

THE MARTHA'S VINEYARD COMMISSION

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DATE: April 6, 1995
TO: Building Inspector, Town of Edgartown
FROM: Martha's Vineyard Commission
SUBJECT: Development of Regional Impact
RE: commercial development
APPLICANT: Heathland Realty Trust
PO Box 188
West Tisbury, MA 02575

DECISION OF THE MARTHA'S VINEYARD COMMISSION

SUMMARY

The Martha's Vineyard Commission (the Commission) hereby approves, with certain conditions, the granting of permits for the development contained in the Application of Heathland Realty Trust, PO Box 188, West Tisbury, MA as shown on the plans entitled: "A site Plan of Land in Edgartown, MA, prepared for Heathland Realty Trust, Smith and Dowling, Engineers-Surveyors-Planners, State Road, PO Box 1087, Vineyard Haven, MA. scale: 1"-20', February 15, 1995", consisting of one (1) sheet, plus "Heathland Realty Trust, Martha's Vineyard Airport Business Park, Drawing No. A-1, Floor Plan and Elevations, Foundations Plan and Sections, Scale 1/8"-1', January 20, 1995", plus "Heathland Realty Trust, Martha's Vineyard Airport Business Park, Drawing A-2, Mezzanine Plan, Scale 1/8"-1', February 10, 1995", consisting of two (2) sheets, making a total of three (3) sheets, (the Plan).

This Decision is rendered pursuant to the vote of the Commission on April 6, 1995.

The Building Inspector of the Town of Edgartown may now grant the request for approval of the Applicant in accordance with the conditions contained herein or may grant the request for approval in accordance with the conditions contained herein and may place further conditions thereon in accordance with all

applicable laws or may deny the request for approval.

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 of the 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, March 30, 1995 at 7:30 pm in the Whaling Church, Main Street, Edgartown, MA. The Hearing was closed the same night.

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

The proposal is for construction of a commercial structure within the Airport Business Park.

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, AS CONDITIONED, WILL EXCEED THE PROBABLE DETRIMENTS AS EVALUATED 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".

1. Based upon the record and the testimony presented therein, and in addressing the impact on the environment, the Commission sets the following condition (Section 15(b) of the Act):
 - a. that the Applicant shall submit to a Joint Design Review Team, said team to consist of two (2) members appointed by and from the Edgartown Planning Board, two (2) members appointed by and from the Martha's Vineyard Commission, one (1) member appointed by and from the Airport Advisory Committee and the Edgartown Building Inspector, a site plan for review and approval and consistency with the Business Park Development Regulations contained in the document entitled "Martha's Vineyard Airport Business Park Feasibility Study - November 1992". Said plan shall show all landscaping, drainage and lighting at a bare minimum and shall be submitted to the Martha's Vineyard Commission, once approved, for the files.
2. Based upon the record and the testimony presented therein, and in addressing the affect upon the provision of need low and moderate income housing, the Commission sets the following condition (Section 15(d) of the Act):
 - a. that the Applicant shall, consistent with the Martha's Vineyard Commission Affordable Housing Policy, provide the sum of \$3,700.00 to the Dukes County Regional Housing Authority in accordance with the following schedule:
 1. the sum of \$1,850.00 at the end of December of 1995
 2. the sum not to exceed \$1,850.00 at the end of December 1996
- B. AS CITED ABOVE IN SECTION 15(G) OF THE ACT, THE COMMISSION DOES NOT FIND THAT THE PROPOSED DEVELOPMENT WILL SUBSTANTIALLY OR UNREASONABLY INTERFERE WITH THE ACHIEVEMENT OF THE OBJECTIVES OF THE GENERAL PLAN OF ANY MUNICIPALITY OR THE GENERAL PLAN OF THE COUNTY OF DUKES COUNTY.
- C. THE COMMISSION ACKNOWLEDGES THAT THE APPLICANT MAY NEED TO SECURE ADDITIONAL PERMITS FROM THE TOWN OF EDGARTOWN BUT OTHERWISE IS FOUND TO BE GENERALLY CONSISTENT WITH DEVELOPMENT ORDINANCES AND BY-LAWS OF THE TOWN OF EDGARTOWN.
- D. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS NOT WITHIN ANY DISTRICT OF CRITICAL PLANNING CONCERN AND THEREFORE THIS ISSUE IS NOT PERTINENT TO THE PROPOSAL.

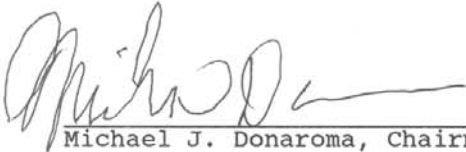
The Applicant must, consistent with this Decision, apply to appropriate Town of Edgartown Officers and Boards for any other development permits which may be required by law.

This Decision is written consistent with the vote of the
Commission: April 6, 1995

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 herein.

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.


Michael J. Donaroma, Chairman

4/13/95
Date


Notary

04/13/95
Date

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



SUMMARY OF THE HEARING TESTIMONY (3-30-95)

The Martha's Vineyard Commission held a public hearing on Thursday, March 30, 1995 at the Whaling Church, Main Street, Edgartown, Massachusetts, on the following Development of Regional Impact (DRI):

Linda Sibley, Chairman of the Land Use Planning Committee, announced that Mr. Schweikert was the new Selectman appointee from Oak Bluffs and opened the public hearing for testimony at 7:30 pm.

Applicant: Heathland Realty Trust
PO Box 188
West Tisbury, MA 02575

Location: a parcel of land, located in Edgartown, Massachusetts, on the Premises of the Martha's Vineyard Airport on the easterly side of the airport property and designated as Lot 30.

Proposal: to construct a warehouse with accessory office space at the Martha's Vineyard Airport Business Park

Ms. Sibley, read the hearing notice and opened the hearing for testimony at 7:30 pm.

The Applicant, Daniel Whiting, described his proposal to build a 5,400-sq. foot warehouse facility and 450 feet of office space in the Airport Business Park. He described the building's dimensions and location on the lot, and the lease provisions. He further explained site conditions of surrounding uses, and utility sources. He also explained a proposed "dropped ceiling" as being necessary for temperature control for food storage.

Ms. Sibley asked for questions from Commissioners.

Mr. Colaneri asked about municipal uses. The Applicant responded that zoning only permitted municipal use in office in this area.

Ms. Lazerow asked about truck use of Barnes Road. The Applicant responded that trucks would use Edgartown/Vineyard Haven Road to access Barnes Road.

Ms. Sibley asked about lighting. The Applicant stated there would be limited, localized lighting at the corners of the building which could go on at night, and that the FAA has approved his lighting plan.

Mr. Sargent asked about wildlife corridors. The Applicant stated there would be no "lawn" area, and would cooperate with the recommendations of Dick Johnson and State Forest Superintendent John Varkonda.

Ms. Sibley called for a Staff report. David Wessling clarified wildlife concerns.

Ms. Sibley asked for testimony from Town Boards - there was none.

Ms. Sibley asked for public testimony in favor of the proposal - there was none.

Ms. Sibley asked for public testimony in opposition to the project - there was none.

Ms. Sibley asked for general public testimony - there was none.

Ms. Sibley asked the Applicant if he wished to make a final summary. The Applicant declined.

There being no further testimony, the Public Hearing was closed at 7:45 pm and the record kept open for one week.

Edgartown, Mass. April 19 1995
at 8 o'clock and 50 minutes A M
received and entered with Dukes County Deeds
book 653 page 150

Attest:

Dianne E. Powers

Register