

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557

DATE: March 19, 1987

TO: Building Inspector, Town of Oak Bluffs

FROM: Martha's Vineyard Commission

SUBJECT: Development of Regional Impact
RE: Commercial Development

APPLICANT: Weyco Realty Trust
Box 1165
Oak Bluffs, MA 02557

DECISION OF THE MARTHA'S VINEYARD COMMISSION

SUMMARY

The Martha's Vineyard Commission (the Commission) hereby approves the application of Weyco Realty Trust, Box 1165, Oak Bluffs, MA 02557 for an addition to an existing commercial development in the Town of Oak Bluffs as shown on the plans entitled: "Addition to Cottage City Supply Co., Oak Bluffs, MA, by Niels Gabel - Jorgensen, Box 2530, Main St., Vineyard Haven, MA 02568, dated February 12, 1987." consisting of seven (7) sheets; "Cottage City Supply Shadow Study, by Niels Gabel - Jorgensen, Box 2530, Main St., Vineyard Haven, MA 02568, dated February 12, 1987," Consisting of two (2) sheets; "Addition to Cottage City Supply Co., Oak Bluffs, MA, by Niels Gabel - Jorgensen, Box 2530, Main St., Vineyard Haven, MA 02568 Dated February 12, 1987, Parking and Traffic" consisting of one (1) sheet; "Addition to Cottage City Supply Co., Oak Bluffs, MA. by Niels Gabel - Jorgensen, Box 2530, Main St., Vineyard Haven, MA 02568, revised and dated March 19, 1987, " consisting of seven (7) sheets; making a total of seventeen (17) sheets, (the Plan).

The Decision is rendered pursuant to the vote of the Commission on March 19, 1987. The Building Inspector of the Town of Oak Bluffs may now grant the necessary development permits for the applicant's

addition in accordance with the decision contained herein, or, may approve in accordance with the decision contained herein and place further conditions thereon in accordance with applicable law, or may disapprove the development application.

FACTS

The Proposed development is a Development of Regional Impact as defined by the Commission's Standards and Criteria, Developments of Regional Impact, Section 3.301. The application was referred to the Commission by the Building Inspector of the Town of oak Bluffs 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 scheduled for January 22, 1987. Due to inclement weather, a duly noticed public hearing on the application was rescheduled and conducted by the Commission pursuant to the Act and Massachusetts General Laws, Chapter 30A, Section 2 as modified by Chapter 831 on February 12, 1987 at 8:00 P.M. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts.

The proposal is for an addition of approximately 6,100 square feet to an existing commercial building.

Sanford Evans, Chairman of the Land Use Planning Committee, read the public hearing notice and opened the hearing for testimony at 8:02 P.M.

Mr. Evans asked the Applicant to give a presentation on the proposed addition.

Mr. Sam Sherman, Architect for the Applicant, presented the proposed addition. He said this proposal is to consolidate the applicant's existing business. Mr. Sherman stated the addition to the existing building would be to the rear of the building and adding a second story. Upper level will include storage of mill work, open work space, small office, no additional plumbing will be needed, first level for retail and storage, all building and setback codes have been met. Further, shadow studies have been done due to the height of the addition. Mr. Sherman showed the projections at different times of

the year. Mr. Sherman then discussed the impact to the neighborhood stating since there will be no additional businesses or expansion of the business, the applicant does not anticipate any additional impact on traffic, increase in need for parking, or number of people that will use the facility, will not expand septic facility or put in additional bathrooms. He further stated that a fence will be provided along the back of the building and no use of the Bradley Avenue side of the building other than trash pickup. Materials for exterior to be used are white cedar shingles and cedar trim, no exterior lighting.

Commissioners questioned the design and location of the building.

Mr. Sherman stated that the existing building is 66'6" x 36'1", new building is 66'6" x 34'1" and 34' to the ridge. Further, he stated that the proposed addition meets all B-1 restrictions.

Mr. Evans asked for staff presentation.

Barry Didato, MVC staff, gave a slide presentation of the existing building and the surrounding area. Mr. Didato then referenced a handout, stating that the proposed increase is 6,118 square feet, increase in width from 36' to 64', conforms to B-1 regulations. Further, he discussed the history of the site and denial of a proposed plan previously submitted to the Commission. Further, he discussed the materials to be used, parking, drainage catch basin, and no exterior lighting. Mr. Didato raised concerns regarding parking, congestion on Uncas Avenue and shadowing of residences.

Commissioners questioned the loading and unloading of materials? Mr. Sherman said there will be off street loading in the yard.

Commissioners questioned the status of the streets abutting the proposal. Mr. Sherman said Bradley Avenue is private and Uncas Avenue is Town owned.

Mr. Jason questioned the reason why the concerns of the Commission's review in 1982 are not relevant to the 1987 proposal? Mr. Sherman explained that the previous plan called for apartments on the second floor which would have caused a traffic impact on the neighborhood.

Commissioners questioned the assumption of the Applicant and the Representative regarding the increase in area, increase in traffic and no additional parking needs? Mr. Sherman explained that the retail

space will remain the same and that only the storage space would change.

There was discussion of mill work assembly, and the types of tools which will be used (no big machinery).

There was discussion of the applicant owning a building now used for storage on Tuckernuck Avenue. Mr. Sherman said that the applicant would turn that building into a residential building.

Mr. Evans asked for testimony in favor of the proposal.

Robert Murphy, voter, tax payer, and Oak Bluffs resident of the area, stated that the applicant has already upgraded the area; that the proposed addition is in the B-1 area and that he supports this project.

Herbert Combra, Oak Bluffs resident, supports the Applicant's project.

Joe Solitto, Oak Bluffs resident, feels the proposal is an asset to the Town.

Jules BenDavid, Oak Bluffs resident, also feels the project is an asset.

Mr. Evans then called for testimony opposing the proposal.

Ann Margetson, Representative for the Niantic/Hiawatha Counsel and for herself, stated that she was a resident of the area, a customer of the applicant, and not opposed to a lumber yard. She discussed the history of the building and further discussed aspects of a lumber yard that had not been predicted. She spoke of concerns of trailer trucks delivering materials, increasing width of roads regarding no room for widening them, use of a fork lift regarding noise and fumes, access for delivery, the height of the building will impede residents views and sunlight regarding shadowing. She further spoke of problems related to mixed zoning, and some possible alternatives.

Helen McGrath, abutter, stated she was in opposition of the project.

Mr. Evans called for Town Board comments. There were none.

Mr. Evans reviewed the letters of correspondence:

Board of Health regarding approval of septic plans.

Planning Board regarding project meeting zoning.

11 Letters in file which are opposed to the project.

Mr. Evans stated major concerns are issues of scale of proposed addition, shadowing and traffic generation.

There was discussion of the way materials would be put onto the second floor. Mr. Sherman said that all materials would be put upstairs by hand as materials stored on that floor are finish materials.

Commissioners asked Mr. Sherman whether the applicant had thought about building on other property owned by the applicant? Mr. Sherman stated that this location was chosen for economic reasons.

There being no further testimony, Mr. Evans closed the hearing at 9:10 P.M. and stated the record would be kept open for one week.

Following the close of the public hearing, correspondence for the record was received from: Alison Shaw, regarding height increase options to be explored; Henry Kinne, regarding addition design; Ann L. Margetson, Representative of the Niantic-Hiawatha Neighborhood Council, regarding preservation of existing balance between residential-town-business use in the neighborhood, including maps and photographs.

FINDINGS AND CONDITIONS

FOR PURPOSES OF THIS DECISION, THE PLANS SHALL MEAN THOSE DATED MARCH 19, 1987 AND APPROVED BY THE COMMISSION ON MARCH 19, 1987.

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.

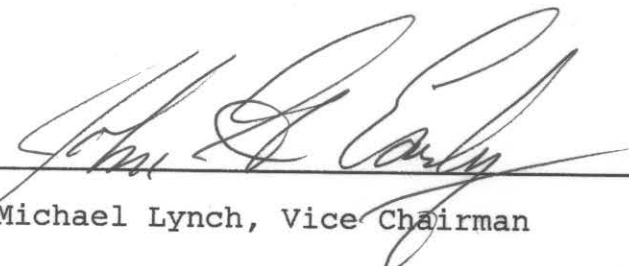
- c. The Commission finds that the proposed development as set forth in the application and the plan will be consistent with local development ordinances and By-laws in place at the time of the submittal.
- d. The Commission finds that the development proposal will be more beneficial then detrimental when compared to alternative manners of development or developments occurring in alternative locations.

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 Oak Bluffs Officers and Boards for any other development permits which may be required by law.

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

This Decision is written consistent with the vote of the Commission on March 19, 1987.

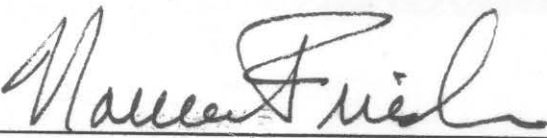
Any party aggrieved by a determination of the Commission may appeal to Superior Court within twenty (20) days after the Commission has sent the development Applicant written notice, by certified mail, of its decision and has filed a copy of its decision with the Town Clerk in the Town in which the proposed is located.



 Michael Lynch, Vice Chairman

3/26/87

 Date




 Notary

3/26/87

 Date

NORMAN FRIEDMAN
NOTARY PUBLIC
 My commission expires Nov 2, 1992

Edgartown, Mass. Mar. 30 19 87
 at 10 o'clock and 57 minutes AM
 Received and entered with Dukes County Deeds
 book 476 page 279

Attest: 

 Register

15-1
 M/M/D/V/H
 10.23