

THE MARTHA'S VINEYARD COMMISSION

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DATE: May 16, 1996
TO: Building Inspector, Town of Edgartown
FROM: Martha's Vineyard Commission
SUBJECT: Development of Regional Impact
Re: Commercial Development
APPLICANT: Stephen D. Hoss
Martha's Vineyard Public Storage
44 Tobey Road
Wareham, MA 02571

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 Stephen D. Hoss, Martha's Vineyard Public Storage, 44 Tobey Road, Wareham, MA 02571 for the construction of a commercial storage facility at the Martha's Vineyard Airport as shown on the plans entitled: "S.A.V. Associates, Martha's Vineyard Airport Business Park, Ma, Floor and Foundation Plans, Elevations and Sections, scale: 1/8" = 1'; dated January 24, 1996, revised February 29, 1996, Drawing A-1", consisting of one (1) sheet, plus "S.A.V. Associates, Martha's Vineyard Airport Business Park, Site Plan, scale; as noted, dated December 21, 1995, revised February 29, 1996, Drawing S-1", consisting of one (1) sheet and totaling two (2) sheets, (the Plan).

This Decision is rendered pursuant to the vote of the Commission on: May 16, 1996.

The Building Inspector of the Town of Edgartown 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 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 was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2, on Thursday, April 18, 1996 at 7:45 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 of 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 construction of additional self-storage units at the Martha's Vineyard 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.

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 whether the development is or is not essential or appropriate at the proposed location, the Commission sets the following condition (Section 15(a) of the Act):
 - a. That the Commission accepts the Applicant's offer

to return to the MVC for review of any additional buildings to be constructed on the lot.

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, the Commission sets the following conditions (Section 15(b) of the Act):
 - a. That the Commission accepts the Applicant's offer to install restroom facilities on Lot 23, which are to be made available to all users of the current as well as the proposed development.
3. Based upon the record and the testimony presented therein, and in addressing whether there will be a favorable or adverse impact on other persons or property, the Commission sets the following condition (Section 15(c) of the Act):
 - a. That the Commission accepts the Applicant's offer to plant a line of cedars as a buffer along the eastern border of the lot.
4. Based upon the record and the testimony presented therein, and in addressing whether there will be a favorable or adverse 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, pursuant to the provisions of the Martha's Vineyard Commission Affordable Housing Policy, provide the sum of \$600.00 to the Dukes County Regional Housing Authority at the time of receipt of a building permit from the Town of Edgartown officials.
5. Based upon the record and the testimony presented therein, and in addressing whether the proposed development would further contravene the land development objectives and policies of regional or state agencies, the Commission sets the following condition (Section 15(h) of the Act):
 - a. That the Applicant shall abide by the Business Park Regulations as adopted by the Martha's Vineyard Airport Commission.
 - b. that the Regulations shall be enforced only in so far as they are consistent with M.G.L. Chapter 30B;
 - c. that the preliminary plan submitted by potential lessees shall also be submitted to the Building Official, Planning Board, Board of Health, and Conservation Commission of the Town of Edgartown, and that said Plan should include estimates of water usage and possible noise or noxious gas emissions. Also that the Edgartown Zoning and Building Inspector be given authority by the M.V. Airport Commission to enforce these Regulations.

The Commission has considered the factors set forth in Sections 15(e), (f) and (g) of the Act and found that either such factors were not pertinent to the issues raised by the proposed development, or such factors were relatively minor in their effects in comparison to other factors.

- B. 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 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 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 the 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: May 16, 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.

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.


Thomas Sullivan, Chairman

Date 5/20/96


Notary

Date 5/20/96

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



EXHIBIT A

SUMMARY OF HEARING TRANSCRIPTS

MARTHA'S VINEYARD COMMISSION
MINUTES OF APRIL 18, 1996

The Martha's Vineyard Commission held a public hearing on Thursday, April 18, 1996 at 7:45 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 Public Storage
Stephen D. Hoss
44 Tobey Road
Wareham, MA

Location: Lot 22 North Line Road
Martha's Vineyard Airport Business Park
Edgartown, MA

Proposal: construction of self-storage facility
with potential of two additional structures being
added at a later date.

Michael Colaneri, Land Use Planning Committee, read the public hearing notice and called for testimony at 8:02 p.m.

Stephen Hoss, applicant, described the proposal and how it related to existing facilities. He noted that the site plan showed three future structures and not two. Mr. Hoss noted that he currently leases lots 23 and 24 and has 136 self-storage units on site now. He noted that there was no heat, no water, no sewage. Mr. Hoss then discussed who some of the major tenants presently were, such as Pepsi, Frito-Lay.

Ms. Greene questioned whether there would be office space in the new facility. Mr Hoss indicated no.

A discussion of whether there would be sanitary facilities ever in the future followed. A discussion of where the utilities were located followed.

Mr. Smith questioned whether the entire site would be cleared. Mr. Hoss indicated yes. A discussion of the need to clear cut followed.

Ms. Greene questioned the type of surface for the road area. Mr. Hoss indicated where the entrance and exit were and that there was 40 feet around all the buildings.

Mr. Briggs questioned whether there were cars stored in the facility. Mr. Hoss indicated yes. Mr. Briggs questioned whether there was concern for drainage. Mr. Hoss explained where the drainage went.

Ms. Greene questioned whether there was concern for oil contamination. Mr. Hoss noted that it never had come up.

Mr. Colaneri discussed the vehicle storage and the surface treatment of the area as well as the maintenance of the road.

Mr. Briggs questioned whether there were any materials excluded. Mr. Hoss indicated hazardous waste. He then discussed how they handled abandoned materials.

Mr. Smith raised an issue regarding fire fighting. Mr. Colaneri noted that LUPC had discussed sufficient space for access in case of fire. A discussion of whether there was correspondence from the Fire Chief followed.

Mr. Smith questioned whether there was any protection from leading

oil or antifreeze from stored vehicles. Mr. Hoss indicated no.

Ms. Greene questioned whether stored vehicles could be drained. A discussion of this matter followed.

Mr. Colaneri then called for a staff report. Thomas Simmons, MVC staff, discussed the proposal and noted that it was unclear whether the Commission was being asked to vote on one or four buildings. He also noted the affordable housing figures were included in the staff summary.

Mr. Colaneri indicated that he understood it to be four buildings with one being built now. Mr. Hoss indicated that as each became full then a new unit or building would be constructed.

Mr. Toole asked for an indication of where the present buildings were. Mr. Hoss indicated same on a location map.

Mr. Hoss noted that the need for larger units had prompted the proposal to move forward.

Mr. Colaneri then called for public testimony either for or against - there was none.

Ms. Greene questioned whether the applicant was planning to return with the specific plan for each additional unit. Mr. Hoss indicated that he planned to return.

Mr. Colaneri felt that due to the closeness of the fuel storage there should be some comment from the Fire Chief. A discussion of whether the 25 foot set back would be adequate for a fire truck to turn corners followed.

There being no further testimony the hearing was closed at 8:12 p.m.

Edgartown, Mass. May 20 19 96
at 3 o'clock and 150 minutes P M
received and entered with Dukes County Deeds
book 677 page 552
Attest: Deanne E. Powers Register