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# THE MARTHA'S VINEYARD COMMISSION

BOX 1447  
OAK BLUFFS  
MASSACHUSETTS  
02557

DATE: October 1, 1987  
TO: Building Inspector, Town of Edgartown  
FROM: Martha's Vineyard Commission  
SUBJECT: Development of Regional Impact  
RE: Commercial Facility  
APPLICANT: M.S.P.C.A.  
c/o Edmund Coogan  
Box 1639  
Vineyard Haven, MA 02568

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## DECISION OF THE MARTHA'S VINEYARD COMMISSION

### SUMMARY

The Martha's Vineyard Commission (the Commission) hereby approves, with certain conditions, the Application of the M.S.P.C.A. c/o Edmund G. Coogan, Box 1639, Vineyard Haven, MA 02568 for the Construction of an Animal Shelter in the Town of Edgartown as shown on the plans entitled: "M.S.P.C.A. Plot Plan by Ed Cuetara, Box 1262, Edgartown, MA, Dated 4/11/87, Revised 9/14/87" consisting of two (2) sheets; "Site Plan of Proposed Drainage Facilities at ASSR. PCL 21-35, Edgartown, MA, Prepared for M.S.P.C.A. by Schofield Brothers, Inc., State Rd., Vineyard Haven, MA, Dated June 1, 1987" consisting of one (1) sheet; "MSPCA by Ed Cuetara, Box 1262, Edgartown, MA, Dated 5/15/87, Materials List, Lighting, Parking Areas, Entrances, Elevations" consisting of seven (7) sheets; "MSPCA Plant Schedule Plan submitted by Ed Cuetara, Box 1262, Edgartown, MA. received by the Martha's Vineyard Commission 9/17/87" consisting of one (1) sheet; making a total of eleven (11) sheets, (the Plan).

The Decision is rendered pursuant to the vote of the Commission on October 1, 1987.

The Building Inspector of the Town of Edgartown may now grant the necessary development permits for the Applicant's proposal in accordance with the conditions contained herein or may approve in accordance with the conditions contained herein and place further conditions thereon in accordance with applicable law, or may disapprove the development application.

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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 Edgartown for action pursuant to 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 as modified by Chapter 831 on July 2, 1987 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 a 4,500 square foot building for the purpose of an animal shelter.

Sanford Evans, Chairman of the Land Use Planning Committee (LUPC), read the public hearing notice and opened the public hearing for testimony at 8:15 P.M. He asked for the staff presentation.

Rick Hopkins, MVC Staff, discussed the proposal stating it is for the Construction of one 4,500 square foot building for the purposes of an animal shelter, office and support services. Further that the project also involves the reduction of floor area in the existing residence from 2,196 sq.ft. to 930 sq. ft. (loss of 1,266 sq. ft.) with a reduction in number of bedrooms from 3 to 2, also the relocation of residence. Also the removal of 3 other buildings (approx. 2,050 sq. ft.). Mr. Hopkins stated the total proposal is as follows: new shelter 4,500 sq. ft. (15 dogs, 27 cats); existing clinic 2,424 sq. ft. (12 dogs, 40 cats); and Foote home 930 sq. ft. totalling 7,854 sq. ft. (25% lot area). Mr. Hopkins said the location of this proposal is off Edgartown-Vineyard Haven Road, Edgartown Assessors Map #21, lot #35 (0.73 ac). Adjacent to Pennywise Path & Mariner's Landing. And the proposal is located in Business District (B-II) and discussed the Zoning District Requirements regarding setbacks, parking, number of bedrooms allowed and percentage of lot area the proposal will cover and stated what is shown on the plans in relationship to these requirements.

Mr. Hopkins further stated that the proposal is located within the zone of contribution for the Lily Pond Well and stated the requirements of this zone as being for dry goods only, no use/storage of toxic substances,

no underground fuel storage, pesticides or fertilizers, no septic systems within 1,000 feet of well, 150 gal. wastewater per day/10,000 sq. ft. lot, and no chemical treatment of septic system.

Mr. Hopkins stated there is one access/egress proposed off Pennywise Path and a proposed link into/through adjacent property owned by L. Convery (Assessors Map #21, Lot # 34.22) as 20' width and the proposal will involve widening Pennywise Path to 20' width from Vineyard Haven Road to the site's driveway.

Addressing parking Mr. Hopkins said the proposed parking spaces provided are the same as existing parking spaces. He discussed traffic generation and MVC monitoring on Edgartown-Vineyard Haven Road and stated figures as follows: July/August, 1986 average daily flow is 10,358 vehicles and average weekday flow is 10,861; November, 1986 average daily flow is 5,472 vehicles and average weekday flow is 5,830, further, that the trip generation potential (per 1,000 sq. ft. basis) - (ITE Estimate) is as follows: General office average 12.3 equalling 85 vehicle trips/day; Medical office average 75.0 totalling 519; Summer Impact (average daily) equalling 0.8% to 5% and Winter Impact (average daily) equalling 1.5% to 9.4%.

He then addressed drainage and stormwater runoff volumes which will be contained on-site via two (2) leaching catch basins serving paved parking area. Further he addressed sewage disposal stating the proposal for the project is to tie into existing septic tank and leaching facility (designed 11/5/71; prior to Title 5), and further stated that there are two (2) existing cesspools on-site to be demolished. Mr. Hopkins stated that the Edgartown Board of Health has mandated "no new sewage system can be installed"; and that sewage flows will be limited to 650 gallons wastewater per day with the installation of sewage flow monitoring device (i.e. effluent meter).

He then discussed the Natural Features of Site stating that the Soils are Carver Loamy Course Sand, 3 to 8% slopes, very deep, gently sloping, excessively drained very rapid permeability with slight limitations for building site development and severe limitations for septic tank absorption fields - due to poor filtering capabilities. Further, he discussed the vegetation and characteristics of the site stating that it consisted of native deciduous and coniferous species with landscaping.

Mr. Hopkins stated that the proposal is found within the Zone II area of contribution to the Lily Pond municipal well approximately 850' to well head and based on Delaney (1980) the groundwater table is found approximately 20' - 7' or 13' below grade.

He then discussed the exterior building materials proposed stating they are vertical siding or white cedar shingles and roofing material is metallic; bronze coloring. Further, the building height is to be 20' at peak. He stated the exterior lighting will consist of three (3) 30' light standards with mercury vapor or high-pressure sodium with foot-candle levels from 1.0 to 5.0. Addressing landscaping he stated that proposed are evergreen and deciduous trees and also evergreen and deciduous shrubs.

Mr. Hopkins then discussed design considerations stating as suggestions as follows: avoid vertical siding due to shingled buildings; consider high-pressure sodium illumination (exterior) due to higher levels of efficiency, more suitable color rendition characteristics (golden-white color vs. greenish-blue from mercury); consider access/egress off Pennywise Path as one way eastbound and relocate existing signage to improve sight line along Edgartown Vineyard Haven Road.

Mr. Hopkins stated development concerns for the square footage of the shelter; stormwater runoff volume from "service" entrance and ambulance drive entering Vineyard Haven Road; presence of well on property and if this well is functioning and if this will be removed or sealed; concern for proposed expansion of use and increased water and/or wastewater flow; question of conformance of sewerage disposal to Title 5; designation of future expansion area for septic tank and leaching facility; proximity of proposal to Municipal water supply (i.e. disposal of cleansers, chemicals, animals "dips"); time frame of drive-thru and access to adjacent development; question of plans for removed buildings; and low/moderate income housing provisions.

Mr. Hopkins then showed a video of the site of this proposal, the access road, existing buildings, parking and surrounding area. Mr. Hopkins stated that the fire and police chiefs feel that the access being widened will be a benefit for access of emergency vehicles.

Mr. Evans then asked for the applicant's presentation.

Ed Coogan, Attorney for the MSPCA, stated that the MSPCA was not allowed to build across the street as it was too close to the well. He described the existing facility as being inadequate and stated the proposal

is to tear out the existing shelter and build a proper shelter. He further stated that the new shelter will not only provide better shelter for animals but will help in programs directed to the public in 'how to care for animals'. Mr. Coogan stated that Ed Cuetara, Architect, is present to discuss the plans and the exterior siding. Also Dick Barbini, Engineer of Schofield Brothers, is present to answer any questions regarding septic plans. Ron Whitney the person that runs the shelter, will explain the problems of the existing shelter.

Mr. Cuetara showed drawings of the design of the building and stated that it is designed to look more agricultural and has gable roofs which minimizes the appearance of the size. A professional landscape designer, Susan Mesker, has prepared the landscape plan to be used. He stated that this building does not look industrial although large. Mr. Cuetara stated although this building is larger it will not provide additional room for additional animals but will bring the MSPCA to standard. Further, no additional employees will be hired and there should be no more visitors than the facility receives now therefore, there are no new parking spaces proposed. Mr. Cuetara stated the time frame for the proposed link with the Convery property is by next season and explained the proposed internal flow between commercial properties. He then stated that the proposed animal facility's holding shelter is no bigger then the existing facility and showed where cages will go. A counselling area will be included to facility and the rest of the area will be work area and offices for employees. He then discussed the garage which will house one vehicle which will allow people to bring in an animal without going into the weather.

Dick Barbini, Engineer, stated the existing well on-site is unusable which will be taken out. The site is served by Town Water and metered. The existing septic system on-site designed in the 1970's is functionable and that the Board of Health has mandated the applicant to tie into this system. He discussed drainage off the ambulance entrance stating that the amount of drainage will not be hard to control.

Ron Whitney, Manager of shelter, discussed the existing internal drainage of the facility stating that the cages sit on one slab of concrete and regardless of how many animals are at the shelter the entire shelter must be hosed down. Further, with the new shelter if only one dog was in the shelter only one run would have to be washed down. He said this

proposal will allow for a cleaner, healthier environment for the animals. Mr. Whitney stated that at present the MSPCA uses approximately 650 gallons of water per day and feels with the new facility a lot less water will be needed. He stated that shampoos and dippings are not done often, however, when done biodegradable disinfectants, shampoos and dips are used.

Mr. Filley asked if all cages will be interior? Mr. Whitney answered in the affirmative.

Mr. Filley asked how the building will be heated? Mr. Cuetara stated a combination of warm air heat and slab heat (oil heat). Mr. Filley asked if there was a specific design for the containment of oil. Mr. Cuetara answered in the negative at this time.

Mr. Young asked Rick Hopkins what the immediate property to the south is? Mr. Hopkins answered residential. Mr. Young then asked if 650 gallons per/day is Town water. Gina O'Neil, Edgartown Board of Health, stated that this is based on flow by the water company and further, based on the last reading the MSPCA has already exceeded. Mr. Young then questioned the zone of contribution requirements of 150 gallons of wastewater per/10,000 sq. ft. of lot area and the site being 32,000 square feet further, that this would entitle the MSPCA to 450 gallons of wastewater per day. Mr. Hopkins stated that this is the interpretation of the by-law. Mr. Barbini stated that the 650 gallon/per/day limit is already existing. Mr. Coogan stated covenant will go on record at the Registry limiting the flow of wastewater to 650 gallons per day.

Mr. Jason asked if there is a list of chemicals used available. Mr. Coogan answered in the affirmative and stated he would submit the list as part of the record.

Mr. Morgan asked Mr. Hopkins if there was information as to the method for the widening of Pennywise Path? Mr. Hopkins stated that the western boundary of Pennywise Path will remain as is, further, a site review committee meeting will be required with each Town Board.

Mr. Evans stated that the Edgartown Planning Board will be meeting on the 14 July 1987 regarding the site review.

Mr. Hopkins asked if there are any xray facilities proposed in this project. Mr. Whitney answered in the negative.

Mr. Hopkins asked if the incinerator on-site would need any special permits. Mr. Whitney stated that a permit would be needed from the DEQE.

Mr. Morgan asked if the linking of the adjoining property changes the status of the adjoining property?

Mr. Widdiss asked the purpose of the link between the two properties. Mr. Coogan stated the purpose is to lessen the access/egress off of the road so there will be one access instead of two. Mr. Cuetara stated this is in line with Planning Board Requirements.

Mr. Evans asked for Town Board testimony.

Gina O'Neil, Edgartown Board of Health, stated that the Board has discussed all issues of this property being within the zone of contribution of the Lily Pond Well and stated that the Board cannot stop use of this system however, can limit wastewater flow and has done so. Further, she discussed other alternatives ie using existing clinic for MSPCA facility. She discussed enforcement of the restrictive covenant regarding fines which have been agreed upon.

Mr. Evans asked if the Board had a way of analyzing using the existing building vs. the proposed facility regarding wastewater flow. Ms. O'Neil stated that she felt a building with greater area will create a greater wastewater flow and stated she does not feel the applicant can stay within these limits.

Mr. Young stated that he would expect the Planning Board to address the parking plan.

Mr. Evans asked for testimony in favor.

John Rogers, Resident, stated the MSPCA has been at this location for years and needs a new facility at no cost to taxpayers. And stated he is in favor of this proposal.

Mr. Evans then asked for testimony opposing this proposal.

Joyce Swartz, resident, discussed zoning regulations and stated she feels this is not appropriate for this location. Further, she stated concerns for residents with private wells. Further, she stated she feels the existing vet clinic could be converted into the MSPCA as owned by same. She stated concerns of access/egress of Pennywise Path regarding the residential neighbors and sodium vapor lights being used in a residential area.

Rosemarie Hagaizian, Abutter, in opposition stating that she has concerns for the wastewater flow including chemicals introduced to the system and the pollution of nearby wells and stated that at the time the MSPCA changed to Town water the well was polluted (nitrates far exceeding

standards) which was a direct result of the septic system. Further, concerns are for access/egress on Pennywise Path and widening road and traffic generation and congestion. Also she addressed concerns of bikers on bicycle path. She discussed a petition of seven years ago which asked the Town of Edgartown not to pave or expand Pennywise Path. Further, she questioned no additional parking spaces and stated that there is not enough parking for the existing facility. She stated that the incinerator has been known to malfunction, further she stated that she has made a complaint with the Board of Health regarding the walking of animals on Pennywise Path.

Mr. Evans stated correspondence has been received from the Edgartown Police Chief stating approval of the proposal as long as access/egress remains the same as on the plan; letter from Barbara Prada, Edgartown Animal Control Officer, in favor of the proposal; note on the plans from Fire Chief regarding improvement of access; Edgartown Planning Board regarding site plan review meeting on July 14, 1987 and request for the public hearing record being left open until July 16, 1987 for comments from the Town Boards and Officials; and a letter from Ed Coogan dated June 25, alluding to the restrictive covenants regarding septic system and wastewater flow.

Mrs. Custer asked if this proposal addresses affordable housing?

Mr. Coogan stated that Pennywise Path is a narrow road with two way traffic, the proposal will widen the roadway for two way traffic however, the MSPCA traffic will only be using the road one-way which he stated will lessen the traffic flow on Pennywise Path.

Mr. Whitney stated that he agrees that dogs should not be walked on Pennywise Path and this proposal will allow an adequate facility for the animals. Regarding lighting, he stated that the outdoor lighting can be changed to be more appropriate for the area.

Mr. Evans stated at 9:45 P.M. that the hearing will be continued until August 20, 1987 for Town Board comments after the site review meeting.

A duly noticed continuation of a public hearing on the application was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2 as modified by Chapter 831 on August 20, 1987 at 8:30 P.M. at the



Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts.

Sanford Evans, Chairman of the Land Use Planning Committee, read the continuation of the public hearing notice and opened the hearing at 8:30 P.M. He asked for the staff presentation.

Rick Hopkins, MVC Staff, referenced a handout and discussed the proposal stating it is for the Construction of one 4,500 sq. ft. building for the purposes of an animal shelter, office and support services. Further, the project involves the reduction in floor area - residence - 2,196 to 930 sq. ft.; reduction in number of bedrooms - residence - 3 to 2; relocation of residence; and the removal of 3 existing buildings (approx 2,050 sq. ft.). He stated the total project square footage for the new shelter is 4,500 and the existing clinic is 2,424 sq. ft. further that the Foote Home is 930 sq. ft. which equals a total of 7,854 sq. ft. or 25% lot area. Mr. Hopkins then discussed zoning in the proposed area stating it is located in Edgartown's B-II District; and located in Zone of Contribution for Lily Pond Well and within the 800' radius of the Lily Pond Well. He then discussed the one access/egress off Pennywise Path and into/through adjacent property owned by L. Convery (map #21, lot #34.22) as 20' width. He stated that the proposal involves widening Pennywise Path to 20' width (presently 10 to 12' wide) from Vineyard Haven Road to site driveway and parking facility for proposal to remain the same as existing. Mr. Hopkins stated that at this time there are nine residences which use Pennywise Path as access. Mr. Hopkins then addressed design/project considerations to be review as follows: is this a permitted use in B-II District; is there adequate parking given increased use and Edgartown Zoning By-law requirements; location of signage along Edgartown-Vineyard Haven Road and bikepath; containment design for heating fuel; expansion plans for septic system; ambulance access/egress onto bikepath and Edgartown-Vineyard Haven Road; and the unsanitary practice of exercising dogs outside of project property. He then discussed the benefits of the proposal as follows: expansion of year-round veterinary and educational business; consolidation of space and use to accommodate real and future demand; improve access via drive thru; reduced noise levels with internal cages; expansion of education services; removal of 3 older, less efficient buildings; project limited to 650 gallons of wastewater per day with monitoring device; reduction in pen runoff; improved air emissions from

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new incinerator and parking towards rear of building (hidden from road). Mr. Hopkins then listed detriments of the project being greater intensity of use adjacent to residential neighborhood; widening of Pennywise Path; potential groundwater quality impacts to Lily Pond Well. And then addressed mitigation efforts which include sealing or removal of existing on-site well; use of shingles on building's exterior; use of high-pressure sodium illumination; restrict height of illumination fixtures; for Pennywise Path, consider crowning road or catch basins to alleviate runoff from entering Vineyard Haven Road; use Pennywise Path access as one-way only; investigate possible re-use of removed buildings (i.e. possible low/moderate income housing?) and consider relocating ambulance service - bay to rear of building and parking lot. He stated that correspondence which has been submitted since July 2, 1987 is a letter dated 7/8/87 from Ed Cuetara to MVC Staff regarding inclusion of landscaping plot plan and landscaping specifications; letter dated 7/24/87 from Edith Potter to MVC writing in support of proposal to enlarge the facility; present situation is untenable; desirability to keep MSPCA on Island; adaptability and sensitivity of plans; great improvement over what presently exists and a letter dated 8/6/87 - Edgartown Planning Board to MVC regarding a Site Review meeting on 7/14/87 majority of Planning Board, in favor of proposal, subject to Board of Health requirements with 3 modifications as follows: Shingles vs. siding on exterior; lowering and widening of chimneys and elimination of ambulance bay/access from Edgartown-Vineyard Haven Road and relocate to rear of building, further the minority opinion for Board felt that the proposal and MSPCA Shelter should be at another location with respect to groundwater and Lily Pond Well and lastly; a telegram dated 8/20/87 to the MVC from the Walker Family regarding opposition to the proposal.

Woody Filley asked Mr. Hopkins if potential impacts to the Well are from present facility or from the new facility? Mr. Hopkins stated that it is not clear if the septic system is Title V and stated that the site is 20' above sea level and that chemicals that are used are very dilute; not heavily concentrated and are biodegradable and further, stated that there is a potential impact either way.

Mr. McCavitt questioned if the alley/drive which is existing is asphalt or dirt? Mr. Hopkins answered that the drive is asphalted.

Mr. McCavitt questioned the status of Pennywise Path being a public road or Ancient Way? Mrs. Walker, resident, stated the Path is an Ancient Way from the point of the telephone lines to the West Tisbury Road. Carol Borer stated that the staff would get this information.

Suzan Custer questioned whether the curb cut would be removed as presented or moved?

Mr. Evans asked for any additional information from the applicant?

Mr. Coogan, Agent for the Applicant, stated that they had met with the Site Review Committee and have agreed to shingling the building, and to eliminate the existing ambulance entrance. Mr. Coogan stated that this proposal is not expanding the present facility but to upgrade it for proper care of the animals. Mr. Coogan stated that Pennywise Path was accepted by the Town to a 30' width in approximately 1980. He further stated that if it is inappropriate to widen the roadway the applicant does not mind.

Mr. Evans asked why the facilities are not being expanded. Mr. Whitney, Manager, stated that there is already enough cages (12 dog runs & 40 cat cages) stating if over crowded the animals are put to sleep.

Mr. Evans stated he is not clear as to how the proposal will address concerns of residents in the area regarding the walking of animals on the road. Mr. Whitney stated that this exercising occurs during hosing down of single slab of concrete which cages exist on and with the new facility the animals will be placed at the end of the run. Mr. Evans further asked if, with the new facility the dogs, would not be walked on the roadway. Mr. Whitney stated that the dogs would be walked on MSPCA property occasionally.

Mr. Evans asked for Town Board testimony? There was none.

Mr. Evans asked for new information for the record.

Mr. Rogers discussed vehicular traffic and curbing of animals on roadways and the singling out of one road regarding the curbing.

Rosemarie Haigazian, abutter, discussed concerns regarding the outdoor exercising of the dogs on the roadway of which some are medicated. She stated the new proposal for the MSPCA facilities will not change the veterinary facilities as the Vet clinic is a separate facility and not part of the proposal. Further, she stated concerns for additional traffic generation (i.e. educational facility).

Jay Swartz, resident, spoke of the noise created by the shelter, and further, that the Water Company has stated that this facility already uses over the 650 gallons as will be restricted with the new facility.

As there was no further testimony, Mr. Evans closed the public hearing at 9:10 P.M. and left the record open for one week.

Following the close of the public hearing, no correspondence was received for the record.

#### FINDINGS AND CONDITIONS

1. The Commission has considered the application and the recommendation presented from the Land Use Planning Committee meeting, the public hearing, and discussions during its decision deliberations 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, as conditioned 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 plan will be consistent with local development ordinances and By-laws in place at the time of the submittal.
- d. The Commission finds, as conditioned herein, that the development proposal will be more beneficial than detrimental when compared to alternative manners of development or developments occurring in alternative locations.

2. Pursuant to Section 15 of the Act, the Commission has considered the question of the potential impact of this proposal on the environment in comparison to alternative manners of development. Further, the Commission has considered the potential affect of this proposal on the provision of municipal services and the burden on taxpayers in making provision there for. The Commission finds that the project site is located within the zone of contribution of the Lily Pond Well. In light of this information and

the Town of Edgartown Board of Health's concerns, the Commission sets the following condition to address site evaluation of wastewater flow:

- a. NO SEWAGE/DISPOSAL SYSTEM SHALL GENERATE IN EXCESS OF 650 GALLONS OF WASTE WATER FLOW A DAY. THE APPLICANT SHALL INSTALL, AT ITS EXPENSE, AN EFFLUENT METER ACCEPTABLE TO THE TOWN'S BOARD OF HEALTH TO BE LOCATED BETWEEN THE SEPTIC TANK AND THE LEACHING FACILITY. REPORTED FINDINGS AND MITIGATION MEASURES SHALL BE SET FORTH IN AN AGREEMENT, IN A FORM SATISFACTORY TO THE COMMISSION, BETWEEN THE APPLICANT AND THE TOWN'S BOARD OF HEALTH PRIOR TO CONSTRUCTION TO EFFECT THIS CONDITION AND ASSURE PROTECTION OF THE LILY POND WELL.

FURTHER,

3. Pursuant to Section 15 of the Act, the Commission has considered the question of whether the proposed development will favorably or adversely affect other persons and property, and if so, whether because of circumstances peculiar to the location, the effect is likely to be greater than is ordinarily associated with the development of the types proposed.

The Commission finds that the proposed development is very visible from the Edgartown - Vineyard Haven Road, a bicycle path extends along the length of the northerly property line and the proposal abuts a residential neighborhood. In light of these considerations, the Commission sets the following conditions:

- a. CEDAR SHINGLES SHALL BE USED ON THE EXTERIOR OF THE M.S.P.C.A. SHELTER BUILDING FOR CONSISTENCY WITH OTHER BUILDINGS IN THE NEIGHBORHOOD.
- b. TO ALLEVIATE PUBLIC SAFETY CONCERNS, THE EXISTING AMBULANCE ENTRANCE SHALL BE REMOVED AND THE NEW AMBULANCE ACCESS SHALL BE AT THE REAR, OR SOUTHERN BOUND OF THE PROPERTY.
- c. ANIMALS SHALL ONLY BE EXERCISED ON THE APPLICANT'S PROPERTY OR WITHIN THE STRUCTURE.

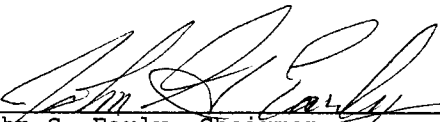
The Commission finds that the proposed development is consistent with local ordinances and by-laws to the extent it is required to, only the application being before it at this time. The Applicant must, consistent with this Decision, apply to appropriate Town of Edgartown Officers and Boards for any other development permits which may be required by law.

The Decision is written consistent with the vote of the Commission:  
October 1, 1987.

Any applicant aggrieved by a Decision of the Staff or Committee hereunder, may appeal to the full Martha's Vineyard Commission which shall decide such Appeal, after notice and hearing, within 21 days of the close of the public hearing.

The Executive Director may issue Certificates of Compliance which shall be conclusive evidence of the satisfaction of the conditions recited therein.

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 in the Town in which the proposed development is located.

  
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John G. Early, Chairman

10/1/87  
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Date

  
\_\_\_\_\_  
Notary

10/1/87  
\_\_\_\_\_  
Date

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

Dedgartown, Mass. Oct 5 1987  
at 9 o'clock and 45 minutes A.M.  
Received and entered with Dukes County  
book 485 page 355

Attest: 