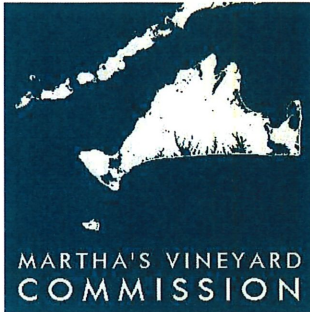




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Decision of the Martha's Vineyard Commission

DRI 729 – West Chop Club Tennis & Fitness Building

1. SUMMARY

- Referring Board: Town of Tisbury Building Commissioner
- Subject: Development of Regional Impact #729 West Chop Club Tennis & Fitness Building
- Project: Construction of a new tennis and fitness center.
- Owner: West Chop Trust; Susannah S. Bristol, Gordon P. Cromwell and John L. Gradin, Trustees
- Applicant: West Chop Club; Tim Shields, Owner's Representative
- Applicant Address: Tim Shields West Chop Club
388 Parkside Ave P.O. Box 1881
Brooklyn, NY 11226 Vineyard Haven, MA 02568
- Project Location: Algonquin Ave, Vineyard Haven. (Property will not have an address until a building permit is issued). Lot is currently part of Map 1-E, Lot 9 (1.94 acres).
- Declaration of Trust: Recorded: Book 1633, Page 733
- Decision: 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 November 10, 2022.
- Written Decision: This written decision was approved by a vote of the Commission on December 1, 2022.

The permit-granting authorities 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.

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 April 19, 2022, by the Building Commissioner of the Town of Tisbury, MA for action pursuant to Chapter 831 of the Acts of 1977, as amended (the Act) and the Commission's Standards and Criteria Administrative Checklist for Developments of Regional Impact, DRI Checklist Item: 3.1b *Commercial Development of more than 3,500 square feet*. After referral it was also noted that the project triggers Checklist Item 6.1a *Private Facility with a floor area of more than 3,500 square feet*. Checklist Items 3.1b and 6.1a both require a mandatory 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 October 6 and 13, 2022; notice was also published in the Vineyard Gazette on October 7 and 14, 2022. Abutters within 300 feet of the property were notified by mail on October 5, 2022.

Hearings: The Commission held a duly noticed public hearing on the Application that was conducted pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831 on October 20, 2022. The hearing was closed that night with the exception of the written record, which was left open until October 31, 2022 at 5:00 p.m. and closed at that time. The hearing was held entirely using remote conference technology as allowable under Chapter 22 of the Acts of 2022.

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 for DRI 729 West Chop Club prepared by Paul Weber Architecture, consisting of thirty (30) 36" x 24" pages scaled to $\frac{1}{4}" = 1'-0"$, and dated June 15, 2022 unless otherwise noted, including: CS Cover Sheet; A100 Basement Plan; A100F Basement Framing Plan; A101 First Floor Plan; A101F First Floor Framing Plan; A102 Roof Plan; A200 Building Elevations; A201 Building Elevations; A300 Building Sections; A301 Building Sections; A302 Building Sections; A303 Building Sections; A310 Wall Section, scale $\frac{3}{4}" = 1'-0"$; A311 Wall Section, scale $\frac{3}{4}" = 1'-0"$; A312 Wall Section, scale $\frac{3}{4}" = 1'-0"$; A313 Wall Section, scale $\frac{3}{4}" = 1'-0"$; A314 Wall Section, scale $\frac{3}{4}" = 1'-0"$; A315 Wall Section, scale $\frac{3}{4}" = 1'-0"$; A316 Wall Section, scale $\frac{3}{4}" = 1'-0"$; A317 Wall Section, scale $\frac{3}{4}" = 1'-0"$; A318 Wall Section, scale $\frac{3}{4}" = 1'-0"$; A400 Exterior Details, scale $1\frac{1}{2}" = 1'-0"$; A401 Exterior Details, scale $1\frac{1}{2}" = 1'-0"$; A500 Stair Sheet, scale $\frac{1}{2}" = 1'-0"$, A600 Basement Reflected Ceiling Plan; A601 First Floor Reflected Ceiling Plan;

A800 Window & Door Schedules; A900 Lighting Schedule; ELP100 Basement Electrical Lighting & Power Plan; and ELP101 First Floor Electrical Lighting and Power Plan.

- P2. Approved Septic Plan prepared for West Chop Club by Sourati Engineering Group LLC consisting of one (1) 36" x 24" page, Job No. 102337, scale 1" = 30', dated July 14, 2021.
- P3. Illustrative Site Plan of Sports Courts & Proshop prepared for West Chop Club by Michael Van Valkenburgh Associates, Inc. consisting of one (1) 17" x 11" page, dated July 19, 2021 and one (1) page locus map.
- P4. L3.01 Planting Plan prepared for West Chop Club by Michael Van Valkenburgh Associates, Inc., consisting of one (1) 17" x 11" page, scale 1" = 20' and dated July 23, 2021.
- P5. Floor Plans prepared for West Chop Club of Martha's Vineyard by Paul Weber Architecture, consisting of three (3) pages scaled to ¼" = 1'-0" and dated June 15, 2022, including: A100 Basement Plan; A101 First Floor Plan; and A101B First Floor Plan.
- P6. Landscape Plans for West Chop Club Fitness Center Project prepared by MVVA Inc, Landscape Architects, consisting of three (3) 36" x 24" pages, dated September 19, 2022 including: Pre-Existing Conditions Plan, scale 1" = 50'; Existing Conditions Plan, scale 1" = 50'; and Site Plan, scale 1" = 20'.
- P7. Drainage Plan prepared for West Chop Trust by Sourati Engineering Group LLC, consisting of one (1) 18" x 24" page, scale 1" = 30', dated September 28, 2022 and updated on October 28, 2022.

2.4 Other Exhibits

- E1. Referral to the Martha's Vineyard Commission from the Tisbury Building Commissioner, received April 19, 2022.
- E2. Massachusetts Cultural Resource Information System (MACRIS) Inventory Report TIS.C West Chop Area, consisting of forty-two (42) pages, dated October 18, 2000.
- E3. United States Department of the Interior National Register of Historic Places West Chop Club Historic District Registration, consisting of seventy-three (73) pages, dated August 21, 2007.
- E4. Record of Town Permits, including Town of Tisbury Board of Appeals Special Permit #2408, dated November 20, 2020; Town of Tisbury Board of Appeals Special Permit #2409, dated November 20, 2020; Town of Tisbury Certificate of Completion Permit Number: CBP-22-21, dated June 29, 2022; Town of Tisbury Certificate of Completion Permit Number: MBP-21-105, dated June 29, 2022, consisting of eight (8) pages.
- E5. Letter from the Tisbury Board of Health to the West Chop Club regarding the approval of sewage disposal system construction permit no. 4332 with conditions, consisting of one (1) page, dated August 26, 2021.

- E6. Building Permit Application, consisting of three (3) pages, dated March 30, 2022.
- E7. Memo from Tim Shields, Applicant, regarding application materials for West Chop Club Tennis & Fitness Building, consisting of three (3) pages, dated July 12, 2022.
- E8. Illustrative Renderings, consisting of three (3) 17" x 11" pages, received July 30, 2022.
- E9. Emails between Alex Elvin and Tim Shields, Applicant, regarding uses and square footage consisting of six (6) pages dated August 17 to October 13, 2022.
- E10. Staff Report for DRI 729 West Chop Club Tennis & Fitness Building, consisting of two (2) pages, dated September 16, 2022; and updated on October 20, 2022.
- E11. Project Narrative for West Chop Club, consisting of two (2) pages, dated September 19, 2022.
- E12. Staff Presentation on DRI 729 West Chop Club to the Land Use Planning Committee, consisting of thirty-seven (37) pages, dated September 19, 2022.
- E13. Photos of the view from the street, consisting of two (2) pages, dated October 17, 2022.
- E14. Staff Presentation on DRI 729 West Chop Club to the Martha's Vineyard Commission, consisting of forty-one (41) pages, dated October 20, 2022.
- E15. DRI 729 West Chop Club Tennis & Fitness Building Transportation Staff Report, consisting of one (1) page, dated October 19, 2022.
- E16. Minutes of the Land Use Planning Committee's Pre-Public Hearing Review, September 19, 2022.
- E17. Minutes of the Commission's Public Hearing, October 20, 2022.
- E18. Minutes of the Land Use Planning Committee's Post-Public Hearing Review, November 7, 2022.
- E19. Minutes of the Commission's Deliberation & Decision, November 10, 2022.
- E20. Minutes of the Commission's Approval of the Written Decision, December 1, 2022.

2.5 Summary of Testimony

The following gave testimony during the public hearing on October 20, 2022:

- Staff presentation by Alex Elvin, DRI Coordinator.
- Presentation of the project by Tim Shields and Justin Mercier.
- Oral testimony from Public Officials: none.
- Oral testimony from the Public: none.

3. FINDINGS

3.1 Project Description

The West Chop Club, including most of the subject property, was listed on the National Register of Historic Places in 2007, although this does not entail any additional review for new projects. The West Chop Area, which includes a larger portion of West Chop, is also listed in the Massachusetts Cultural Resource Information System (MACRIS).

There were previously three tennis courts at the West Chop Club. In 2021-2022 an additional tennis court and a pickleball/basketball area were added, the existing courts were regraded, and new landscaping added.

The proposal is to construct a new tennis and fitness building for West Chop Club members. The building will include fitness areas, a tennis pro shop, and three additional bathrooms in the vicinity of the existing tennis and pickleball/basketball courts. Two other buildings on the campus currently include exercise space, and the director of tennis works out of a small shop onsite. The project will unify those uses into one building.

Proposed uses:

- Basement: Fitness equipment, one bathroom, mechanical room
- Upper level: Fitness equipment, tennis pro shop, office for director tennis, two bathrooms
- Total footprint: 4,404 ft²
- Total floor area: 5,437 ft²

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.**

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 would have a slightly detrimental effect. 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 finds the project would not adversely affect the provision of municipal services or burden on taxpayers (Section 15(e) of the Act), would not unduly burden existing public facilities, and would generally align with local planning objectives.

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 project would improve existing recreational facilities at the West Chop Club, thereby benefiting the West Chop Club area in general, while retaining the existing character of the neighborhood. As such, the Commission finds the project is both appropriate and essential in view of the alternatives.

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

The Commission finds the project would have a slightly detrimental impact on the environment, due to material use and the removal of vegetation. The Commission also notes the following:

Water Quality

The project is within the Coastal Watershed. A standard Title 5 septic system for the proposed building has already been permitted.

Stormwater

The new building will have a managed drywell system. A drainage plan designed for a 25-year storm has been provided.

Energy

The new building will be all-electric. There are no plans for onsite solar generation, although the applicant has stated that the building could be solar-ready.

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 Recreational Facilities, the Commission finds the project would have a beneficial impact for West Chop Club members by improving the existing tennis and fitness facilities. With respect to Character and Identity, the Commission finds the project would be in keeping with the character of the West Chop Club in general. The Commission also notes the following:

Traffic and Transportation

Pedestrian access to the tennis courts is via Iroquois Ave. to the north, and there is currently a parking area east of the courts. The building would consolidate existing tennis and fitness activities in one location, and would reduce foot traffic across Iroquois Ave. The building is intended only for use by

West Chop Club members, and the applicant does not anticipate the need for any additional parking spaces.

The proposed hours of operation are the same as the current hours for the tennis shop and gym:

- Tennis shop: Monday-Saturday, 8AM-6PM; limited hours on Sunday
- Gym: Monday-Sunday, 8AM-6PM

Intensity of Use

The building is designed for a capacity of 39 people, although the applicant anticipates only 10-15 people using it at any one time. The building is for the use of West Chop Club members only and will not be used for events.

Character and Identity

The proposed building is designed to match the style of other buildings in the immediate area, including cedar shakes and painted wood trim. The building will have a relatively low profile in the streetscape and would include a throughway with views to the other side. Half the floor area would be below grade, further reducing visual impacts. The applicant has stated that the building was designed to be as small as possible and would eliminate the need to expand other buildings in the West Chop Club Historic District.

Landscape

The applicant has stated that the majority of existing native trees will remain and that new trees will be added to screen the building from adjacent properties to the north and west.

Island Housing Needs

The West Chop Club currently employs a director of tennis, and the applicant does not anticipate any new employees as a result of the project. Summer housing for the director is currently provided onsite. It is West Chop Club policy to house all of its employees.

A4. The Commission finds that impacts associated with the supply of needed low- and moderate-income housing for Island residents (Section 15(d) of the Act), do not apply to this application.

A5. The Commission finds that the proposed development would have a neutral impact on the provision of municipal services and the burden on taxpayers in the making provision therefore(Section 15(e) of the Act).

The Commission finds the project will likely have a minimal impact on municipal services and taxpayers, since it is located in a developed area.

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

The Commission finds the project will likely have a minimal impact on public facilities.

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 project generally aligns with the Island Plan, including sections 2 (Development and Growth), 4 (Built Environment) and 7 (Energy and Waste).

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

The proposal is allowable by special permit.

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.

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 and is allowable by Special Permit.

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 District of Critical Planning Concern.

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 noticed meeting of the Commission held on November 10, 2022 and made its decision at the same meeting.

The following Commissioners, all of whom participated in the hearings and deliberations, participated in the decision on November 10, 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, Ernie Thomas, Jim Vercruysse, Peter Wharton

Voting against: None

Absent: Brian Smith

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 November 10, 2022 and was approved by a vote of the Commission on December 1, 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. A final landscape plan for the property shall be submitted to the LUPC for review and approval prior to receipt of a Certificate of Occupancy.
 - a. Only slow-release, water-insoluble nitrogen-source fertilizers may be used in the maintenance of landscaping.
 - b. Landscape must use only native or low-maintenance, drought-tolerant species that are non-invasive to minimize the application of nitrogen, pesticides, and water.
2. A final exterior lighting plan for the property shall be submitted to the LUPC for review and approval prior to receipt of a Certificate of Occupancy.
 - a. All exterior lighting shall be downward-shielded and comply with International Dark Sky Association standards.
 - b. The color temperature of exterior lighting shall not exceed 3,000 Kelvin.
3. The applicant shall provide a surveyed, dimensional, as-built site plan prior to receipt of a Certificate of Occupancy.
4. Any proposed modifications to DRI 729, 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 Tisbury Officers and Boards for any local development permits which may be required by law.

The permit-granting authorities of the Town of Tisbury 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 Tisbury 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.

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6.4 Signature Block

Jim Ver
Jim Vercruyse, Vice-Chair

12/19/2022
Date

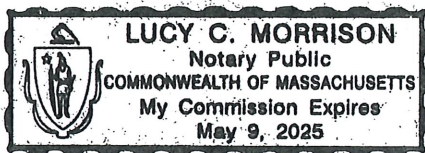
6.5 Notarization of Decision

Commonwealth of Massachusetts

County of Dukes County, Mass.

On this 19th day of December, 2022, before me, Lucy C. Morrison, the undersigned Notary Public, personally appeared Jim Vercruyse, 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 he 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 his knowledge and belief.

Lucy C. Morrison
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: December 19, 2022

Deed: Book 1644, Page 411

Document Number: 7656

ATTEST: Paulo C. DeOliveira, Register
Dukes County Registry of Deeds