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Modification to a Decision of the Martha's Vineyard Commission DRI 49-M5 – MV Arena Addition

1. SUMMARY

Referring Board: Building Inspector, Town of Oak Bluffs, MA

Subject: Development of Regional Impact #49-M5
Martha's Vineyard Arena Addition

Project: Construction of a 2,250 sf multi-purpose room to the back of the building; a 250 sf addition to the concession area; and a relocated vestibule.

Owner: MV Arena Inc.

Applicant: M.V. Arena Inc.; Geoghan Coogan (President)

Project Location: 91 Edgartown-Vineyard Haven Road, Oak Bluffs Map 50 Lot 30 (3.28 acres)

Description: To construct a construct a 2,250 sf multi-purpose room to the back of the building; a 250 sf addition to the concession area; and a relocated vestibule. The multi-purpose room would be for birthday parties, gatherings and off-ice exercise. The proposal is part of an overall renovation of the whole facility including a new concrete base for the ice rink with a new refrigeration system, viewing stands and refurbished lobby

Decision: The Martha's Vineyard Commission (the Commission) approved the application for the project as a modification to an existing Development of Regional Impact with conditions, at a vote of the Commission on April 13, 2017.

Written Decision: This written decision was approved by a vote of the Commission on May 4, 2017.

The Martha's Vineyard Commission hereby modifies the following Decisions of the Martha's Vineyard Commission (MVC): the Decision of the MVC re: Martha's Vineyard Arena Inc. dated July 1, 1976 (DRI 49); the Decision of the MVC re: Martha's Vineyard Ice Arena dated April 4, 2002 and recorded in the County of Dukes County Registry of Deeds Book 878, Pages 039 through 045; the Decision of the MVC re: and MV Arena Wind tower dated October 2, 2008 and recorded in the County of Dukes County Registry of Deeds Book 1161, Pages 207 through 216. 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 Commission meeting, 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 March 17, 2017 by the Building Inspector of the Town of Oak Bluffs, 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, Section 2.1, modification to a previously approved DRI. On April 13, 2017 the full Commission voted that the project was a minor modification that did not require a public hearing as Development of Regional Impact. The Commission also voted to approve the proposed modification with conditions.

2.2 The Plan

The following plans and documents submitted by the Applicant and contained in the Commission's project file constitute "the Plan."

- P1 "Site Plan: Prepared for Martha's Vineyard Arena", consisting of one 24" by 36" page showing O.B. Assessor's parcel Map 50 Lot 30 with existing building footprint and proposed additions, prepared by Schofield, Barbini, & Hoehn Inc., 12 Surveyor's Lane (Box 339), Vineyard Haven, MA, March 30, 2017. Scale 1" = 30'.
- P2 "Additions & Improvements: Martha's Vineyard Ice Arena", consisting of twenty nine (29) 24" by 36" pages showing existing and proposed building plans, elevations and construction details, prepared JPL Consulting Architectural Planning and Design, 466 Pleasant Street, Winthrop, MA 02152, December 21, 2016.
- P3 "Applicant narrative" consisting of two 8.5" by 11" pages with descriptions of proposed physical changes dated March 22, 2017 signed by Geoghan Coogan.

2.4 Other Exhibits

- E1. Referral to the MVC from the Oak Bluffs Zoning Board of Appeals June 20, 2008
- E2. MVC Staff Report and slide show dated April 13, 2017.
- E3. Minutes of the Commission's Land Use Planning Committee meeting, April 10, 2017.
- E4. Minutes of the Commission's Modification Review, April 13, 2017.
- E5. Minutes of the Commission Meeting of May 4, 2017— Approval of the Written Decision.

3. FINDINGS

3.1 Project Description

- The site is a long, narrow, 3.28-acre lot on Edgartown-Vineyard Haven Road across from the High School and next to the YMCA and a lot owned by the Town.
- The M.V. Arena was approved by the MVC in 1976 (DRI 49).
- In 2002 the Arena was approved to add a 4,400 sf addition for showers and locker rooms (DRI 49-M).
- In 2008 the Arena was approved to construct a wind generator on a lattice tower up to 172.5' tall (140' tall tower with a turbine with a 65' diameter) designed to also hold wireless communications equipment (DRI 49-M2).
- In 2012 the MVC remanded as a minor modification a proposal for a cell phone monopole without wind turbine (DRI 49-M3). In 2013 the Commission approved a second carrier on the cell tower (DRI 49-M4).

- The proposal is to add a 2,250 sf multi-purpose room to the back of the building; a 250 sf addition to the concession area; and a relocated vestibule as part of an overall renovation.
- The multi-purpose room would be for birthday parties, gatherings and off-ice exercise.
- The proposal is part of an overall renovation of the whole facility including a new concrete base for the ice rink with a new refrigeration system, viewing stands and a refurbished lobby.
- There would be a small addition to the concession stand area. The Applicant clarified at LUPC and the MVC that the concession area will be vending machines only. If at a later date they want to operate a concession stand or provide kitchen facilities, they will return to the MVC for DRI Modification Review.
- Other uses for the ice area in the off-season are being contemplated but are not defined. The Applicant clarified at LUPC and the full MVC that if they plan to install flooring or matting during the off-season (April – July) for non-ice affiliated uses, they will return to the MVC for DRI Modification Review.
- The contract for parking busses in the back will not be reinstated. Any increased demand for parking due to these small additions should be accommodated easily by the removal of the busses.

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 minor modification to a Development of Regional Impact.

4. DECISION

The Martha's Vineyard Commission reviewed the application at a duly noticed meeting of the Commission held on April 13, 2017 and made its decision at the same meeting.

The following Commissioners participated in the decision on April 13, 2017 and voted that the proposal was a minor modification to a previously approved DRI that did not require a public hearing review. The same Commissioners then voted to approve the modification to the previously approved DRI with conditions:

- Voting in favor: Gail Barmakian; Trip Banes; Josh Goldstein; Fred Hancock; Lenny Jason; James Joyce; Ben Robinson; Doug Sederholm; Linda Sibley; Ernest Thomas; and Richard Toole.
- Voting against: None
- Abstentions: None

Based on this vote, the Commission approved the application for the project as a minor modification to a Development of Regional Impact with the conditions listed in section 5 below. This written Decision is consistent with the vote of the Commission April 13, 2017 and was approved by vote of the Commission on May 4, 2017.

5. CONDITIONS

After reviewing the proposal for this Development of Regional Impact, the Martha's Vineyard Commission imposes the following conditions in order to increase the benefits and minimize the detriments of the project. The analysis of benefits and the resulting decision to approve the project is based on the proposal as modified by these conditions. These conditions form an integral and indispensable part of this decision.

These conditions are an essential part of this decision and shall be enforced as written. The primary enforcement agent for the compliance of these conditions is the building and zoning enforcement officer of the Town. If the Commission or the Town finds it necessary to seek judicial relief to enforce the condition, the Applicant, or its successors in title at the time of such proceedings, shall pay the Commission's and/or Towns attorney's fees and costs incurred in obtaining judicial relief.

1) Parking

- a) As offered by the Applicant, the Arena shall not renew the contract for Island Transport or allow other busses to be stored on the property.

2) Use

- a) As offered by the Applicant, any non-ice uses such as laying down a new floor in the off-season (April to July) for other sports or events shall not occur unless and until the proposal is reviewed by the MVC as a modification to a previously approved DRI.
- b) As offered by the Applicant, the concessions/vending area shall contain vending machines only. If at a later date the Arena wants to operate a concession stand or provide kitchen facilities, they will return to the MVC for Modification Review.

3) Substantial Alterations

- a) As offered by the Applicant, should the Applicant wish to substantially alter the use of the premises from the proposed uses, the Applicant shall return to the Martha's Vineyard Commission to request approval of said alteration.

6. CONCLUSION

6.1 Permitting from the Town

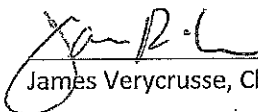
The Applicant must, consistent with this Decision, apply to the appropriate Town of Oak Bluffs Officers and Boards for any local development permits which may be required by law.

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 the conditions contained herein 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 MVC and the above conditions.

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. Should substantial construction not occur during said two (2) year period, 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.

6.3 Signature Block


James Vercrusse, Chairman

5.9.17
Date

6.4 Notarization of Decision

Commonwealth of Massachusetts
County of Dukes County, Mass.

On this 9th day of May, 2017, before me,
_____, the undersigned Notary Public, personally

appeared Jim Vercray SSE proved to me through satisfactory evidence of identity, which was/were driver's license to be the person(s) whose name(s) was/were 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 his/her/their knowledge and belief.

Jo Ann Taylor
Signature of Notary Public

Jo Ann Taylor
Printed Name of Notary
My Commission Expires February 9, 2018

6.5 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: May 10, 2017

Deed – Book 1438, page 619

