

P.O. BOX 1447 • 33 NEW YORK AVENUE • OAK BLUFFS • MA • 02557
508.693.3453 • FAX: 508.693.7894
INFO@MVCOMMISSION.ORG • WWW.MVCOMMISSION.ORG

Decision of the Martha's Vineyard Commission DRI 608 – Havenside Apartments

1. SUMMARY

- Referring Board:** Building Inspector, Town of Tisbury, MA
- Subject:** Development of Regional Impact #608
Havenside Apartments
- Project:** To renovate Building C's basement to create a studio apartment and office/meeting room.
- Owner:** Havenside Corporation
- Applicant:** Susan Phelps, Manager, Havenside Corporation
- Applicant Address:** 145 Main Street, Tisbury, MA
- Project Location:** 145 Main Street, Tisbury Map 6-C Lot 29 (1.3 acres)
- Description:** To renovate Building C's basement to create a studio apartment and office/meeting room and relocate the common laundry facilities and storage spaces. The building footprint would be increased by 77 square feet. There would also be a new exterior concrete stair for egress from the Building A basement
- Decision:** The Martha's Vineyard Commission (the Commission) approved the application for the project as a Development of Regional Impact with conditions, at a vote of the Commission on December 6, 2007.
- Written Decision:** This written decision was approved by a vote of the Commission on December 13, 2007.

The permit-granting authorities of the Town of 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 exhibits listed below including the referral, the application, the notice of public hearing, the staff report, the plans of the project, and other related documents are incorporated into the record herein by reference. The full record of the application is kept on the premises of the Martha's Vineyard Commission.

2.1 Referral

The project was referred to the Commission on October 11, 2007 by the Building Inspector of the Town of Tisbury, MA 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 3.401a.

2.2 Hearings

Notice: Public notice of a public hearing on the Application was published in the Vineyard Gazette, November 23, 2007.

Hearings: The Commission held a public hearing on the Application that was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831, on December 6, 2007.

2.3 The Plan

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

- P1 "Existing Site Plan", consisting of one 11" x 17" page, prepared by Schofield, Barbini, and Hoehn, Inc., State Road, Vineyard Haven, MA, August 7, 2007.
- P2 "Proposed Site Plan", consisting of one 11" x 17" page, prepared by Schofield, Barbini, and Hoehn, Inc., State Road, Vineyard Haven, MA, August 7, 2007.
- P3 "Building A Basement Plan", consisting of one 11" x 17" page, prepared by Amsler, Mashek, and MacLean, Inc., 23 Martha's Park Road, Oak Bluffs, MA, 02557, August 7, 2007.
- P4 "Building C Floor Plans", consisting of one 11" x 17" page, prepared by Amsler, Mashek, and MacLean, Inc., 23 Martha's Park Road, Oak Bluffs, MA, 02557, August 7, 2007.
- P5 "Building A Reflected Ceiling Plan", consisting of one 11" x 17" page, prepared by Amsler, Mashek, and MacLean, Inc., 23 Martha's Park Road, Oak Bluffs, MA, 02557, August 7, 2007.
- P6 "Building C Reflected Ceiling Plan", consisting of one 11" x 17" page, prepared by Amsler, Mashek, and MacLean, Inc., 23 Martha's Park Road, Oak Bluffs, MA, 02557, August 7, 2007.

- P7 "Building A West Elevation", consisting of one 11" x 17" page, prepared by Amsler, Mashek, and MacLean, Inc., 23 Martha's Park Road, Oak Bluffs, MA, 02557, August 7, 2007.
- P8 "Basement Demolition Plan Building", consisting of one 11" x 17" page, prepared by Amsler, Mashek, and MacLean, Inc., 23 Martha's Park Road, Oak Bluffs, MA, 02557, August 7, 2007.
- P9 "Demolition Plan Building C", consisting of one 11" x 17" page, prepared by Amsler, Mashek, and MacLean, Inc., 23 Martha's Park Road, Oak Bluffs, MA, 02557, August 7, 2007.
- P10 "Building A Existing west Elevation", consisting of one 11" x 17" page, prepared by Amsler, Mashek, and MacLean, Inc., 23 Martha's Park Road, Oak Bluffs, MA, 02557, August 7, 2007.
- P11 "Building C Existing Elevations", consisting of one 11" x 17" page, prepared by Amsler, Mashek, and MacLean, Inc., 23 Martha's Park Road, Oak Bluffs, MA, 02557, August 7, 2007.
- P12 "Building C Elevations", consisting of one 11" x 17" page, prepared by Amsler, Mashek, and MacLean, Inc., 23 Martha's Park Road, Oak Bluffs, MA, 02557, August 7, 2007.
- P13 "Building C Interior Elevations", consisting of one 11" x 17" page, prepared by Amsler, Mashek, and MacLean, Inc., 23 Martha's Park Road, Oak Bluffs, MA, 02557, August 7, 2007.
- P14 "Exterior Wall Sections and Details", consisting of one 11" x 17" page, prepared by Amsler, Mashek, and MacLean, Inc., 23 Martha's Park Road, Oak Bluffs, MA, 02557, August 7, 2007.

2.5 Summary of Testimony

The following is a summary of the principal testimony given during the public hearing.

- Presentation of the project by Stephanie Mashek, architect.
- Staff reports by Paul Foley, MVC DRI coordinator.

3. FINDINGS

3.1 Project Description

- The site is about one and a half-acre (1.3 acre) on a hill on the water side of Main Street in Vineyard Haven.
- Havenside is a four-building, 28-unit non-profit elderly housing complex constructed in 1968.
- The proposal is to renovate the basement of Building C and create a small addition (77 sf) to accommodate one more studio unit.

3.3 Statutory Authority

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.

3.4 Benefits and Detriments

Based on the record and testimony presented therein, the Commission finds the following 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 appropriate in view of the available alternatives (Section 15(a) of the Act.)

The Commission finds that this is a very small addition to a well established housing complex performing an important service to the community.

A2 The Commission finds that the proposed development would have a minimal 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 project is so small that the existing wastewater treatment system should have no problem handling the minimal increase.

With respect to Open Space, Natural Community and Habitat, the Commission finds that the project is located in a developed area and that the proposal will not affect the amount of open space or natural community.

With respect to Night Lighting and Noise, the Commission finds that the project will add some lights that will be downward shielded. The Commission notes that the neighbors expressed some concern with the spotlights on Building D which will not be replicated with this proposal.

With respect to Energy and Sustainability, the Commission finds that the project is a good re-use of largely existing space.

A3 The Commission finds that the proposed development would have a moderate overall effect upon other persons and property (Section 15(c) of the Act).

With respect to Traffic and Transportation, the Commission finds that the project will have minimal if any impact on traffic.

With respect to Scenic Values, Character, and Identity: The Commission finds that the project has wonderful views of Vineyard Sound that will not be affected by this proposal. The Commission notes that the complex allows elderly islanders to down-size and stay on the island.

With respect to the Impact on Abutters, the Commission finds that the project should not increase impacts on neighboring properties.

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

The Commission finds that the proposal will add one more unit to the supply of moderately priced housing for elderly residents.

A5 The Commission finds that the proposed development would have minor impacts on the provision of municipal services or burden on taxpayers in making provision therefore (Section 15(e) of the Act).

The Commission finds that the one-unit addition should have no impact on municipal services.

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).

The Commission finds that the project will not interfere with municipal plans and is a benefit to the town.

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 policies of the Martha's Vineyard Commission Regional Policy Plan, adopted by the vote of the Martha's Vineyard Commission, June 1991.

In sum, after careful review of the plan and its attendant submittals and the testimony presented by the Applicant and others, and the addition of conditions such as those relating to wastewater and future traffic mitigation, the Commission has concluded that the probable benefits of this proposed development in this location exceed its probable detriment in light of the considerations set forth in section 14(a) of the Act.

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 noted 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.

The Commission finds that the project is subject to Special Permit review by the Planning Board of the town of Tisbury.

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 finds that the proposed development site is not located within any Districts of Critical Planning Concern (DCPC).

4. DECISION

The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on December 6, 2007 and made its decision at the same meeting.

The following Commissioners, all of who participated in all hearings and deliberations on this project, participated in the decision on December 6, 2007.

- Voting in favor: Jim Athearn; John Breckenridge; Christina Brown; Peter Cabana; Mimi Davisson; Katherine Newman; Ned Orleans; Jim Powell; Doug Sederholm; Susan Shea; Linda Sibley; Paul Strauss; Richard Toole; and Martin Crane.
- Voting against: None
- Abstentions: None

Based on this vote, the Commission approved the application for the project as a Development of Regional Impact with the conditions listed in section 5 below.

This written Decision is consistent with the vote of the Commission December 6, 2007 and was approved by vote of the Commission on December 13, 2007.

5. CONDITIONS

After reviewing the proposal for this Development of Regional Impact, the Martha's Vineyard Commission imposes the following conditions 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 these conditions. These conditions form an integral and indispensable part of this decision.

These conditions are 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.

1 Wastewater, Groundwater And Storm water Management

- 1.1 As offered by the Applicant, all downspouts from the gutters on Building C will be tied into drywells in order to reduce storm water runoff from running down the hill.

2 Landscaping

- 2.1 As offered by the Applicant, all fertilizers shall be slow-release, water-insoluble nitrogen source types. No synthetic pesticides including herbicides, fungicides and insecticides shall be used in the maintenance of landscaping.

3 Exterior Lighting

- 3.1 As offered by the Applicant, all exterior lighting shall be downward shielded to prevent direct light from spilling off the property.

6. CONCLUSION

6.1 Permitting from the Town

The Applicant must, consistent with this Decision, apply to the appropriate Town of Tisbury Officers and Boards for any local development permits which may be required by law.


6.2 Notice of Appellate Rights

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 Tisbury Town Clerk.

6.3 Length of Validity of Decision

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.

6.3 Signature Block


E. Douglas Sederholm, Chairman

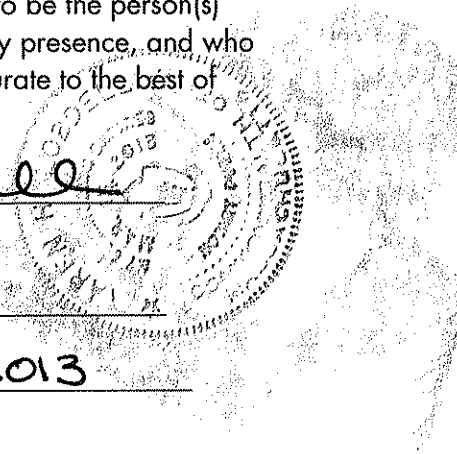
1-8-08
Date

6.4 Notarization of Decision

Commonwealth of Massachusetts
County of Dukes County, Mass.

On this 8th day of January, 2008, before me,
Karen H Lobdell, the undersigned Notary Public, personally
appeared E. Douglas Sederholm, proved to me through satisfactory evidence of
identity, which ~~was~~ were Personal knowledge 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.

Karen H Lobdell
Signature of Notary Public
Karen H. Lobdell
Printed Name of Notary
My Commission Expires 3/15/2013



6.5 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: 1-10-08

Deed - Book , page
1140 - 554

Attest:
Jeanne E. Powers Register