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Decision of the Martha's Vineyard Commission DRI 680– WT Old Town/Fire Hall Hist. Demolition

1. SUMMARY

- Referring Board:** Building Inspector, Town of West Tisbury, MA
- Subject:** Development of Regional Impact #680
West Tisbury Old Town/Fire Hall Historic Demolition
- Project:** To demolish a building built in 1895 that has served in the past as the West Tisbury Town Hall and as a fire station.
- Owner:** Town of West Tisbury
- Applicant:** Town of West Tisbury (Jen Rand, Town Administrator)
- Applicant Address:** West Tisbury Board of Selectmen, 1059 State Rd (P.O. Box 278) West Tisbury, MA 02575
- Project Location:** 16 Old Courthouse Road, West Tisbury Map 22 Lot 8 (22,150 square foot lot)
- Description:** The proposal is to demolish a building built in 1895 that has served in the past as the West Tisbury Town Hall until 1945; as a fire station until the late 1990's; and was also used by the Recreation Department. The Town hopes to build an affordable house on the lot but do not have definitive plans at this time. The Town expects any demolition contract would include the value of the salvageable wood and granite. Originally built as the Middletown Association Community Hall it soon after became the Town Offices when the town separated from Tisbury and became West Tisbury.
- Decision:** The Martha's Vineyard Commission (the Commission) approved the demolition of the historic building as a Development of Regional Impact with conditions, at a vote of the Commission on March 15, 2018.
- Written Decision:** This written decision was approved by a vote of the Commission on April 5, 2018. The permit-granting authorities of the Town of West Tisbury may now grant the request for approval of the Applicant's proposed demolition 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 public hearing, the staff report, 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 proposed modification was referred to the Commission on December 8, 2017 by the Building Inspector of the Town of West 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 8.1 a b (Demolition of Building identified as having historic significance) and 8.1 b (Demolition of Building over 100 years old). Section 8.1a requires a mandatory public hearing review as a Development of Regional Impact and the project was reviewed as such by the Martha's Vineyard Commission.

2.2 Hearings

Notice: Public notice of a public hearing on the Application was published in the MV Times, February 1, 2018.

Hearing: The Commission held a public hearing on the Application that was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831 on February 15, 2018 and closed on that date with the written record left open until 4:00 pm on February 26, 2018.

2.3 The Plan

P1 Given that this application is for the demolition of a structure, no plans were submitted.

2.4 Other Exhibits

- E1. Referral to the MVC from the West Tisbury Building Inspector on December 8, 2017.
- E2. Environmental Health & Safety Report by RPF Associates, Inc. Prepared for the Former West Tisbury Town Hall, RPF File 05.1624. May 23, 2005.
- E3. Report from the Old Courthouse Road Fire Station Re-Use Committee.
- E4. Assessment of the former Town Hall/Fire Station 2, 16 Old Courthouse Road (Map 22 Lot 8) by the West Tisbury Local Historical Commission (WTLHC), March 24, 2017.
- E5. Town of West Tisbury Board of Selectmen Meeting Minutes: Wednesday, June 14, 2017.
- E6. Emails dated February 26, 2018 (2:22 pm) and March 6, 2018 (3:20 pm) from the West Tisbury Town Administrator to the MVC DRI Coordinator with responses to MVC questions and offers.
- E7. Staff Reports by Paul Foley (MVC DRI Coordinator) with the assistance of other staff members.
- E8. Slide Show with plans, photographs, historical maps, GIS and Assessors information, Applicants narrative and images and other imagery prepared by Paul Foley (MVC DRI Coordinator).
- E9. Photographs of the site, taken on February 15, 2018 by MVC staff.

E10. Letters from the following citizens:

- a. A letter from Carolina Cooney dated January 8, 2018.
- b. A letter from the West Tisbury Planning Board dated January 25, 2018.
- c. A letter dated February 13, 2018 from neighbors including Dan and Carolina Cooney; Anna Truckey and Nate Davies; Jill and Jason Napior; Wade and Christina Simmons; Nicole and Ben Cabot and family; Gaston Vardasz; Kyle and Sue Ellen Rothery; Geoffrey and Barbara Beresford.
- d. A letter from Kent Healy (as engineer not as Selectman) dated February 21, 2018.

E11. Minutes of the Commission's Land Use Planning Committee meeting, January 8, 2018.

E12. Minutes of the Commission's Public Hearing, February 15, 2018.

E13. Minutes of the Commission's Post Public Hearing LUPC, February 26, 2018.

E14. Minutes of the Commission Meeting of March 15, 2018– Deliberations and Decision.

E15. Minutes of the Commission Meeting of April 5, 2018 – Approval of the Written Decision.

2.5 Summary of Testimony

The following is a summary of the principal testimony given during the public hearing on February 15, 2018:

- Presentation of the project by Jen Rand, Town Administrator.
- Staff report by Paul Foley, MVC DRI Coordinator.
- Oral testimony from Town Boards or members of Town Boards: Ted Jochsberger of the West Tisbury Affordable Housing Committee.
- Oral testimony from Public: Jason Napior; Kent Healy; and Jill Napior.

3. FINDINGS

3.1 Project History

- The proposal is to demolish a building built in 1895 that has served in the past as the West Tisbury Town Hall until 1945; as a fire station until the late 1990's; and was also used by the Recreation Department.
- The Town hopes to build an affordable house on the lot but do not have definitive plans at this time. Transfer of the property to the West Tisbury Affordable Housing Committee is on the Town Warrant.
- The Town expects any demolition contract would include the value of the wood and granite which the Town hopes will be salvaged.
- Originally built as the Middletown Association Community Hall it soon after became the Town Offices when the town separated from Tisbury and became West Tisbury.
- The architecture of the building is listed as vernacular.
- The Town Hall/Fire Station building committee and the WT Local Historic Commission (WTLHC) voted unanimously that this building is not of high historic value, other than its former use as a public building. The Committee noted that there are salvageable building materials such as large quarried granite foundation blocks and timbers that should be re-cycled.

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.

3.3 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 PROPOSAL 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 proposal at this location is appropriate in view of the available alternatives (Section 15(a) of the Act.)

The Commission finds that the overall project will be a benefit.

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

With respect to Wastewater and Groundwater, the Commission finds that that the impact is neutral.

With respect to Open Space, Natural Community and Habitat, the Commission finds that the impact is neutral.

With respect to Night Lighting and Noise, the Commission finds that the impact is neutral.

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

With respect to Traffic and Transportation, the Commission finds that the impact is neutral.

With respect to Scenic Values, Character, and Identity, the Commission finds that the building has some sentimental local historic significance and a nice form but that it is not especially critical to protect. The Commission notes that ideally the wood and granite should be salvaged.

With respect to the Impact on Abutters, the Commission finds that some neighbors expressed concern with the potential intensity of use of the unknown future use of the site. The Commission notes that some neighbors felt the existing building could be renovated.

A4 The Commission finds that the proposal could have a beneficial impact upon the supply of needed low and moderate income housing for Island residents (Section 15(d) of the Act).

The Commission finds that the transfer of the property to the West Tisbury Affordable Housing Committee is on the Town Warrant for the Spring Town Meeting. The Commission notes that if the property is transferred to the W.T. Affordable Housing Committee it would be a benefit.

A5 The Commission finds that the proposal would have minimal beneficial impacts on the provision of municipal services or burden on taxpayers in making provision therefore (Section 15(e) of the Act).

A6 The Commission finds that the proposal 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).

A7 The Commission finds that the proposal 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 proposal would not contravene land development objectives and policies developed by regional or state agencies. (Section 15(h) of the Act).

B. THE COMMISSION FINDS THAT THE PROPOSAL 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 PROPOSAL 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.

The Commission finds that the project is not located within a DCPC.

In sum, after careful review of the proposal and the testimony presented by the Applicant and others, and the addition of condition, the Commission has concluded that the probable benefits of this proposed development in this location exceed its probable detriment in light of the considerations set forth in section 14(a) of the Act.

4. DECISION

The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on March 15, 2018 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 March 15, 2018.

- **Voting in favor:** *Gail Barmakian; Trip Barnes; Christina Brown; Rob Doyle; Fred Hancock; Ben Robinson; Doug Sederholm; Linda Sibley; Ernest Thomas; Richard Toole; and James Vercruyse.*
- **Voting against:** None.
- **Abstentions:** None.

Based on this vote, the Commission approved the demolition 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 March 15, 2018 and was approved by vote of the Commission on April 5, 2018.

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 conditions, 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 Future Use of Building/Materials:

- 1.1 As offered by the Applicant the Town shall use its best efforts in the demolition and salvage bidding process to ensure that the salvageable materials (wood and granite) are salvaged and re-used.
- 1.2 Prior to demolition the Town shall advertise the building being available to move off the site and will consider reasonable offers to move the building if the move can be done within the towns schedule and requirements. If there are no acceptable offers within six weeks of advertising the building may be demolished.

2 Future Use of Site:

- 2.1 As offered by the Applicant the site shall be used for affordable housing in perpetuity.
- 2.2 Once the building has been demolished or moved and the property has been transferred to the West Tisbury Affordable Housing Committee and dedicated to affordable housing in perpetuity the DRI status of the property shall cease.

6. CONCLUSION

6.1 Permitting from the Town

The Applicant must, consistent with this Decision, apply to the appropriate Town of West Tisbury Officers and Boards for any local demolition or other permits which may be required by law. The permit-granting authorities of the Town of West Tisbury may now grant the request for demolition 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 Demolition Permit 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 following conditions in this Decision have been satisfied: 1.1; 1.2; 2.1.

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 West 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 complete the approved demolition. 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 Vercruysse
James Vercruysse, Chairman

5.3.18
Date

6.4 Notarization of Decision

Commonwealth of Massachusetts
County of Dukes County, Mass.

On this 3rd day of May, 2018, before me,
Jo-Ann Taylor, the undersigned Notary Public, personally
appeared James Vercruysse, 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 January 31, 2025

6.5 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: May 4, 2018

Deed – Book 1446, page 739 Document Number: 00002446