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BK431PC874

# THE MARTHA'S VINEYARD COMMISSION

BOX 1447  
 OAK BLUFFS  
 MASSACHUSETTS  
 02557  
 617-693-3453

DATE: July 11, 1985

TO: Building Inspector; Board of Appeals  
 Town of Edgartown

From: Martha's Vineyard Commission

SUBJECT: Development of Regional Impact

APPLICANT: Inner Harbor Realty Trust  
 P.O. Box 1160  
 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 Inner Harbor Realty Trust, P.O. Box 1160, Edgartown, MA. 02539 for the construction of an addition to an existing business in the Town of Edgartown as shown on the plans entitled: Addition/Alteration Harborside Main Building, Edgartown, MA, J.L. Eldredge/Architect; 1"-20'; 1-14-85, consisting of nine (9) sheets plus "Condominium Site Plan, A Plan of hand in Edgartown Mass. prepared by Harborside Associates" February 1980, Schofield Brothers Inc., Vineyard Haven, MA, consisting on one (1) sheet plus a series of revisions drawn on previously submitted plans consisting of thirteen (13) sheets, (the Plan).

The decision, with conditions contained herein is rendered pursuant to the vote of the Commission on July 11, 1985.

The Building Inspector, the Board of Appeals and/or the Planning Board may now grant the necessary development permits for the Applicant's addition to an existing commercial building in accordance with the conditions contained herein, or, may approve of 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 MGL Chapter 831, Acts of 1977, as amended, (the Act).

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 March 21, 1985 at 8:00P.M., at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts. The proposal is for the construction of an addition to an existing commercial building.

Marc Widdiss, Chairman of the Land Use Planning Committee opened the public hearing at 8:07 PM by reading the public notice, explaining the DRI process, noting that a quorum was present and calling for testimony.

Joe Eldredge, agent for the applicant described the area, the history of the changes to the building in the complex and discussed the proposal. He showed an artist's rendering and a number of photographs to explain the proposed changes. He noted the the bedroom/bath arrangement would be converted to living room/Murphy Kitchen/bedroom/bath. Only one unit would have an extra small bedroom. He discussed the design of the proposal, the safety measures to meet code and some of the other interior modifications necessary. He noted that there would be no increase in number of bedrooms and baths. He discussed the impact, visual impact on the harbor and indicated how they proposed to lessen that impact.

Mr. Ferraguzzi asked about the numbers of people maximum within the proposal. After much circular discussion, it was noted that there were to be 24 beds, six of which would be single beds.

A discussion of fire safety followed, A discussson of the maximum height requirements followed. Mr. Eldredge noted that the proposal was for year-round usage and there would be year-round employment.

A discussion of time-sharing vs. condominiums followed.

James Muth, MVC staff, showed a series of slides of the proposed project site. Mr. Eldredge used the slides to explain the various aspects of the proposal. He noted the proposal would be set back from the existing line of the building by 6-feet on the second floor and 12 feet on the third floor.

Mr. Clifford noted that the reports of the Land Use Committee were before each member. He noted that he had talked with the Edgartown Sewer Commission and that they were unable to attend the hearing but had asked for the opportunity to review it and make their comments known to the Commission. The Sewer Commission will be meeting the week of March 25th and asked that the applicant be sent to their meeting before the Commission makes its decision.

Mr. Widdiss called for proponents. Gene Delorenzo noted that he was considering himself neutral but asked if there had been any input from other town boards; there had been none.

Mr. Widdiss then called for opponents. Carol Fligor raised a question regarding the kitchens and the affect on sewer restrictions currently in place. It was noted that the Sewer Commission would be addressing that issue at their meeting. Mr. Eldredge discussed the matter of the kitchens. A discussson of this subject followed as well as the Title 5 requirements for sewerage per bedroom.

A return to the discussion of number of beds followed.

Mr. Clifford discussed some of the items that concerned the Sewer Commission and that they would be consulting with DEQE on some of the items.

A discussion of continuing the hearing followed. A discussion of a possible moratorium in Edgartown followed.

Mr. Evans noted that he continued to have concerns for the scale of the proposal and hoped that the Commission would be able to address the intensity of use and the context in which a proposal was set. Mr. Eldredge discussed the intensity of the proposal and of the by-law requirements.

Mr. Delorenzo asked how the additional space would be constituted. Mr. Eldredge again noted that the extra space would be consumed on living rooms, stairways and 'legal' corridors.

There being no further testimony, the hearing was continued at 8:58 PM until April 4.

Marc Widdiss, Chairman of the Land Use Planning Committee, read the notice of the continued hearing on the Inner Harbor Realty Trust and re-opened the hearing for testimony at 8:26 PM, on April 4, 1985.

Mr. Widdiss reviewed the status of the application and then read a letter from the Sewer Commission of Edgartown regarding their requirements.

Mr. Eldredge indicated the changes that had been made to comply with the Sewer Commission's requirements. A discussion of the occupancy requirements followed. Mr. Eldredge discussed how he had reduced the size of the rooms to meet the more stringent Town requirements. The rooms had been reduced to permit only two twin beds or one double instead of the previous two double beds. The outside face of the proposed additions would be set back an additional three feet.

Mr. Widdiss read a letter from the Board of Selectmen regarding the preservation of the historic character of the area. A discussion of the architectural and historic character of the area in general, followed.

A discussion of the mass and volume of the proposal followed as well as how it related to the architectural setting of the area.

Mr. Ferraguzzi raised the issue of number of floors and whether this proposal met the Edgartown Zoning By-Law. The proposal did not appear to meet requirements of Section 11.3. A discussion of this matter followed.

A discussion of the State Building Code and its effects on the proposal followed.

A discussion of the space reduction meeting requirements of Sewer Commission followed. Sewer Commission wants copies of sales and leases to insure compliance.

Returning to the issue of height, Mr. Jason read Section 11.3 of the Edgartown Zoning by-Law and asked for applicant response. Applicant was unaware of this section and noted that he would have to check into this as it pertained to this proposal. He indicated that he would have to check with the Zoning Board of Appeals regarding this matter and would investigate the matter further.

The applicant then requested the continuation of the hearing to a date to be set as soon as the Applicant indicates that he has resolved the conflict with the Town By-law. Request Granted 8:55PM.

Marc Widdiss, Chairman of the Land Use Planning Committee called the continued public hearing to order at 8:05 PM on June 6, 1985. He read the public hearing notice and asked the applicant to bring the Commission up to date.

Joe Eldredge, agent for the applicant, explained the status to date. He noted that the applicant had appealed to the Board of Appeals for a special permit for a variation of the height requirements as per the Edgartown Zoning By-Law.

A discussion of the surrounding area, the height of the proposal on all sides and the methods of measurement followed. A further discussion of the height of the proposal followed.

A brief review of the proposal followed, including reason for reductions required by the Edgartown Sewer Commission.

A discussion of the dimensions of the proposed roof line followed.

A discussion of the status before local board followed. A question of which board should act first followed. Mr. Clifford explained the wording of Section 16 Chapter 831. A discussion of the wording of the Edgartown Zoning By-law and what was really being applied for followed.

Mr. Widdiss called for any further questions, A discussion of possible further additions followed.

There being no further questions, the hearing was continued to June 20, pending site visit.

On June 20th, 1985 the Commission held a continuation of the Inner Harbor hearing and Mr. Widdiss noted that the hearing had been continued to enable a clarification of roof heights was obtained. Mr. Ted Morgan, Selectmen from Edgartown, raised a number of questions regarding the proposal and in particular, the height proposed. A discussion of those points followed. A discussion of how the structure was reduced as per the Sewer Commission requirements as well as other requirements asked of the applicant by the same board.

Mr. Evans submitted two new photographs to be included in the file. A discussion of what the Town of Edgartown defined as a bedroom followed. A discussion of the applicant removing the Kitchenettes followed.

There being no further testimony, the hearing was closed at 9:55 PM.

#### 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 on 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 plan revised will be consistent with local development ordinance 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 developments occurring in alternative locations.

The Commission has considered the question of whether the proposal, in the manner proposed, will have a more favorable or adverse impact on the environment in comparison to alternative manners of development and in considering thusly sets the following condition:

THAT THE NUMBER OF SUITES IN THE PROPOSAL SHALL BE REDUCED FROM THE PROPOSED NUMBER OF THIRTEEN (13) TO ELEVEN (11) SUITES.

Further, the Commission has considered the impact of the proposal upon the local public facilities and in considering thusly sets the following conditions.

THAT THE APPLICANT SHALL TAKE THE NECESSARY STEPS TO INSTALL METERS TO ENSURE THAT THE DISCHARGE TO THE TOWN'S SEWER SYSTEM SHALL NOT EXCEED THAT WHICH IS ACCEPTABLE TO THE EDGARTOWN SEWER COMMISSION AND THAT IF, THAT FIGURE IS IN FACT EXCEEDED THE NUMBER OF SUITES SHALL BE FURTHER REDUCED ACCORDINGLY TO INSURE COMPLIANCE.

Further,

THAT ALL POINTS ADDRESSED IN THE LETTER DATED 17 APRIL 1985 FROM THE EDGARTOWN SEWER COMMISSION TO THE APPLICANT SHALL BE ADHERED TO BY THE APPLICANT. LETTER ATTACHED.

The Commission has considered the question of appearance of the proposal and that impact upon the neighboring area and in considering thusly, sets the following condition:

THAT THE ROOFLINE SHALL BE ALTERED TO CONFORM TO THE DESIGN WHICH WAS AGREED BY THE APPLICANT AND THE LAND USE COMMITTEE AND SIMILARLY THE MODIFICATIONS IN THE BALCONY DESIGN SHALL BE FOLLOWED.

And Further:

THAT NO ACTIVITY OR USAGE SHALL BE MADE OF THE ROOF EXCEPT FOR INCIDENTAL VENTS, ANTENNAE AND THE LIKE.

And to insure that the final design complies with the alterations to the plans as discussed by the Applicant and the Commission, the Commission sets the following condition:

THAT THE FINAL DESIGN DRAWINGS SHALL BE PREPARED BY THE APPLICANT AND SHALL BE SUBMITTED TO A JOINT MEETING OF THE LAND USE PLANNING COMMITTEE AND THE EDGARTOWN BUILDING INSPECTOR FOR REVIEW AND APPROVAL AND THAT NO BUILDING PERMIT SHALL BE ISSUED UNTIL ALL ARE SATISFIED WITH SAID DESIGN.

The Commissions finds that the proposed development as revised 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 Edgartown 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: July 11, 1985

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.*  
Leonard Jason Jr., Chairman

*Norman Friedman*  
Notary

*18 July 1985*  
DATE

*7/18/1985*  
DATE



**NORMAN FRIEDMAN**  
**NOTARY PUBLIC**  
My commission expires Nov 2, 1990



BK 431 PG 879

## TOWN OF EDGARTOWN

TELEPHONE: 627-5482

OFFICE OF SEWER COMMISSION  
WEST TISBURY ROAD  
P. O. BOX 1068, EDGARTOWN, MASS. 02539

April 17, 1985

Joseph L. Eldredge, Architect  
P.O. Box 1833  
Vineyard Haven, MA 02568

RE: Harborside Inn - Main Building Construction Project.

Dear Mr. Eldredge:

The Sewer Commissioners at their meeting of April 9, 1985 reviewed the proposal of the Inner Harbor Real Estate Trust to convert the 13 rental units of the main building of the Harborside Inn into Suites each with its own "Murphy" kitchen and living room. The Commissioners have decided to allow this project provided that the following conditions be met:

1. A commercial Sewer Connection Application and \$25.00 fee must be filed with the Sewer Department.
2. The total occupancy of the 13 suites will be 36 people. A final bed/person count will be filed with the Sewer Connection Application.
3. A separate drain line connecting the kitchen sinks (including the existing kitchens in the basement) to a new 1,000 gallon grease trap.
4. The applicant will provide copies of the sales and rental contracts for said properties showing restrictions limiting the number of occupants per suite.

If you have any further questions in this matter please feel free to contact me.

For the Sewer Commission

*Stephen A. Vancour*  
Stephen A. Vancour  
Superintendent

Edgartown, Mass. July 22 1985  
at 2 o'clock and 00 minutes P.M.  
Received and entered with Dukes County Deeds  
book 431 Page 874

Attest:

*Beverly W. King*

Register

cc: Edgartown Building Inspector  
Edgartown Zoning Board of Appeals  
Edgartown Board of Health  
Martha's Vineyard Commission