

## THE MARTHA'S VINEYARD COMMISSION

BOX 1447 • OAK BLUFFS  
MASSACHUSETTS 02557  
(508) 693-3453  
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DATE: July 20, 1995  
TO: Building/Zoning Inspector, Town of Tisbury  
FROM: Martha's Vineyard Commission  
SUBJECT: Development of Regional Impact  
RE: usage of premises for the rental of  
automobiles  
APPLICANT: Vineyard Enterprises  
PO Box 3047  
Oak Bluffs, MA 02557

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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 Vineyard Enterprises, P.O. Box 3047, Oak Bluffs, MA as shown on the plans entitled: "(undated xerox plan of land showing property, building)" and labelled Addendum B; consisting of one (1) sheet, (the Plan).

This Decision is rendered pursuant to the vote of the Commission on July 20, 1995.

The Building/Zoning Inspector of the Town of Tisbury may now grant the request for approval of the Applicant's proposal in accordance with this Decision or may grant the request for approval in accordance with 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 1.09. The Application was referred to the Commission by the Building/Zoning Inspector 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 on Thursday, June 15, 1995 at 8:00 P.M. in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, 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 the operation of an automobile rental agency on Beach Road, Vineyard Haven, MA.

#### 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."

The Commission has listened to all of the testimony presented and has reviewed all documents and correspondence submitted during the hearing and review period and

1. **Based upon the record and the testimony presented therein, and in addressing whether the proposal is essential or especially appropriate at the location proposed, the Commission sets the following conditions (Section 15(a) of the Act):**

- a. that the Applicant shall be limited to no more than nineteen rental cars at this location and that once a vehicle has been rented from this location, no vehicle from an alternate location may be brought in to replace it.
- and further
- b. that the Commission accepts the Applicant's offer not to rent any two-wheeled motorized vehicles from the location under consideration.
2. Based upon the record and the testimony presented therein and in addressing whether there will be a more favorable or adverse impact on the environment in comparison to alternative manners of development, the Commission sets the following conditions (Section 15(b) of the Act):
- a. that the Commission accepts the Applicant's offer that there shall be no maintenance of any vehicle, no matter how minor, performed on-site and that all such necessary maintenance shall be performed off-site.
- and further
- b. that the Commission accepts the Applicant's offer to limit the hours of operation to those hours between 8:00 a.m. and 6:30 p.m. daily.
- B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WILL NOT 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 TISBURY BUT OTHERWISE IS FOUND TO BE GENERALLY CONSISTENT WITH DEVELOPMENT ORDINANCES AND BY-LAWS OF THE TOWN OF TISBURY.
  - 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 Tisbury 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: July 20, 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

7/24/95  
Date

  
Notary

7/24/95  
Date

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



**EXHIBIT A**  
**SUMMARY OF THE HEARING TESTIMONY (6-15-95)**

The Martha's Vineyard Commission held a public hearing on Thursday, June 15, 1995 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: Vineyard Enterprises  
(Michael Wallace)  
PO Box 3047  
Oak Bluffs, MA 02557

Location: 25 Beach Road, Vineyard Haven (Assessor's  
Parcel #9-B-17, Town of Tisbury)

Proposal: to operate a motor vehicle rental business

Linda Sibley, Chairman of the Land Use Planning Committee, (LUPC), read the hearing notice and opened the hearing for testimony at 8:00 pm. She then called on the Applicant for his presentation.

Mr. Michael Wallace described his proposal to operate an auto rental business at 25 Beach Road in Tisbury. He explained that this would be an extension of his current "Vineyard Classic Cars" business in Oak Bluffs. He described the site's uses and parking capacity. He indicated the proposed site on an aerial photograph and described surrounding uses.

Mr. Early asked about hours of operation.

Mr. Wallace explained his intention to operate from 9-6 daily, with an hour's leeway on either side, and doubts he would operate year-round. He stated he would only have a total of 19 cars to be rented from these premises.

Mr. Briggs asked about the location of repairs.

Mr. Wallace explained that repairs would take place off-site, and described the area's topography and flooding potential.

Mr. Early asked about the type of vehicles to be rented.

Mr. Wallace requested permission to rent his 3 motorcycles as well from the site.

Ms. Sibley asked about parking availability.

Mr. Wallace described shared parking uses with the current real estate operation on the same site, Ms. Hughes, the site owner, concurred.

Mr. Shay asked about employment.

Mr. Wallace stated 2-3 people would be employed during the course of the day.

Mr. Wallace continued and described the proposed effect on traffic congestion in the area. He also requested that any MVC approval make clear that the DRI designation be applied to this particular project, and not to the Hughes-Sollito property in general.

Ms. Sibley called for a staff report.

Mr. Wessling stated that while the Chairman of the Planning Board opposed this use, the majority of the Board approved of it. He also stated that the project's effect would not diminish the current traffic flow. Ms. Hughes added that there are currently about 10 leased spaces on the site which will not be renewed.

Mr. Colaneri asked about moving cars from the Oak Bluffs site to the Tisbury site. Mr. Wallace stated it would be easier to take a customer to Oak Bluffs than to shuttle a car from Oak Bluffs to Tisbury.

Ms. Sibley asked for a staff comment on the use of 2 curbcuts. Mr. Wessling responded that it depended on exact use, but it would not diminish traffic flow if one was for entry and one was for egress.

Mr. Sullivan asked at what point the operation could degrade traffic flow.

Mr. Wessling stated it was a small use in a large volume area, but that a single left turn results in a snarl due to the volume at peak hours.

Mr. Sargent asked about moped rentals. Mr. Wallace responded that there would be no moped or bicycle rentals on site.

Ms. Sibley called on Town Boards for testimony. Pat Hughes, disclaimed that she owned the building but saw no problems with the proposal.

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

Paul Daniele, an abutter, stated it was a good use of the property.

Ms. Sibley called for public testimony in opposition to the proposal.

There was none.

Ms. Sibley called for general testimony. There was none.

Ms. Sibley asked if the Applicant wished to summarize. The Applicant declined.

There being no further testimony, the hearing was closed at 8:45 pm. with the written record being kept open for 7 days.

Edgartown, Mass. July 25 19 95  
at 9 o'clock and 05 minutes A M  
received and entered with Dukas County Deeds  
book 658 page 529

Attest:

*Doranne E. Powers*

Register

RECEIVED ENFIELD  
JUL 25 1995  
OFFICE OF THE  
REGISTER  
DORANNE E. POWERS