

THE MARTHA'S VINEYARD COMMISSION

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DATE: April 18, 1996
 TO: Building Inspector, Town of West Tisbury
 FROM: Martha's Vineyard Commission
 SUBJECT: Development of Regional Impact
 re: commercial recreational development
 APPLICANT: Vineyard Tennis Center
 Kenneth E. Martin and Connie McHugh
 PO Box 1823
 Edgartown, MA 02539

 DECISION OF THE MARTHA'S VINEYARD COMMISSION

SUMMARY

The Martha's Vineyard Commission (the Commission) hereby approves, with certain conditions, the Application of Vineyard Tennis Center, Kenneth E. Martin and Connie McHugh, PO Box 1823, Edgartown, MA 02539 for the construction of a commercial recreational facility at the Martha's Vineyard Airport as shown on the plans entitled: "Vineyard Tennis Center, Amelia's Way, West Tisbury, Ma., date: March 16, 1996, scale: 1"-30', Plot Plan, Drawing 1", consisting of one (1) sheet; plus "Vineyard Tennis Center, Amelia's Way, West Tisbury, Ma., date: March 16, 1996, First Floor Plan, scale: 1/16"=1', drawing 2, consisting of one (1) sheet; plus "Vineyard Tennis Center, Amelia's Way, West Tisbury, Ma., date: March 16, 1996, scale: 1/8"-1', 1st and 2nd Floor Plans, drawing 3, consisting of one (1) sheet; plus "Vineyard Tennis Center, Amelia's Way, West Tisbury, Ma., date: March 16, 1996, scale: 1/8"-1', West Elevation, drawing 4, consisting of one (1) sheet; plus "Vineyard Tennis Center, date: March 16, 1996, scale: 1/8"-1', South Elevation, drawing 5, consisting of one (1) sheet; plus "Vineyard Tennis Center, January, 1996, scale: 1"-60', Schofield Bros. Plan, revised by KEM (and depicting the property lay-out off Amelia's Way at the Airport), consisting of one (1) sheet; plus an untitled copy of the Airport lay-out indicating where the lot is located, and containing the notes: scale: 1"-300', Job No. 83.0800, Smith and Dowling, Engineering, Surveying and

Planning, PO Box 1087, Vineyard Haven, Ma., consisting of one (1) sheet, and totalling seven (7) sheets (the Plan).

This Decision is rendered pursuant to the vote of the Commission on April 18, 1996.

The Building Inspector of the Town of West Tisbury and all other permit granting boards in the Town of West Tisbury having jurisdiction may now grant the necessary development permits for the Applicant's proposal in accordance with the conditions contained herein or may approve in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law, or may disapprove the development application.

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 West Tisbury 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 as modified by Chapter 831, on Thursday, March 21, 1996 at 7:30 p.m. in the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs. The Hearing was closed the same night.

The proposal is for the construction of a commercial recreational facility greater than 2,000 square feet.

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 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".

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

1. **Based upon the record and the testimony presented therein, and in addressing the affect upon the provision of needed low and moderate income housing, the Commission sets the following condition (Section 15(d) of the Act):**
 - a. **That the Applicant shall, in accordance with the MVC Affordable Housing Policy, provide the sum of \$1,020.00 to the Dukes County Regional Housing Authority.**
- 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 OF THE GENERAL PLAN OF THE COUNTY OF DUKES COUNTY.**
- C. THE COMMISSION FINDS THE DEVELOPMENT PROPOSAL TO BE GENERALLY CONSISTENT WITH THE DEVELOPMENT ORDINANCES AND BY-LAWS OF THE TOWN OF WEST 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 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: April 18, 1996.

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.

Thomas Sullivan
Thomas Sullivan, Chairman

4-18-96
Date

Carol Miller
Notary
My Commission expires: 6-26-98

4-18-96
Date



EXHIBIT A

SUMMARY OF HEARING TRANSCRIPT

MARTHA'S VINEYARD COMMISSION
MINUTES OF MARCH 21, 1996

The Martha's Vineyard Commission held a Public Hearing on Thursday, March 21, 1996 at 7:30 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 Tennis Center
Kenneth Martin and Connie McHugh
PO Box 1823
Edgartown, MA 02539

Location: off north side of Amelia's Way, Martha's
Vineyard Airport, West Tisbury, MA

Proposal: construction of a commercial indoor
recreational facility.

Michael Colaneri, Land Use Planning Committee, read the hearing notice and noted that Mr. Briggs, Ms. Sibley and Ms. Talbot had left the room and were abstaining. He then called for the Applicant's presentation at 7:35 p.m.

Connie McHugh explained her interest and background in tennis. She discussed various activities in the towns and that the proposal was intended to serve all facets of island residents including young, old, disabled, etc. She discussed the location, the site plan, parking area and the 125 foot greenbelt between the structure and the main roadway. She further discussed access and the interior lay-out of the building. She noted that the second floor could only be used for storage now but if future plans allow for fitness rooms, then the proposal would return to the MVC. She discussed the potential traffic impact and explained how the operation would affect the traffic.

Ms. McHugh noted that the entire building would be handicapped accessible. She noted that there would be limited refreshments available. She then discussed the exterior of the building.

Ms. McHugh noted that there were letters in the file from various town boards and the Airport Commissioners.

She then discussed the affordable housing policy and noted that Mr. Martin owned an apartment building in Vineyard Haven and was prepared to set aside one unit therein for affordable housing.

Mr. Smith asked about the height restrictions in West Tisbury. Ms. McHugh noted that since the building would be depressed several feet, the proposal would be within the height requirements of the Town. She further discussed why the proposal was before the ZBA.

Ms. Greene questioned the type of apartment that was being offered. Ms. McHugh explained the proposal again. A discussion of the size of the apartment followed. A discussion of the dollar amount necessary to meet the Housing Policy followed.

Mr. Colaneri then called for testimony from Town Boards - there was none.

Mr. Colaneri then called for a staff report. Thomas Simmons, MVC staff noted that the Applicant had covered all the issues and he then noted the changes that had been made on the plans to address issues raised at LUPC. Mr. Colaneri questioned the parking requirements of the West Tisbury zoning ordinance. Mr. Simmons explained how the parking was determined.

Mr. Colaneri then called for those in favor. Dr. Steve Atwood spoke in favor and discussed his reasoning.

Mr. Colaneri then called for those opposed - there were none. Mr. Colaneri then noted the four town boards that had submitted correspondence.

A discussion of the depressing of the building followed.

Ms. McHugh further discussed the offer of an affordable apartment.

Ms. Greene questioned whether there would be programs for the schools. Ms. McHugh explained yes and how this would work. She also explained how the training program for teachers worked.

There being no further testimony the hearing was closed at 8:05 p.m.

Edgartown, Mass. Apr. 19 1996
at 11 o'clock and 22 minutes A M
received and entered with Dukes County Deeds
book 674 page 883

Attest:

Jeane E. Powers Register

DIANE E. POWERS
REGISTRAR OF DEEDS
DUKES COUNTY, MASS.