Decision of the
Martha's Vineyard Commission

DRI 462-M2
South Mountain Expansion

Date: March 11, 2005
To: Zoning Board of Appeals, Town of West Tisbury
From: Martha's Vineyard Commission
Subject: Development of Regional Impact 462-M2
South Mountain Company Expansion
Project: Expansion of a commercial/office/light industrial facility.
Owner: The South Mountain Company Inc.
Applicant: The South Mountain Company Inc.
Project Location: Red Arrow Road off Stoney Hill Road. West Tisbury Map 8 Lot 37 (6.3 acres).

1. SUMMARY

The Martha's Vineyard Commission (the Commission) hereby approves the granting of permits for
the development as submitted in the application of the South Mountain Company, Red Arrow
Road, West Tisbury, Massachusetts.

This Decision is rendered pursuant to a vote of the Commission on February 17, 2005. The
permit-granting authorities of the Town of West Tisbury may now grant the request for approval of
the Applicant's proposal in accordance with the conditions contained herein and may place
further conditions thereon in accordance with applicable law or may deny the request for
approval.

2. FACTS

The project was referred to the Commission by the Zoning Board of Appeals of the Town of West
Tisbury for action pursuant to Chapter 831 of the Acts of 1977, as amended (the Act) and the
Commission's Standards and Criteria Administrative Checklist for Developments of Regional
Impact, Section 3.102a and 3.301b and was reviewed as such by the Martha's Vineyard
Commission. 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.

Hearings: A duly noticed public hearing on the Application was conducted by the Commission on February 17, 2005 pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831.

Description: The South Mountain Company plans to make three expansions to their building, increasing the current 10,000 square feet of building by 2,769 square feet. The footprint of the building would increase by 1,914 square feet from the existing 6,726 square foot footprint. The three physical expansions would include: an 855 square foot office expansion built over an existing first floor shop annex; a 414 square foot addition to the first floor shop; and a 1,500 square foot addition to the first floor storage area. They are also requesting a modification to a previous MVC Decision Condition that would allow an increase in the number of full-time employees they are allowed on-site from 12 to 18.

The Plan: The following plans and documents submitted by the Applicant and contained in the Commission's project file constitute "the Plan."

- Site Plan, "Proposed Additions", Scale 1" = 60'-0", consisting of one sheet prepared by South Mountain Company Inc., Red Arrow Road, West Tisbury, MA September 30, 2004
- Floor Plans, Scale 1/4" = 1'-0", consisting of four sheets prepared by South Mountain Company Inc., September 30, 2004
- Elevations, Scale 1/4" = 1'-0", consisting of four sheets prepared by South Mountain Company Inc., September 30, 2004

3. FINDINGS AND CONCLUSIONS

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 by protecting these values from development and uses which would impair them, and by promoting the enhancement of sound local economies."

The Commission has reviewed the proposal as a Development of Regional Impact, using the procedures and criteria that the Commission normally uses in evaluating the benefits and detriments of such a proposal. The Commission has considered the Application and the information presented at the public hearing, including listening to all the testimony presented and reviewing all documents and correspondence submitted during the hearing and review period. Based on the record and testimony presented therein, the Commission makes the following findings pursuant to Sections 14 and 15 the Act.
A. THE COMMISSION FINDS THAT THE PROBABLE BENEFITS OF THE PROPOSED DEVELOPMENT WOULD EXCEED THE PROBABLE DETRIMENTS, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(a) OF THE ACT.

A1 The Commission finds that the proposed development at this location is essential and appropriate in view of the available alternatives (Section 15(a) of the Act.)

In 1998 the Martha's Vineyard Commission approved with conditions DRI 462, a proposal to construct a 16-unit clustered co-housing development and a separate commercial design/build construction company on 36.2 acres in West Tisbury (27.5 acres of the 36.2 acres were left as open space). The project was presented to the Town of West Tisbury as a Comprehensive Permit filed under MGL Chapter 40b. The South Mountain Company was the development consultant, designer, and builder of both the co-housing and their own offices. One of the rationales for allowing a relatively large commercial enterprise in the rural residential district was that the company could help defray road and infrastructure costs and thus help affordability. The Applicant proposes to expand their building by a total of 2,769 square feet and increase the number of full-time on-site employees they are allowed by the MVC from 12 to 18.

The Commission finds that the proposed use will continue to provide services important to the Vineyard’s economy and community, that the building and site layout have been well designed.

A2 The Commission finds that the proposed development would have a positive impact upon the environment relative to other alternatives (Section 15(b) of the Act).

With respect to wastewater and groundwater, the Commission finds that the wastewater flow from the proposed expansion project is estimated to be negligible. Because they use composting toilets the increase in employees should not affect nitrogen loading. The expansions may create slightly more runoff but the heavily vegetated property can easily handle it.

With respect to open space, natural community and habitat, the Commission notes that the majority of the original combined site was left as open space. On the South Mountain Company parcel, more than half remains as woods.

With respect to lighting and noise, the Commission notes that the proposed use will be a daytime business and is conditioned by a previous MVC Decision to turn off its lights at 11:00 p.m. There was testimony at the public hearing from the nearest abutter to the effect that noise did not seem to be an issue.
A3 The Commission finds that the proposed development would have an acceptable overall effect upon other persons and property (Section 15(c) of the Act).
With respect to traffic and transportation, the Commission notes that the proposed addition office space is estimated to generate a relatively limited number of additional weekday trips and even fewer weekend trips.

With respect to scenic values, the building is not visible from any street. The proposed additions fit in well with the existing structure.

With respect to character and identity, the Commission finds that the proposed building is generally consistent with Island architecture.

With respect to the impact on abutters, the Commission notes that impact should be limited and that the abutters who came forward, either at the public hearing or through letters, expressed support for the project.

A4 The Commission finds that the proposed development would have a beneficial impact upon the supply of needed low income housing for Island residents (Section 15(d) of the Act).

The Commission finds that the applicant has offered to contribute $5,000 as part of its continued participation in the Island’s Affordable Housing Fund’s Business Initiative for Housing Solutions.

A5 The Commission finds that the proposed development would have no significant impacts on the provision of municipal services or burden on taxpayers in making provision therefore (Section 15(e) of the Act).

A6 The Commission finds that the proposed development would use efficiently and not unduly burden existing public facilities (other than municipal) or those that are to be developed within the succeeding five years. (Section 15(f) of the Act).

A7 The Commission finds that the proposed development does not interfere with the ability of the municipality to achieve the objectives set forth in the municipal general plan. (Section 15(g) of the Act).

A8 The Commission finds that the proposed development would not contravene land development objectives and policies developed by regional or state agencies. (Section 15(h) of the Act).
The Commission notes that the development is consistent with the following policies of the Martha's Vineyard Commission Regional Policy Plan, adopted by the vote of the Martha’s Vineyard Commission, June 1991:

- I-4: “Give top priority to year-round job opportunities for permanent Island residents and increase the Island’s self-sufficiency...”
- I-23: “Plan commercial development to match the scale and density of Island neighborhoods. Limit overall square footage, massing of individual buildings and expanses of paved areas to blend with the rural scale of the Island.”
- III-1: “Safe, warm, dry, affordable year-round housing must be available to the Island community. Proposals by private developers should reflect an effort to meet a share of the housing need”

In sum, after careful review of the plan and its attendant submittals and the testimony presented by the Applicant and others, the Commission has concluded that the probable benefits of this proposed development in this location exceed its probable detriments.

B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WOULD BE CONSISTENT WITH THE LAND DEVELOPMENT OBJECTIVES OF THE COMMISSION, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(b) OF THE ACT.

The requested project, as a whole, advances the Commission’s land development objectives, as outlined in the Martha’s Vineyard Commission Regional Policy Plan adopted by the Commission in June 1991, and as enumerated previously in section A8 of this decision.

C. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH MUNICIPAL DEVELOPMENT ORDINANCES AND BY-LAWS, TO THE BEST OF THE COMMISSION’S KNOWLEDGE.

D. THE COMMISSION FINDS THAT THE SITE IS IN CONFORMANCE WITH THE REGULATIONS OF DISTRICTS OF CRITICAL PLANNING CONCERN, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(d) OF THE ACT.

The Commission notes that the proposed development site is not located within any Districts of Critical Planning Concern.

4. CONDITIONS
After reviewing the proposal for this Development of Regional Impact, the Martha’s Vineyard Commission imposes the following condition in order to increase the benefits and minimize the detriments of the project. The analysis of benefits and the resulting decision to approve the project is based on the proposal as modified by this condition. This condition forms an integral part of
this decision. This condition derives its origin in an offer from the Applicant that was accepted by the Commission.

- The Commission accepts the offer from the Applicant to contribute $5,000 as part of its continued participation in the Island’s Affordable Housing Fund’s Business Initiative for Housing Solutions.

The condition is an essential part of this decision and shall be enforced as written. If the Commission finds it necessary to seek judicial relief to enforce the condition, the Applicant, or its successors in title at the time of such proceedings, shall pay the Commission’s attorney’s fees and costs incurred in obtaining judicial relief.

The Applicant must, consistent with this Decision, apply to the appropriate Town of West Tisbury Officers and Boards for any local development permits which may be required by law. This Decision is written consistent with the vote of the Commission: February 17, 2005 and was approved by vote at the Commission meeting of March 10, 2005.

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 West Tisbury Town Clerk. 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. Should substantial construction not occur during said two (2) year period, 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.

Linda B. Sibley
Linda B. Sibley, Chairman

3/16/05
Date

Commonwealth of Massachusetts
County of Dukes County, Mass.

On this 16th day of March, 2005, before me, Jo-Ann Taylor, the undersigned Notary Public, personally appeared Linda B. Sibley, who proved to me through satisfactory evidence of identity, which was/were driver’s license, to be the person(s) whose name(s) was/were signed on the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her/their knowledge and belief.

Signature of Notary Public
Jo-Ann Taylor

Printed Name of Notary
Jo-Ann Taylor

My Commission Expires: February 11, 2011

Attest: Jeanae C. Powers
Register