

# THE MARTHA'S VINEYARD COMMISSION

BOX 147  
OAK BLUFFS  
MASSACHUSETTS  
02557

DATE: July 25, 1991

TO: Planning Board, Town of Tisbury

FROM: Martha's Vineyard Commission

SUBJECT: Development of Regional Impact  
RE: Demolition of structures to create a parking  
lot/boat storage area

APPLICANT: Ernest Boch  
c/o Schofield, Barbini & Hoehn  
Box 339  
Vineyard Haven, MA 02568

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## DECISION OF THE MARTHA'S VINEYARD COMMISSION

### SUMMARY

The Martha's Vineyard Commission (the Commission) hereby denies the application of Ernest Boch, c/o Schofield, Barbini & Hoehn, P.O. Box 339, Vineyard Haven, MA, 02568, for the demolition of structures to create a parking lot/boat storage/commercial building/ as shown on the plans entitled:

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"Site Plan for a Proposed Commercial Building/Parking Lot, Beach Road, Tisbury, MA, prepared for Ernest J. Boch; February 28, 1990, revised August 28, 1990, S.P.#1, Schofield Brothers, Inc., P.O. Box 339, Vineyard Haven, MA," consisting of one (1) sheet; plus "Coastal Elevation and Data Plan prepared for Ernest J. Boch, August 18, 1987; Dean Swift Regional Land Surveyor, Vineyard Haven, MA," consisting of one (1) sheet, making a total of two (2) sheets, (The Plan).

The Planning Board of the Town of Tisbury shall not grant the necessary development permits.

This Decision is rendered pursuant to the vote of the Commission on July 25, 1991.

#### FACTS

The proposed development is a Development of Regional Impact as defined by the Commission's Standards and Criteria, Developments of Regional Impact Section 3.104. The Application was referred to the Commission by the Planning Board 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 April 18, 1989 at 8:30 P.M. at the Martha's Vineyard Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA.

The proposal is for the demolition of various structures to create a commercial building, parking lot and boat storage area qualifying as a DRI since the property was the subject of a previous DRI.

Alan Schweikert, Chairman of the Land Use Planning Committee, (LUPC), read the Public Hearing Notice at 9:45 p.m., opened the hearing for testimony, and described the order of the presentations for the hearing. He asked the applicant to make his presentation.

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Mr. Barbini discussed the proposal using notes distributed for the Commissioners. He discussed the history of the site and usage, the proposed demolition, retention of the Entwistle building, the site plan, and the change in the plan from 104 to 92 spaces to create a stacking lane as discussed with Tom Simmons, MVC planner. He stated that 12 spaces would be set off for the retail use.

Mr. Barbini discussed the functioning of the parking being that the attendant will keep the key. He discussed the benefit of removing 2 curb cuts and providing additional parking for Tisbury. He stated that in regards to ground and surface water, he didn't feel that a parking lot would attract cars to Tisbury, it is going to provide parking. He discussed the benefits of parking here compared to other places in Tisbury, particularly regarding the A&P parking drainage.

Mr. Barbini discussed the surface of the lot as being

pervious, probably gravel and stated it will be sufficiently drained. He stated the septic system has not been approved yet. He stated that if this is approved the piano store will move, they have a month to month lease. He discussed the proposed uses of the Entwhistle building being 2 offices upstairs and marine retail sales downstairs.

Mr. Barbini then discussed landscaping and stated there are no detailed landscaping plans. He discussed the Town by-laws regarding landscaping of parking and stated that they would like to see this project conditioned so that the landscaping comes back to LUPC after the Planning Board approval. He discussed their intention to keep the plantings low and to thereby retain a view of the harbor.

Mr. Simmons, MVC Staff, then reviewed the proposal with respect to traffic. He stated the applicant had provided an interior stacking lane and that would assist in minimizing the traffic impact. He then discussed correspondence being 2 letters from the Tisbury Conservation Commission.

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Mr. Schweikert then called for questions from the Commissioners.

Mr. Barbini responded to questions by stating that the anticipated usage in the winter would be boat storage and that the parking rates would be similar in structure to the SSA lot in Woods Hole. He stated this is a less intense use and impact than rehabbing the structures and renting them. He stated the intended operation hours to be before the first boat and after the last boat.

There was discussion on the ground water elevation, the drainage and filtering of the site. There was some discussion on landscaping and lighting. The applicant stated there would be no pole lights, only building and low lights.

There was discussion on the impact of traffic going through 5 Corners and possibly restricting left hand turns onto the site. Mr. Simmons stated that this access is 700 ft. from 5 Corners and that cars probably wouldn't stack that far.

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In response to further questions of permeability and filtering, Mr. Barbini stated there would be hardener placed under the gravel and that it will be done in conjunction with the Conservation Commission whose approval would be needed.

There was discussion of the proposed marine retail facility, the types of items that would be sold and possible outside storage of the boats. It was stated that there would be 1,800 sq. ft. of retail space. There was discussion on the zoning in this district. Responding to questions about possible transit drop off, Mr. Simmons stated that DPW said forget it. There was discussion of handicap accessibility to the Entwhistle building. The applicant stated it will be to code. There was discussion of a possible elevated walkway to protect beach grass and the dunes.

There was further discussion about boat storage on the site and possible painting and repair. It was stated that the lot would be rented to boat yards and they would prepare them for winter storage off-site.

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There was further discussion on landscaping and Mr. Carl George, Tisbury Planning Board, stated that they would review the plan and that there is a formula for landscaping in the by-laws.

There was discussion on the type of material to be used to separate the parking from the dunes. It was stated that no creosote or coated posts would be used.

When asked about a contribution to transit the applicant stated they have no intention of contributing.

Mr. Jason asked that a submitted letter from the Tisbury Planning Board on a previous proposal be entered into the record for this DRI.

When there were no further questions, Mr. Schweikert called for Town Board testimony.

Mr. Carl George, Tisbury Planning Board, stated that the issues I have heard tonight, such as boat storage, parking and landscaping, will be addressed by our board.

Mr. Jason asked Mr. George if this was an allowed use under zoning? The response was yes.



Mr. Schweikert then called for testimony in favor of the proposal, there was none. He called for testimony opposed, there was none.

The hearing was closed with the record remaining open for one week.

#### FINDINGS AND CONDITIONS

The Commission has considered the application and the information presented at the public hearing and based upon such considerations, makes the following findings pursuant to Section 14 of the Act.

- A. 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.
- B. The Commission finds that the proposed development will interfere substantially or unreasonably with the achievement of the objectives of any general plan of the Town of Tisbury or any general plan of the County of Dukes County.
- C. The Commission finds that the proposed development as set forth in the Application and the plans will be inconsistent with local development ordinances and by-laws.
- D. The Commission finds that the development proposal will be more detrimental than beneficial when compared to alternative manners of development or development occurring in alternative locations.

Pursuant to Section 15(a) of the Act, the Commission has considered whether the proposed development at this location is or is not essential or especially appropriate in view of available alternatives on the Island of Martha's Vineyard and in light of that consideration and discussion the Commission finds

THE PROPOSED DEVELOPMENT IS WITHIN A MARINE COMMERCIAL ZONE IN TISBURY, AND IS LIKELY TO REDUCE THE AMOUNT OF LAND AVAILABLE TO SUCH VALUABLE MARINE USES BY USING THIS PROPERTY FOR A NON-MARINE RELATED USE.

Pursuant to Section 15(b) of the Act, the Commission has considered whether the proposed development in the manner proposed will have a more favorable or adverse impact on the environment in comparison to alternative manners of development and in light of that consideration and discussion the Commission finds that:

THE PROPOSED DEVELOPMENT IN THE MANNER PROPOSED POSES A SIGNIFICANT THREAT TO THE WATERS OF VINEYARD HAVEN HARBOR DUE TO THE POTENTIAL FOR PETROLEUM PRODUCTS LEACHING INTO THE GROUNDWATER AND THE WATERS OF THE HARBOR DUE TO THEIR EXTREME PROXIMITY TO THE PROPOSAL.

Pursuant to Section 15(c) of the Act, the Commission has considered 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 and in light of that consideration and discussion the Commission finds that:

THE DEVELOPMENT, AS PROPOSED IN THIS MANNER, IS MORE LIKELY TO HAVE AN ADVERSE EFFECT ON OTHER PERSONS AND PROPERTY WITHIN THE AREA.

SPECIFICALLY THE PROPOSAL WOULD INCREASE THE TRAFFIC IN AN AREA WHERE TRAFFIC CONJESTION HAS ALREADY REACHED A LEVEL OF FAILURE THIS IS INTOLERABLE. THE PROPOSAL MAINTAINS A POTENTIAL FOR HIGH TURNOVER WHICH CAN ONLY AGGREVATE A POOR

SITUATION PRESENTLY.

Pursuant to Section 15(e) of the Act, the Commission has considered whether the proposed development will favorably or adversely affect the provision of municipal services and the burden on taxpayers in making provisions there for and in light of the consideration and discussion the Commission finds that:

THE DEVELOPMENT AS PROPOSED WILL ADD TO THE PROBLEM OF TRAFFIC CONGESTION IF DEVELOPED IN THE SIZE AND SCOPE PROPOSED AND SUCH ADDITION WILL FURTHER EXACERBATE A SITUATION, PARTICULARLY IN-SEASON THAT HAS BECOME NEAR GRIDLOCK AT TIMES DURING THE DAY.

Pursuant to Section 15(g) of the Act, the Commission has considered whether the proposed development will aid or interfere with the ability of the municipality to achieve the objectives set forth in the municipal general plan and in light of that consideration and discussion the Commission finds that:

THE DEVELOPMENT AS PROPOSED IN THIS MANNER IS IN CONFLICT WITH THE MARINE COMMERCIAL ZONE IN THAT THE USE OF PRIME HARBORFRONT PROPERTY FOR A PARKING AREA DOES NOT APPEAR TO BE IN KEEPING WITH MARINE ORIENTED USES NOR DOES THE PROPOSAL APPEAR TO BE CONSISTENT WITH THE CONCERNS OF THE TISBURY CONSERVATION COMMISSION AND THE OPEN SPACE PLAN OF TISBURY WITH RESPECT TO THE QUALITY OF WATERS WITHIN THE HARBOR.

Pursuant to Section 15(h) of the Act, the Commission has considered whether the proposed development will further contravene land development objectives and policies developed by regional and State agencies and in light of that consideration and discussion the Commission finds that:

THE DEVELOPMENT AS PROPOSED IN THIS MANNER IS COUNTER TO THE MVC GENERAL POLICY 2.201 AS RELATED TO TRAFFIC MANAGEMENT AND FURTHER, THE DEVELOPMENT IS COUNTER TO THE MVC GENERAL POLICY 1.011 IN THAT

THE COMMISSION CAN NOT STATE THAT THE BENEFITS OF THE DEVELOPMENT AS PROPOSED WILL OUTWEIGH THE DETRIMENTS TO THE COMMUNITY AS NOTED IN THIS DECISION.

The Commission disapproves the development application and denies permission to the Planning Board of the Town of Tisbury for granting of the necessary development permits.

The Decision is written consistent with the vote of the Commission: July 25, 1991.

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 development is located.

Jane A. Greene  
Jane A. Greene, Chairman

7/25/91  
Date

Norman Friedman  
Notary

7/25/91  
Date

NORMAN FRIEDMAN  
NOTARY PUBLIC  
MY COMMISSION EXPIRES OCT. 10, 1997

Examiner: \_\_\_\_\_  
at \_\_\_\_\_  
Book \_\_\_\_\_  
Page \_\_\_\_\_  
Notary: Norman W. Friedman  
Notary