

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557

DATE: October 12, 1989

TO: Building/Zoning Official, Town of Tisbury

FROM: Martha's Vineyard Commission

SUBJECT: Development of Regional Impact
RE: Construction of a storage building.

APPLICANT: Martha's Vineyard Shipyard
Philip P. Hale, President
P.O. Box 1119, Beach Road
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 Martha's Vineyard Shipyard, Philip P. Hale, President, P.O. Box 1119, Beach Road, Vineyard Haven, MA 02568 as shown on the plans entitled: "Site Plan for a Proposed Boat Storage Building at Martha's Vineyard Shipyard, Assr. Pcl. 9-B-32 & 33, Beach Road, Tisbury, Massachusetts, Dated September 5, 1989, Revised September 7, 1989 by Schofield Brothers, Inc., State Road, Vineyard Haven, Mass." consisting of one (1) sheet; "Plan of Existing and Proposed Curb Cuts, Martha's Vineyard Shipyard, Beach Road, Tisbury, Mass., Dated September 19, 1989 by Schofield Brothers, Inc., State Road, Vineyard Haven, Mass." consisting of one (1) sheet; "Proposed Sewage Disposal System to Serve a Relocated Office and Retail Building at the Martha's Vineyard Shipyard, Beach Road, Assr. Pcl. 9-C-14 and 9-B-32, Tisbury, Mass., Dated June 1, 1989, Revised July 20, 1989 by Schofield Brothers, Inc., State Road, Vineyard Haven, MA. 02568" consisting of one (1) sheet; "Town of Tisbury Coastal Elevations and Data Plan Prepared for Martha's Vineyard Shipyard, Inc., Assessors Parcels 9-B-32, 9-B-33 and 9-C-15, Dated May 10, 1989, by Schofield Brothers, Inc., State Road, Box 339, Vineyard Haven, MA. 02568" consisting of one (1) sheet; "Golden Giant Building

Systems, 400 Decatur St., Kenton, Ohio, 43326, Martha's Vineyard Shipyard, Beach Road, Martha's Vineyard, MA 02568, Building Specifications and General Notes, Received by the Commission September 12, 1989" consisting of one (1) sheet; making a total of five (5) sheets, (The Plan).

The Decision is rendered pursuant to the vote of the Commission on October 12, 1989.

The Building/Zoning Official of the Town of Tisbury 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.

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/Zoning Official of the Town of Tisbury for action pursuant to Chapter 831 Acts of 1977 as Amended (the Act). The Application and Notice of public hearing relative thereto are incorporated into the record herein. Martha's Vineyard Commission staff document exhibits are also incorporated into the record 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 September 28, 1989 at 8:00 P.M. at the West Tisbury School Cafeteria, Old County Road, West Tisbury, Massachusetts.

The proposal is for the construction of a 5,000 square foot steel frame boat storage shed.

The proposed development is for the steel frame boat storage shed to be located on the Lagoon Pond side of Beach Road, Tisbury Tax Assessor Map 9-B-32 and 33. Parcel 32 consists of 17,400

square feet and parcel 33 consists of 56,192 square feet. The project is located in Tisbury's Commercial District. The proposed building will have a metal roof, crushed stone floor and steel siding with a height of 35 feet, which conforms with zoning requirements, with two 24 feet by 30 feet entry doors. The roof will drain through a gutter and spout system into a 2 feet by 3 feet deep gravel filled trench around the perimeter of the building. Employee parking for approximately 7 cars will continue at the rear of the property over a dirt or bluestone area. The applicant has applied to the Massachusetts Department of Public Works (DPW) for permission to create a new 24 foot wide curb cut as access to the building for facilitating the movement of boats to and from the storage building. An existing 15 foot wide access on the western bound will be shared and maintained with an abutting business. No water or plumbing facilities are proposed for this storage shed. However, a septic leach field, designed to service the M.V.Shipyard office across Beach Road, has been approved by the Tisbury Board of Health for construction on this site. Hay bales are proposed as a siltation barrier to Lagoon Pond during construction to minimize any water quality impacts as the building is 60 feet from mean high water of the Pond. The existing site is used as outdoor boat storage. The applicant predicts no increase in the number or frequency of trips from the Harbor, crossing Beach Road to the proposed storage shed in Spring and Fall. The new curb cut is to facilitate movement of boats from the travel lift and railway into the shed. The applicant calculates that 1.5 minutes on average is required to move boats across Beach Road. Regarding hazardous waste, it is the practice of M.V. Shipyard to treat old engine oil, antifreeze, bilge water, etc. as hazardous liquid waste. The liquids are stored in a tank system, within an existing storage shed, and removed by a licensed carrier. When scraping or painting boat hulls, plastic or paper groundcover is used. The cover is disposed of as hazardous waste and removed by

a licensed carrier. The M.V. Shipyard hired Chemical Compliance Consultants in 1988 to train their staff in the use and disposal of all chemicals used by the Shipyard and to keep their business in compliance with all environmental regulations.

In light of all the evidence presented in the course of the public hearing and the materials received into the record, the Commission finds that the probable benefits from this proposed development will exceed its probable detriments, in light of the conditions and limitations specified below.

FINDINGS AND CONDITIONS

The Commission has considered the application and the recommendations presented from the Land Use Planning Committee meetings, the public hearing, and discussions during its decision deliberations and based upon such consideration, makes the following findings and imposes the following conditions:

1. Pursuant to Section 15 of the Act, the Commission has considered whether the proposed development will have a more favorable or adverse impact on the environment in comparison to alternative manners of development. In light of the considerations discussed in the record and within the Decision, the Commission sets the following conditions:

- a. THE APPLICANT SHALL REQUIRE NON-EMPLOYEES AND PRIVATE BOAT OWNERS, WHEN SCRAPING AND PAINTING BOAT HULLS AND HANDLING OIL, ANTIFREEZE, AND BILGE WATER, TO FOLLOW THE SAME PROCEDURES AND REGULATIONS AS WOULD BE REQUIRED OF M.V. SHIPYARD STAFF FOR THE DISPOSAL OF HAZARDOUS WASTES.
- b. POTENTIAL RUNOFF FROM THE REAR PARKING AREA WAS IDENTIFIED AS A DEVELOPMENT CONCERN DURING THE PUBLIC HEARING. DUE TO THE PROPOSAL'S PROXIMITY TO LAGOON POND, THE APPLICANT SHALL PLANT A VEGETATIVE BUFFER WITH SPECIFICATIONS TO BE DETERMINED BY THE TISBURY CONSERVATION COMMISSION.

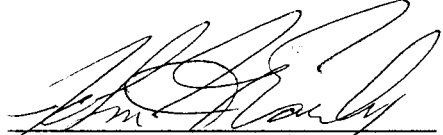
The Commission finds that the proposed development is consistent with local ordinances and by-laws to the extent it is required to, only the application being before it at this time. The Applicant must, consistent with this Decision, apply to appropriate Town of Tisbury Officers and Boards for any other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

The Decision is written consistent with the vote of the Commission: October 12, 1989.

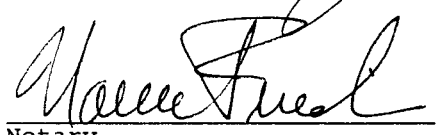
Any applicant aggrieved by a Decision of the Staff or Committee hereunder, may appeal to the full Martha's Vineyard Commission which shall decide such Appeal, after notice and hearing, within 21 days of the close of the public hearing.

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.


John G. Early, Chairman

10/12/89
Date


Notary

10/12/89
Date

NORMAN FRIEDMAN
NOTARY PUBLIC
My commission expires Nov 2, 1990

Tisburytown, Mass. Oct 18, 1989
at 9 o'clock and 10 minutes AM
Received and entered with Dukes County
book 529 page 387

Attest: 