DATE: August 5, 1993
TO: Dukes County Commissioners
Planning Board, Town of Edgartown
Building Inspector, Town of Edgartown
FROM: Martha's Vineyard Commission
SUBJECT: Development of Regional Impact
RE: creation of a business park
APPLICANT: Martha's Vineyard Airport Commission
P.O. Box 190
Edgartown, MA 02539

DECISION OF THE MARTHA'S VINEYARD COMMISSION

SUMMARY

The Martha's Vineyard Commission (the Commission) hereby
approves, with certain conditions, the application of the
Martha's Vineyard Airport Commission, P.O. Box 190, Edgartown,
MA, for the creation of a 63 ± acre business park on Martha's
Vineyard Airport property as shown on the plans entitled:
"Martha's Vineyard Airport Business Park, Lot Dimension Plan,
Dufresne and Henry, Inc., August, 1992, G2 sheet 2 of 18",
consisting of one (1) sheet plus "Martha's Vineyard Airport
Business Park Site Plan, prepared by the Martha's Vineyard
Commission, undated, consisting of one (1) sheet and totalling
two (2) sheets, (the Plan).

This Decision is rendered pursuant to the vote of the
Commission on August 5, 1993.

All permit granting boards and agents of the Town of
Edgartown may now take appropriate action on the necessary
development permits for the Applicant's proposal in accordance
with the Decision contained herein.

FACTS

The proposed development is a Development of Regional Impact
as defined by the Commission's Standards and Criteria,
Developments of Regional Impact Section 3.101. The Application was referred to the Commission by the Dukes County Commissioners requesting designation as a Development of Regional Impact.

The Martha's Vineyard Commission held a public hearing on Thursday, February 18, 1993 at 7:30 p.m. in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA, on the following question:

Whether the Business Park at the Martha's Vineyard Airport should be designated as a Development of Regional Impact.

Referred to the Commission via the so-called Cross-town Referral, §14(e) of Chapter 831 of the Acts of 1977, as amended.

Mr. Schweikert read the public hearing notice and opened the meeting for testimony. He called upon John Alley for testimony as the applicant.

Mr. Alley discussed the aim of the Park and the relationship of the Park development to the MVC Checklist and proposed guidelines for review.

David Dunham, Airport Commissioner, discussed the background of the Business Park from the early Sixties to the present. He further discussed how the plan was developed. He discussed the number of studies done through the years; the State involvement in the water and sewer systems and the present status of the infrastructure.

Mr. Alley discussed the various grants that had been received by the Airport Commissioners to improve the area.

A discussion of the plan followed.

A discussion of whether the MVC could vote on the matter or not this evening followed.

Ms. Sibley discussed what the steps to DRI approval would or could be. A discussion of this matter followed.

Mr. Early noted that since this was a cross-town referral it was necessary to be very careful and to be sure all the steps were properly followed.

Mr. Dunham further discussed the composition of the lot usage in
the Park. He then indicated where the current businesses were located within the Park area. A discussion of any future expansion potential followed.

A discussion of the Park buffer along Airport Road followed. A discussion of the relationship to existing businesses on the main airport approach road followed. A discussion of the location of the main business park entrance followed.

Mr. Alley explained why the Park was located in this portion of the Airport and that was because the area had been declared as non aviation surplus.

Ms. Riggs questioned the potential storage of fuel in the aviation- oriented portion of the Park. Mr. Alley discussed the possible uses in that area.

A discussion of any height restrictions that may be imposed by FAA regulations followed.

A discussion of the potential limitations or capacities of the sewer treatment plant followed. A discussion of possible usage of the treatment plant by communities for septage disposal followed. A discussion of the capability of the treatment plant followed.

Mr. Alley discussed the various components of the Airport and of the Airport Business Park.

Ms. Sibley questioned whether the County Commissioners had standing to refer the matter to the MVC. It was noted that they do under the amended Chapter 831.

Mr. Sargent discussed the latest meeting of the septage coalition.

Mr. Schweikert then called for comments from town boards - there were none.

Mr. Schweikert then called for comments from proponents. David Dunham noted he represented the Tisbury Selectmen and had no comment.
Betty Ann Bryant, County Commissioner, indicated she favored the Park being declared a DRI.
Mr. Schweikert then called for opponents - there were none. He then called for additional Commissioner comments - there were none.

There being no further testimony the hearing was closed.

On February 18, 1993, following the public hearing the Martha’s Vineyard Commission did vote, with one abstention (Bryant) to designate the Application of the Martha’s Vineyard Airport Commissioners for the creation of a business park at the Airport as a Development of Regional Impact and that a public hearing on the matter should be scheduled.

The Martha’s Vineyard Commission held a Public Hearing on Thursday, March 18, 1993, at 7:30 p.m. in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA. on the following Development of Regional Impact (DRI).

Alan Schweikert, Chairman of the Land Use Planning Committee (LUFC), read the Public Hearing notice and opened the hearing for testimony at 7:34 p.m.

Mr. Schweikert then called for Applicant testimony.

Emily Paquet, Dufresne and Henry, representing the Airport Commissioners distributed plans of the park and discussed what was currently being done at the Park. She noted that the water and sewer lines were being installed and that the clearing for some of the additional roads had begun. She noted where phase one was.

Mr. Sullivan asked for clarification of what actually was before the MVC. Mr. Clifford indicated that it was the entire project and not just phase one.

John Schilling, MVC staff, discussed the proposal using an aerial photograph for reference. He discussed the size of the Park, the various types as classes of uses and where they may be located, the feasibility study that was recently completed. He discussed the proposed access roads, the sewerage, the water service, the natural features of the site.

Mr. Sullivan questioned the meaning of certain words in the staff notes.
David Wessling, MVC staff, discussed the related traffic issues and noted that the two entrance/exit points were the best for the development.

A discussion of the need for two access points followed.
Mr. Best raised a question of crossing the bike path. A brief discussion of this matter followed.
Mr. Clifford explained the mechanism of how the proposal came before the MVC. He discussed a possible method of reviewing the proposal, creation of design teams, the future reviewing of the lots. He also discussed the definitions of the types of uses that may go in the various areas. He then discussed the composition of possible design committee that would review the parameters for review and the possible site plans.
A discussion of this matter followed.
Mr. Hall raised a question of connecting to the main entrance road at the Airport. A discussion of this matter followed.
Ms. Gallagher raised a question of leasing and taxes. A discussion of this matter followed.
A discussion of what the MVC was actually reviewing followed. Ms. Greene discussed the use of a committee to create the parameters for review.
Mr. Schweikert then called for testimony from town boards - there was none.
He then called for proponents - there were none.
He then called for opponents - there were none.
He then asked for closing comments. Ms. Paquet discussed the feelings of the Mass. Aeronautical Commission and their expectations. Mr. Schilling noted that the MVC has a staff member working with the Airport Commission for many years.

Mr. Hall raised an issue of how the review would take place and whether the proposal was properly before the MVC. A discussion of how a "cross-town" referral process works continued. A discussion of how or when the MVC had concurred that the proposal was a DRI continued.

Mr. Colaneri discussed whether there would be future review
of each parcel and that that point had not yet been discussed.

There being no further discussion the hearing was closed at 8:10 p.m. The record was kept open for one week.

**FINDINGS AND CONDITIONS**

The Commission has considered the application and the information presented at the public hearing and based upon such considerations, makes the following findings pursuant to Section 14 of the Act.

A. The Commission finds that the probable benefits of the proposed development, subject to the conditions set forth herein, will exceed the probable detriments of the proposal in light of the considerations set forth in Section 15 of the Act.

B. The Commission finds that the proposed development will not interfere substantially or unreasonably with the achievement of the objectives of any general plan of the Town of Edgartown or any general plan of the County of Dukes County.

C. The Commission finds that the proposed development as set forth in the Application and the plans, and subject to the conditions set forth herein, will be consistent with local development ordinances and by-laws.

D. The Commission finds that the development proposal will be more beneficial than detrimental when compared to alternative manners of development or development occurring in alternative locations.

Pursuant to Section 15(b) of the Act, the Commission has considered whether the development in the manner proposed will have a more favorable or adverse impact on the environment in comparison to alternative manners of development and in view of that consideration and discussion sets the following condition:

**THAT A DEVELOPMENT AGREEMENT DETAILING AND GOVERNING THE FUTURE DEVELOPMENTAL CRITERIA AND REVENUES AT THE AIRPORT BUSINESS PARK**
SHALL BE PREPARED BY AND BETWEEN THE MARTHA'S VINEYARD COMMISSION AND THE MARTHA'S VINEYARD AIRPORT COMMISSION WHICH SHALL BE ADOPTED BY BOTH PARTIES AND RECORDED IN THE DUKE'S COUNTY REGISTRY OF DEEDS AS AN APPENDAGE TO THIS DECISION.

The Commission finds that the proposed development is consistent with local ordinances and by-laws to the extent it is required to, only the application being before it at this time.

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

The Decision is written consistent with the vote of the Commission: August 5, 1993.

Any Applicant aggrieved by a Decision of the Staff or Committee hereunder, may appeal to the full Martha's Vineyard Commission which shall decide such Appeal, after notice and hearing, within 21 days of the close of the public hearing.

The Executive Director may issue Certificates of Compliance which shall be conclusive evidence of the satisfaction of the conditions recited therein.

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 Town Clerk in the Town in which the proposed development is located.

Michael J. Donaroma, Chairman

Notary

8/5/93

Date

8/5/93

Date