

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557
617-693-3453

DATE: October 11, 1984
TO: Planning Board of the Town of Edgartown
FROM: Martha's Vineyard Commission
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT
RE: COMMERCIAL DEVELOPMENT
APPLICANT: James & Deborah Carter
RFD 161, Down Harbor
Edgartown, MA 02539

DECISION OF THE MARTHA'S VINEYARD COMMISSIONSUMMARY

The Martha's Vineyard Commission (the Commission) hereby approves with certain conditions the Application of James and Deborah Carter, RFD 161, Down Harbor, Edgartown, Massachusetts 02539 for the construction of a 34 room hotel in the Town of Edgartown as shown on the plans entitled: "Edgartown Inn, Ira Rakatansky Inc., Architects, revised 1984, consisting of six sheets, as revised, plus "Proposed Septic System", Donald L. DeSorcy, P.E., as revised, plus, "Topographic Plan of Land in Edgartown, Massachusetts. Prepared for James Carter, Dean R. Swift, R.L.S. in total 10 sheets, (the Plan).

The Decision with conditions contained herein, is rendered pursuant to the vote of the Commission on October 11, 1984.

The Planning Board of the Town of Edgartown may now grant the necessary development permits for the Applicant's commercial development in accordance with the conditions contained herein, or, may approve in accordance with the conditions contained herein and place further conditions thereon, or, may disapprove the development application.

FACTS

The proposed development is a Development of Regional Impact as defined by the Commission's Criteria and Standards, Developments of Regional Impact, Section 3.30. The application was referred to the Commission by the Planning Board of the Town of Edgartown for action pursuant

to M.G.L. Chapter 831, Acts of 1977, as amended (the Act). The Application and notice of public hearing relative thereto are incorporated herein.

A duly noticed public hearing on the Application was conducted by the Commission pursuant to the Act and Massachusetts General Laws, Chapter 30A, Section 2, on August 23, 1984 at 9:00 p.m. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts. The proposal is for the construction of a commercial development, a hotel.

The hearing was chaired by Marc Widdiss, Chairman of the Land Use Planning Committee who read the legal notice and opened the public hearing for testimony at 9:00 p.m.

Jim Muth, Commission staff member, described the proposal using the plans as submitted and a series of slides. He discussed the various items currently in existence on the site, the zoning requirements including parking and the basic design of the proposal. A number of handouts were available to those present regarding the proposal. He discussed the issue of access and egress from the site, the need for some indication of trash storage and the difference between the plans with respect to the number of actual rooms. A discussion of the septic systems and how they were determined followed.

Doug Ewing, Commission staff member, discussed the traffic impact issue. He reviewed standards with respect to hotel usage and presented statistics regarding design capacities and the amount of current usage during the summer already in the area. A discussion of the analysis of traffic, the alternative routes available to leave town, the need for police as well as the need for additional hotel rooms followed.

A discussion of an existing 10 foot right-of-way as an alternative followed. A discussion of the parking situation and the relationship of existing parking for the existing restaurant, the three commercial shops and the proposed hotel followed. Mr. Carter indicated that the existing antique shop would be moved. Mr. McCavitt raised a question regarding the differences between the two business zone requirements in the By-law and a discussion followed. Mr. Early raised a question regarding outdoor lighting.

Russell Smith, Commission staff member, discussed the septic system plan and noted the parameters that were used by the engineer in

developing the system for the proposal. He discussed the plan and suggested that since the entire area was to be paved and the location of catch basins was critical, that a grading plan be done. He also recommended a certificate of compliance due to the fact that it was a large system. He discussed Title 5 requirements as related to the proposal and questioned what would happen to the system in place currently for the existing commercial system. In response to various questions he noted how the size of the system was determined as per State Law and DEQE requirements. A discussion of the septic system proposal followed. Mr. Smith discussed the difference between "in fill" and "on fill" as defined by the State. A discussion of the location of the septic system for the adjoining existing commercial structure followed with Mr. Carter noting that it was not a part of the proposed system but was located near the northerly boundary of the existing lot and was a separate system. A further discussion of design standards followed.

Mr. Widdiss called upon James Carter to explain his application and to address any points that he wished. Mr. Carter explained that the current proposal called for a 40 unit hotel, originally a 42 unit. He explained the visit to the Building Inspector and how the proposal was reduced and the change then made the septic plan somewhat inconsistent with the design. He discussed the parking problem, the new zoning requirements and how the definition of hotel included a restaurant. He discussed the differences between the "A" units and the "B" units on the proposal. He explained how he had determined the number of spaces for parking and discussed the use of the meeting room and basement. The expansion of the restaurant was for kitchen use only. He discussed some of the philosophy behind the hotel/restaurant concept and indicated that research throughout Edgartown showed a number of interesting variations in parking usage.

A discussion of the parking requirement of one space for each unit plus one for each eight units or a total of 45 units. A discussion of this issue followed.

Mr. Carter further discussed his proposal and indicated that the Edgartown Water Company had indicated ample water is available.

Mr. Clifford asked Mr. Carter to explain his reasons for the proposal at this time. Mr. Carter indicated that an inn was a permitted use for the area and he felt he wanted to do a little better for himself and continue to grow. He did not intend to displace anyone but since the Town has zoned area for business growth and that he had bought into it and had spent plenty of money and was just looking to get what he paid for.

Mr. Moore indicated that it seemed that the problem of parking seemed to be a question of how the zoning ordinance was interpreted. Mr. Clifford indicated that the Building Inspector would be asked to come on the 30th of August to help resolve the question.

Mr. Widdiss called for proponents - there were none.

Mr. Widdiss called for opponents of the proposal. Jane Brown, Chairman of the Edgartown Planning Board distributed minutes from the Edgartown Site Plan Review Committee, review of proposal. She gave a brief synopsis of the meeting. Mr. Widdiss called for any other boards who might wish to comment - there were none.

Gennaro Esposito, an abutter questioned whether there had been any noise pollution studies done. He discussed the traffic problems as well as congestion in the area. Nelson Smith, an abutter from Curtis Lane discussed a number of issues related to the current situation and how the proposal might aggravate the problem. He discussed the problem of residential/commercial zones abutting each other. He felt there was no need for the proposal and that ultimately it would be detrimental to the town and the area in general.

Mr. Carter read a letter from the Chamber of Commerce regarding the proposal which had been written by John Broderick in 1981. The letter addressed the need for facilities during the off-season. A brief discussion of the issue of need followed.

Silvia Thomas, daughter of an abutter discussed several issues relating to businesses for the town and traffic and other matters as well as personal issues related to the development as an interested party. She discussed the noise factor, smells and other related matters as well as the height factor of the proposal.

Steve MacNamara discussed the use of Curtis Lane as an alternative means of egress and expressed a number of concerns regarding its'

potential future use.

Mrs. Stacy, across the street from the proposal, discussed the traffic situation and the problems of so many other parking areas in the neighborhood. Doug Ewing of the Commission staff noted that a traffic count had not been done due to some technical problems.

Larry Thomas, son of an abutter expressed concern for the size of the project, the run-off and noise pollution as well as traffic in the area. He discussed the character of the area and the future of the area. Mr. Durawa asked about air conditioning. Mr. Carter noted that he expected to use heat pumps on an individual room basis.

Nelson Smith raised the issue of light pollution and discussed the matter. Nancy Shemeth, an abutter raised the issue of the relationship of the height of the proposal to the existing area.

Mr. Widdiss called for further testimony, there being none, the hearing was continued at 10:50 p.m. until September 20th.

The Martha's Vineyard Commission held a continuation of a public hearing on Thursday, September 20, 1984. Mr. Widdiss opened the hearing at 11:15 p.m.

Mr. Carter presented a revised plan that had previously been shown to the Planning Board. Changes included a new building style, new parking layout and a combined driveway with the neighboring business. He indicated that there were now 34 rooms including 8 suites.

A discussion of the total capacity of the hotel followed. Mr. Carter indicated that there was a potential for 136 persons. A discussion of the design of the suites followed.

Mr. Carter noted that vegetation both existing and new plantings would be used to help screen the project. A discussion of the traffic situation and whether the project would add to the problem followed.

A discussion of any proposed planting and screening followed. Mr. Carter indicated the areas that he expected to be screened.

Mr. Early questioned the new disposal system. Mr. Carter indicated that it was assumed that a system could be put on the site. Mr. Clifford explained the advice that he had given Mr. Carter at this time and that was to show what he had and bring the septic plans in later.

Mr. Moore questioned the bulk of the project given the surrounding area. A discussion of different shapes of the building followed. Mr. Carter indicated his reason for the design; he did not want a motel effect but a rather more luxurious setting. Mr. Carter felt that the new design was very much in keeping with the theme of Edgartown.

A discussion of the impact on the neighborhood followed. Mrs. Harris noted that there had been a number of changes made but was still uncomfortable with the size of the building. A discussion of the look of the facade followed. Mr. Carter reiterated his hope to capture the flavor of Edgartown in the proposal.

Ms. Allen asked if it would be possible to get an artist's rendering so that the impact could be more realistically understood. It was agreed to have one done by the staff. Mr. Carter explained the handicapped access, parking and emergency provisions.

A further discussion of the impact of the structure followed. A discussion of extension of the multi-use access driveway followed.

Mr. Jason asked if Mr. Carter would give some thought to how to screen the building from the neighbors.

A discussion regarding the use of the outside decks and multi-use driveways followed. A discussion of screening and permanent barriers followed.

There being no further testimony, Mr. Widdiss continued the hearing to the 11th of October to give the applicant a chance to complete his plans.

The Martha's Vineyard Commission held a continuation of a public hearing on Thursday, October 11, 1984. Mr. Widdiss called the hearing to order at 10:15 p.m., by reading the legal notice and opened the hearing for testimony.

James Carter, Applicant, discussed the revised plans which showed a scaled down proposal of 34 rooms, no decks and a lowered roof line; a two story building. A combined driveway with a neighboring property had been retained. He discussed the layout as it had evolved from the original presented. He also showed an artist's rendering of the new proposal. He indicated 65 parking spaces.

A discussion of the septic system followed. Jim Muth, Martha's

Vineyard Commission staff, discussed the changes made and the responses to the issues raised by the Commission.

A discussion of lighting followed. Mr. Carter indicated that the lighting would be low level and that shrubbery would be placed to screen the abutters. Mr. Carter also discussed the new heating system that would be insulated to eliminate the noise from the neighborhood. A discussion of this matter followed.

A discussion of potential drainage problems followed. A discussion of the type and size of the proposed screening followed.

There being no further testimony the hearing was closed at 10:34 p.m.

FINDINGS and CONDITIONS

The Commission has considered the Application and the information presented at the public hearing, and based upon such consideration, 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 or of Dukes County.
- C. The Commission finds that the proposed development as set forth in the Application and the plans, as revised, will be consistent with local development ordinances and by-laws.
- D. The Commission finds that the development proposal, as revised, will be more beneficial than detrimental when compared to alternative manners of development or developments occurring in alternative locations.

The Commission has considered the question of potential adverse impact on other persons and property pursuant to Section 15 of the Act. In order to lessen or eliminate the potential impact on other persons and property, the Commission sets the following condition:

THE APPLICANT SHALL HAVE PREPARED A NEW SET OF PLANS FOR THE PROVISION OF DRAINAGE AND SEPTAGE FACILITIES TO BE LOCATED ON THE SITE OF THE PROPOSED DEVELOPMENT, AND THE PROPOSED PLAN SHALL BE SUBMITTED TO THE BOARD OF HEALTH AND THE BUILDING INSPECTOR OF THE TOWN OF EDGARTOWN FOR THEIR APPROVAL, AND SAID BOARD OF HEALTH SHALL REQUIRE A CERTIFICATE OF COMPLIANCE FOR THE INSTALLATION OF SAID SEPTIC SYSTEM AND,

Further,

THE APPLICANT SHALL FILE A SET OF FINAL, APPROVED PLANS FOR THE ABOVE MENTIONED SYSTEMS ALONG WITH A COPY OF THE CERTIFICATE OF COMPLIANCE WITH THE MARTHA'S VINEYARD COMMISSION FOR INCLUSION IN THE CARTER DRI FILE.

With respect to visual impact upon the surrounding neighborhood, the Commission sets the following condition:

THE APPLICANT SHALL HAVE PREPARED A SUITABLE PLANTING PLAN WHICH SHALL SERVE AS A VISUAL BUFFER TO SCREEN THE PROPOSAL FROM THE SURROUNDING NEIGHBORHOOD AND WHICH SHALL PREVENT LIGHT PENETRATION FROM PROTRUDING INTO THE NEIGHBORING YARDS OR HOMES AND,

Further,

THE APPLICANT SHALL SUBMIT THE PROPOSED PLANTING PLAN AND SCHEDULE OF INSTALLATION FOR SAID BUFFER TO THE STAFF OF THE MARTHA'S VINEYARD COMMISSION FOR THEIR REVIEW AND APPROVAL.

At a minimum, the following standards for the planting plan shall be met:

- All plant materials shall be of a minimum height of 5-6 feet at the time of installation;
- upright evergreen varieties of plant materials shall be the dominant variety used in forming the screening;
- the depth of planting which forms the screening shall not be less than 3 feet and preferably 5-10 feet.
- the following varieties of plant materials shall be considered suitable for use as screening materials:
(see attachment for listing of suggested plant materials from which the Applicant may select)

With respect to exterior lighting, the Commission sets the following condition:

ALL EXTERIOR LIGHTING SHALL BE OF A LOW INTENSITY, LOW PROFILE DESIGN, OF A STYLE THAT IS REFLECTIVE OF THE CHARACTER OF THE COMMUNITY AND,

Further,

THE APPLICANT SHALL SUBMIT EXAMPLES OF ANY PROPOSED LIGHTING TO THE STAFF OF THE MARTHA'S VINEYARD COMMISSION FOR REVIEW AND APPROVAL.

With respect to noise abatement from any proposed heating and cooling system, the Commission sets the following condition:

ANY EXTERIOR VENTING OR INSTALLATION OF ANY PART OF THE HEATING/COOLING SYSTEM, REFERRED TO DURING THE PRESENTATION AT THE PUBLIC HEARING, SHALL BE LOCATED, AS FAR AS PRACTICAL, ON A SIDE OF THE PROPOSED DEVELOPMENT THAT IS FARTHEST FROM THE SURROUNDING RESIDENTIAL AREAS AND,

Further,

THE APPLICANT SHALL PROVIDE FOR AND INSURE THAT ADEQUATE INSULATION MEASURES ARE TAKEN TO REDUCE THE LEVEL OF POTENTIAL NOISE TO SUCH A LEVEL THAT ANY NOISE PRODUCED WILL NOT BE AUDIBLE AT A POINT NEAR ALL PROPERTY LINES.

With respect to insuring compliance with the conditions set forth in this Decision, the Building Inspector shall be charged with careful monitoring of the proposal during construction and will insure that all conditions contained herein and all other conditions that may be placed on this Application by local boards and officials are fully complied with.

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 the Decision, apply to appropriate Town of Edgar-Town officials or boards for any other development permits which may be required together with any other development permits required by law.

The Commission approves the Town of Edgartown officials granting applicable development permits.

This Decision is written consistent with the vote of the Commission: October 11, 1984.

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.

Margaret Harris
Margaret Harris, Vice Chairman

10/18/84
Date

Norman Friedman
Notary:

10/18/84
Date

NORMAN FRIEDMAN
NOTARY PUBLIC
My commission expires Nov 2, 1990



CARTER HOTEL - PLANT MATERIAL

1. The plant materials listed below are:
 - a. winter hard in this area
 - b. are generally commercially available
 - c. have no serious disease problems
 - d. are not "too exotic" in appearance so as to detract from traditional New England landscape.
2. There is no substitute for actually seeing the plant used in the landscape, particularly when full grown and not just as small nursery stock. A trip to the Arnold Arboretum outside of Boston (Jamaica Plain) would be recommended.
3. In addition to cost and commercial availability, plant material should be selected on two premises. One, what does the plant need to grow and look well (i.e., sun requirements, maintenance aspects, etc.) and two, where will the plant best serve its intended purpose (i.e., shade tree, ornamental understory tree, screening, foundation planting, groundcover, etc.)

TREES

1. Acer platanoides "Columnare" or "Erectum" - Columbus Norway Maple
2. Acer rubrum "Columnar" - Columnar Red Maple
3. Acer saccharum "Newton Sentry" or "temples Upright" - Solumnar Sugar Maple
4. Fagus sylvatica "Dawyckii" or "Fastigiata" - Upright European Beech
5. Pinus strobus "Fastigiata" - Pyramidal Eastern White Pine
6. Pinus sylvestris "Fastigiata" - Pyramidal Scotch Pine
7. Thiya occidentalis "Fastigiata" - Columnar American Arborvitae
8. Tsuga canadensis "Kingsville" - Columnar Canada Hemlock
9. Tilia cordata "Swedish Upright" - Upright -Little leaf Linden

ORNAMENTAL UNDERSTORY TREES

1. Acer palmatum - Japanese Maple
2. Cercis canadensis - Eastern Redbred
3. Cornus florida - Flowering Dogwood
4. Ilex Opaca - American Holly
5. Magnolia soulangiana - Saucer Magnolia
6. Magnolia stellata - Star Magnolia
7. Malus - species - Crabapple
8. Prunus - serrulata - Oriental Flowering Cherry

ORNAMENTAL SHRUBS/FOUNDATION PLANTINGS

1. Buxrus semperviens - Common Boxwood
2. Cotoneaster species - Cotoneaster
3. Berberis species - Bayberry
4. Eunoymus alatus - Barningbush or Winged Eunonymus
5. Forsythia - Forsythia
6. Hydrangea macrophylla - House Hydrangea
7. Ilex crenata - Japanese Holly
8. Kalmia latifolia - Mountain Laurel
9. Rhododrendron species - Rhododendrons & Azaleas
10. Viburnum speices - Viburnum
11. Pyracantha cocciena - Scarlet Firethorn
12. Mahonia - species - Holly-grape
13. Amelanchier canadensi - Shadblow Serviceberry
14. Taxus baccata "Repandus" - English Yew
15. Spiraea species - Spiraea
16. Rosa rugosa - Rugosa rose
17. Syringa Vulgaris - Common lilac

VINES

1. Aristolochia macrophylla - Dutchman's Pipe
2. Celastrus scanders - American Bittersweet
3. Clematis paniculata - Sweet Autumn Clematis
4. Hedera helix - English Ivy
5. Lonicera joponica "Halliana" - Hall's Honeysuckle
6. Wisteria floribunds & sinensis - Japanses & Chinese Wisteria

HEDGE MATERIAL

1. Tsuga canadensis - Canadian Hemlock
2. Phamnus frangula "Tallhedge" - Tallhedge Alder Buckthorn
3. Pyranantha coccinea - Scarlet Friethorn
4. Ligustrum - Privet
5. Taxus x media "Hicksii" - Hicksii Anglojap Yew
6. Carpinus betulus - European Hornbean
7. Fagus sylvatica "Fastigiata" - Upright European Beech
8. Taxus baccata "Erecta" - Upright English Yew
9. Thiya occidentalis - American Arborvitae

Edgartown, Mass. Oct 22 1984
 at 9 o'clock and 32 minutes A.M
 Received and entered with Dukes County Deeds
 book 421 Page 465

Attest: *Suzerly W. King*
 Register