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THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557
617-693-3453

DATE: June 17, 1982
TO: Oak Bluffs Building Inspector
FROM: Martha's Vineyard Commission
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION
RE: COMMERCIAL DEVELOPMENT
APPLICANT: Roger W. Wey

SUMMARY

The Building Inspector of the Town of Oak Bluffs is not permitted by the Martha's Vineyard Commission to grant a development permit for the Applicant's commercial development. This decision was by vote of the Commission on June 17, 1982. The town building inspector or other boards shall not grant approval or otherwise endorse said application. The applicant, consistent with this decision, may submit new plans and applications to the Town of Oak Bluffs.

DECISION OF THE MARTHA'S VINEYARD COMMISSION

A Public Hearing was held on Thursday, May 13, 1982 at 8:30 p.m. and continued on Thursday, June 3, 1982 at 8:30 p.m. by the Martha's Vineyard Commission at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts upon public notice to consider the application of Roger W. Wey for a commercial development approval in the Town of Oak Bluffs (the "Application"). The proposed development is for conversion and expansion of an existing town building (2,275 square feet) into a retail and/or wholesale business use with a total interior floor area of 7,800 square feet as shown on plans submitted by the Applicant, Sheets 1 of 2 and 2 of 2, 1/8" = 1'. This change of use and expansion includes a floor area greater than 3,000 square feet and is thus a Development of Regional Impact under the Criteria and Standards, Development of Regional Impact, Section 3.30. This Application was referred to the Commission for action pursuant to Chapter 831, Acts of 1977, as amended, ("the Act"). Said Application and notice of public hearing are incorporated herein.

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A Public Hearing was opened and continued without taking testimony on May 13, 1982 as a result of significant changes made to the Application just prior to the hearing. On June 3, 1982, the continued hearing was held pursuant to the Act and Massachusetts General Laws, Chapter 30A, Section 2 and was chaired by Mrs. Margaret Harris, Co-Chairman of the Land Use Planning Committee. Mrs. Harris read the legal notice and opened the Public Hearing. Michael Wild, Executive Director, described the general area of the proposal and appropriate local zoning. He alerted the Commissioners to the fact that the neighborhood, although zoned for business, is predominantly single family residences. Jim Muth, Commission staff planner, gave a slide presentation of the existing building, which will be enlarged, as well as the general area and roads. Several slides depicted the elevation and volume of the proposed building. Mr. Muth went on to describe various aspects of the proposed building, parking arrangements, and septic system. There was a call for proponents. Roger Wey, the Applicant, mentioned that he bought the lot and building from the town which he in intends to renovate and "dress up." Mr. Wey also mentioned that his intentions to expand to a second floor were necessary to make the project economically viable. There was a call for opponents. There was a question regarding how many people would be employed. Mr. Wey responded that the answer to the question would be difficult as presently he only has general intentions of using the building for retail or wholesale activities. There was a question regarding necessary parking. Mr. Wey responded that he was providing some off-street parking. Ann Margetson, an abutter, expressed opposition to the proposal as she felt it would not be good for the neighborhood. She went on to read a letter signed by ten abutters also expressing opposition. The letter expressed concern regarding the expansion of the former town building as not being appropriate for the area and the size of the lot. Mrs. Margetson also mentioned her feeling that preserving the delicate balance of a neighborhood was equally important as preserving open space in outlying areas. Also mentioned was the potential traffic impact on Bradley Avenue which has only a 20 foot right-of-way. There was also discussion of

the proposal exacerbating an existing drainage problem in the area. Finally, Mrs. Margetson, mentioned that there was less concern with aesthetics and more concern for the use impacts of such a large building in the neighborhood. Mr. Lindsey, an abutter, related his concern regarding impacts on tax rates, traffic, and town services that the proposal would have on the town. Vivian Poindexter, an abutter, inquired what sort of business would be on the second floor. Mr. Wey responded that he couldn't say at this time. Leonard Jason, Commissioner, asked the Applicant how many separate retail or wholesale businesses he intended to house in the building. Mr. Wey responded that he anticipated no more than two on the first floor and two on the second floor. Mrs. Margetson questioned the need for more business in town and particularly in the Uncas Avenue area when several storefronts on Circuit Avenue remain vacant. Mr. Wey responded that he believed Oak Bluffs is growing commercially and his intentions are to make an investment relative to that commercial growth. Ron Mechur, a resident of Oak Bluffs, expressed his concern relative to the scale of the building and mentioned possible alternatives. He further expressed support for certain business in residential neighborhoods. Peter Colt Josephs, a Chilmark resident, described different size configurations of the proposed building and asked which one might be more acceptable to the near residents. Ann Margetson responded by stressing the idea that a smaller building would be more acceptable for the neighborhood. Mrs. Harris read several letters in opposition to the proposal into the record. The Hearing was closed.

At a Regular Meeting of the Martha's Vineyard Commission held on June 17, 1982, there was further discussion regarding the proposal. Michael Wild presented a statistical analysis regarding potential traffic generation rates and parking needs based on the proposal's gross retail square footage. He also mentioned the lack of guidance in the town's business zone regulations relative to setbacks and parking requirements that might require commercial buildings more in scale with residential neighborhoods. Mrs. Harris presented the Land Use Planning Committee's recommendation that the Wey proposal, as presented, not be approved considering potential traffic and parking impacts primarily relative to the

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size of the proposed structure.

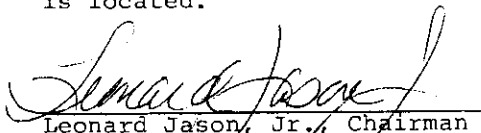
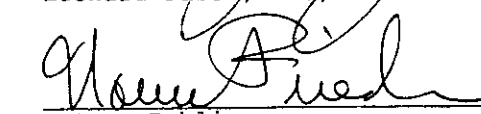
Under the Act, the Commission is required to make findings after its review of the development proposal. It must consider the probable benefits and detriments of the proposal. In this matter the Commission has considered each factor enumerated in these sections of the Act and has considered its Information for Evaluation of Commercial Developments together with the information presented at the Public Hearing.

The Commission finds that the development proposal will not be more beneficial than detrimental when compared to alternative manners of development. Specifically, the Commission finds that the present proposal for 7,800 square feet of enclosed commercial space could have significant and negative impacts relative to traffic generation and parking on the predominantly residential neighborhood in which the proposal is located.

The Commission disallows approval of said Application by the Town of Oak Bluffs Building Inspector. The Applicant may modify the development proposal and/or submit a new proposal to the Oak Bluffs Building Inspector.

This decision is written consistent with the VOTE OF THE MARTHA'S VINEYARD COMMISSION:
June 17, 1982.

Any party aggrieved by a determination of the Commission may appeal to the superior court within twenty 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 of the town in which the proposed development is located.


Leonard Jason, Jr., Chairman

Notary Public

7/2/82
date

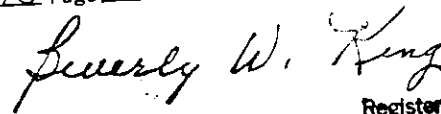
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date



my commission expires: 11/10/83

Edgartown, Mass. July 7 1982
at 9 o'clock and 11 minutes A.M.
Received and entered with Dukes County Deeds
Book 373 Page 737

Attest:


Beverly W. King
Register