

THE MARTHA'S VINEYARD COMMISSION

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DATE: September 1, 1994
 TO: Building Inspector, Town of West Tisbury
 FROM: Martha's Vineyard Commission
 SUBJECT: Development of Regional Impact
 RE: Agricultural Fairground Improvements
 APPLICANT: Martha's Vineyard Agricultural Society

 DECISION OF THE MARTHA'S VINEYARD COMMISSION

SUMMARY

The Martha's Vineyard Commission (the Commission) hereby approves, with certain conditions, the application for the development and construction of certain improvements to the land of the Martha's Vineyard Agricultural Society as shown on the plans entitled: "Plan of Martha's Vineyard Agricultural Fairgrounds; Site Plan - August Site Plan; revised 20 July 1994; scale 1" - 50'; Michael Van Valkenburgh Associates, Inc., Landscape Architects, 231 Concord Avenue, Cambridge, MA 02138", consisting of two (2) sheets, plus "Preliminary Wood Frame; M.V. Agricultural Society; scale 1/8" - 1'; January 7, 1994, 1st Floor Plan, Drawing Number 3; plus one entitled "East Elevation, Drawing Number 2"; plus one entitled "South Elevation, Drawing Number 1", consisting of three (3) sheets; plus a pencil rendering depicting the proposed facade and entitled "Martha's Vineyard Agricultural Society, Incorporated 1859, West Tisbury, Ma., Dana Gaines, 1994", consisting of one (1) sheet; plus "Public Toilets, M.V. Agricultural Society, Panhandle Road, West Tisbury, scale 1/4" - 1', Moore II, Architects, Alley Way, Box 186, West Tisbury, Ma., May 11, 1994", consisting of three (3) sheets, totalling nine (9) sheets, (the Plan).

This Decision is rendered pursuant to the vote of the Commission on September 1, 1994.

The Building Inspector of the Town of West Tisbury may now

grant the request of the Applicant in accordance with the conditions contained herein or may grant the request of the Applicant in accordance with the conditions contained herein and may place further conditions thereon or may deny the request of the Applicant.

FACTS

The proposed development is a Development of Regional Impact as defined by the Commission's Standards and Criteria, Developments of Regional Impact Section 3.601. The Application was referred to the Commission by the Building Inspector of the Town of West 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 on Thursday, July 21, 1994 at 8:00 pm in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, Ma. The hearing was closed the same night.

The proposal is for the development and construction of certain improvements to the land of the Martha's Vineyard Agricultural Society on Panhandle Road in West Tisbury.

A summary of the testimony provided at the hearing is provided as Exhibit A, attached hereto. This summary is for the convenience of the reader only and was not relied upon by the Commission in reaching its decision in this matter.

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 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. (SECTION 14(A) OF THE ACT).**

The purpose of the Commission, as set forth in Section 1 of the Act, is to "protect the health, safety and general welfare of island residents and visitors by preserving and conserving for the enjoyment of present and future generations the unique natural, historical, ecological, scientific and cultural values of Martha's Vineyard which contribute to public enjoyment, inspiration and scientific study, by protecting these values from development and uses which would impair them, and by promoting the enhancement of sound local economies."

1. Pursuant to 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 and in light of that consideration has set the following condition:
That the Applicant shall return to the Land Use Planning Committee with the proposed lighting and the proposed landscaping in more detail and said landscaping and lighting shall be approved by said LUPC.
(Section 15(b) of the Act)

and Further

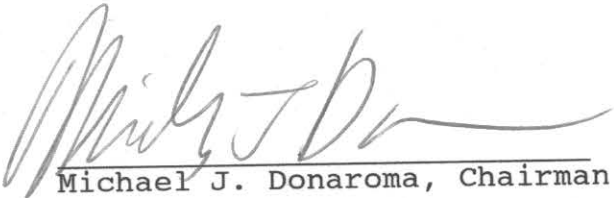
2. Pursuant to the Act, the Commission has considered whether the proposed development will favorably or adversely affect the provision of municipal services and the burden on taxpayers in making provisions therefore and in light of that consideration has set the following condition:
That the Martha's Vineyard Agricultural Society shall install a dry hydrant system to be constructed to town standards or an alternative or equivalent protection system which shall be satisfactory to the Fire Chief of the Town of West Tisbury.
(Section 15(e) of the Act)

and

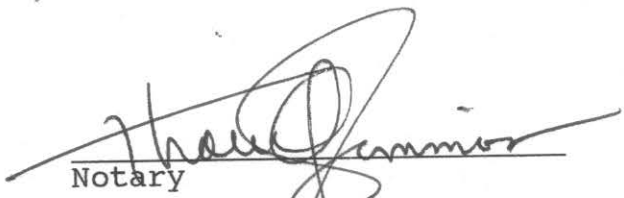
3. That the Agricultural Society shall conduct a traffic monitoring program for at least the first five (5) years and shall propose any or all measures and changes necessary to eliminate any problems that may arise or be found.
(Section 15(e) of the Act)

The Commission acknowledges that the plan as presented does not comply with the 1,000-foot separation between driveways as required by the Road District of the Town of West Tisbury but feels that the non compliance is essential and necessary to public safety in the area. The Commission recommends that the Planning Board of the Town of West Tisbury address this issue when the Applicant appears before it and give special consideration to the safety issue.

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 J. Donaroma, Chairman

9-1-94
Date


Notary

9-1-94
Date

Thomas R.G. Simmons
Notary Public
My Commission Expires August 11, 2000



SUMMARY OF THE HEARING TESTIMONY 7/21/94

The Martha's Vineyard Commission held a public hearing on Thursday, July 21, 1994 at 8:00 p.m. in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA on the following Development of Regional Impact (DRI):

Applicant: Martha's Vineyard Agricultural Society

Location: Panhandle Road
West Tisbury, MA

Proposal: construction of an agricultural hall qualifying as a DRI since the proposal will serve the residents of more than one town.

Linda Sibley, Chairman of the Land Use Planning Committee, (LUPC), read the Public Notice and opened the hearing for testimony at 8:10 pm. She called for applicant presentation.

Dale McClure of the Ag Society and project manager, discussed the proposal currently before the Commission. He discussed the various changes and accommodations made to address abutter concerns.

He noted that Michael Van Valkenberg, the landscape architect, who did the plans was present. He then discussed the "year-round plan" and the "fair plan". He then discussed the site and location of the proposal. He discussed the type of barn being constructed and the access to the building. He noted the building would face Panhandle Road. He also indicated where the various permanent buildings would be. He then indicated where the various uses such as rinks and show areas would be. He then discussed the issue of parking and where it would be located. He noted that the permanent year-round parking would be to the rear of the site. He also discussed the emergency road that went around the site.

Mr. McClure then explained how the "fair plan" would work. He discussed the usage of temporary fencing, the various aspects of the fair, the parking issues, etc. He then discussed the various fences that were or would be put on the site. He then discussed a drop-off area for leaving fair goers as well as pick up passengers. He then discussed the area set aside for future parking.

Ms. Sibley asked about the acreage of the site. Mr. McClure indicated about 21.8 acres. - the carnival area about 2+ acres, the booth area about 2 acres also.

Mr. McClure then discussed the proposed lighting plan - low lighting with each structure having lighting on corners. He indicated that no type had yet been selected. He felt that lighting should be where needed.

Ms. Sibley indicated that two of the Commissioners wished to make public disclosure statements.

Ms. Greene indicated membership in the Ag Society and that the office that she worked for had done work for the Ag Society during the purchase of the site.

Mr. Early also indicated membership in the Ag Society.

Mr. Schweikert questioned the structural plans. Rick Anderson discussed the structural plans including what was the older portion of the structure and that which was new. He noted that the new wing would be fully winterized for use all year.

Ms. Rubinoff questioned whether there were septic plans available. Mr. McClure indicated where the systems were to be located. A discussion of alternative systems followed.

Ms. Rubinoff then questioned the number of parking areas shown - the figure of over 200 was indicated.

A discussion of the number of visitors that attend the fair and the numbers of vehicles that were normally parked throughout the town followed.

Michael Van Valkenberg discussed the landscape plan. He

discussed how the proposal was developed. He discussed the various areas shown and how attempts had been made to blend existing with new. He then discussed the proposed allee of apple trees which lead to the Ag Hall.

Ms. Greene questioned the possible heights of the lighting. Mr. Van Valkenberg indicated between 16-25 feet. Ms. Riggs questioned whether each light would be individually controlled. Mr. McClure felt yes and explained why.

Mr. Sullivan discussed the generators for the carnival. Mr. McClure indicated that they would be within the carnival areas itself.

Ms. Riggs questioned the location of the water source. Mr. McClure indicated that there was a well on-site.

Mr. Schweikert questioned the ground cover for the front of the building. Mr. McClure indicated grass primarily with a good use of wood chips.

Ms. Rubinoff questioned whether all cars would leave at the same time. Mr. McClure indicated that there would be a double wide exit only and that it was the best location on the site for such.

Ms. Sibley discussed the deed restrictions that came with the sale of the property.

Brenden O'Neill of the Vineyard Conservation Society discussed the agricultural restriction on the site and explained that the proposal of the Ag Society fit within the context and was permissible and consistent with the restriction. Ms. Sibley indicated that she had found the restriction in the file.

Ms. Sibley asked for a staff report. Mr. Clifford indicated that there were two written summaries available from staff but since the plan was very late in arriving, an updated report was not available.

Mr. Wilcox discussed various aspects of the natural conditions of the site. He further discussed the use of apples in the allee and suggested alternative considerations. Mr. Wessling briefly discussed the possible traffic issues and suggested monitoring throughout the first couple of years.

Ms. Sibley questioned whether there was any official correspondence from the police and fire departments.

Ms. Sibley then called for town board testimony. Mr. Early, Selectman, noted that a letter was on file from the Board of Selectmen and expressed concern over traffic, height of structure and other minor matters but were overall pleased with the proposal.

A discussion of the height of the structure and the need for Board of Appeals review followed. Mr. Early further discussed the height of the structure and the appropriateness of leaving the height as is.

Ms. Sibley called for testimony from the public in favor of the proposal.

Anne Nelson, an abutter, spoke in favor of the proposal. She indicated thanks to the Society for its concern for the abutters. She expressed three concerns: liability, buffer strengthening and traffic.

Jack Grey, abutter, expressed favor with the proposal and the concerns of the abutters. He felt that traffic and privacy were of concern.

Skip Manter, trustee of the Ag Society, spoke in favor of the plan. He thanked the abutters for their ideas and comments and felt the overall plan was good.

Ms. Sibley then called for those persons opposed to the plan.

Burton Engley felt that the soils were of such good quality as agricultural lands that it was not worth destroying its value for a three-day carnival.

Ms. Sibley then called for other testimony - there was none. She then called for applicant summary.

Dale McClure discussed the issue of driveways onto the site. He further noted that the land could and would still be used for agricultural activities.

Mr. Best questioned whether alternative toilet systems had been considered. A discussion of this matter followed.

Mr. Sargent questioned whether educational activities could be undertaken on-site. A discussion in the affirmative followed.

Ms. Rubinoff questioned whether community gardens had ever been considered. The issue had never surfaced before.

Ms. Sibley asked that letters from the police and fire departments be submitted for the file. It was also noted that the final lighting design should be submitted for the file.

There being no further testimony the hearing was closed at 9:19 pm and the record kept open for one week.

Edgartown, Mass. Sept 6 1994
at 8 o'clock and 45 minutes A M
received and entered with Dukes County Deeds
book 640 page 133

Attest: Beverly W. King
Register