



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 748 Island Food Pantry Relocation

1. SUMMARY

- Referring Board:** Oak Bluffs Building Commissioner
- Subject:** Development of Regional Impact #748 Island Food Pantry Relocation (previously C.R. 7-2023)
- Project:** Conversion of a mixed-use commercial property to the new food pantry with an existing dwelling attached.
- Owner:** Island Grown Initiative LTD
- Applicant:** Rebecca Haag (Executive Director)
- Applicant Address:** Island Grown Initiative
P.O. Box 622
Vineyard Haven, MA 02568
- Deed:** Recorded: Book 1654, Page 1034
- Project Location:** 114 & 116 Dukes County Ave, Oak Bluffs. Map 17, Lots 22 & 24-1, respectively (approximately 0.269 acres combined).
- 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 2, 2023.
- Written Decision:** This written decision was approved by a vote of the Commission on November 16, 2023.

The permit-granting authorities of the Town of Oak Bluffs 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 August 3, 2023 by the Oak Bluffs Building Commissioner 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 Items 3.1h *Parking for 10 or more parking spaces* and 3.1j *High Traffic Generator*, both of which are considered Concurrence Reviews. In an email sent on August 31, 2023, the Applicant requested to go directly to a hearing with 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 September 21 & 28, 2023; notice was also published in the Vineyard Gazette on September 22 & 29, 2023. Abutters within 300 feet of the property were notified by mail on September 19, 2023.

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 5, 2023, which was continued to November 2, 2023 and closed at that time. The hearings were held in person at the Commission office, but also were accessible using remote conference technology as allowable under Chapter 2 of the Acts of 2023.

At the meeting of November 2, 2023, the Commission voted to waive the Post-Public Hearing Land Use Planning Committee meeting and proceeded to deliberate at that same meeting on November 2, 2023.

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 the Island Food Pantry, 114-116 Dukes County Avenue Oak Bluffs, MA 02557, prepared by Sullivan and Associates Architects, consisting of fourteen (14) 36" x 24" pages, dated July 7, 2023, including: Cover Sheet; A-001 General Notes and Project Data; A-002 Code Review; A-003 Site Plan - Proposed, scale $\frac{1}{8}" = 1'-0"$ (Obtained from a Site Plan by Vineyard Land Surveying & Engineering dated June 21, 2023); D-101 First Floor Plan - Demolition, scale $\frac{1}{4}" = 1'-0"$; D-102 Second Floor Plan - Demolition, scale $\frac{1}{4}" = 1'-0"$; D-201 Exterior Elevations - Demolition (North & East), scale $\frac{1}{4}" = 1'-0"$; D-202 Exterior Elevations - Demolition (South & West), scale $\frac{1}{4}" = 1'-0"$; A-101 First Floor Plan - Proposed, scale $\frac{1}{4}" = 1'-0"$; A-102 Second Floor Plan - Proposed, scale $\frac{1}{4}" = 1'-0"$; A-103 Roof Plan - Proposed, scale $\frac{1}{4}" = 1'-0"$.

0"; A-201 Exterior Elevations - Proposed (North & East), scale $\frac{1}{4}'' = 1'-0''$; A-202 Exterior Elevations - Proposed (South & West), scale $\frac{1}{4}'' = 1'-0''$; and A-501 Details, varying scales.

- P2. A-003 Roof Drainage Plan prepared for Island Food Pantry, 114-116 Dukes County Ave Oak Bluffs, MA 02557, prepared by Sullivan and Associates Architects, consisting of one (1) 36" x 24" page, scale $\frac{1}{8}'' = 1'-0''$, dated October 18, 2023.

2.4 Other Exhibits

- E1. Referral to the MVC from the Applicant, consisting of one (1) page, received August 3, 2023.
- E2. Wastewater Treatment System Plan for 114 and 116 Dukes County Ave prepared by Kent Healy, consisting of two (2) pages, scale 1" = 20', dated September 20, 2004.
- E3. Town of Oak Bluffs Wastewater Department application for the connection of a one-bedroom apartment located at 116 Dukes County Ave, consisting of two (2) pages, signed June 13, 2014.
- E4. Title 5 Official Inspection Report for 114 Dukes County Ave, Oak Bluffs, consisting of nineteen (19) pages, dated November 29, 2021.
- E5. Letter from the Applicant requesting a public hearing, consisting of one (1) page, dated August 31, 2023.
- E6. Staff Report for DRI 748 Island Food Pantry Relocation, consisting of ten (10) pages, dated October 5, 2023.
- E7. Island Food Pantry Nitrogen Calculations, prepared by Sheri Caseau, MVC Water Resources Planner consisting of one (1) page, dated October 3, 2023.
- E8. Traffic Analysis, prepared by Mike Mauro, Transportation Program Manager, consisting of six (6) pages, dated October 5, 2023, and updated to consist of two (2) pages on November 1, 2023.
- E9. Public Hearing Notice for DRI 748 Island Food Pantry Relocation, consisting of one (1) page, dated October 5, 2023.
- E10. Staff Presentation to the Commission, consisting of twenty-five (25) pages, dated October 5, 2023 and updated to consist of twenty-eight (28) pages on November 2, 2023.
- E11. Applicant's Presentation to the Commission, consisting of seven (7) pages, dated October 5, 2023.
- E12. Picture of drainage issue, consisting of one (1) page, presented by Candace Nichols during the meeting on October 5, 2023.
- E13. Six (6) letters of support from the following citizens, businesses, and organizations: Lucy Hackney on behalf of Island Health Care; Lyndsay Famaries on behalf of the Edgartown Council

on Aging; John Roberts on behalf of Tony's Market (abutter); Karen Brush; Lynne Whiting on behalf of the Island Grown Initiative Board; and Donald Muckerhide.

- E14. Minutes of the Commission's Land Use Planning Committee's Concurrence Review, May 1, 2023.
- E15. Minutes of the Commission's Public Hearing, October 5, 2023.
- E16. Minutes of the Commission's Continued Public Hearing and Deliberation, November 2, 2023.
- E17. Minutes of the Commission's Approval of the Written Decision, November 16, 2023.

2.5 Summary of Testimony

The following gave testimony during the public hearing on October 5, 2023:

- Staff presentation by Rich Saltzberg, DRI Coordinator.
- Summary of Traffic Report by Mike Mauro, Transportation Program Manager.
- Presentation of the project by Rebecca Haag and Merrick Carreiro, Island Grown Initiative.
- Oral testimony from Public Officials speaking for their Boards: None.
- Oral testimony from the Public:
 - Candance Nichols, abutter;
 - Veta Richardson, abutter;
 - Deb Edmunds, Food Pantry volunteer;
 - Richard Toole, Oak Bluffs resident;
 - Steve Schlageter, Oak Bluffs resident and Food Pantry volunteer.

The following gave testimony during the public hearing on November 2, 2023:

- Updated Traffic Report by Mike Mauro, Transportation Program Manager.
- Updated Staff Presentation by Rich Saltzberg, DRI Coordinator.
- Presentation of the project by Rebecca Haag and Merrick Carreiro, Island Grown Initiative.
- Oral testimony from Public Officials speaking for their Boards: None.
- Oral testimony from the Public: None.

3. FINDINGS

3.1 Project History

The project is located on the site of a previous Development of Regional Impact (DRI 615 Muckerheide Housing) that was approved in 2009, but never built, and the approval expired in 2011.

3.2 Project Description

The proposal is to remodel a mixed-use building consisting of 2,135 square feet of commercial space and 610 square feet of residential space at 114 and 116 Dukes County Avenue in Oak Bluffs. The commercial space is intended to warehouse food for distribution to Island Food Pantry clients. The

residential space is intended to be a workforce housing unit. Also, the project proposes to create 18 parking spaces, two of which will be handicap spaces, and for the Island Food Pantry and to furnish the mixed-use building with gutters, downspouts, and drywells to prevent runoff erosion. The Island Food Pantry plans to distribute food largely through staggered appointments intended to keep traffic light.

3.3 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.

3.4 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 the Environment (Section 15(b) of the Act), Persons and Property (Section 15(c) of the Act), Low- and Moderate-Income Housing (Section 15(d) of the Act), and Municipal Services and Taxpayers or (Section 15(e) of the Act) the Commission finds the proposed project would have a beneficial impact. The Commission finds the proposed project would not unduly burden existing public facilities (Section 15(f) of the Act), and with respect to consistency with, and ability to achieve Town, Regional and State Objectives (Section 14(b) of the Act), the Commission finds the proposed project generally aligns with applicable portions of the Island Plan.

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 Island Food Pantry plans to transfer its services from 137 Vineyard Avenue, Oak Bluffs, a facility owned by The Holy Ghost Association of Martha’s Vineyard, to a vacant, mixed-used structure on 114 & 116 Dukes County Avenue in Oak Bluffs. The remodeling work the Island Food Pantry plans is intended to prepare 114 & 116 Dukes County Avenue to serve as the permanent home for the

nonprofit, which before being located at the Holy Ghost Association of Martha's Vineyard facility, was located at the United Methodist Church in Vineyard Haven. The project will maximize the potential of an underused structure that was the focus of an unfulfilled Development of Regional Impact (DRI 615 Muckerheide Housing). The project will allow the Island Food Pantry to continue providing vital nutritional support to the Vineyard.

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

With respect to Wastewater, considered a primary factor in this decision, the Commission finds the proposed development would have a minor detrimental impact, and noted the following:

- The project is partly connected to the municipal sewer system (the apartment) and partly connected to a septic tank (the remainder of the buildings).
- The nitrogen load of the proposed development under the current configuration is estimated at 1.87 kg/year, which is 1.08 kg/year over the limit for the Farm Pond Watershed.
- There will be no food preparation on-site.
- The property is expected to have three bathrooms in total.
- The project is being conditioned to require connection to the town sewer system, and if that is not possible, to take steps to mitigate any nitrogen generated in excess of the allowable nitrogen load.

With respect to Stormwater, the Commission finds the project would have a beneficial impact.

- The Island Food Pantry has generated a roof drainage plan consisting of gutters, downspouts, and drywells.
- Implementation of the drainage plan would likely eliminate runoff erosion created by roof water and would likely keep roof water from flowing onto abutting properties.

With respect to Energy, the Commission makes no finding.

- The roof is intended to be solar ready.

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

With respect to Traffic and Transportation, considered a primary factor in this decision, the Commission finds the proposed project would have a neutral impact due to the following reasons:

- "SmartChoice" online food pantry software will be employed at the site. This will allow for pre-orders that allocate six to seven time slots for pickups every 15 minutes.
- The Applicant has offered to provide a 5-minute gap every 30 minutes to reduce traffic congestion.
- There will not be any additional staff, deliveries, or pick-ups than at the current location at the P.A. Club.
- The Applicant anticipates a total weekly average of 295 pick-ups.
- There will be a total of four deliveries made throughout the week.

- Deliveries are made by a 34-foot straight box truck at 8:00 a.m. on Tuesdays and Fridays, and at 11:30 a.m. on Wednesdays and Fridays.
- Client distributions are not scheduled during delivery times.
- The proposed Island Food Pantry is expected to generate 412 total weekly trips during its Monday through Saturday hours of operation. The highest daily number of trips occurs on Fridays where they expect 96 daily trips, of which 73% would be client pick-ups, 25% would be personnel, and 2% would be truck deliveries.
- The proposed Island Food Pantry location is expected to generate an 11% increase in its weekly traffic volume from the current use at the P.A Club. The expected trips generated at the proposed location will represent no more than 6% of the existing daily volume and 9% of the existing weekly volume in the surrounding study area.
- Sight lines are adequate for the speed limit of Dukes County Avenue. The required distance for 25 mph is 155 feet. The project location has a sight line of approximately 412 feet.
- The Island Food Pantry plans show a total of 18 parking spaces. Seven (7) spaces are dedicated for clients, eight (8) spaces for staff volunteers, two (2) spaces are handicapped accessible, and one (1) space for the residential unit.
- The circulation plan provided by the Applicant is adequate and safe for delivery trucks to navigate the parking area internally and externally.
- There were no reports or records of any accidents along the stretch of roadway from 2020 to 2022.
- MVC Staff has evaluated the proposed project and has concluded that the project will not have a negative impact on the surrounding area or neighborhood.

With respect to Social Development, considered a primary factor in this decision, the Commission finds the proposed project would have a significant beneficial impact due to the following reasons:

- The Island Food Pantry provides a valuable service for low-income households on Martha's Vineyard.
- In 2019, the Island Food Pantry saw an average of 2,042 clients each year. The Pantry's numbers have doubled to the current enrollment of 4,200 registered clients, which is approximately 18-20% of the total Island population. Demand has not dropped since the height of the pandemic.
- New software will serve more clients per hour, educate and promote nutritious choices using the MyPlate categories, increase access, reduce lines, and improve the overall client experience.

With respect to Impact on Abutters, considered a primary factor in this decision, the Commission finds the proposed project would have a beneficial impact.

- A vegetative screening will be maintained on the Eastern periphery of the site as screening for neighbors.

- Tony's Market (an abutter) sent a letter of support for the proposal, noting that IGI intends to restore the existing building on site that has been falling into disrepair and bring vitality to the neighborhood.
- Two other direct abutters testified in favor of the proposal at the public hearing on October 5, 2023.

A4. The Commission finds that the proposed development will favorably affect the supply of needed low- and moderate-income housing for Island residents (Section 15(d) of the Act).

With respect to Island Housing Needs, the Commission notes the following:

- The proposed development features on-site housing by means of a 610 ft² apartment for use by an Island Food Pantry employee. An Island Food Pantry employee currently resides in the apartment, and that practice will continue.
- The facility that the Island Food Pantry is vacating offers no housing for employees.
- The number of employees transitioning from the old site will remain at two and is not expected to increase.

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

The project would be exempt from property taxes but would otherwise 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).

The Commission notes that the proposed development is not expected to unduly burden existing public facilities, nor is it expected to unduly burden public facilities anticipated to come within the next five years.

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 Island Plan includes various objectives and strategies aimed at bolstering human services, especially Objective S2: "Make Martha's Vineyard a healthy community with a mindset to promote human and infrastructure capacity to provide necessary health and human services that are seamless, complementary, coordinated, and accessible; Strategy L5-2: "Establish an island-based buying cooperative to provide Islander discounts for products and services that must be obtained off-island; and S1-4: "Increase volunteer opportunities for retirees." The Commission notes that the project generally aligns with the Island Plan, including sections 4 (Built Environment), 6 (Livelihood & Commerce), 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 project is subject to review by the Oak Bluffs Board of Health; Planning Board; Wastewater Department; Fire Department and Building Department. Section 5.1.3 of the Oak Bluffs Zoning Bylaws requires that retail sales and service establishments require one parking space per 100 ft² for the first 500 ft² and one space per additional 200 ft² of space. Based on this requirement, the Island Food Pantry is required to provide 14 parking spaces. The parking plan provides 18 and is consistent with local zoning regulations.

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 located within any DCPC.

In sum, after careful review of the plans, 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 Sections 14(a) and 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 2, 2023 and made its decision at the same meeting.

The following Commissioners, all of whom participated in the hearing, or were rehabilitated, and deliberations, participated in the decision on November 2, 2023.

- Voting to approve the project: Jeff Agnoli; Jay Grossman; Fred Hancock; Michael Kim; Joan Malkin; Greg Martino; Kathy Newman; Kate Putnam; Ben Robinson; Doug Sederholm; Brian Smith; Ernie Thomas; Carole Vandal; Peter Wharton.
- Voting against: None

- Abstentions: Christina Brown
- Absent: Trip Barnes; Linda Sibley

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 2, 2023 and was approved by a vote of the Commission on November 16, 2023.

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. Within two years from the date of that this decision is recorded at the Registry of Deeds, the Applicant shall connect the entirety of the project site to the municipal sewer if granted permission by the Wastewater Commission.
2. Within two years of the issuance of a certificate of occupancy, the Applicant shall provide water usage records to the Commission that reflect at least one year's worth of water use at the project site since the Island Food Pantry has been in operation. If the water records indicate the project site is generating nitrogen greater than its allowed nitrogen load, the Island Food Pantry must present a mitigation plan to the Commission for review and approval. The mitigation plan must be presented to the Commission within three months of the Commission's receipt of the water records.
3. Any proposed modifications to DRI 748, 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 Oak Bluffs Officers and Boards for any local development permits which may be required by law.

The permit-granting authorities of the Town of Oak Bluffs 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

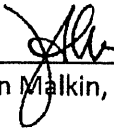
Any party aggrieved by a determination of the Commission may appeal to Superior Court within twenty (20) days after the Commission has sent the development Applicant written notice, by certified mail, of its Decision and has filed a copy of its Decision with the Oak Bluffs Town Clerk.

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 receive a certificate of occupancy.

[The remainder of this page is intentionally left blank]

6.4 Signature Block


Joan Malkin, Chair

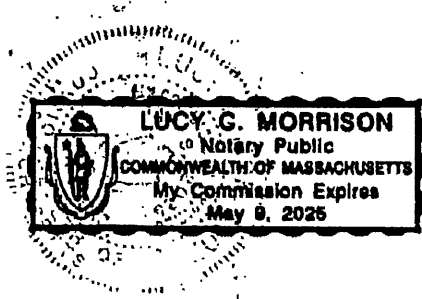
16 Nov 2023
Date

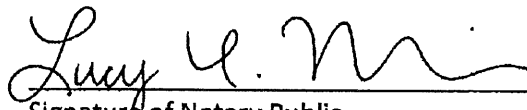
6.5 Notarization of Decision

Commonwealth of Massachusetts

County of Dukes County, Mass.

On this 16th day of November, 2023, before me, Lucy C. Morrison, the undersigned Notary Public, personally appeared Joan Malkin, proved to me through satisfactory evidence of identity, where was personal knowledge to be the person whose name was signed on the preceding or attached document in my presence, 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: Friday, NOVEMBER 17, 2023

Deed: Book 1669, Page 15

Document Number: 5634

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