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THE MARTHA'S VINEYARD COMMISSION

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DATE: August 17, 1978
TO: Building Inspector of the Town of Tisbury
FROM: Martha's Vineyard Commission
SUBJECT: DEVELOPMENT OF REGIONAL IMPACT DECISION
RE: COMMERCIAL DEVELOPMENT
APPLICANT: Woodchips Designers, Inc., Arnold Brown, President

SUMMARY

The Building Inspector of the Town of Tisbury is permitted by the Martha's Vineyard Commission to grant the necessary development permits for the Applicant's Commercial Development. This decision was by vote of the Commission on August 17, 1978. The Town Building Inspector or other Boards may grant approval, or otherwise endorse the application of Woodchips Designers, Inc.

DECISION OF THE MARTHA'S VINEYARD COMMISSION

A Public Hearing was held on August 3, 1978 by the Martha's Vineyard Commission (the "Commission") at 8:00 p.m. at the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA upon public notice to consider the application of Woodchips, Designers, Inc., Arnold K. Brown, Jr., President, (the "Applicant") for a commercial development approval in the Town of Tisbury (the "Application"). The proposed development is for construction of a metal building for manufacturing purposes as shown on a "Plan of Land in Tisbury Mass. to be conveyed to Arthur T. Silva, Atsco Oil Company, Inc. July 1970", by Schofield Bros. Associates, Inc., at a scale of 1"=50'; on a plan entitled "Proposed Sewage Disposal System - For an Office/Manufacturing Building off State Road (next to Atsco Oil Co.)" Vineyard Haven, Massachusetts, Applicant Woodchips Designers, Inc., prepared 10 July 1978, by Schofield Brothers, Inc., Professional Civil Engineers, 1071 Worcester Road, Framingham, Mass., Plot Plan Scale 1"=20'; on a photograph showing main building with 14' eaves; and as shown on additional drawings submitted to the Commission on August 7, 1978 illustrating elevation and amended access.

This proposal is a proposed commercial development which has a floor area greater than 3,000 square feet and is thus a Development of Regional Impact under the Criteria and Standards, Development of Regional Impact Checklist 3.30. This application was referred to the Commission for action pursuant to Chapter 831, Acts of 1977 (the "Act"). Said application and notice of public hearing are incorporated herein.

On August 3, 1978 the Hearing was held pursuant to the Act and Massachusetts General Laws, Chapter 30A, Section 2, and was chaired by Ben Moore, Acting Chairman of the Commission's Land Use Planning Committee. The proposal was referred to the Martha's Vineyard Commission on July 8, 1978. On April 12, 1978 the Tisbury Board of Appeals granted approval in accordance with Section 5.2 of the local zoning by-law; on July 10, 1978 the Tisbury Board of Health granted permit number 706; on July 10, 1978 the Tisbury Building Inspector approved said application.

The proposal is in the B-2 District of the Town of Tisbury Zoning By-Law, and must comply with the requirements of Section 5 of the By-Law. Mr. Moore opened the Public Hearing and read the public notice. David Thompson, staff of the Commission, delivered a presentation concerning the development of the locus. Mr. Gilmore, representing the "Applicant", corrected Mr. Thompson's identification of the locus. Mr. David Dunham, representing Cape and Vineyard Electric Company, presented testimony regarding the proposed access - shown as drawn by the "Applicant" on a "Plan of Land, July 1978", and intersecting with the perpetual and exclusive right and easement granted to Cape and Vineyard Electric Company by Ralph M. Packer and Grace M. Packer on October 28, 1940 and entered with the Dukes County Deeds Book 204 Page 68. The proposed access shows a pole in the center of the right-of-way. Mr. Dunham found no objection to access over the easement, except as drawn by the "Applicant". Mr. Mathiesen, Chairman of the Commission, expressed concern regarding future access and parking in front of the proposed office space.

There was discussion by the Commission regarding the aesthetics of the proposed office and manufacturing space. No objection was raised to steel frame construction, but the view from State Road, a public way, would be improved by organic materials on the face

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of the office building. The roof line was also of concern. Mr. Moore commented that the structure as proposed was not fitting some of the other organic structures of the area such as the Art Worker's Guild. (The State Road is the major vehicular access from Vineyard Haven, the Island's major port of entry, to the Towns of West Tisbury, Chilmark, and Gay Head. Concern has been raised in the past regarding the strip nature of the development.)

Mr. Gilmore then described the waste disposal design. Commissioner Kingsbury commented that types of materials affect insurance and cost of construction. Mr. Moore read a letter of testimony from Robert S. Mone, Vice President of Golden Eye Seafoods, regarding the minimal cost differential between shingling the structure and using the prefabricated steel sheathing. Michael Wild, staff of the Commission, presented information, upon Commission request, from Donald DeSorcy, Engineer. The two types of construction are cost competitive in the 2500-3500 square foot construction range.

There was discussion concerning the sound economic benefits of the proposal. The "Applicant" produces a quality Island product and employs 20 people with an additional number of people working at home. The proposal, according to the "Applicant", would permit the employment on site for an additional 10 people over the next two years, and for the employment of an additional 15-20 people working at home.

There was discussion on having the Applicant meet with the Commission's Land Use Planning Committee. The Committee would meet at the Applicant's convenience.

Commissioner Lawrence commented on the cost savings for a steel shell, which would carry the roof load, and on the cost savings if wood was used on the remainder.

There was a call for opponents; there were none. The Public Hearing was recessed to August 10, 1978 at 8:00 p.m.

On Monday August 7, 1978 Mr. Arnold Brown, the "Applicant", met with the Commission's Land Use Planning Committee at 9:00 a.m. at the Commission Offices. The Commission's concerns regarding the proposed access and building material on the front of the smaller office building were summarized.

Mr. Brown agreed to submit an amended plan for the access,

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and provided the Committee with information that he had evaluated various building types; shingling the building would cost approximately \$1,800.00. Mrs. Brown expressed an interest in plantings and in providing for a suitable interior working environment.

Ann Crossley, Chairman of the Commission's Planning and Economic Development Committee, expressed the need for more specific architectural plans, and Mr. Moore expressed concern over the flat roof line. Mr. Brown agreed to submit an elevation drawing to the Commission's Executive Director. This drawing, with an amended access, was received on Monday afternoon August 7, 1978. The amended access was acceptable to Mr. Dunham of the Cape and Vineyard Electric Company.

The Woodchips Designers, Inc. Development of Regional Impact Hearing was reconvened on August 10, 1978. Mr. Moore summarized the Commission's Land Use Planning Committee meeting with the Applicant and presented the elevation drawing. There was discussion again that sufficient plans and concern for street aesthetics had not been addressed by the Applicant, but that the proposal was of sound economic benefit. The Commission's Executive Director suggested recessing the Hearing so the Applicant could be present with more detailed drawing. Commissioner Kingsbury suggested the Commission proceed. Mr. Gilmore representing the "Applicant" concurred. There was no further testimony and the Hearing closed. A motion was made to approve the development as submitted; the motion failed.

On August 17, 1978, Mr. Brown, the Applicant, and Mr. David Thompson, an associate, met with the Commission's Land Use Planning Committee. Discussion again concerned street aesthetics, particularly relating to the proposed roof line and facade of the office space, and other businesses in the area. A possible resolution to meeting the statutory interests of Chapter 831 (permitting land usages not to be unduly detrimental to the unique natural and cultural values of Martha's Vineyard, or to the economy of the Island) included planting of a buffer in front of and to the east of the development. Mr. Brown forwarded a letter to the Executive Director of the Commission following the meeting suggesting that the Executive Director help formulate suitable language for a planting proposal as an amendment to the original plan submission and re-

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ferral. Prior to the Martha's Vineyard Commission Meeting of August 17, 1978 the Applicant with assistance from the Executive Director drafted the adopted language by the Commission in this DRI Decision.

On August 17, 1978 the Martha's Vineyard Commission voted to reconsider the disapproval of August 10, 1978. This was based on the Applicant's submission of an amended plan. The amended plan includes the following and incorporates the schematic site plan of August 17, 1978:

Purpose: The purpose of this amendment is to provide suitable screening of the proposed manufacturing use from the State Road, and maintain and improve the visual amenities of Martha's Vineyard, so as to continue to provide for sound local economies.

Context: Woodchips Designers, Inc., Arnold Brown, President, the DRI Applicant, has proposed and agreed to take on the obligation to plant, at the next planting season following the erection of the office and manufacturing building, a mixture of coniferous and deciduous trees on the land immediately abutting State Road with a growth height of at least 30 feet per tree at maturity. The planting is at least 15 feet in depth and will include planting along the eastern boundary of the site. This step will provide for the long term benefit of the visual amenities of State Road.

Under the Act, the Commission is required to make findings after its review of the development proposal. It must consider the probable benefits and detriments of the proposal. In this matter the Commission has considered each factor enumerated in these sections of the Act and has considered its Information for Evaluation of Commercial/Small Scale Industrial DRI's, together with the information presented at the Public Hearing and the Meetings of August 7, 1978 and August 17, 1978 with the "Applicant".

The Commission finds that the probable benefits of the application will exceed the probable detriments. The Commission finds that the application with its amended submission of August 17, 1978 adequately addresses the architectural needs of quality building design necessary to provide for public enjoyment from a heavily traveled public way. The design now concerns itself with

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the cultural and other values of regional and state-wide interest, and for the promotion of sound local economies on an Island-wide scope, all of which were enabled as purposes of the Martha's Vineyard Commission.

The Commission finds that the development will not interfere substantially with the achievement of any general plan of the Town of Tisbury or of Dukes County, or violate any local development ordinances and by-laws.

The Commission finds that the development proposal will be more beneficial than detrimental when compared to alternative manners of development or development occurring in alternative locations.

The Commission finds the proposed development is consistent with local development ordinances and by-laws to the extent it is required to, only the Application being before it at this time. The Applicant must, consistent with the Decision, apply to appropriate Town of Tisbury officers or boards for any other development permits which may be required together with any other development permits required by law.

The Commission approves the Town of Tisbury officials granting applicable development permits consistent with the amended submission and amended language contained herein.

Agreement: The Martha's Vineyard Commission finds that this amended plan and submission by the Applicant of August 17, 1978 meets the statutory requirements of Chapter 831 of the Acts of 1977.

This decision is written consistent with the VOTE OF THE COMMISSION:

August 17, 1978

George H. Mathiesen
George H. Mathiesen, Chairman

Norman Friedman
Notary Public

my commission expires: 11/10/83



8/21/78
date

Edgartown, Mass. August 20 1978
at 3 o'clock and 10 minutes P.M
Received and entered with Dukes County Deeds
book 360 Page 176

Attest: *Severly W. King*
Registrar