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Decision of the Martha's Vineyard Commission DRI 738 Big Sky Tents Building (Lot 40)

1. SUMMARY

- Referring Board:** Self-Referred by Applicant
- Subject:** Development of Regional Impact #738 Big Sky Tents Building (Lot 40)
- Project:** Construction of a 27,000 ft² building to consolidate Big Sky Tents operations in the Airport Business Park.
- Owner:** Martha's Vineyard Airport Commission
- Leaseholder:** 7 South Line Road LLC; James Eddy
- Applicant:** James Eddy, Big Sky Tent and Party Rental
- Applicant Address:** James Eddy
P.O. Box 4835
Edgartown, MA 02539
- Deed:** Recorded Land - Airport Business Park
- Associated Decision:** DRI 365-M Airport Business Park Expansion; Recorded: Book 1632, Page 266.
- Project Location:** 7 South Line Road, Airport Business Park, Edgartown. Map 24, Lot 2.40 (approximately 3.1 acres).
- 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 March 16, 2023.
- Written Decision:** This written decision was approved by a vote of the Commission on May 4, 2023.

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 the 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 22, 2022 by the Applicant 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, DRI Checklist Items *1.3D Previous DRI*. The Application also triggers item IV. a. of the Development Agreement between the Martha's Vineyard Airport Commission and the Martha's Vineyard Commission: *Any building or structure that is proposed to be greater than 8,000 square feet.*

2.2 Hearings

Notice: Public notice of the hearing on the Application was published in the MV Times on January 19 & 26, 2023; notice was also published in the Vineyard Gazette on January 20 & 27, 2023. Abutters within 300 feet of the property were notified by mail on January 17, 2023.

Hearings: The Commission held a duly noticed public hearing on the Application that was conducted pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831 on February 2, 2023, which was continued to February 9, 2023, and closed at that time with the exception of the written record which was left open until 5:00 pm on February 16, 2023 and closed at that time. The hearing was held entirely using remote conference technology as allowable under Chapter 22 of the Acts of 2022.

2.3 The Plan

The following plans and documents submitted by the Applicant and contained in the Commission's project file constitute "the Plan." All pages are 8.5" x 11" unless otherwise noted.

- P1. Application Package for DRI 738 Big Sky Tent Building, prepared by Crawford Design Associates, LLC, consisting of eight (8) 36" x 24" pages, scaled to $\frac{1}{8}'' = 1'-0''$ unless otherwise noted and dated November 22, 2022 including: A01 Big Sky Tent Building Site Plan, scale $\frac{1}{16}'' = 1'-0''$; A02 First Floor Plan, Second Floor Plan; A03 Exterior Elevations & Section; E01 Lights & Security Plan; L01 Landscape, Planting, Drainage, scale $\frac{1}{32}'' = 1'-0''$; B01 Buffers, Setbacks and Utilities, scale $\frac{1}{32}'' = 1'-0''$; C01 Parking & Circulation Plan, scale $\frac{1}{32}'' = 1'-0''$.
- P2. Revised Application Package for DRI 738 Big Sky Tent Building, prepared by Crawford Design Associates, LLC, consisting of eight (8) 36" x 24" pages, scaled to $\frac{1}{8}'' = 1'-0''$ unless otherwise noted and dated January 25, 2023 including: A01 Big Sky Tent Building Site Plan, scale $\frac{1}{16}'' = 1'-0''$; A02 First Floor Plan, Second Floor Plan; A03 Exterior Elevations & Section; E01 Lights &

Security Plan; L01 Landscape, Planting, Drainage, scale $\frac{1}{32}'' = 1'-0''$; B01 Buffers, Setbacks and Utilities, scale $\frac{1}{32}'' = 1'-0''$; C01 Parking & Circulation Plan, scale $\frac{1}{32}'' = 1'-0''$.

2.4 Other Exhibits

- E1. Referral to the MVC from the Applicant, consisting of one (1) page, received October 22, 2022.
- E2. SUBD-1 Plan for New Land Lease Parcels Martha's Vineyard Airport prepared by Nitsch Engineering, consisting of one (1) 36" x 24" page, scale 1" = 100', dated January 21, 2022 and revised on March 7, 2022.
- E3. Project Narrative for Airport Business Park Parcel 40, 7 South Line Road, consisting of seventeen (17) pages, including conceptual site plan, building plan, elevations, parking and traffic flow and drainage plan attachments, dated November 28, 2022.
- E4. Staff Report for DRI 738 Big Sky Tents (Lot 40), consisting of four (4) pages, dated December 12, 2022; updated to consist of five (5) pages on January 11, 2023; updated again on February 2, 2023; and updated a final time on February 8, 2023.
- E5. Staff Presentation to the Land Use Planning Committee, consisting of thirty-six (36) pages, dated January 9, 2023.
- E6. Emails between Kevin Brennan (MV Airport), James Eddy, Rich Saltzberg and Alex Elvin regarding materials needed for the public hearing, consisting of eleven (11) pages, dated between January 11 and January 24, 2023.
- E7. Renderings of Big Sky Tent Proposed Building from South Line Road and Barnes Road, consisting of two (2) pages, received January 25, 2023.
- E8. Lighting Specification Sheets for PLT Solutions Color Selectable LED Flood Light Fixture and Satco NUVO 65-171 LED Adjustable Vapor Tight, consisting of six (6) pages, received January 27, 2023.
- E9. Email between Kevin Brennan and Rich Saltzberg regarding lot line discrepancy, consisting of one (1) page, dated February 1, 2023.
- E10. Public Hearing Notice for the Application, consisting of one (1) page, dated February 2, 2023.
- E11. Emails between James Eddy and Rich Saltzberg with answers to Commissioner questions, consisting of two (2) pages, dated February 7, 2023.
- E12. Minutes of the Commission's Land Use Planning Committee Pre-Public Hearing Review, January 9, 2023.
- E13. Minutes of the Commission's Public Hearing, February 2, 2023.
- E14. Minutes of the Commission's Continued Public Hearing, February 9, 2023.

- E15. Minutes of the Commission’s Land Use Planning Committee Post-Public Hearing Review, March 6, 2023.
- E16. Minutes of the Commission’s Deliberation and Decision, March 16, 2023.
- E17. Minutes of the Commission’s Approval of the Written Decision, May 4, 2023.

2.5 Summary of Testimony

The following gave testimony during the public hearing on February 2, 2023:

- Staff presentation by Rich Saltzberg, DRI Coordinator.
- Presentation of the project by James Eddy.
- Oral testimony from Public Officials speaking for their Boards: None.
- Oral testimony from the Public: None.

The following gave testimony during the continued public hearing on February 9, 2023:

- Staff presentation by Rich Saltzberg, DRI Coordinator.
- Presentation of the project by James Eddy.
- Oral testimony from Public Officials speaking for their Boards: None.
- Oral testimony from the Public: None.

3. FINDINGS

3.1 Project History

The MVC approved DRI 365-M Airport Business Park Expansion in 2021, allowing for the addition of four new lease lots at the Airport Business Park, including Lot 40, which is currently undeveloped. Lot 40 is where the proposed project would be located. The Applicant acquired the lease for Lot 40 in September 2022.

The Decision for DRI 365-M includes the following conditions:

1. Lots 39, 40, 44 must retain existing vegetation within at least 20 feet of North Line, East Line and West Line Roads, except where safety is concerned. This is in addition to the required 200’ vegetated buffer along Barnes Road, measured from the property line.
2. Any structure or vehicles on the newly created lots shall not be more visible from Barnes Road than in the existing development.
3. Prior to the awarding of leases for any of the proposed lots, the MVC and Airport shall update the 1998 MVAC-MVC Development Agreement, which will then be included as an appendage to this Decision.
4. The Applicant shall provide an up-to-date map of the Business Park, with the square feet, acres, development status, and number for each lot, to the MVC within six months of approval, and the map shall be incorporated in the updated Development Agreement.

3.2 Project Description

The proposed project is to develop a two-story, 27,000 square foot (14,000 square foot footprint), steel frame building on Lot 40 of the Airport Business Park. The project will include office space, a customer showroom, bathrooms, dishwashing and laundry operations, storage for rental inventory, and parking for employees, customers, and company vehicles. The proposed project will allow for the Big Sky Tents operations at 10 and 26 East Line Road to be consolidated at the new location. The buildings at 10 and 26 East Line Road will, per the Applicant, eventually be vacated and made available for lease or purchase. The Applicant has stated that the proposed building would be sited to allow for future development on the 3.1-acre lot, which is the second largest parcel in the Business Park.

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 evaluation 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 testimony presented and reviewing all documents 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 of 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.

The Commission finds that the probable benefits of the project outweigh the probable detriments, as described below. With respect to the Environment (Section 15(b) of the Act) and Persons and Property (Section 15(c) of the Act), the Commission finds the proposed project would have a beneficial impact. With respect to Low- and Moderate-Income Housing (Section 15(d) of the Act), the Commission makes no finding. With respect Municipal Services and Taxpayers or (Section 15(e) of the Act) the Commission finds the proposed project would have a neutral impact. The Commission finds the proposed project would not unduly burden existing public facilities (Section 15(f) of the Act). With respect to consistency with, and ability to achieve Town, Regional and State Objectives (Section 14(b) of the Act), the Commission finds the proposed project generally aligns with applicable portions of the Island Plan.

A1. The Commission finds that the proposed development at this location is essential and appropriate in view of the available alternatives (Section 15(a) of the Act.)

The proposed project will create a building and service a business that the Commission finds would be both appropriately situated within Martha's Vineyard Airport Business Park, and unlikely to be better situated elsewhere on Martha's Vineyard. Moreover, the proposed project represents the relocation and consolidation of a business already established within the Martha's Vineyard Airport Business Park. The proposed project features a larger building than the other buildings in the Martha's Vineyard Airport Business Park but, the Commission finds it is designed with exterior aesthetics that are similar to, and in accordance with, other buildings in the Martha's Vineyard Airport Business Park. Like all other commercial developments at the Martha's Vineyard Airport Business Park, the Commission notes the proposed project is subject to Martha's Vineyard Airport Business Park Development Regulations.

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

With respect to Wastewater, the Commission makes no finding on the project, but notes the following:

- The property will involve commercial dishwashing and laundry operations (to be relocated from 10 East Line Road in 2024) and will connect to the Airport Wastewater Treatment Facility.
- The Applicant has stated that Big Sky Tents currently uses about 94,000 gallons of water annually, including about 86,350 at 10 East Line Road, and does not anticipate any increase in water usage as a result of the project.

With respect to Stormwater, the Commission finds the project would have a neutral impact. According to the Applicant, the project "will utilize reclaimed asphalt pavement (RAP) on the parking lot and retain existing vegetation in the surrounding areas for maximize water permeability." A preliminary drainage plan shows downspouts, storm drains, and drywells to manage runoff onsite. A final drainage plan will be subject to review and approval by the Martha's Vineyard Airport Commission.

With respect to Energy, the Commission finds the project would have a beneficial impact due to the inclusion of a 60kW rooftop solar array, which the Applicant expects to supply all of the power needs for the building. Electric heat pumps for heating and air conditioning, and pedestal ready infrastructure for electric vehicle charging are also included in the proposal.

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

With respect to Traffic and Transportation, considered a primary factor in this decision, the Commission finds the proposed project would have a beneficial impact due to the following reasons:

- According to the Applicant, the project is estimated to generate 10-20 vehicles trips per day, plus 3-4 customer trips per day, from May through October. This is not expected to generate an increase in the area's traffic volume.
- A parking plan shows 12 spaces for employees and customers in the front of the building, and 11 in back for additional employees and truck parking. The plans also show 10 loading dock spaces for box trucks, and a customer pickup area where customers can load and unload small

amounts of rental items.

- The project would likely reduce traffic along East Line Road, where vehicles often have to travel between the two Big Sky Tents buildings and direct more traffic to West Line Road.
- The property will have two bidirectional access points on West Line Road. Plans also show an extension of East Line Road to run along the eastern property line, but without direct access to the property.
- The Airport Director has stated that East Line Road Extension serves as access to a business on Lot 39 (Miller's Professionals Inc). The Director also noted that East Line Road Extension links to Fire Road 53 and is therefore a firefighting access route. The Applicant has stated that the project doesn't include any modification to East Line Road Extension and that the road's appearance on the plans is only as a rough reference point.

With respect to Economic Development, the Commission finds the proposed project would have a beneficial impact due to the following reasons:

- The project will consolidate operations into a single building, allowing the company to grow and better provide its tent and party rental services, including for weddings and fundraisers, to the Island.
- The applicant notes that the project will invest more than \$3 million into the property and generate more than \$140,000 in annual rental income for the airport, while making two developed properties at the Business Park available to other businesses.

With respect to Character and Identity, considered a primary factor in this decision, the Commission finds the proposed project would have both detrimental and neutral impacts.

- The proposed project is located in the vicinity of other businesses and buildings in the Airport Business Park. The proposed project is also located in the vicinity of buildings that are currently used by Big Sky Tents.
- The building will have an L shape to accommodate loading from all areas, while shielding those areas from West Line Road.
- The elevation of Lot 40 is about 50 feet above sea level, which is about even with that part of West Line Road and 6-10 feet higher than Barnes Road.
- The adjacent Lot 39 to the east is mostly wooded and includes a small hill rising from about 50 to 62 feet that could help screen the building from Barnes Road. However, most of Lot 39 is slightly lower than Lot 40.
- The building would resemble others in the Business Park in terms of design and materials, including cedar shingles facing West Line Road and beige aluminum on the other sides, but would be the largest in the Business Park. Elevations and floor plans have been provided.
- Per DRI 365-M, Condition No. 2, *any structure or vehicle proposed for the airport expansion lots shall not be more visible from Barnes Road than existing structures or vehicles in the Airport Business Park*. Pursuant to DRI 365-M Condition No. 2, the Commission finds the proposed project (a building) will not be more visible from most vantage points along Barnes Road than other buildings in the Airport Business Park.

A4. The Commission makes no finding on the impacts on the supply of needed low- and moderate-income housing for Island residents (Section 15(d) of the Act).

With respect to Island Housing Needs, the Commission makes no finding, but notes the following:

- Big Sky Tents has seven year-round and 20-25 seasonal employees from May through October and provides housing for up to 16 of those in two employee houses (up to eight people per house). According to the applicant, the project will allow for “continued moderate business growth without a directly corresponding need for additional employees.”
- The MVC decision for DRI 717 (26 East Line Road) includes the following condition: *The applicant shall continue to provide comparable housing for at least 16 Big Sky Tents employees, either seasonally or year-round, with confirmation provided to MVC staff by June 30 each year. The housing shall be comparable to the existing housing that is provided, in terms of quality, cost, and tenant capacity.*

A5. The Commission finds that the proposed development would not adversely affect the provision of municipal services or burden on taxpayers in the making provision therefore (Section 15(e) of the Act).

With respect to the provision of municipal services or burden on taxpayers, the project will likely have a minimal impact on municipal services and taxpayers.

A6. The Commission finds that the proposed development would use efficiently and would 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 proposed development is not expected to unduly burden existing public facilities, nor is it expected to unduly burden public facilities anticipated to come within the next five years.

A7. The Commission finds that the project as proposed generally does not interfere with the ability of the municipality to achieve objectives set forth in the municipal general plan, and would not contravene land development objectives and policies developed by regional or state agencies (Sections 14(b), 15(g), and 15(h) of the Act), respectively.

The Commission notes that the project generally aligns with the Island Plan, including sections 4 (Built Environment), 6 (Livelihood & Commerce), 7 (Energy and Waste), and 9 (Transportation).

A8. The Commission finds that the proposed development as conditioned is consistent with municipal ordinances and by-laws (Section 14(c) 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 in general advances the Commission's land development objectives, as outlined in Section A7 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.

The project is consistent with local zoning.

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 project site is not located within any DCPC.

In sum, after careful review of the plans, its attendant submittals and the testimony presented by the Applicant and others, and the addition of conditions and offers, 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 Sections 14(a) and 15 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 16, 2023 and made its decision at the same meeting.

The following Commissioners, all of whom participated in the hearing and deliberations, participated in the decision on March 16, 2023.

- Voting to approve the project: Jeffrey Agnoli; Trip Barnes; Christina Brown; Fred Hancock; Joan Malkin; Greg Martino; Doug Sederholm; Linda Sibley; Brian Smith; Ernie Thomas; Carole Vandal; Peter Wharton.
- Voting against: None.
- Recused: Ben Robinson
- Absent: Jay Grossman; Kate Putnam.
- Ineligible to participate: Kathy Newman.

Based on this vote, the Commission approved the application for the project as a Development of Regional Impact with conditions.

This Written Decision is consistent with the vote of the Commission on March 16, 2023 and was approved by a vote of the Commission on May 4, 2023.

5. CONDITIONS

After reviewing the proposal for this Development of Regional Impact, the Commission imposes the following conditions in order to minimize the potential detriments and maximize the potential benefits.

1. As offered by the Applicant, exterior lighting will be on timers to turn off the exterior lights from 10 PM to sunrise.
2. As offered by the Applicant, the existing informal parking area along West Line Road will be replanted and rocks will be added to prevent people from driving on it.
3. A final landscape plan (including a final drawing) for the property shall be submitted to the LUPC for review and approval prior to the receipt of a Certificate of Occupancy.
 - Only slow-release, water-insoluble nitrogen-source fertilizers may be used in the maintenance of landscaping.
 - Landscape must use only native or low-maintenance, drought-intolerant species that are non-invasive to minimize the application of nitrogen and water.
 - No pesticides or herbicides shall be used in the maintenance of landscaping.
 - The plan shall incorporate installations made in the informal parking area along West Line Road.
4. A final exterior lighting plan for the property shall be submitted to the LUPC for review and approval prior to the receipt of a Certificate of Occupancy.
 - All exterior lighting shall be downward-shielded and comply with International Dark Sky Association standards.
 - The color temperature of exterior lighting shall not exceed 3,000 Kelvin.
5. The Applicant shall provide a surveyed, dimensional, as-built plan, stamped, prior to the receipt of a Certificate of Occupancy.
6. Any proposed modifications to DRI 738, as approved herein, including any modification resulting in any change of use or change in intensity of use, shall be referred to the MVC for prior review and approval.
7. Prior to the start of work, the Applicant shall provide written documentation to MVC staff that a copy of the recorded decision has been received by the general contractor for the project.
8. The Applicant shall continue to provide comparable housing for at least 16 Big Sky Tents employees, either seasonally or year-round, with confirmation provided to MVC staff by June 30 each year. The housing shall be comparable to the existing housing that is provided, in terms of quality, cost, and tenant capacity.

6. CONCLUSION

6.1 Permitting from the Town

The Applicants 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 this decision 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 Commission.

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.

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6.4 Signature Block


Joan Malkin, Chair

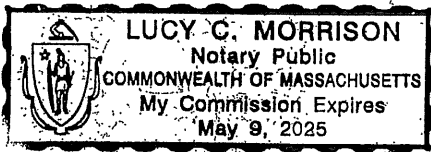
15-May-2023
Date

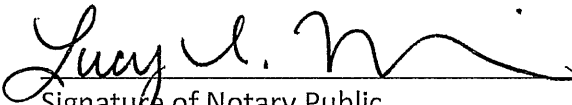
6.5 Notarization of Decision

Commonwealth of Massachusetts

County of Dukes County, Mass.

On this 15th day of May, 2023, before me, Lucy C. Morrison, the undersigned Notary Public, personally appeared Joan Malkin, proved to me through satisfactory evidence of identity, where was personal knowledge to be the person whose name was 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.




Signature of Notary Public

Lucy C. Morrison
Printed Name of Notary
My Commission Expires May 9, 2025

6.6 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: May 16, 2023

Deed: Book 1655, Page 324

Document Number: 2434