

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557

DATE: March 3, 1988
TO: Town of Oak Bluffs, Board of Appeals
FROM: Martha's Vineyard Commission
SUBJECT: Development of Regional Impact
RE: Demolition/Construction of an Inn
APPLICANT: Marc Hanover
Dockside Inn
P.O. Box 1206
Oak Bluffs, MA 02557

DECISION OF THE MARTHA'S VINEYARD COMMISSION

SUMMARY

The Martha's Vineyard Commission (the Commission) hereby approves, with certain conditions, the Application of Marc Hanover, Dockside Inn, P.O. Box 1206, Oak Bluffs, MA 02557 for the Demolition of an Existing Inn and New Construction of an Inn as shown on the plans entitled: "Individual Sewage Disposal System for a Proposed Repair, Dockside Inn, Pasque Ave. & Circuit Ave. Extension, Oak Bluffs, MA., Dated 6-3-87, Revised 7-23-87, Prepared by Smith & Dowling, P.O. Box 1087, Vineyard Haven, Mass., 02568" consisting of one (1) sheet; "Dockside Inn, Oak Bluffs, MA., Site Plan - Landscaping and Exterior Lighting and Floor Plans, Dated 10-12-87" consisting of four (4) sheets; "Dockside Inn, Oak Bluffs, MA., East & West Elevation, Dated 10-14-87" consisting of two (2) sheets; "Dockside Inn, Oak Bluffs, MA., Preliminary Sketches, Front & Side Elevation with Material Details, Dated 11-2-87" consisting of one (1) sheet; "Dockside Inn, Oak Bluffs, MA., North & South Elevations, Dated 1-4-88" 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 March 3, 1988.

The Board of Appeals of the Town of Oak Bluffs may now grant the necessary development permits for the Applicant's proposal in accordance with the Decision or may approve in accordance with the Decision 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 Board of Appeals of the Town of Oak Bluffs 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 January 7, 1988 at 8:30 P.M. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts.

The proposal is for the demolition of an existing Inn and New construction of an Inn in the Town of Oak Bluffs.

James Young, Chairman of Land Use Planning Committee, read the public hearing notice and opened the hearing for testimony at 8:35 P.M. He asked for the staff presentation.

Ann Skiver, MVC staff, showed an aerial photo of the North Bluff area and depicted the location of the proposal. She referenced a handout and stated the location of the proposal is on Circuit Avenue Extension & Pasque Avenue Oak Bluffs Assessor's Map #8 Lot #289. The proposal is for the demolition of existing 18 room Dockside Inn (approx. 4,634 sq. ft.) and the construction of new 18 room Dockside Inn (approx. 5,760 sq. ft.) equalling an additional 1,136 sq. ft. or 20% increase. Ms. Skiver then showed a video of the existing Inn and the surrounding. She then described the existing and proposed building stating: the existing building footprint = 48' x 68' = 3,264 sq.ft., the proposed building footprint = 54' x 60' = 3,240 sq.ft. including porches. She stated the 1st Floor of the proposed building will include: Two handicapped accessible units 12' x 20', two guest units 12' x 20', lobby/main entrance, laundry & storage room, four 8'x10' Employee dorm rooms with shared bathroom and kitchen and a Manager's

1 bedroom Apartment with bathroom and kitchen. The second floor will include: nine guest units 12' x 20', one guest unit 12' x 22', all with separate bathroom and a covered porch along west and east elevation. The third floor will include: three suites including sitting room, bathroom and bedroom, and one guest unit with separate bathroom 12'x 26'.

Ms. Skiver stated the proposal is located within the B-2 District and discussed the required, existing and proposed setbacks. She further described various required special permits which the applicant requires from the Zoning Board of Appeals under Section 5-2 c stating the Applicant seeks to increase the building height from 24' to 36'. Further under Section 6-2 Pre-existing Non-Conforming Uses and Structures: No pre-existing non-conforming uses and structures shall be changed, moved or extended and no pre-existing non-conforming uses and structures or buildings shall be structurally or substantially altered or enlarged or replaced by a new building unless, upon application to the Board of Appeals for a Special Permit it can be shown that if not carried out it would work a substantial hardship. "And the Board of Appeals has made a finding that such change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood." The Applicant's proposal includes demolition of pre-existing/non-conforming structure. " She noted to Commissioners that the entire ZBL Regulations and map are attached to the handout.

Ms. Skiver stated that the Applicant requires Variances from Zoning Board of Appeals under the following ZBL: Under Section 7-1 General Regulations, e. B-2 Business Districts - 1. Except where exempted by Section 7-2, the minimum lot size shall be 10,000 sq.ft., plus 10,000 sq.ft. lot area per family in excess of one on the lot. The Applicant seeks to rebuild on under sized lot. Under Section 7-1-e.-4. The setback between any structure and any lot line other than the street line shall be at least 20 feet. The Applicant seeks to build within 13 feet of side lot line where 20 feet is required.

Reviewing parking Ms. Skiver stated that the Applicant proposes to provide 9 total spaces of which 4 are existing and 5 will be newly created.

Ms. Skiver stated that the proposed building will be on Town water and that the existing Dockside Inn Septic permit (6-87) has been approved for

18 bedrooms. Ms. Skiver noted that the additional 4 employee dorm rooms will require approval of Oak Bluffs Board of Health.

Ms. Skiver stated that correspondence for the record has been received by the following: To: MVC, From: Marc Hanover, Applicant, regarding plans for demolition of existing Dockside Inn and removal of refuse from site. The Applicant has been in contact with the Board of Health regarding permit and fees involved in demolition. Applicant proposes to complete demolition as soon as possible with least amount of inconvenience to neighbors. Further from the Oak Bluffs Board of Appeals Correspondence File: Including general letters of support from: Oak Bluffs Architectural Assistance Committee; Steve Kruger; Terry McCarthy; Jules BenDavid and Mrs. Stella BenDavid.

Mr. Ferraguzzi questioned the condition of the existing building. Ms. Skiver stated that the applicant has done substantial work on the building and stated the applicant would best be able to answer.

Mr. Jason asked if the building was within a Coastal District? Ms. Skiver answered in the negative as it is within the Business District.

Mr. Evans questioned the proposed first floor elevation vs. the Flood Plain.

Mr. Young then called for the Applicant's presentation.

Marc Hanover, Applicant, stated that the current building is in need of much repair and that a substantial amount of work has already been done on the foundation. He stated that it is an old building, each year the building must be inspected prior to occupancy as it is in very poor shape. Further, that financially it is beneficial to demolish the existing building and rebuild a new Inn. He stated that the proposed building's footprint is smaller than the existing and that the additional square footage is the third floor. He stated that the proposal has additional parking, includes employee housing and handicap rooms. Mr. Hanover stated that the proposal does not ask for additional rooms. Addressing the septic plans, he stated that the plans have been approved by the Board of Health for 18 rooms and the Manager's apartment. He stated during discussion with the Land Use Planning Committee it was decided to add the four dorm rooms and one bath for employees.

Mr. Young asked for testimony from Town Boards.

Linda Marinelli, Oak Bluffs Selectmen, asked if the applicant owned any other businesses in Oak Bluffs. Mr. Hanover answered in the affirmative, Linda Jeans. Mrs. Marinelli then asked if the applicant intended on having a restaurant in the Inn? Mr. Hanover answered in the negative. Mrs. Marinelli then asked if the Conservation Commission has reviewed the plans. Ms. Skiver, MVC Staff, stated that these plans will be reviewed by the Building Inspector and Board of Appeals and will receive input from the Planning Board and Conservation Commission. Mrs. Marinelli then asked when the Board of Health approved the septic plans. Ms. Skiver answered the septic permit was issued in June of 1987.

Mr. Young asked Mr. Hanover how many rooms the septic system was approved for. Mr. Hanover stated for 18 rooms and the Manager's apartment and further, the system has been over designed to accommodate the employee housing. He stated that he has not applied to the Board of Health as of yet for the additional dorm rooms. Mr. Hanover then stated that he has met with the Zoning Board of Appeals.

Mr. McCavitt, asked what the proposed exterior materials would be. Mr. Hanover stated there would be a combination of shingles and clapboard.

Mr. Young then called for proponents. Mike Wallace, abutter, stated that this proposal will be an asset to the neighbors and tourists to the harbor.

Mr. Young called for opposition and general comments. There was none.

Mr. Young stated that an additional correspondence was received by the MVC from Sean Murphy, Hole in One Donut Shop, in support of the proposal.

There being no further testimony Mr. Young closed the public hearing at 9:00 P.M. and kept the record open for one week.

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

FINDINGS AND CONDITIONS

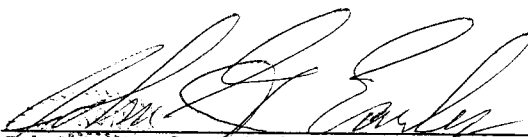
The Commission has considered the application and the recommendation presented from the Land Use Planning Committee meeting, the public hearing, and discussions during its decision deliberations and based upon such consideration, makes the following findings pursuant to Section 14 of the Act:


- a. The Commission finds that the probable benefits of the proposed development 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 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 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 Oak Bluffs 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:
March 3, 1988

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.


John G. Early, Chairman


Notary *Commission expires 1-21-94*

3/3/88
Date

3-3-88
Date

Attest: *Beverly W. King*
Register

Edgartown, Mass. Mar 11, 1988
at 9 o'clock and 57 minutes A M
Received and entered in the Registry Books
book 495 page 535