

THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557

DATE: July 16, 1987
TO: Town of Tisbury, Building Inspector
FROM: Martha's Vineyard Commission
SUBJECT: Development of Regional Impact
RE: Boat Storage Facility
APPLICANT: Maciel Marine, Ltd.
c/o Robert E. Maciel
Box 2156
Lagoon Pond Road
Vineyard Haven, MA 02568

DECISION OF THE MARTHA'S VINEYARD COMMISSION

SUMMARY

The Martha's Vineyard Commission (the Commission) hereby approves the Application of Maciel Marine, Ltd., c/o Robert E. Maciel, Box 2156, Lagoon Pond Road, Vineyard Haven, MA 02568 for the construction of a Boat Storage Facility in the Town of Tisbury as shown on the plans entitled: "Robert Maciel, Vineyard Haven, MA., Prepared by General Building Design, Dated 5-4-87 & 4-27-87, Site, Floor, Elevated Plans & Sections" consisting of two (2) sheets; making a total of two (2) sheets, (the Plan).

The Decision is rendered pursuant to the vote of the Commission on July 16, 1987. The Building Inspector of the Town of Tisbury may now grant the necessary development permits for the Applicant's proposal or may approve and 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 Tisbury for action pursuant to Chapter 831 Acts of 1977 as Amended (the Act). The Application and Notice of public hearing relative thereto are incorporated herein.

Martha's Vineyard Commission staff document exhibits are incorporated 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 July 16, 1987 at 9:00 P.M. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts.

The proposal is for the construction of a 4,000 square foot boat storage facility.

Sanford Evans, Chairman of the Land Use Planning Committee, read the public hearing notice and opened the hearing for testimony.

Melissa Waterman, MVC Staff, showed a video of the site depicting its existing buildings and the location of the new facility. She then referenced a handout to Commissioners, and stated the proposal is for the construction of a boat storage facility with a floor area greater than 3,000 square feet in the Town of Tisbury off Lagoon Pond Road. She stated the proposal is within the Tisbury Commercial zoning district and addressed applicable zoning setbacks. Ms. Waterman stated that this proposal is not in the Coastal DCPC however, is within the Tisbury Flood/Storm District and discussed the applicable regulations for this District. She described the project as a building to be used to cover stored boats and to provide an area for employees to work on boats during the winter months. Further, the dimensions of the building are 40'x100' with a roof-line of 22', the height of the entry way is 20'4" and the roof pitch is 1/12. The proposed building will have a galvanized metal roof, metal wall panels, dirt floor with existing marine railway running the length of the building, no electricity or water connection and septic or drainage system. She stated that the applicant's estimated time for construction is 2 to 3 weeks. Further, that soils at this site are Carver and Pawtucket & Matunuck mucky peat and explained their characteristics. Ms. Waterman then stated correspondence which has been received is as follows: a letter from Robert Maciel to the Tisbury Planning Board dated 6/17/87 requesting a waiver of the Coastal Elevation and Data Plan requirement for the following reasons:

- Schofield Brothers can not begin work on the plan until December 1987
- Schofield Brothers expects to take 18 months to complete CE & DP
- Cites cost and delay factors
- States that the building will not be bringing any additional

people or traffic

- States that by covering the area with the building, pollution will be reduced because the boats will be protected from weathering due to exposure.

A letter from Walter Renear, Tisbury Planning Board to Ken Barwick, Tisbury Building Inspector dated 6/22/87 stating that the Planning Board voted to allow delay for submittal of the CE & DP provided that:

- CE & DP is submitted to Planning Board by January 1, 1988
- an anti-syphon valve is installed in the main water supply line
- the main electrical shut-off switch be moved if shown by the CE & DP to be below flood level.

Ms. Waterman then discussed development concerns as follows:

- disposal of debris from boat scraping, painting and other activities.

Mr. Evans then asked for the Applicant's presentation.

Robert Maciel, Applicant, discussed the history of his employees being laid off during winter months as there is no cover to work under. He stated this proposal will allow his employees to work under cover year-round out of the weather.

Mr. Widdiss asked why the proposal does not have electricity. Mr. Maciel explained that he uses the main building's electricity and other facilities.

Mr. Maciel stated that with the proposed building there will be more control for debris while working on the boats.

Mr. Lee asked Mr. Maciel how he disposes of materials now. Mr. Maciel stated that they are left on the ground and disappear. Further, he stated that the building will be constructed on cement piers and that this proposal will cause no increase in boats.

There was discussion of whether there will be a new railway installed or will the existing railway be used. Ms. Waterman, MVC staff, stated that the existing railway is being covered with the proposed building and that there will be no new construction of a railway.

Mr. Evans called for Town Board Testimony.

Mrs. Wolontis, Conservation Commission, stated the Commission supports this proposal.

Mrs. Eber stated the Tisbury Planning Board supports the proposal.

Mr. Evans asked for testimony in favor.

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Miles Carpenter stated he was in favor of the proposal and urged the MVC to look at the economical and recreational aspect in the positive as it will be good for the Island.

Erford Burt, Resident, stated he is in favor of the proposal.

Mr. Evans called for testimony in opposition. There was none.

Mr. Evans stated that there are a few pieces of technical correspondence which have been submitted and included in staff presentation. Further, a letter dated June 22 from Glen Provost to the Tisbury Planning Board stating he will deliver the survey work needed by January 1, 1988

As there was no further testimony Mr. Evans closed the public hearing at 10:00 P.M. and stated the record would be kept open for one week.

Following the close of the public hearing no correspondence was received for the record.

FINDINGS AND CONDITIONS

The Commission has considered the application and the recommendation presented from the Land Use Planning Committee meeting, the public hearing, and discussions during its decision deliberations and based upon such consideration, makes the following findings pursuant to Section 14 of the Act:

- a. The Commission finds that the probable benefits of the proposed development will exceed the probable detriments of the proposal in light of the considerations set forth in Section 15 of the Act.
- b. The Commission finds that the proposed development will not interfere substantially or unreasonably with the achievement of the objectives of any general plan of the Town or of Dukes County.
- c. The Commission finds that the proposed development as set forth in the application and plan will be consistent with local development ordinances and By-laws in place at the time of the submittal.
- d. The Commission finds that the development proposal will be more beneficial than detrimental when compared to alternative manners of development or developments occurring in alternative locations.

The Commission finds that the proposed development is consistent with local ordinances and by-laws to the extent it is required to, only the

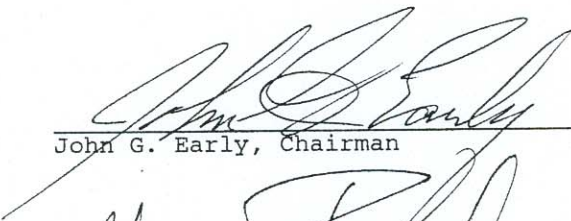
application being before it at this time. The Applicant must, consistent with this Decision, apply to appropriate Town of Tisbury Officers and Boards for any other development permits which may be required by law.

The Decision is written consistent with the vote of the Commission:
July 16, 1987

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 therein.

Any party aggrieved by a determination of the Commission may appeal to the 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.


John G. Early, Chairman

7/30/87
Date


Notary

7/30/87
Date

NORMAN FRIEDMAN
NOTARY PUBLIC
My commission expires Nov 2, 1990

Edgartown, Mass. Aug 4 19 87
at 9 o'clock and 12 minutes A M
Received and entered with Dukes County Deeds
book 480 page 570

Attest:



Register