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## Decision of the Martha's Vineyard Commission DRI 665 – M.V. Museum at Marine Hospital

### 1. SUMMARY

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- Referring Board:** Tisbury Building Inspector, Town of Tisbury, MA
- Subject:** Development of Regional Impact #665
- Project:** The renovation of the original Marine Hospital, demolition of the 1938 brick addition, construction of new buildings and site work in two phases.
- Owner:** Martha's Vineyard Museum
- Applicant:** Martha's Vineyard Museum, Phil Wallis (Executive Director), P.O. Box 1310, 59 School Street, Edgartown, MA 02539
- Project Location:** 151 Lagoon Pond Road, Tisbury, MA Map 9-A Lot 25 (4.54 acres)
- Description:** The proposal is for the renovation of the original Marine Hospital built in 1895; the demolition of the 1938 brick addition; construction of three new buildings and a connector building; and site work in two (2) phases. Phase one (1) includes renovation of the existing Marine Hospital but with the demolition of the 1938 brick addition; and construction of two new buildings with a total area of 9,698 gsf plus significant site work. Phase two (2) includes the construction of a new 2-story 9,983 gsf gallery wing and a 2-story 848 gsf connector building.
- 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 May 4, 2017.
- Written Decision:** This written decision was approved by a vote of the Commission on May 18, 2017.

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**

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The exhibits listed below including the referral, the application, the notice of 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 January 2, 2017 by the Building Inspector 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, Section 3.1a (development over 3,000 s.f.) which requires a mandatory review as a Development of Regional Impact.

### **2.2 Hearings**

Notice: Public notice of a public hearing on the Application was published in the Martha's Vineyard Times, February 23, 2017.

Hearings: The Commission held a public hearing on the Application on March 9, 2017 pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831. The hearing was continued to and held on April 6, 2017. The public hearing was kept open for the purpose of keeping the written record open until 5:00 PM, April 20, 2017 and closed on that date.

### **2.3 The Plan:**

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

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

- P1 "Existing Conditions Plan: L1.0" consisting of one 30" X 42" sheet showing existing site conditions prepared by Stephen Stimson Associates, 288 Norfolk Street, Cambridge MA 02139. Scale: 1"=20'-0"; dated 4/3/2017.
- P2 "Site Preparation Plan: L1.1" consisting of one 30" X 42" sheet showing proposed demolition plan prepared by Stephen Stimson Associates, 288 Norfolk Street, Cambridge MA 02139. Scale: 1"=20'-0"; dated 4/3/2017.
- P3 "Materials Plan: L3.0" consisting of one 30" X 42" sheet showing proposed site materials plan prepared by Stephen Stimson Associates, 288 Norfolk Street, Cambridge MA 02139. Scale: 1"=20'-0"; dated 4/3/2017.
- P4 "Grading Plan: L4.0" consisting of one 30" X 42" sheet showing existing proposed site grading prepared by Stephen Stimson Associates, 288 Norfolk Street, Cambridge MA 02139. Scale: 1"=20'-0"; dated 4/3/2017.

- P5 "Soils Plan: L5.0" consisting of one 30" X 42" sheet showing existing soils prepared by Stephen Stimson Associates, 288 Norfolk Street, Cambridge MA 02139. Scale: 1"=20'-0"; dated 4/3/2017.
- P6 "Planting Plan: L5.1" consisting of one 30" X 42" sheet showing proposed locations and type of plantings prepared by Stephen Stimson Associates, 288 Norfolk Street, Cambridge MA 02139. Scale: 1"=20'-0"; dated 4/3/2017.
- P7 "Planting Schedule: L5.2" consisting of one 30" X 42" sheet with list of size and quantities of proposed trees, shrubs and groundcovers to be planted prepared by Stephen Stimson Associates, 288 Norfolk Street, Cambridge MA 02139. Dated 4/3/2017.
- P8 "Planting Details: L5.3" consisting of one 30" X 42" sheet showing plant sections and details prepared by Stephen Stimson Associates, 288 Norfolk Street, Cambridge MA 02139. Scale: varies; dated 4/3/2017.
- P9 "Site Details - Stairs and Furnishings I: L7.1" consisting of one 30" X 42" sheet showing sections of concrete stair, bike rack, railing and sign details prepared by Stephen Stimson Associates, 288 Norfolk Street, Cambridge MA 02139. Scale varies; dated 4/3/2017.
- P10 "Site Sections: L7.1" consisting of one 30" X 42" sheet showing sections through lagoon pond stair and parking lot prepared by Stephen Stimson Associates, 288 Norfolk Street, Cambridge MA 02139. Scale: 1/4"=1'-0"; dated 4/3/2017.
- P11 "Site Details - Stairs and Furnishings I: L7.2" consisting of one 30" X 42" sheet showing sections and details of light bollards, fence, mechanical equipment enclosure prepared by Stephen Stimson Associates, 288 Norfolk Street, Cambridge MA 02139. Scale: varies; dated 4/3/2017.
- P12 "1895 Enlarged Ground Floor RCP (Reflected Ceiling Plan – Lighting): A2.11" consisting of one 30" X 42" sheet showing Marine Hospital interior and building-mounted lighting prepared by Oudens Ello Architecture, 46 Waltham Street, Suite 4a, Boston, MA 02118. Scale: 1/4"=1'-0"; dated 4/3/2017.
- P13 "1895 Enlarged Second Floor RCP (Reflected Ceiling Plan – Lighting): A2.12" consisting of one 30" X 42" sheet showing Marine Hospital interior and building-mounted lighting on second floor prepared by Oudens Ello Architecture, 46 Waltham Street, Suite 4a, Boston, MA 02118. Scale: 1/4"=1'-0"; dated 4/3/2017.
- P14 "Enlarged Ground Floor RCP Fresnel Gallery: A2.21" consisting of one 30" X 42" sheet showing Fresnel Gallery interior and building-mounted lighting prepared by Oudens Ello Architecture, 46 Waltham Street, Suite 4a, Boston, MA 02118. Scale: 1/4"=1'-0"; dated 4/3/2017.
- P15 "Enlarged Ground Floor RCP Vehicles and Vessels Building: A2.30" consisting of one 30" X 42" sheet showing Vehicles and Vessels interior and building-mounted lighting prepared by Oudens Ello Architecture, 46 Waltham Street, Suite 4a, Boston, MA 02118. Scale: 1/4"=1'-0"; dated 4/3/2017.

- P16 "Cistern/Drainage Plan: C2. 0" consisting of one 30" X 42" sheet showing existing and proposed contour lines, proposed drainage, cisterns and pipes with sections and details of cisterns and catch basins prepared by Sourati Engineering Group, 107 Beach Road, Vineyard Haven, MA 02568. Scale: 1"=30'-0"; dated 4/3/2017.
- P17 "MVM Building-Mounted Fixture Cut Sheets" consisting of seven (7) 8.5" X 11" sheets showing detailed information on Light Types Y1, Y2 and Y3 prepared by Oudens Ello Architecture, 46 Waltham Street, Suite 4a, Boston, MA 02118. Dated 4/3/2017.
- P18 "Outdoor Equipment: Page 1" consisting of one 8.5" X 11" sheet showing Photo illustrating identical installation of equipment in Boston prepared by Oudens Ello Architecture, 46 Waltham Street, Suite 4a, Boston, MA 02118. Dated 4/3/2017.
- P19 "Outdoor Equipment: Page 2" consisting of one 8.5" X 11" sheet showing Condensing unit specifications and dimensions prepared by Oudens Ello Architecture, 46 Waltham Street, Suite 4a, Boston, MA 02118. Dated 4/3/2017.
- P20 "Outdoor Equipment: Page 3" consisting of one 8.5" X 11" sheet showing Condensing unit dimension and sound pressures prepared by Oudens Ello Architecture, 46 Waltham Street, Suite 4a, Boston, MA 02118. Dated 4/3/2017.
- P21 "Outdoor Equipment: Page 4" consisting of one 8.5" X 11" sheet showing Condensing unit location in plan prepared by Oudens Ello Architecture, 46 Waltham Street, Suite 4a, Boston, MA 02118. Dated 4/3/2017.
- P22 "Low Ambient Hood Kit Cut Sheet" consisting of one 8.5" X 11" sheet showing Ambient hood installation for condensing units prepared by Oudens Ello Architecture, 46 Waltham Street, Suite 4a, Boston, MA 02118. Dated 3/31/2017.
- P23 "Kohler Generator Cut Sheet" consisting of four 8.5" X 11" sheets showing technical information on electric generator prepared by Oudens Ello Architecture, 46 Waltham Street, Suite 4a, Boston, MA 02118. Dated 3/31/2017.
- P24 "Outdoor Equipment Enclosure Section Detail" consisting of one 11" X 17" sheet showing screening and acoustic enclosure for condensing units prepared by Oudens Ello Architecture, 46 Waltham Street, Suite 4a, Boston, MA 02118. Scale: 1/8"=1'-0", dated 3/30/2017.
- P25 "MVM Museum Landscape Buffers Sheet 1" consisting of one 30" X 42" sheet showing screen plantings on the south side of property with plan, section and image of plantings prepared by Stephen Stimson Associates, 288 Norfolk Street, Cambridge MA 02139. Scale: varies, dated 3/30/2017.
- P26 "MVM Museum Landscape Buffers Sheet 1" consisting of one 30" X 42" sheet showing screen plantings on the south side of property with plan, section and image of plantings prepared by Stephen Stimson Associates, 288 Norfolk Street, Cambridge MA 02139. Scale: varies, dated 3/30/2017.

- P27 "MVM Museum Landscape Buffers Sheet 2" consisting of one 30" X 42" sheet showing screen plantings on the south side of property with plan, section and image of plantings prepared by Stephen Stimson Associates, 288 Norfolk Street, Cambridge MA 02139. Scale: varies, dated 3/30/2017.
- P28 "MVM Museum Landscape Buffers Sheet 3" consisting of one 30" X 42" sheet showing screen plantings on the north side of property with plan, section and image of plantings prepared by Stephen Stimson Associates, 288 Norfolk Street, Cambridge MA 02139. Scale: varies, dated 3/30/2017.
- P29 "MVM Museum Landscape Buffers Sheet 4" consisting of one 30" X 42" sheet showing screen plantings on the north side from Daly's deck of property with plan, section and image of plantings prepared by Stephen Stimson Associates, 288 Norfolk Street, Cambridge MA 02139. Scale: varies, dated 3/30/2017.
- P30 "MVM Museum Landscape Buffers Sheet 5" consisting of one 30" X 42" sheet showing screen plantings on the north side of property from front lawn with plan, section and image of plantings prepared by Stephen Stimson Associates, 288 Norfolk Street, Cambridge MA 02139. Scale: varies, dated 3/30/2017.
- P31 "MVM Museum Landscape Buffers Sheet 6" consisting of one 30" X 42" sheet showing screen plantings on the west side of property with plan, section and image of plantings prepared by Stephen Stimson Associates, 288 Norfolk Street, Cambridge MA 02139. Scale: varies, dated 3/30/2017.
- P32 "Site Diagrams" consisting of eight 30" X 42" sheets showing diagrams describing phasing, parking, bus circulation, preliminary landscaping, and site utilities prepared by Oudens Ello Architecture, 46 Waltham Street, Suite 4a, Boston, MA 02118. Scale: 1"=20'-0", dated 2/13/2017.
- P33 "Martha's Vineyard Museum Master Plan" consisting of thirty-six 30" X 42" sheets containing drawings and images describing the Master Plan and Phase 1 of the project. Master Plan prepared by Oudens Ello Architecture, 46 Waltham Street, Suite 4a, Boston, MA 02118. Scale: varies; dated 2/7/2017.
- P34 "Memorandum of Understanding for Site Rental for Outdoor Events at the Marine Hospital Site (151 lagoon Pond Road, Tisbury, MA) made as of June 30, 2015" consisting of two 8.5" X 11" sheets containing conditions set by the Town of Tisbury pertaining to the number of events, hours, amplification of music, notifications required, parking and rubbish removal of private event rentals of the site.
- P35 "Intensive (locational) Archaeological Survey: Management Memorandum for the Martha's Vineyard Museum Marine Hospital Tisbury, Massachusetts" consisting of 9 pages prepared by Public Archaeology Lab (PAL) dated March 28, 2012 and updated April 5, 2012. *Note: this document contains confidential archaeological locational information that is not subject to public review.*

- P36 “Archaeological Site Examination: Management Memorandum for the Martha’s Vineyard Museum Marine Hospital Tisbury, Massachusetts - PAL No. 3187” consisting of 15 pages prepared by Public Archaeology Lab (PAL) dated May 2016. *Note: this document contains confidential archaeological locational information that is not subject to public review.*
- P37 Narrative 1: Martha’s Vineyard Museum Today” consisting of 8 pages describing the museum history, operations and general information, programs and activities prepared by the Martha’s Vineyard Museum dated February 6, 2017.
- P38 Narrative 2: The Future Martha’s Vineyard Museum: Operations & Projections” consisting of 9 pages describing the proposed museum operations and general information, proposed programs and activities, fundraising and project schedule, financial performance outlook prepared by the Martha’s Vineyard Museum dated February 6, 2017.
- P39 Narrative 3: The Future Martha’s Vineyard Museum: Design” consisting of 16 pages describing the master plan, historic preservation, demolition of 1938 addition, archaeology, vehicle parking and circulation, bicycle and pedestrian accessibility, catering, deliveries, trash and recycling, site lighting, landscaping, fencing, utilities, outreach and design team prepared by the Martha’s Vineyard Museum dated February 6, 2017.
- P40 “DRI 665 – MV Museum at the Marine Hospital – Final Offers” consisting of four 8.5” X 11” pages listing offers with regard to landscaping, noise, exterior lighting, affordable housing, wastewater, energy and sustainability, archaeological oversight, and future substantial alterations, signed by Philip S. Wallis, Executive Director, Martha’s Vineyard Museum, dated April 26, 2017.

#### **2.4 Other Exhibits**

- E1. Referral to the MVC from the Tisbury Building Inspector; January 2, 2017.
- E2. Staff Report by MVC Staff February 21, 2017; revised March 9, 2017; revised April 6, 2017.
- E3. Photographs of the site, taken on March 6, 2017 by MVC staff member Paul Foley.
- E4. Email from James Richardson, April 19, 2017.
- E5. Minutes of the Commission’s Land Use Planning Committee meeting, February 13, 2017.
- E6. Minutes of the Commission’s Land Use Planning Committee meeting, February 21, 2017.
- E7. Minutes of the Commission’s Public Hearing, March 9, 2017.
- E8. Minutes of the Commission’s Continued Public Hearing, April 6, 2017.
- E9. Minutes of the Commission’s LUPC Post Public Hearing Review, April 24, 2017.
- E10. Minutes of the Commission Meeting of May 4, 2017 – Deliberations and Decision.
- E11. Minutes of the Commission Meeting of May 18, 2017 -- Approval of the Written Decision.

#### **2.5 Summary of Testimony**

The following identifies the parties that provided principal testimony during the public hearing.

- Presentation by the Applicant of the project on March 9, 2017 by Phil Wallis (Museum Executive Director); Conrad Ello (Architect); George Sourati (Engineer); Joe Wahler (Landscape Architect); and Bill Scully (Traffic Engineer).
- Staff reports on March 9, 2017 by Paul Foley (MVC DRI Coordinator).
- Oral testimony from Public Officials on March 9, 2017: Melinda Loberg (Board of Selectmen).
- Oral testimony from Public on March 9, 2017: Hyung Suk Lee; Dana Hodsdon and Frank Daly.
- Presentation by the Applicant of the project on April 6, 2017 by Bill Scully (Traffic Engineer); Phil Wallis (Museum Executive Director); Joe Wahler (Landscape Architect); Conrad Ello (Architect); George Sourati (Engineer); Katy Fuller (Assistant to Executive Director); Chris Genter (Architect).
- Staff reports on April 6, 2017 by Paul Foley (MVC DRI Coordinator) and Priscilla LeClerc (Transportation Planner).
- Oral testimony from Public Officials on April 6, 2017: Dan Seidman (Planning Board).
- Oral testimony from Public on April 6, 2017: Mark Clark; Hyung Suk Lee; and Ken Barwick.

### **3. FINDINGS**

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#### **3.1 Project Description**

- The proposal is for the renovation of the existing Marine Hospital built in 1895; demolition of the 1938 brick addition to the Marine Hospital; construction of three new buildings and a connector building; and site work in two (2) phases.
  - Phase one (1) includes renovation of the existing Marine Hospital (1895); demolition of the 1938 brick addition; and construction of two new buildings with a total area of 9,698 gsf; and significant site work.
  - Phase two (2) includes the construction of a new 2-story 9,983 gsf gallery wing and a 2-story 848 gsf connector building.
- The Martha's Vineyard Museum is a registered 501(c)3 educational and charitable organization with a 26-member Board of Directors supported by voluntary gifts, corporate support, private foundation grants, local, state, and federal grants, as well as earned revenue from admissions, membership fees, merchandise sales, etc.
- The Museum is open year-round. From Memorial Day to Columbus Day, the Museum is open Monday through Saturday from 10am to 5pm and Sundays from 12pm to 5pm. During the offseason, the Museum is open Monday through Saturday from 10am to 4pm.

#### **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 evaluating 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 the testimony presented and reviewing all documents and correspondence 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 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 appropriate in view of the available alternatives (Section 15(a) of the Act.)**

The Commission finds that this is an appropriate re-use of a significant historic building.

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

With respect to Economic Impact, the Museum employs 22-part time and full time staff along with an active internship program. The siting of the museum at the proposed location will have a beneficial and positive impact to both the town and the island. The development of a major cultural and historic year-round institution will provide significant economic benefits to the town and Island in the form of additional tax revenue such as meals and rooms tax. The surrounding business specifically restaurants, accommodations, transportation, and retail will have a direct economic benefit from spillover customer opportunities by both visitors and residents alike. In addition, the development is in the Vineyard Haven Harbor Cultural District that highlights the town's Arts and Culture organizations and businesses as well as its Maritime Heritage and its long tradition in ship building. The Museum compliments the town's working harbor front, marina and other commercial facilities.

With respect to Scenic Values, Character, and Identity, the Commission finds that the project is a benefit. With respect to Scenic Values the Commission notes that the museum is visible from the Beach Road and the approach of the ferry and that the restored building and appropriate additions will be an improvement. With respect to Character and Identity the Commission notes the long history of the site with respect to public use.

With respect to Wastewater and Groundwater, the Commission finds that the project has been approved to be connected to the sewer. The Commission notes that a storm water and drainage plan has been submitted that accounts for the slight increase in paved areas.

With respect to Open Space, Natural Community and Habitat, the Commission finds that the proposal is a benefit because the expansive area and hillside in front of the building will include a combination of habitats -- native grasses and retention of woodlands that extends up from the Muddy Creek wetlands.



With respect to Night Lighting and Noise, the Commission finds that with sound attenuation methods, landscaping built into the plan and through the conditions, the impact should be mitigated. The Commission notes that the landscaping plan has been developed in detail and will restore much of the buffer that was removed during archaeological excavations but will take time to fully mature

With respect to Energy and Sustainability, the Commission finds that offers in this area are a benefit.

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

With respect to Traffic and Transportation, the Commission finds that there is a minor overall impact but pedestrian access must be improved. The Commission notes that many potential issues are addressed in the plan and conditions herein. The Commission notes that the project will have an impact on the island as well as the Tisbury road network.

With respect to the Impact on Abutters, the Commission finds that the proposal is mixed in terms of benefits and detriments. The Commission finds that while the property is being improved, the use of it will likely increase activity and impacts such as noise on the neighborhood.

**A4 The Commission finds that the proposed development would have a neutral impact upon the supply of needed low and moderate income housing for Island residents (Section 15(d) of the Act).**

The Commission notes that the Applicant has offered to continue to assist staff in attaining housing.

**A5 The Commission finds that the proposed development would have a mixed impact on the provision of municipal services or burden on taxpayers in making provision therefore (Section 15(e) of the Act). The Commission further found that the project might generate additional tax revenue.**

The Commission notes that the project may burden public facilities such as roads and sewer to a degree but that should be balanced by the increased economic activity brought by the revitalized facility. The Commission notes that the project will use a small bit of the remaining capacity of the sewer, which is beyond the planned sewer service area.

**A6 The Commission finds that the proposed development would use efficiently and 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 project will be tied into town water and sewer services at the applicant's expense. The Commission does not anticipate that the project will have a significant impact to other municipal services such as police and fire. The Commission further notes that the MV Museum is a non-profit and is exempt from paying municipal property taxes to the Town of Tisbury.

**A7 The Commission finds that the proposed development does not interfere with the ability of the municipality to achieve the objectives set forth in the municipal general plan. (Section 15(g) of the Act).**

**A8 The Commission finds that the proposed development would not contravene land development objectives and policies developed by regional or state agencies. (Section 15(h) of the Act).**

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 such as those relating to wastewater, 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 14(a) 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, as a whole, advances the Commission's land development objectives, as outlined in the Martha's Vineyard Commission Regional Policy Plan adopted by the Commission in June 1991, and the Island Plan adopted by the Commission in December 2009, and as noted previously in section A8 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.**

**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.**

This site is not within any DCPC.

#### **4. DECISION**

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The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on May 4, 2017, and made its decision at the same meeting.

The following Commissioners, all of who participated in all hearings and deliberations on this project, participated in the decision on May 4, 2017.

- Voting in favor: G. Barmakian, T. Barnes, C. Brown, R. Doyle, J. Goldstein, F. Hancock, J. Malkin, K. Newman, B. Robinson, D. Sederholm, L. Sibley, E. Thomas, R. Toole.
- Voting against: None.
- Abstentions: None.

Based on this vote, the Commission approved the application for the project including Phase 1 and Phase 2 as a Development of Regional Impact with the conditions listed in section 5 below.

This written Decision is consistent with the vote of the Commission May 4, 2017, and was approved by vote of the Commission on May 18, 2017.

#### **5. CONDITIONS**

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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 Town's attorney's fees and costs incurred in obtaining judicial relief.

**1     Transportation:**

- 1.1     There shall be no parking of tour busses on Lagoon Pond Road or other nearby residential streets.
- 1.2     There shall be no parking of trucks and vehicles associated with the construction process on Lagoon Pond Road and other nearby residential streets
- 1.3     The Museum shall be responsible for improving bicycle and pedestrian access to the Museum by developing the existing 80 foot gap in the sidewalk along Lagoon Pond Road. This shall include design, permitting and construction. The Applicant shall work with the Town to complete this condition.
- 1.4     As offered by the Applicant, the Museum shall encourage bicycle usage to and from the Museum by staff and visitors by providing securable bicycle storage onsite and on Lagoon Pond Road at the walkway to the site.
- 1.5     As offered by the Applicant, the Museum shall install a STOP sign on the site drive approach to Lagoon Pond Road.
- 1.6     As offered by the Applicant, the Museum shall ensure that any new landscaping in the area of the site drive intersection with Lagoon Pond Road is set back sufficiently that vegetation does not obstruct sight of oncoming traffic.
- 1.7     As offered by the Applicant, the Museum shall promote the use of remote Park and Ride locations and VTA shuttle service to those accessing the ferry and downtown Vineyard Haven, including the Museum. The Museum shall explore smaller, electric shuttles for this purpose. The Museum shall provide information on their website that clearly provides directions from different parts of the Island, information on alternative modes of travel including biking and walking, and provide a link to the VTA website.
- 1.8     As offered by the Applicant, the Museum shall, once Phase 1 of the project is complete and operating, monitor growth in attendance levels and be able to adjust the scheduling of programs so as to adequately manage and spread traffic and parking demands, particularly during the peak summer season. The Museum shall share their findings with the MV Commission if requested on an annual basis.
- 1.9     As offered by the Applicant, the Museum shall participate with whatever review process is needed to implement improvements at Five Corners.
- 1.10    As offered by the Applicant, the Museum shall work with the town and participate in a future design process focused on pedestrian, bicycle, and vehicular improvements along Lagoon Pond Road.
- 1.11    As offered by the Applicant, the Museum shall offer VTA bus passes to all employees for free to provide a public transportation option.

- 1.12 The Museum shall use offsite parking with shuttle service to the Museum for any events anticipating more than the forty-nine (49) parking spots on site.
- 1.13 As offered by the Applicant, the Museum shall follow the Memorandum of Understanding with the Town of Tisbury pertaining to private event rentals of the site.
- 1.14 As offered by the Applicant, the Museum shall, for all of its events, comply with noise, illumination, and odor regulations pursuant to Section 07.09 of the Tisbury Zoning By-Laws.
- 1.15 As offered by the Applicant, the Museum shall work with the Town of Tisbury to improve wayfinding and signage from all directions to the Museum for all forms of transportation.
- 1.16 As offered by the Applicant, the Museum shall ensure that no project-related staging of vehicles occurs on Lagoon Pond Road or other nearby residential streets during construction.

## **2 Landscaping:**

- 2.1 As offered by the Applicant, the Museum shall install an area of fencing and landscape buffer plant materials along its northern property line as located and noted on the final Plantings Plan at the beginning of construction activities.
- 2.2 As offered by the Applicant, the Museum shall install all landscape buffers along its property line as shown on the final Plantings Plan before a Certificate of Occupancy on Phase 1 of the project is issued.
- 2.3 As offered by the Applicant, all fertilizers shall be slow-release, water-insoluble nitrogen source types. No synthetic pesticides including herbicides, fungicides and/or insecticides shall be used in the maintenance of landscaping.
- 2.4 As offered by the Applicant, all landscaping plans shall use best management practices.
- 2.5 As offered by the Applicant, the Museum shall resubmit a final landscaping plan showing plant species and locations for the review and approval of LUPC before a Phase 1 Certificate of Occupancy is issued.
- 2.6 The Museum shall submit a final landscaping plan showing plant species and locations for the review and approval of LUPC before a Phase 2 Certificate of Occupancy is issued.
- 2.7 The Museum shall install all landscaping before a Certificate of Occupancy is issued.

## **3 Noise:**

- 3.1 The Museum shall not allow amplified music outdoors after 6:00 pm more than six (6) times per year.
- 3.2 The Museum shall follow the Memorandum of Understanding for Site Rental for Outdoor Events at the Marine Hospital Site (151 lagoon Pond Road) with the Town of Tisbury pertaining to the number of private event rentals of the site which states:
  - I. No more than 12 events total shall take place at the property between the months of May and October. No more than 8 events of the 12 events permitted shall take place during the peak two-month period of July and August. If there is a Friday event, there shall be none scheduled for the rest of the weekend.

- 3.3 Prior to substantial construction, The Museum shall conduct a sound study (under the supervision of a professional INCE Board Certified Noise Control Engineer) to determine the existing ambient sound levels at the perimeters of the site and to recommend noise standards. The results of the study shall be submitted to the LUPC and used to determine acceptable sound levels that will not unduly disturb the residential neighbors in their homes.
- 3.4 As offered by the Applicant, the Museum shall comply with noise regulations pursuant to Section 07.09 of the Tisbury Zoning By-Laws including at any after-hour events.
- 3.5 As offered by the Applicant, the Museum shall locate all mechanicals, HVAC, generators, condensing units, exhaust fans and other noise producing machinery in areas with special measures taken to minimize the impact on the residential neighbors.
- 3.6 As offered by the Applicant, the Museum shall not “exercise” its generator beyond the manufacturer’s minimum maintenance requirements. Further, the Museum shall confer with its neighbors and come to an agreement with them on the optimal time of minimal impact to “exercise” its proposed generator before a Certificate of Occupancy is issued.
- 3.7 As offered by the Applicant, the Museum shall submit for the review and approval of LUPC the final noise mitigation plan before a Certificate of Occupancy is issued.

#### 4 Exterior Lighting:

- 4.1 As offered by the Applicant, the Museum shall comply with illumination regulations pursuant to Section 07.09 of the Tisbury Zoning By-Laws.
- 4.2 As offered by the Applicant, all windows facing the public way in the Fresnel Lens Pavilion shall have shades in order to minimize after hours ambient light and shall be drawn between the hours of 11:00 PM and 7:00 AM per Tisbury Zoning By-Laws.
- 4.3 As offered by the Applicant and in accordance with its final lighting plan as submitted, the Museum shall commit to a “dark sky” compliant lighting plan based on the following principles:
  - I. All exterior lighting should be downward shielded to prevent direct light from escaping the property.
  - II. Exterior lighting on buildings shall be limited to that required by code and should be on timers to ensure that they are turned off during the day as well as turned off during the night when the Museum is closed.
  - III. For landscaping, bollard lights no more than 3 feet tall, if needed for pedestrian and vehicular safety.
  - IV. Lighting on signs should be shielded to prevent glare. Signs on buildings should not be illuminated.
  - V. Security lighting, if any, should be on motion detectors.
- 4.4 As offered by the Applicant, the Museum shall resubmit a final site lighting plan for the review and approval of LUPC before a Phase 1 Certificate of Occupancy is issued.
- 4.5 The final lighting plan shall also include how the Museum will deal with light emanating from the Fresnel lens room.

**5 Affordable Housing:**

- 5.1 As offered by the Applicant, and in its recognition of the island wide affordable housing issue, the Museum will continue to secure seasonal housing for all its summer interns annually, as it currently does.
- 5.2 As offered by the Applicant, as a 501c3 non-profit organization, the Museum will assist any and all new staff in securing housing.
- 5.3 The Museum shall provide the MVC descriptions of their current housing subsidization program and shall do so annually with reasonable particularity.

**6 Wastewater:**

- 6.1 As offered by the Applicant, the Museum shall connect to the Town of Tisbury wastewater treatment facility.

**7 Energy/Sustainability:**

- 7.1 As offered by the Applicant and in accordance with its project plan, the Museum shall take the following measures to ensure the environmental sustainability of the project including, but not limited to:
  - I. Site work:
    - I. Use of drought-resistant plantings.
    - II. Minimal use of irrigation.
    - III. Priority parking for energy efficient vehicles.
    - IV. Use of bio-swailes for storm water to minimize use of constructed storm water systems.
  - II. Building Enclosure:
    - I. Super-insulated building envelope to meet Energy Code.
    - II. Use of insulating glass window units in new buildings.
    - III. Introduction of interior thermal storm panels at existing historic window locations.
  - III. Building Materials:
    - I. Use of Low or Zero VOC materials
  - IV. Electrical:
    - I. Use of central digital lighting control system.
    - II. Use of LED fixtures in offices and non-exhibit public areas.
    - III. Use of occupancy sensors to reduce electric lighting dependency and corresponding AC load.
    - IV. Phase 1 wiring for future Phase 2 Photovoltaic installation.
  - V. Plumbing:
    - I. Use of Low flow toilet fixtures with IR motion sensors in public areas.

VI. HVAC:

- I. Variable Refrigerant Flow (VRF) cooling/heat pump system utilizing variable speed compressors.
- II. Air-to-air heat exchanger for pre-cooling and pre-heating of ventilation air.
- III. Ventilation air rate will be controlled in response to CO<sub>2</sub> measurement.
- IV. Hot water heat recovery for domestic water preheating.
- V. High efficiency condensing boilers for heating back-up.
- VI. Variable speed pumping.

**8 Archaeological Oversight:**

- 8.1 As offered by the Applicant, the Museum shall undertake any and all actions requested by the Massachusetts Historical Commission with regard to further excavation, building and or mitigation that may be recommended by the licensed archeologists performing the archeological site examination in consultation with the Wampanoag Tribe.
- 8.2 If these actions or remedies require modifications to the building or approved site plan the Applicant shall return to the MVC for modification review.

**9 Substantial Alterations**

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

**6. CONCLUSION**

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**6.1 Permitting from the Town**

The Applicant 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 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.

The Town building inspector shall not issue the Certificate of Occupancy until it has received a Certificate of Compliance issued by the Executive Director or DRI Coordinator of the Martha's Vineyard Commission confirming that the respective conditions in this Decision have been satisfied: 1.3; 1.4; 1.5; 1.6; 1.7; 1.8 (Phase 2); 2.2; 2.5; 3.6; 3.7; 4.4; 4.5; 5.3; 6.1; 7 (all); and 8.1.

**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.

