

THE MARTHA'S VINEYARD COMMISSION

BOX 1447 • OAK BLUFFS
 MASSACHUSETTS 02557
 (508) 693-3453
 FAX (508) 693-7894

Date: July 23, 1998
 To: Building Inspector, Town of Chilmark
 From: Martha's Vineyard Commission
 Subject: Development of Regional Impact
 re: construction of school facility
 Applicant: Town of Chilmark
 PO Box 119
 Chilmark, MA 02535

Decision of the Martha's Vineyard Commission
SUMMARY

The Martha's Vineyard Commission (the Commission) hereby grants permission for the granting of permits for the Application of the Town of Chilmark, PO Box 119, Chilmark, MA 02535 for the construction of an elementary school facility as shown on the plans entitled: "Menemsha School, Chilmark, Martha's Vineyard, Massachusetts, Layout, Materials and Grading Plan, scale: 1/32" = 1', date: June 8, 1998, Thompson & Rose, Architects, 1430 Massachusetts Avenue, Cambridge, MA., Michael Van Valkenburgh Associates, 231 Concord Avenue, Cambridge, MA, Sheet L1, Project MVVA 9730", consisting of one (1) sheet; plus "Menemsha School, Chilmark, Martha's Vineyard, Massachusetts, Elevations, scale: 1/8" = 1', date: May 27, 1998, Thompson & Rose, Architects, Inc., 1430 Massachusetts Avenue, Cambridge, MA, Sheet A3.1, Project #9735", consisting of one (1) sheet; plus "Menemsha School, Chilmark, Martha's Vineyard, Massachusetts, Code Criteria Plan, scale: 1/8" = 1', date: April 15, 1998, Thompson & Rose, Architects, Inc., 1430 Massachusetts Avenue, Cambridge, MA., Sheet A0.2, Project #9737", consisting of one (1) sheet and totaling three (3) sheets (the Plan).

This Decision is rendered pursuant to the vote of the Commission on July 23, 1998.

The Building Inspector of the Town of Chilmark may now grant the necessary development permits for the Applicant's proposal in accordance with the Decision contained herein, or may approve and place certain 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 3.601. The Application was referred to the Commission by the Building Inspector of the Town of Chilmark 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, July 16, 1998 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.

The proposal is for the construction of a new elementary school qualifying as a Development of Regional Impact (DRI) since the proposed development is an educational facility designed to serve the residents of more than one town.

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 OF THE PROPOSAL IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 15 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 therein, and in considering the impact favorably or adversely upon the environment, the Commission sets the following condition (Section 15(b) of the Act):

a. That the Commission accepts the Applicant's exterior lighting plan as presented at the public hearing.

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 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 CHILMARK.

D. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS WITHIN THE ISLAND ROAD DISTRICT OF CRITICAL PLANNING AND IS AWARE THAT THE TOWN OF CHILMARK HAS A BY-LAW DEALING WITH ISSUES RELATED TO THE DISTRICT WHICH THE COMMISSION FINDS TO BE MORE THAN ADEQUATE TO ADDRESS ANY ISSUES THAT MAY ARISE.

The Martha's Vineyard Commission wishes to recommend that the Town of Chilmark continue to work with all concerned to ensure that all aspects of the proposal comply with the Americans with Disabilities Act.

The Applicant must, consistent with this Decision, apply to appropriate Town of Chilmark Officials 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 23, 1998.

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.

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

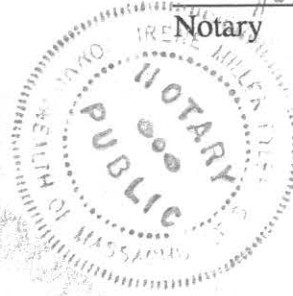
should substantial construction not occur during said two (2) year period, then this Decision shall become null and void and have no further effect. This time period may be extended upon written request from the Applicant and written approval from the Martha's Vineyard Commission.

Linda B. Sibley
Chair

7/23/98
Date

Irene Miller Fyler
Notary

7-23-98
Date



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

EXHIBIT A***Martha's Vineyard Commission Meeting
Minutes of July 16, 1998***

The Martha's Vineyard Commission meeting convened at 8:10 p.m. Mr. Donaroma opened the public hearing and read the public hearing notice.

Applicant: ***Menemsha School
Town of Chilmark
PO Box 119
Chilmark, MA 02535***

Location: ***Chilmark Assessor's Map 30 Lot 95 in the Town of Chilmark
south of Beetlebung Corner to the rear of the Community
Center, Library, and the post office.***

Proposal: ***To construct a new elementary school***

Mr. Donaroma asked the Applicant to give the presentation. Mr. Jason left the room. Ms. Shakti McDowell, chair of the Up-Island School Building Committee presented the project. She explained the history of the project, which had been in the works for ten years. Trailers had been added to the present school in 1989 and 1993. In 1995, the West Tisbury School completed its addition and some of the students opted to go there to school. The interior space was approved by the Up-Island Regional School District Committee and the Superintendent, Dr. Cash. The full capacity of both schools in the region would be 510 students. With current regional school population at 452, they would have margin to grow by 13%. She explained the campus concept of the project which would allow them to expand the school's current use of the library and the community center. Since all were centrally located, it would be easy to move about between them. Also, the school would still be located in the center of town, preserving tradition. She said the design of the building gave an impression of a civic building but still maintained the aesthetic of the surrounding buildings.

She introduced Charlie Rose, the architect for the project. He explained the plan lay-out. He said the goal for the project was to build a small scale building, in traditional style, that conformed to other buildings around Beetlebung Corner. They had organized the project around a central green space including the existing library and community center. They had set the school back from State Road and he pointed this out on the plans. He pointed out auto and bus drop-off accesses, parking, traffic flow patterns and pathways. He pointed out the lobby/common area on the plans. He explained the use of a small courtyard surrounded by classrooms. They also wanted to minimize the height of the buildings. Each classroom had direct access to outdoors. He pointed out various classrooms and play equipment on the plans. He summarized by saying he felt they had made a strong effort to make the building fit the environment.

Ms. Greene asked what was the height of the building. He answered 22 feet. The bell tower was 35 feet. Mr. Vercruysse asked if there were room for expansion. Mr. Rose pointed the areas out on the plan. Mr. Vercruysse asked if there were plans for an indoor athletic facility. Mr. Rose answered no, the Community Center would handle much of that activity. Ms. Gallagher asked why they weren't building two stories. Mr. Rose answered it had not been wanted by the town. Mr. Simmons stated the project was located in a Road District and a two story plan would not have been accepted in that area.

Mr. Israel asked if there had been any discussion of having an access through the post office instead of having two curbcuts. Mr. Rose said they had looked at that and there were problems with solving it that way. Mr. Donaroma asked if they would be using the Community Center daily. Ms. McDowell said it would serve as the gym and would be available to be used daily. Mr. Colaneri asked how students would get to the Community Center. Mr. Rose said they would walk, there was no plan for gravel or overhead cover.

Mr. Simmons gave a staff report. He said in the Commissioners packets was a statement of impact which the Applicant had prepared. There did not seem to be any major impacts. There were letters from the police chief and the fire chief approving the design. There had been discussion at LUPC about walking paths. It was a concept approved previously when they approved the Charter School and the gymnastics center. Mr. Donaroma asked him if they had looked at curb cuts and could any be eliminated. Mr. Simmons said as it was, they were using the only space where they could come through. He thought it would not be safe to be going through the post office, with people walking back and forth all the time. Ms. Greene said she thought they had explored using the post office parking lot and because of the configuration of the parking lot, there was no room to back up. Ms. McDowell said it had been discussed at length, and what was proposed was what was finally decided upon by the town.

Ms. Brown asked about evening use of the Community Center. Ms. McDowell said that most community events took place at the Community Center and their parking was already inadequate. With the addition of the new school, there would be 11 additional spaces for evening parking and there would still be community use of the bank parking lot and the post office parking lot. Mr. Colaneri said they had discussed at LUPC omitting one of the tennis courts. Ms. McDowell said that was planned. They had requested from the Board of Selectmen that the town remove one of the tennis courts as soon after Labor Day as they could. This would then become a playground for the younger children. Mr. Colaneri said he felt the parking was not adequate for their use. Ms. McDowell explained that at that time of the year, there was still very limited use of the parking in that area because of the small population. It was felt by the town that there was adequate parking within the post office, community center, bank and school for their needs.

Mr. Israel was concerned about the public safety at the point where Chilmark Store was located. The area was already congested, he suggested the entrance should be examined further. Ms. McDowell said they had spent much time on this issue. She said they approached the abutters to see if they could gain access through there and had no success. For a long time they thought they were settled on a single curbcut through the post office. That was later rejected for a number of reasons, the main one being safety. They needed a separate entrance where children could be dropped off and picked up that was separate from another public usage.

Mr. Steve Schwab, a member of the school building committee and a parent of a child that went to that school, spoke. He said presently there was an extremely unsafe situation with the parking at the old school. The parking was adequate for 5 cars and the bus had to back up on the State highway to get up into the parking lot. What was being proposed was a balance between parking and playing fields. He said school was in session for the most part when the Chilmark Store was closed for the winter. The Community Center would have events either late in afternoon or evening and the post office was much quieter after the summer. The actual parking potential for the school was many times greater than what they had presently. He felt what was being proposed was adequate for the school.

Mr. Donaroma asked if there were members of town boards who wished to give testimony. Mr. Tim Carroll, Executive Secretary from the Town of Chilmark, spoke. The Board of Selectmen would like to go on record as supporting the school plan that the community wanted.

Mr. Donaroma asked if there were members of the public who would like to give testimony in favor of the project. There were none. Mr. Donaroma asked if there were members of the public who would like to give testimony in opposition to the project. There were none. He asked if there were members of the public who would like to give general testimony. There were none.

Ms. Greene wished to add that at LUPC there had been discussion of the 11 parking spaces. Although there were 12 employees at the school, several were part-time, therefore the parking issue of 11 spaces was not really an issue at this point. Ms. McDowell said she thought there would be 8 full-time employees.

There being no further testimony, the hearing was closed at 8:50 p.m.

Edgartown, Mass. July 24 19 98
at 1 o'clock and 55 minutes P M
received and entered with Dukes County Deeds
book 136 page 790
Attest:

James E. Power Register