITH THE LAND DEVELOPMENT OBJECTIVES OF THE COMMISSION, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(b) OF THE ACT.**

The requested project in general advances the Commission's land development objectives, as outlined in Section A7 of this Decision.

**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 project is consistent with local zoning.

**D. THE COMMISSION FINDS THAT THE SITE IS IN CONFORMANCE WITH THE REGULATIONS OF DISTRICTS OF CRITICAL PLANNING CONCERN, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(d) OF THE ACT.**

The project site is not within any DCPC.

In sum, after careful review of the plan and its attendant submittals and the testimony presented by the Applicant and others, and the addition of conditions and offers, the Commission has concluded that the probable benefits of this proposed development in this location exceed its probable detriments in light of the considerations set forth in section 15 of the Act.

#### **4. DECISION**

---

The Martha's Vineyard Commission deliberated about the application at a duly noted meeting of the Commission held on April 14, 2022, and made its decision at the same meeting.

The following Commissioners, all of whom participated in the hearing and deliberations, participated in the decision on April 14, 2022:

Voting to approve the project: Jeff Agnoli, Trip Barnes, Christina Brown, Jay Grossman, Fred Hancock, Michael Kim, Joan Malkin, Greg Martino, Kathy Newman, Kate Putnam, Ben Robinson, Doug Sederholm, Linda Sibley, Brian Smith, Ernie Thomas, Christine Todd, Jim Vercruysse

Voting against: None

Abstentions: None

Based on this vote, the Commission approved the application for the project as a Development of Regional Impact with conditions.

This Written Decision is consistent with the vote of the Commission on April 14, 2022, and was approved by a vote of the Commission on April 14, 2022.

## **5. CONDITIONS**

---

After reviewing the proposal for this Development of Regional Impact, the Commission imposes the following conditions in order to minimize the potential detriments and maximize the potential benefits:

- 1. The applicant shall continue to provide comparable housing for at least 16 Big Sky Tents employees, either seasonally or year-round, with confirmation provided to MVC staff by June 30 each year. The housing shall be comparable to the existing housing that is provided, in terms of quality, cost, and tenant capacity.*
- 2. The applicant shall provide the MVC with an as-built site plan, as-built floorplans and elevations for the addition, and a landscape plan as approved by the Airport Commission, prior to receipt of a Certificate of Occupancy.*
- 3. Any proposed modifications to DRI 717, as approved herein, including any modification resulting in any change of use or change in intensity of use, shall be referred to the MVC for prior review and approval.*

## **6. CONCLUSION**

---

### **6.1 Permitting from the Town**

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

The permit-granting authorities of the Town of Edgartown may now grant the request for approval of the Applicant's proposal in accordance with this decision and may place further conditions thereon in accordance with applicable law or may deny the request for approval. Any permit issued by the Town shall incorporate the plan approved by the Commission.

### **6.2 Notice of Appellate Rights**


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 Edgartown Town Clerk.

### **6.3 Length of Validity of Decision**

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.

**[The remainder of this page is intentionally left blank]**

**6.4 Signature Block**

  
Joan Malkin, Chair

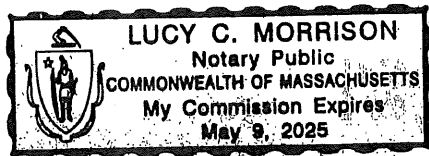
April 15, 2022  
Date

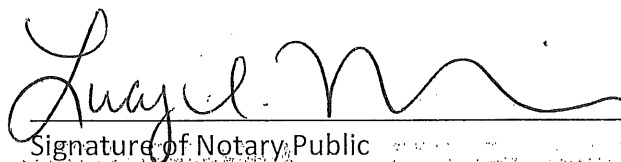
**6.5 Notarization of Decision**

Commonwealth of Massachusetts

County of Dukes County, Mass.

On this 15<sup>th</sup> day of April, 2022, before me, Lucy C. Morrison, the undersigned Notary Public, personally appeared Joan Malkin, proved to me through satisfactory evidence of identity, which was personal knowledge to be the person whose name was signed on the preceding or attached document in my presence, and acknowledged to me that she signed it voluntarily for its stated purpose as a free act and deed, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.



  
Signature of Notary Public

Lucy C. Morrison  
Printed Name of Notary

My Commission Expires May 9, 2025

**6.6 Filing of Decision**

Filed at the Dukes County Registry of Deeds, Edgartown, on: April 19, 2022

Deed: Book 1621, Page 968

Document Number: \_\_\_\_\_