

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557
617-693-3453

DATE: September 18, 1986
TO: Building Inspector, Town of Tisbury
FROM: Martha's Vineyard Commission
SUBJECT: Development of Regional Impact
RE: Commercial Development
APPLICANT: Ronald Pine
82 Daggett Street
Vineyard Haven, MA 02568

DECISION OF THE MARTHA'S VINEYARD COMMISSION

SUMMARY

The Martha's Vineyard Commission (The Commission) hereby approves, with certain conditions, the application of Ronald Pine, 82 Daggett Street, Vineyard Haven, MA 02568, for the development of land in the Town of Tisbury as shown on the plans entitled: "Pine Addition, State Rd., Vineyard Haven, Mass; Proposed Site Plan, Dated June 18, 1986," consisting of seven (7) sheets; and "Plan of Land in Tisbury, Mass., surveyed for Ronald J. Pine et ux, August 3, 1977, by Dean R. Swift, Vineyard Haven, MA., 02568," consisting of one (1) sheet; and "Individual Sewage Disposal System for a Proposed Drygoods (Retail) Addition, State Road, Vineyard Haven, MA., for Ronald Pine, Box 849, Vineyard Haven, MA., 02568, Dated December 27, 1983, by Smith & Dowling, P.O. Box 1087, Vineyard Haven, Mass. 02568" consisting of one (1) sheet; making a total of nine (9) sheets, (The Plan).

The Decision is rendered pursuant to the vote of the Commission on September 18, 1986.

The Building Inspector of the Town of Tisbury may now refer the proposal (Stage I) to any Town Board as required by the Local By-law, or may grant the necessary development

permit for the Applicant's commercial development in accordance with the conditions contained herein, or, may approve in accordance with the conditions contained herein and may place further conditions thereon, or, may disapprove the development application.

FACTS

The proposed development is a Development of Regional Impact as defined by the Commissions Criteria and Standards, Developments of Regional Impact, Section 3.301. The Application was referred to the Commission by the Building Inspector of the Town of Tisbury 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 21, 1986 at 8:00 P.M. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts. The proposal is for the construction of Stage I of a commercial building on State Road in Tisbury.

Marc Widdiss, Chairman of the Land Use Planning Committee, read the public hearing notice and opened the hearing for testimony at 8:06 P.M.

Mr. Widdiss called upon Ronald Pine, Applicant, and James Weisman, Architect, to explain the proposal. Mr. Pine explained that the proposal is an addition to an existing structure, 1 story facing State Road, 2 stories in rear totaling 4,000 square feet (3,000 square feet of retail space and restaurant, and 1,000 square feet storage and baths).

Mr. Weisman further explained that the plans indicate a future building, not proposed at this time, in the rear with

a parking area. With 22 parking spaces fronting on State Road, additional parking spaces will be created in the rear which will be asphalted. Discussion followed regarding drainage from the rear parking area which will drain into an existing wooded area. Catch basins are proposed with the future, Stage II, building.

Mr. Widdiss called upon Town Boards for testimony. Edith Eber, Tisbury Planning Board, stated that parking was reviewed and the Board finds paved parking adequate. Suzan Custer, Selectperson of Tisbury, stated that Board made no comment.

Rick Hopkins, Staff of MVC, reviewed the consistency of this project with Tisbury's Zoning By-law. He further reviewed traffic generation and estimates based on gross square footage of retail space; sidewalks, speed limits, fire hydrant locations, vegetation, soils and topography.

Russell Smith, Staff of MVC, reviewed the wastewater system design based on the uses of the proposal. He indicated that the Board of Health should review this plan and the Applicant should address and try to handle drainage from this lot.

Mr. Widdiss then called for proponents and there were none. He then called for opponents, of which there were none.

Questions from the Commissioners were answered regarding compatibility of the Town's Business Master Plan and alternative surfaces for the parking area.

There being no further testimony the hearing was closed at 8:27 p.m.

Further, the Commission's Land Use Planning Committee reviewed the proposed development before making final recommendations to the Commission. The staff of the MVC, at the request of the Land Use Planning Committee, prepared an alternative parking and access/egress plan which was subsequently presented to, on September 11, 1986, and

approved by the Commission on September 18, 1986.

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 Acts:

- A. The Commission finds that the probable benefits of the proposed development 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 Plan will be consistent with local development ordinances or by-laws.
- D. The Commission finds that the development proposal will be more beneficial than detrimental when compared to alternative manners of development or of developments occurring in alternative locations.

The Commission has considered the surrounding area in which the Development is proposed and in light of that consideration, sets the following condition:

THE APPLICANT SHALL RETURN TO THE MARTHA'S VINEYARD COMMISSION WITH A DRAINAGE PLAN FOR ALL PARKING AREAS TO BE REVIEWED AND APPROVED BY THE LAND USE PLANNING COMMITTEE AND STAFF OF MVC BEFORE WORK COMMENCES ON THE PARKING AREA.

Further,

The Commission has considered the proposed parking layout of the proposed development and the requirements of the Tisbury Zoning By-law and in light of that consideration set the following condition:

PARKING AND ACCESS/EGRESS SHALL OCCUR BASED ON PLANS PRESENTED BY THE STAFF OF THE MVC AT THE SEPTEMBER 11, 1986 MEETING. THE APPLICANT SHALL PREPARE SAID PLAN TO BE REVIEWED AND APPROVED BY THE STAFF OF THE MVC AND THE LAND USE PLANNING COMMITTEE. IF REQUIRED, THE TISBURY PLANNING BOARD SHALL REVIEW AND APPROVE THE NEW PLAN.

Further,

The Commission has considered the visual impact upon the surrounding area of the proposal and in light of that consideration sets the following condition:

THE APPLICANT SHALL HAVE PREPARED A SUITABLE LANDSCAPING PLAN BEFORE COMPLETION OF 50% OF THE STAGE I PROPOSAL AND SUBMIT SAID PLAN TO THE COMMISSION FOR REVIEW AND APPROVAL BY THE LAND USE PLANNING COMMITTEE AND STAFF OF MVC.

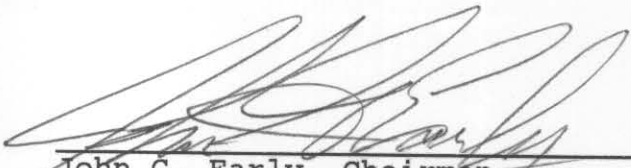
The Commission finds that the proposed Stage I development, subject to the conditions contained herein, will be consistent with local ordinances and by-laws to the extent it is required to, only the Application being before it at this time. The Applicant must, consistent with the Decision, apply to the appropriate Town of Tisbury officers and boards for any other development permits required by law.

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

The Decision is written consistent with the vote of the Commission on September 18, 1986.

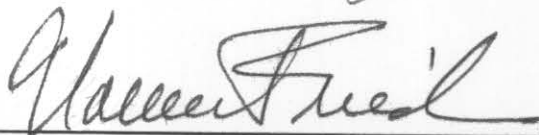
Any party aggrieved by a determination of the Commission may appeal to the Superior Court within twenty days after the Commission has sent the development Applicant written notice, by certified mail, of its decision and has filed a copy with the Town Clerk of the Town in which the the proposed development is located.

RECORDED - FILED
CLERK OF SUPERIOR COURT
DUCES COUNTY MASSACHUSETTS



John G. Early, Chairman

10/9/86
Date

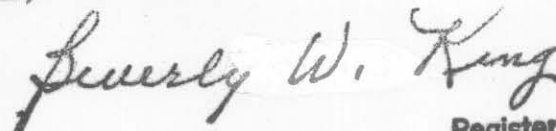


Notary

10/9/86
Date

NORMAN FRIEDMAN
NOTARY PUBLIC
My commission expires Nov 2, 1990

Edgartown, Mass. Oct 10 1986
at 2 o'clock and 00 minutes P.M
Received and entered with Dukes County Deeds
book 457 Page 782

Attest: 
Register