

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557

DATE: November 20, 1986
TO: Building Inspector, Town of West Tisbury
FROM: Martha's Vineyard Commission
SUBJECT: Development of Regional Impact
RE: Commercial Development
APPLICANT: Chicama Inn
Bob Bold & William Bradley
Francis Cournoyer, Agent
54 St. Lawrence Street
Braintree, MA 02184

DECISION OF THE MARTHA'S VINEYARD COMMISSION

SUMMARY

The Martha's Vineyard Commission (the Commission) hereby denies permission for the development contained in the application of Chicama Inn, Bob Bold and William Bradley, Francis Cournoyer, Agent, 54 St. Lawrence Street, Braintree, MA 02184 for the construction of an Inn in the Town of West Tisbury as shown on the plans entitled:

"Plan of Land in West Tisbury, MA. Prepared for Bobra, Inc., by Vineyard Land Surveying, Box 1548, Norton Ave., Vineyard Haven, Mass., 02568, proposed septic system, dated July 7, 1976, July 7, 1986, revised 11-6-86, revised 11-19-86" consisting of two (2) sheets;

"Plan of Land in West Tisbury, Mass., surveyed for Harborlight Trust, Francis F. Cournoyer Trustee, By Vineyard Land Surveying, Box 1548, Norton Ave., Vineyard Haven, MA. 02568, dated September 9, 1985, being a subdivision on West Tisbury case files 82 and 84" consisting of one (1) sheet;

"Plan of Land in West Tisbury, Mass., surveyed for Harborlight Trust, Francis Cournoyer Trustee, by Vineyard Land Surveying, Box 1548, Norton Ave., Vineyard Haven, MA

02568, dated March 24, 1986, being a subdivision of lot 17" consisting of one (1) sheet;

"Landscape Plan prepared for Chicama Luxury Suites, West Tisbury, Mass., By John G. Gadowski, West Tisbury, Mass" consisting of one (1) sheet;

"Chicama Luxury Suites, Martha's Vineyard, by R.L. Seaburg Associates Inc., Architects, Planners, Hanover, MA., Osterville, MA., undated and later revised 11-8-86" consisting of fourteen (14) sheets; making a total of nineteen (19) sheets, (The Plan).

The Building Inspector of the Town of West Tisbury shall not grant the appropriate development permits.

The Decision is rendered pursuant to the vote of the Commission on November 20, 1986.

FACTS

The proposed development is a Development of Regional Impact as defined by the Commission's Criteria and Standards, Developments of Regional Impact Section 3.301. The application was referred to the Commission by the Building Inspector of the Town of West 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. Martha's Vineyard Commission staff document exhibits are incorporated by reference.

A duly noticed public hearing on the application was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2 on October 23, 1986 at 8:15 P.M. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts. The proposal is for the construction of a 25 unit inn, with one office, with a floor

area of 30,120 square feet off State Road in the Town of West Tisbury.

Marc Widdiss, Chairman of the Land Use Planning Committee, read the public hearing notice and opened the hearing for testimony at 8:53 P.M.

Bob Bold, Applicant presented the proposal, which proposal was for an Inn having 25 units and 1 office. He discussed the clustered development, the roadway, shrubs, outside lighting being on each unit only, and described the proposal as being low key and year-round. He also stated that the proposal has been presented to all Town Boards.

Mr. Widdiss said the location of the proposal is across from the Up-Island Supermarket on the left going up-island.

Bill Daniel, Architect for Applicant, said the proposal is of traditional style keeping with the Island architecture, white cedar shingles, nice landscaping, walkways, and said there will be a greenbelt around entire proposal.

Russell Smith, MVC Staff, gave a presentation referencing a handout given to Commissioners. He described the wholesale/retail district which the proposal lies within, and agricultural/residential zone which abuts the proposal. Further, Mr. Smith informed the Commission that the Scenic Road list, provided by the Town, includes Old Lambert's Cove Road pursuant to M.G.L. C.40 s.15c. Any maintenance, reconstruction or paving and cutting or removal of trees, would require a special permit from the Town. The site is flat with 0-3% slope, groundwater 48 feet below site, soils very well drained. Mr. Smith also discussed the 25 single bedroom units, discussed septic system and 5 leaching pits. He further stated that the Land Use Planning Committee is concerned about leaching pits being put on the lot line, as the State requires 10 foot setback from lot line. Wastewater regulations and number of bedrooms were reviewed. Traffic and parking spaces proposed regarding old and new West Tisbury By-law requirements were also reviewed. It was noted that the proposal's thirty nine (39) parking spaces is in

conflict with both Zoning By-laws by being at least 100 spaces short of meeting either requirement. He further reviewed West Tisbury's Zoning By-Law requiring a 40' buffer in Business Districts: on the plan it appears porches on units will be built into the 40' buffer. Other concerns raised by the Staff were: there is no drop-off point at the office, will water and septage be associated with the office?, location of the dumpster is highly visible, will units be handicap accessible?, a drainage plan, landscaping plan, lighting plan and materials list have not been submitted.

Commissioners discussed the septic system abutting lot line. Mr. Cournoyer said that the line defines commercial vs. residential zoning district and that the entire 8 acre is 1 parcel. Mr. Cournoyer said that the 3-1/2 acres of residential property were added to the plan to conform with new Board of Health Regulations.

Mr. Widdiss asked for Town Board Testimony.

Virginia Jones, West Tisbury Planning Board, stated that the Planning Board has not seen the new plans, has several reservations about the proposal regarding location and use of land. She stated that there was a scenic way which the Board says must stay open for public use, and finally that the proposal is not in keeping with the Town's character.

Bill Daniel, Architect, showed a new plan which indicated the location of the scenic road and showed how the proposal has been shifted so as not to disturb the scenic road.

Mr. Widdiss called for proponents. Jenny Gadowski, Island resident, stated that she thought this was a well put together project and applicant's have made every alteration that has been asked for.

Mr. Widdiss asked for opposing testimony. There was none.

Commissioners questioned future building on the residential lot abutting the project. Mr. Cournoyer responded that the lot is a "no build" lot which will be in the agreement.

Commissioners questioned the septic system being put on residential land and does this extend the use of the commercial lot? Carol Borer responded to the question saying that the staff needs more time to review this issue.

There was discussion of the 3.5 acre residential lot being recently subdivided into two lots.

The Commissioners and Applicants discussed West Tisbury's Zoning By-law requirement regarding parking for Inns.

Commissioners questioned whether there is a planting scheme, parking space at office, and visibility in the winter? Further, would there be kitchen facilities in each unit, the definition of a wetbar, if there was to be a washer/dryer in each unit, two bathrooms in each unit and how many people would each unit accommodate?

Mr. Bold, Applicant, responded that the proposal would be seen in the winter, that there would not be kitchen facilities, that a wetbar is a sink to mix drinks at, that there will be a washer/dryer in each unit, and two bathrooms will be in each unit. He further stated these will be luxury units.

Commissioners further questioned if this proposal was economically feasible? The Applicant responded in the affirmative and that studies have been done. There was discussion of the units being used as winter rentals for Island residents. The applicant replied in the negative, as there were no kitchen facilities.

Mr. Widdiss announced at 9:35 P.M. that the hearing will be continued until all plans requested are submitted and the scenic road issue and buffer zone could be addressed.

The Martha's Vineyard Commission held a continuation of a public hearing on November 13, 1986 at 8:30 P.M. at the Martha's Vineyard Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA 02557

Mr. Widdiss, Chairman of the Land Use Planning Committee read the public hearing notice and reopened the hearing for testimony at 8:35 P.M.

Mr. Widdiss reviewed the concerns of the Commissioners at the last hearing.

Mr. John Gadowski, Landscaper for the Applicants, addressed the landscaping plan, stating that evergreen trees would be planted between the existing oak trees to eventually screen the proposal from road. He further said there would be foundation plantings around the buildings.

Mr. Bold, Applicant, discussed the scenic road describing how the building had been moved and that the path is still existing except for an area where the roadway leads to the back building.

Mr. Cournoyer, Agent, stated that the scenic path has been cut through in compliance with the Planning Boards specifications.

Mr. Bold discussed the landscaping in regard to grass to be planted, the buildings being Cape Cod style, materials being used, lighting plans which include postal lights approximately 8 feet tall, and the drainage plan. He stated that the proposal has well water, and septic systems. He further stated that the development will have highest clientele with stays being weekly or longer with very few overnight stays and no children will be allowed.

Mr. Widdiss asked for staff presentation.

Barry Didato, MVC Staff, referenced a handout. He discussed the new site plan, West Tisbury Board of Health By-laws, business/residential zone, Title 5 limitations, and concerns of Town Boards which were condominium ownership,

scenic roads, character of the Town, and written assurance of 2 people per room.

Mark Widdiss, read letters from the Town of West Tisbury Boards:

Board of Health letter dated November 2, 1986 stating that the Board had not seen nor approved the current plan and further, the Board is concerned about occupancy for each unit being greater than two (2) people. The Board requests a revised plan showing proper setbacks and conformance to Board Regulation of 1 bedroom/15,000 square feet.

Board of Health letter dated November 10, 1986, regarding subdivision plan submitted before the Boards regulations went into effect. Board prefers reduction in number of units and otherwise has no problem with plans submitted.

Planning Board letter of November 12, 1986 stating that Business District should contain businesses which would provide for needs of year round residents. The Board has reservations about a business which exclusively serves needs of a transient population. Further, the Board states that the scenic road must be kept open and the proposed Inn is not in keeping with the character of the Town.

Mr. Rothchild, West Tisbury Board of Appeals, said he supports denial of the proposal. He reviewed the history of this proposal when the units included a kitchen and the Board rejected the project. He further questioned what a wetbar is and if there are too many baths?

Mr. Bold stated there would be no refrigerators in the units.

There was discussion whether each unit would have a beach sticker for Town Beach usage in the summer.

There being no further testimony, the hearing was closed at 9:00 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:

The Commission finds that the probable detriments of the proposed development will exceed the probable benefits of the proposal in light of the considerations set forth in Section 15 of the Act. Specifically, the proposed development is found not to serve the general purpose of the Act as stated in Chapter 831, Acts of 1977, as Amended, namely the protection of the health, safety and general welfare of Island residents and visitors, by preserving and conserving the Island's unique natural, historical, ecological, and cultural values and by protecting these values from development uses which would impair them or cause irreversible damage to them.

Pursuant to Section 15 of Chapter 831 of the Acts of 1977, as Amended:

The Commission has considered the question of whether development at the proposed location is or is not essential or especially appropriate in view of available alternatives on the Island of Martha's Vineyard. The Commission finds that the development is not especially appropriate at the proposed location.

Specifically, the proposed project at this location will change the rural character and cultural values of the Town. The area is not uniquely suited for Inn use as the location is not the Town Center or adjacent to seasonal or tourist attractions. In view of new zoning by the Town, the proposed use is inappropriate at this location.

Further,

The Commission has considered the question of whether the development in the manner proposed will have a more favorable or adverse impact on the environment in comparison to alternative manners of development. The Commission finds that the scale of the project and the potential increase in the intensity of use based on the site plan and building design will be more detrimental than beneficial to the Town. The proposal is too dense for this location. In addition, because the project fails to comply with the Town's Zoning by-law prior to April 22, 1986 regarding parking requirements, the Commission cannot approve this proposal because there is no basis for finding that the statutory requirement of Section 14c of the Act has been satisfied.

Further,

As an independent basis for its Decision, the Commission notes that the Town has definitively indicated that the proposed business uses are not appropriate land uses in this location by a 2/3 majority at Town Meeting. In light of this, the Commission must find that the development would interfere with the municipality's land use objectives set forth in the municipal general plan and finds that the development is in conflict with the Town of West Tisbury's Master Plan Questionnaire results and subsequent Draft Master Plan regarding businesses and services which would provide for the needs of year round

residents and, more specifically, the proposal is inconsistent with the Towns Open Space Plan regarding the Preservation of Scenic Roads.

The Commission disapproves the development application and denies permission to the Building Inspector in the Town of West Tisbury for the granting of the necessary development permits.

The Applicant may modify the Development Proposal and or submit a new proposal to the Building Inspector in the Town of West Tisbury.

The Decision is written consistent with the vote of the Commission on November 20, 1986.

Any Party aggrieved by a determination of the Commission may appeal to the 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 Town Clerk of the Town in which the proposed development is located.

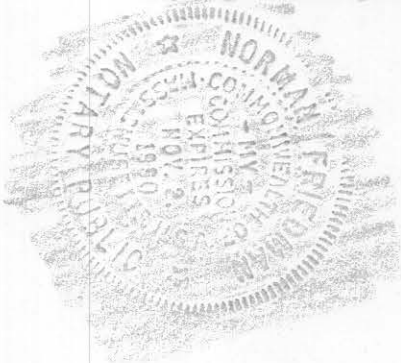
John G. Early
John G. Early, Chairman

12/11/86
Date

Norman Friedman
Notary

12/11/86
Date

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



Edgartown, Mass. Dec. 12, 1986
at 9 o'clock and 00 minutes A M
Received and entered with Dukes County Deeds
book 462 Page 557

Attest: *James W. King*
Register