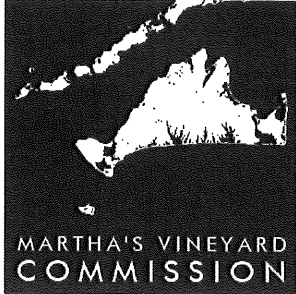




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Decision of the Martha's Vineyard Commission

DRI 369-M3 – Vineyard Decorators Expansion

1. SUMMARY

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- Referring Board:** Building Inspector, Town of Edgartown, MA
- Subject:** Development of Regional Impact # 369-M3
Vineyard Decorators Expansion
- Project:** Proposal to add a 4,518 sf addition to an existing 12,504 sf metal building for furniture storage, loading docks and a processing area at a home furnishing store.
- Owner:** Martha's Vineyard Airport Commission
- Applicant:** Island Imports, LTD dba Vineyard Decorators; Whitney Brush
- Applicant Address:** 35 Airport Road, Vineyard Haven, MA 02568
- Project Location:** 35 Airport Road, Edgartown Map 24 Lot 1.6 (1.38 acres)
- Description:** The proposal is to add a 29' tall. 4,518 sf warehouse addition to an existing 12,504 sf building that houses a home furnishing store. The addition would be used for furniture storage, loading docks and a processing area. The metal additions would have 7 loading bays and would include a mezzanine level. They will be removing the existing wooden loading dock and small sample room to accommodate the addition. The building is connected to the Airport Wastewater Facility and will have sprinklers.
- 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 December 15, 2016.
- Written Decision:** This written decision was approved by a vote of the Commission on January 5, 2017.

The permit-granting authorities of the Town of Edgartown 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 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 October 6, 2016 by the Building Inspector of the Town of Edgartown, 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, Sections 3.1a (Development of commercial over 3,000 sf) and 2.1 (Modification to a Previous DRI). 3.1a requires mandatory DRI Review through the public hearing process and was reviewed as such by the Martha's Vineyard Commission. A LUPC meeting was held on October 17, 2016 to review the project and a site visit was held on October 27, 2016.

2.2 Hearings

Notice: Public notice of a public hearing on the Application was published in the M.V. Times on November 17, 2016.

Hearings: 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 December 1, 2016.

2.3 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 of Proposed Addition: Prepared for Vineyard Decorators, Inc." consisting of one 24" X 36" sheet of site plan showing property boundaries; existing buildings; proposed addition; setbacks; drainage (with drainage pit detail); parking and surface materials. Prepared by Schofield, Barbini & Hoehn Inc. - Land Surveying and Civil Engineering: 12 Surveyor's Lane, P.O. Box 339, Vineyard Haven, Mass. 02568. Plans dated November 29, 2016; 12-6-2016. Scale 1" = 20'.
- P2 "Floor Plans - Drawing A-1.1", consisting of one 24" X 36" sheet showing first floor and mezzanine floor plans of the existing and proposed addition for Vineyard Decorators located at 35 Airport Road, Edgartown. Prepared by Cape Building Systems, Inc., 13 Industrial Drive, Mattapoisett, MA 02739. Stamped by Michael Walker, Architect, AIA, NCARB, 500 Horseneck Road, South Dartmouth, MA 02748. Scale 1/8" = 1'-0". Dated 9/18/2016.
- P3 "Elevations - Drawing A-1.4", consisting of one 24" X 36" sheet showing the south, east, north and west elevations of the proposed addition for Vineyard Decorators located at 35 Airport Road, Edgartown. Prepared by Cape Building Systems, Inc., 13 Industrial Drive, Mattapoisett, MA 02739. Stamped by Michael Walker, Architect, AIA, NCARB, 500 Horseneck Road, South Dartmouth, MA 02748. Scale 1/8" = 1'-0". Dated 9/18/2016.

- P4 "Building Sections - Drawing A-1.5", consisting of one 24" X 36" sheet showing two sections through the existing building and proposed addition for Vineyard Decorators located at 35 Airport Road, Edgartown. Prepared by Cape Building Systems, Inc., 13 Industrial Drive, Mattapoisett, MA 02739. Stamped by Michael Walker, Architect, AIA, NCARB, 500 Horseneck Road, South Dartmouth, MA 02748. Scale 1/4" = 1'-0". Dated 9/18/2016.
- P5 "Site Plan - Drawing C-1.1", consisting of one 24" X 36" sheet showing a site plan with lease lot boundaries; existing buildings; and proposed addition for Vineyard Decorators located at 35 Airport Road, Edgartown. Prepared by Cape Building Systems, Inc., 13 Industrial Drive, Mattapoisett, MA 02739. Scale 1" = 20'-0". Dated 9/18/2016.

2.4 Other Exhibits

- E1. Referral to the MVC from the Edgartown Building Inspector August 26, 2016
- E2. Staff Report, by Paul Foley, MVC DRI Coordinator, with the assistance of other staff members, September 15, 2016; revised December 1, 2016.
- E3. Minutes of the Land Use Planning Committee meeting, October 17, 2016.
- E4. Minutes of the Commission's Public Hearing, December 1, 2016.
- E5. Minutes of the Land Use Planning Committee Post-Public Hearing Review, December 12, 2016
- E6. Minutes of the Commission's Deliberations and Decision, December 15, 2016
- E7. Minutes of the Commission's Approval of the Written Decision, January 5, 2017

2.5 Summary of Testimony

The following is a summary of the principal testimony given during the public hearing on December 15, 2016:

- Presentation of the project by Whitney Brush (Owner) and John Folino (Builder).
- Staff report by Paul Foley, MVC DRI coordinator.
- Oral testimony from Public: There was no public testimony.

3. FINDINGS

3.1 Project Description

- The proposal is to add a 29' tall 4,518 sf warehouse addition to an existing 12,504 sf building that houses a home furnishing store. The addition would be used for furniture storage, loading docks and a processing area. The applicant was renting 5,000 sf of storage in the Airport Business Park that will be incorporated into this building.
- The metal additions would have 7 loading bays and would include a mezzanine level. They will be removing the existing wooden loading dock and small sample room to accommodate the addition.
- The Applicant expects no new employees will be added. Hours of operation are 9:30 am - 5:00 pm Monday – Saturday. Vineyard Decorators has 14 year-round employees and 22 in summer.

- They currently have 5 delivery trucks (3 box trucks and 2 vans) which will be parked outside the proposed loading docks. They usually have one to two 18 wheeler deliveries a week with daily deliveries from Cape Cod Express.
- The building is connected to the Airport Wastewater Facility. The building will have sprinklers.
- Property DRI History: The main original building was built in 1978. The property has been the subject of several DRI's since then.
 - In 1985 DRI 197 was for the construction of an addition to a commercial structure.
 - The property returned in 1988 as DRI 266 for an additional 1,200 sf expansion to an existing 6,760 sf building which was approved as presented.
 - The property returned in 1993 as DRI 369 for an additional one-story 3,600 sf building with a 3,600 sf basement behind the main building for storage and workshops for the upholstery and decoration business.
 - The property returned in 1998 as DRI 457 for an additional 4,800 sf expansion (60' X 80') which was approved with a \$1,200 affordable housing mitigation fee and the need to plant an additional shade tree.
 - The property was recently approved for solar panels on the roof as DRI 369-M4.

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 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 CONSIDERING 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 infill expansion project.

A2 The Commission finds that the proposed development 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 the project is a slight benefit because the property is connected to the Airport Wastewater Treatment Facility and the project appears to handle the additional roof runoff and that a final storm water plan will come back for review.

With respect to Open Space, Natural Community and Habitat, the Commission finds that the proposal will have little change and that there is currently no open space or habitat in the proposed expansion location and it is appropriately located in a developed area.

With respect to Night Lighting and Noise, the Commission finds that the Airport and FAA have strict regulations with respect to making sure that lighting is downward shielded and does not cause glare for aircraft. The Commission notes that with respect to night lighting the proposal will have little change and that a final plan will come back for review. The Commission finds that with respect to noise the proposal will have no change.

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

With respect to Traffic and Transportation, the Commission finds that the proposal is a slight benefit because the consolidation of the operation of the business in one location may decrease truck trips.

With respect to Scenic Values, Character, and Identity: The Commission finds that that the proposal will have no change.

With respect to the Impact on Abutters, the Commission finds no change.

A4 The Commission finds that the proposed development would have a no impact upon the supply of needed low and moderate income housing for Island residents (Section 15(d) of the Act).

A5 The Commission finds that the proposed development would have a neutral impact 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 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).

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, the Commission has concluded that

the probable benefits of this proposed development in this location exceed its probable detriment considering 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 MVC in December 2010.

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.

The Commission finds that the proposed development is not located within any District of Critical Planning Concern (DCPC).

4. DECISION

The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on December 15, 2016 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 December 15, 2016:

- Voting in favor: Clarence A. "Trip" Barnes III, Josh Goldstein, Fred Hancock, Lenny Jason, Kathy Newman, Ben Robinson, Doug Sederholm, Abe Seiman, Linda Sibley, Ernest Thomas and James Vercruysse.
- Voting against: none
- Abstentions: none

Based on this vote, the Commission approved the application for the project 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 December 15, 2016 and was approved by vote of the Commission on January 5, 2017.

5. CONDITIONS

After reviewing the proposal for this Development of Regional Impact, the Martha's Vineyard Commission imposes the following conditions 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 Wastewater, Groundwater And Stormwater Management:

- 1.1 A final storm water plan shall be submitted for the review and approval of LUPC before a Certificate of Occupancy is issued.

2 Landscaping:

- 2.1 A final landscaping plan showing plant species and locations shall be submitted for the review and approval of LUPC before a Certificate of Occupancy is issued.

3 Exterior Lighting:

- 3.1 A final lighting plan shall be submitted for the review and approval of LUPC before a Certificate of Occupancy is issued. Exterior lighting on buildings shall be limited to that required by code, shall be downward shielded to prevent light spilling off the property and shall be either motion sensitive or on timers to ensure that they are turned off when the building is closed.

4 Affordable Housing:

- 4.1 The applicant shall make a \$2,518 donation to an Island affordable housing organization. This donation will be made prior to the issuing of the Certificate of Occupancy by the Town.

5 Easement:

- 5.1 A final easement plan with respect to trucks maneuvering on the abutting property (Map 24 Lot 1.2 - also operated by the Applicant) should come back to MVC Staff for review and approval before a Certificate of Occupancy is issued.

6. CONCLUSION

6.1 Permitting from the Town

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

The permit-granting authorities of the Town of Edgartown 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.

6.2 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 Edgartown 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 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 may be extended upon written request from the Applicant and written approval from the Martha's Vineyard Commission.

6.3 Signature Block

James Verduyssen
James Verduyssen, Chairman

1.19.17
Date

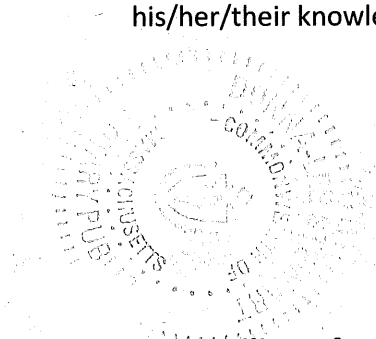
6.4 Notarization of Decision

Commonwealth of Massachusetts
County of Dukes County, Mass.

On this 19th day of January, 2017, before me, Donna Lee Stewart, the undersigned Notary Public, personally appeared Jim Verduyssen, proved to me through satisfactory evidence of identity, which was/were Driver 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.

Donna Lee Stewart
Signature of Notary Public

Donna Lee Stewart
Printed Name of Notary
My Commission Expires Feb 24, 2023



6.5 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: Jan 23, 2017

Deed – Book 1428, page 280

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

DONNA-LEE STEWART
Notary Public
Commonwealth of Massachusetts
My Commission Expires
February 24, 2023