

## THE MARTHA'S VINEYARD COMMISSION

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Date: May 6, 1999  
To: Building Inspector, Town of West Tisbury  
From: Martha's Vineyard Commission  
Subject: Development of Regional Impact  
re: Modification of Previous Decision  
Applicant: Options in Education Inc.  
Martha's Vineyard Public Charter School  
P.O. Box 860  
West Tisbury, MA 02575

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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 Modification of the Decision of the Martha's Vineyard Commission dated July 10, 1997 and recorded in the County of Dukes County Registry of Deeds, Book 704 Pages 237 through 242, and as modified by the Decision of the Martha's Vineyard Commission dated July 16, 1998 and recorded in the County of Dukes County Registry of Deeds, Book 736 Pages 598 through 599, regarding the Application of Options in Education Inc., P.O. Box 860, West Tisbury, MA 02575 for the construction and operation of a public charter school.

The proposal is for Phase 3 of development, which includes the removal of two leased trailers (classrooms) and replacing them with a small "U"-shaped complex of three classrooms and a small courtyard, as shown on the plans entitled: "Site Plan - Martha's Vineyard Charter School M16 L 96/96.3 Lots 142, scale: 1" = 40', Options in Education Inc., MVPCS, State Road, West Tisbury, Mass., MacNelly-Cohen Architects, P.O. Box 2298, Vineyard Haven, MA 02568, sheet 1," consisting of one (1) sheet; plus "Proposed Phase 3 Expansion Plan - Martha's Vineyard Public Charter School; scale: 1/8" = 1', Floor Plan, March 28, 1999, Options in Education Inc., MVPCS, State Road, West Tisbury, Mass., MacNelly-Cohen Architects, P.O. Box 2298, Vineyard Haven, MA 02568, sheet 2," consisting of one (1) sheet; plus "Elevations, scale: 1/16" = 1', March 28, 1999, Options in Education, MVPCS, State Road, West Tisbury,

Mass., MacNelly-Cohen Architects, P.O. Box 2298, Vineyard Haven, MA 02568, sheet 3," consisting of one (1) sheet; plus "Proposed Sewage Disposal System, To serve a proposed elementary/middle school, Mass. State Highway, Assr. Pcl. 16-96, West Tisbury, Mass., M.V. Public Charter School, c/o Schofield, Barbini & Hoehn, Inc., P.O. Box 339, Vineyard Haven, Mass., dated July 10, 1996, revised April 24, 1997, scale as noted, Schofield, Barbini & Hoehn, Inc., Civil Engineers and Land Surveyors, Box 339, Vineyard Haven, MA 02568," consisting of one (1) sheet and totaling four (4) sheets (the Plan).

This Decision is rendered pursuant to the vote of the Commission on May 6, 1999.

The Building Inspector and all other permit-granting boards of the Town of West Tisbury having jurisdiction may now grant the request for approval of the Application in accordance with the Conditions contained herein or may place further conditions thereon in accordance with all applicable laws or may deny the request for approval.

A duly noticed public hearing on the Modification request was conducted by the Commission pursuant to Chapter 831 of the Acts of 1977, as amended (the Act), and M.G.L. Chapter 30A, Section, as modified by the Act, on Thursday, April 29, 1999, at 8:30 p.m. in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, Mass. The hearing and record were 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.

#### Findings and Condition

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

- A. THE COMMISSION FINDS THAT THE PROBABLE BENEFITS OF THE PROPOSED MODIFICATION, AS CONDITIONED, WILL EXCEED THE PROBABLE DETRIMENTS AS EVALUATED IN LIGHT OF THE CONSIDERATION 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 whether the Modification will have a more favorable or adverse impact on the environment, the Commission sets the following Condition:

- a. **That the Applicant shall explore all ways and alternatives, such as car pooling, et cetera, to reduce the necessity of having to provide for future parking expansion.**

The Commission has considered all of the other factors set forth in the Decision of the Martha's Vineyard Commission dated July 10, 1997, as modified by the Decision of the Martha's Vineyard Commission dated July 16, 1998, and has found them to remain valid as originally set forth.

The Applicant must, consistent with this Decision, apply to the appropriate Town of West 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: May 6, 1999 and shall modify all previous Decisions applicable to this Applicant.

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 twenty-one (21) day 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.

The Applicant shall have two (2) years from the date of receipt of the Decision of the Martha's Vineyard Commission contained in this document to begin substantial construction, and should substantial construction not occur during said two (2) year period, then this Decision shall become null and void and have no further effect. This time period may be extended upon

written request from the Applicant and written approval from the Martha's Vineyard  
Commission.

Richard J. Toole  
Chair

May 10, 1999  
Date

Irene Miller Fyler  
Notary

5-10-99  
Date

**IRENE MILLER FYLER**  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
JUNE 10, 2005

Mr. Hall asked about drainage. Mr. MacNelly pointed to the building where they would drain underneath the footing. He also pointed to the place where they were proposing a shed roof for some expansion of office space. Mr. Best wondered if the project would be completed that summer. Mr. MacNelly said they had to do it. Ms. Cohen explained that the siding and roof were pre-cut. "There're no bathrooms in this area?" asked Mr. Best. There were existing sinks in the trailers plumbed off the main corridor, said Ms. Cohen; so there would still be sinks. By State code, she added, they already had enough sinks and toilets, even for the increase to 180 students.

Was that a cross basement or a full basement? asked Mr. Vercruysse. That particular one was a cross basement, but they had a full basement under just about everything else, said Mr. MacNelly. Is that storage in the basement? asked Mr. Vercruysse. Yes, replied Mr. MacNelly, and there were no classrooms down there or egress.

Mr. Colaneri wanted to know if the fire and police departments had approved the plans. There were no letters from them, replied Mr. MacNelly, but they were not changing the fire lane or the traffic flow. What would be the visual impact from the road of the new additions? asked Mr. Colaneri. Ms. Cohen explained that there had been a lot of landscaping in the past year.

Ms. Cini disclosed that she was representing banks closing two loans for the Charter School. She invited anyone who had a problem with that to say so. Secondly, she wanted to know if they had kept up with the curb cut to the State Highway. It had been based upon a trailer being there; it might have to be updated, she said. Ms. Cohen pointed out that the curb cut had, in fact, been changed several years before.

**Staff Report: David Wessling.**

Mr. Wessling said that the three primary concerns with regard to this project had been pedestrian safety, access and circulation, and aesthetics. There would be a net increase of space of less than 700 feet. Mr. Colaneri asked if there had been a request for waiver of fee. Yes, said Mr. MacNelly. "But we did send a fee and we did pay it," said Ms. Cohen.

There being no testimony from Town Boards or from the public in favor, in opposition or in general, Mr. Donaroma asked Mr. MacNelly to summarize. Mr. MacNelly did not wish to do so. Therefore, Mr. Donaroma closed the Hearing. The time was 9:43 p.m.

Edgartown, Mass. May 11 19 99  
at 12 o'clock and 20 minutes P M  
received and entered with Dukes County Deeds  
book 764 page 794

Attest:

Deanne E. Powers. Register