



To: Martha's Vineyard Commission

From: Paul Foley, DRI Coordinator, Martha's Vineyard Commission

Date: Wednesday December 20, 2006

Re: 2006 Developments of Regional Impact

In 2006 the Martha's Vineyard Commission had 38 projects to review as DRI's, Concurrence Reviews, Extensions, or aspects of an already approved plan to be approved by LUPC. Of the 38 projects the Commission reviewed 11 were approved with conditions; 0 were denied; 9 were remanded back to their town as Non-Concurrences; 4 were withdrawn; 5 were granted extensions; and 3 are on hold; and 5 are in progress. The following list briefly describes the proposals from each town that were referred to the Martha's Vineyard Commission as Developments of Regional Impact in 2006.

MVC - DEVELOPMENTS OF REGIONAL IMPACT - Aquinnah 2006

DRI # 589 Red Gate Farm Approved with Conditions (May 4)
This project sought to create an Estate Plan on 366 acres in Aquinnah. The goals of the family were to give each of their children (3) a lot, to preserve their Homestead lot (Lot 2), to preserve a beach lot, and to create and control the possibility of a future sale of two lots (these two lots would not be sub-dividable if sold outside of the family). The Estate Plan reduced the number of lots from 34 to 7 and redrew the lot lines.

DRI # 590 Cingular Wireless Approved with Conditions (Nov 16)
This project sought to install, operate, and maintain a wireless communication facility with antennas within the steeple of the Community Baptist Church as well as cables and equipment cabinets. The Town of Aquinnah, the Martha's Vineyard Commission, and the Cingular Wireless Company reached a settlement that allowed the antenna to be installed in the steeple but if the Town is able to establish a viable Distributed Antenna System (DAS), Cingular agrees to quit the steeple and join the DAS.

MVC - DEVELOPMENTS OF REGIONAL IMPACT - Chilmark 2006

DRI # 383 Pearlson-Sturges Extension (April 6)
On Thursday April 6, 2006 the Martha's Vineyard Commission voted to extend the "sunset clause" by two years for DRI 383-1, Pearlson/Sturges Subdivision (Chilmark Map 7, Lot 21). This allows the owners of the approved subdivision until January 2, 2007 to begin substantial work on the project.

DRI # 383-M Pearlson-Sturges (Bussink) Modification (June 22)
On June 22, 2006 the Martha's Vineyard Commission voted that the proposal to change the configuration of a couple of the lots was not a substantial enough change to DRI 383-M to require a public hearing as a Development of Regional Impact.

DRI # 383-M2 Pearlson-Sturges (Bussink) Modification (August 3)
On August 3, 2006 the Martha's Vineyard Commission voted that the proposal to increase the subdivision by one lot (from four to five lots) while adding a restriction of no guest houses, limiting the size of houses to 4,500

square feet, increasing the size of the homesite lot, increasing the buffers and granting a view easement on lot 33 is not a substantial enough change to DRI 383-M to require a public hearing as a Development of Regional Impact.

DRI # 594 Girl Scout Camp Approved with Conditions (Sep 14)

On June 1, 2006 the Chilmark Selectmen referred the project to the Martha's Vineyard Commission as a discretionary referral under section 3.101a so that there would be a chance for a public hearing. The proposal was to demolish the existing approximately 900 square foot three-season lodge and replace it with a 1,996 square foot four-season building. The Commission staff was able to get the organization and the neighbors together and work out a mutually agreed upon settlement to the issues that had arisen and which were incorporated into the conditions.

IN PROGRESS

DRI # 597 Middle Line Path

This project proposes to create a 9-building, 12-unit affordable housing complex on a 20-acre site in Chilmark. 6-units would be residential home sites (at 125% of AMI) and 6-units are proposed to be rentals (below 85% of AMI). All would be permanently restricted to be affordable. This project was brought before the Town in nine warrant articles and approved as such. This project is before the MVC at year's end.

MVC - DEVELOPMENTS OF REGIONAL IMPACT - Edgartown 2006

DRI # 584 Cozy Hearth Approved with Conditions (Jan 19)

This project was completed in 2005 but the Written Decision was approved on January 19, 2006. The proposal was to subdivide 3 lots (10.9 acres) into 11 one-acre lots in three-acre zoning through 40B. They proposed three lots with houses to be available for families earning less than 80% Average Median Income (AMI), one lot for a family earning less than 100% AMI, four lots for families earning less than 140% AMI, and three lots at market rate.

DRI # 524-M V.N.A. at V.T.A. Non-Concurrence (April 6)

On April 6, 2006 the Martha's Vineyard Commission voted that the proposal to place three 12' X 60' office trailers (2,160 square feet) at the Vineyard Transportation Authority (V.T.A.) as temporary offices for the Vineyard Nursing Association was not a substantial enough change to require a full public hearing and review as a Development of Regional Impact

DRI No # Tall Trees Withdrawn

This project proposed to subdivide a 12 acre lot into 9 building lots and houses but was withdrawn when there was significant abutter opposition and the neighborhood was nominated as a DCPC (not designated).

DRI # 573-M Jenney Lane Non-Concurrence (July 20)

On July 20, 2006 the Martha's Vineyard Commission voted that the proposed changes to DRI 573 (Jenney Lane) to move one house to Pine Street, make one of the ten houses market rate, create an access to Curtis Lane for two houses, and to shift the parking area (as seen on Kuehn Crossing Homes Site Plan by South Mountain Company Inc., dated 7/12/2006) was not a substantial change to DRI 573.

DRI # 551-M2 G.O.O.D. Co. /Field Club Approved with Conditions (Aug 10)

This was a proposal to create a private family recreational facility operated for members only, not conducted for profit. The plans are for an 11,000 square foot Fitness Center (6,000 s.f. footprint), a 7,200 square foot barn/studio (4,800 s.f. footprint), a tennis pavilion (800 s.f.), 8 tennis courts (including 2 grass courts), 2 platform tennis courts, a pool, a snack bar, an area for lawn games, 70 parking spaces, and a pond.

DRI # 483 Tom's Neck Farm Extension (Sep 7)

On September 7, 2006 the Martha's Vineyard Commission voted to extend the "sunset clause" by two more years.

MVC - DEVELOPMENTS OF REGIONAL IMPACT - Oak Bluffs 2006

DRI # 591 The Lookout Tavern Withdrawn

The applicant's were looking to expand an existing restaurant to add 40 seats to the existing 90 for a total of 130 seats. When the MVC voted to concur with the referral the applicant's chose to withdraw.

DRI # 587 The World Revival Church Approved with Conditions (Mar 9)

This project proposed to construct a new church on Edgartown – Vineyard Haven Road that seats 200 with a 5,500 sf footprint and 74 parking spaces on 1.5 acres.

DRI # 592 The Bird's Nest Cottage Withdrawn

In September 2005 the proposal to demolish the Bird's Nest Cottage was sent to the Oak Bluffs Historical Commission. On December 8, 2005 the Oak Bluffs Historic Commission determined that the building is significant. On January 12, 2006 the O.B. Historic Commission held a Public Hearing and determined that the building should be preferably preserved. Being designated as "preferably preserved" puts a six-month demolition delay on the building until July 12, 2006. On April 20, 2006 the O.B. Historical Commission referred the project to the MVC. In meetings between the applicant, the Oak Bluffs Historical Commission, and MVC staff the project was changed and the applicant withdrew their proposal to demolish the historic home.

DRI # 595 21 Kennebec Avenue Approved with Conditions (Oct 5)

This project proposed to complete a 3-story, 6-unit, 5,629 square foot mixed-use building at 21 Kennebec Avenue. The two ground floor units of 888 square feet are intended for tourist-based retail and the four units on the second and third floor are intended for residential. The second floor apartments will have two-bedrooms each and the third floor apartments will have one-bedroom each.

DRI # 324-M Martha's Vineyard Hospital Approved with Conditions (Dec 7)

This project was a proposal to renovate, expand and replace of part of the existing hospital. The existing hospital is 140,035 square feet (sf) comprising the 1929 Hospital building (31,987 sf), the 1972 Hospital building (62,096 sf) and Windemere (45,952 sf). The proposal consists of 10,320 sf of demolition of the 1929 building, 800 sf of demolition of the 1972 building, and a 90,240 sf new addition with two main levels and a smaller basement. The new total square footage of the Hospital and Windemere will be 219,155 sf for an increase in square footage of 79,120 square feet. The new building will house state of the art inpatient rooms, surgery, imaging, outpatient services and the emergency department. There will be an increase in medical/surgical beds of 7 (from 11 to 18), a decrease in maternity beds from 4 to 3, a 5-bed nursery, 3 intensive care rooms, and the addition of 3

observation beds. Non-clinical departments will remain in the 1972 wing. The projected capital expense of the proposal is \$44,248,575.

IN PROGRESS

DRI # 596 Oyster Bar

This proposal is to add two floors and a basement to the existing one floor Oyster Bar. The second floor (2,950 sf) would be a function hall and the third floor (2,880 sf) would contain four two-bedroom apartments. There would also be a roof deck (390 sf). The proposed new building would be 37 feet tall with a tower that goes to 41.6 feet high. The existing occupancy of the restaurant is 197; the proposed occupancy for the second floor is 220.

DRI # 309-M balance restaurant

This proposal is to place a 90 seat restaurant in half of the ground floor (3,400 sf) of the old Game Room building in downtown Oak Bluffs that would also be a 150-seat function hall in the shoulder seasons. They have been approved for an all alcohol liquor license from April 1 to January 1. They have been approved for wastewater flow for a 150-seat restaurant. They have met with the Cottage City Historical District and are scheduled to meet with the Oak Bluffs Historical Commission.

MVC - DEVELOPMENTS OF REGIONAL IMPACT - TISBURY 2006

DRI # 588 117 Beach Road Non-Concurrence (February 16)

This was a project that was referred to the MVC as a Concurrence Review after the original building had been demolished and the new building was already almost complete. The Commission originally voted to concur with the referral but the project was withdrawn and the applicant's returned to the Planning Board for clarification of what was allowed by zoning in the building that now straddled two zones. The MVC sent a letter informing the Planning Board that if the applicant proposed commercial uses in the building it would have to return to the MVC. The Planning Board re-referred the amended proposal with a note about what was allowed by zoning. The MVC decided to not-concur with the referral based on a number of "findings of fact" that included a redesigned front entry and parking lot, landscaping, and limitations on the use of the first floor.

DRI # 322-M Vineyard Assembly of God Non-Concurrence (February 16)

This was a project that was referred to the MVC as a Concurrence Review because it was a modification to a previously approved plan. The proposal was to build a small parsonage on the property of the Vineyard Assembly of God in order to allow the church to house and retain its pastor.

DRI # 565 Daggett House Move Extension Granted (May 4)

This was a project that was approved by the MVC in May of 2003 and for various reasons had not occurred yet. The proposal is to move the Seth Daggett House from Tisbury Map 8-C Lot 13 to Tisbury Map 9-C Lot 13. The MVC Extension allows the owners of the building until January 31, 2007 to move the house to the appointed site.

DRI # 39-M Woodland Business Center Approved with Conditions (May 18)

This was a project that was referred to the MVC as a Concurrence Review because it was a modification to a previously approved plan. The proposal is to replace an old greenhouse with a new one-story building on the same footprint (968 sf) with one retail unit. The site accommodates 17 business condominiums in two main one-story buildings. The project was approved with conditions that encompassed lighting and a reconfiguration of the entry and traffic circulation within the complex.

DRI # 548-M2 Fairwinds**Non-Concurrence (July 13)**

This was a project that was approved by the MVC in December 2002. The project was referred to the MVC as a modification to a previously approved plan. The Commission voted that JE& T Construction's (Fairwinds) proposal to amend their comprehensive permit (40B Permit) to be allowed to finish basements with bathrooms as proposed to be conditioned by the Tisbury Zoning Board of Appeals on June 22, 2006 was not a substantial change. However, there was some concern that the Applicant did not abide completely by the MVC Decision and Conditions especially in regards to the style of houses, types of dormers and landscaping.

DRI # 39-M2 Woodland Business Center - Phase 2 Approved with Conditions (Sept. 7)

This was a project that was referred to the MVC as a mandatory referral because it was a commercial building over 2,000 square feet as well as a modification to a previously approved plan. The proposal was to build a new 5,000 square foot building with 3-retail units on the back of the property. The project was approved with condition that limited the types of businesses that could use the building (they shall not rent or sell to any of the following types of businesses: fast food restaurant; hardware store; convenience store; bank; auto parts store; video store; moped/car rentals; or those that generate more than 120 trips per day per 1000 square feet (based on ITE Handbook) shall be allowed without returning for the approval of the Commission). There were also conditions on landscaping and signage.

DRI # 39-M3 Woodland Business Center - UPS Approved with Conditions (Oct. 7)

This was a project that was referred to the MVC as a Concurrence Review because it was a modification to a previously approved plan. The proposal was to modify the approved building to replace the greenhouse (DRI 39-M) at the Woodland Business Complex, add a basement, and locate a UPS Store in it. The Commissioner's voted to not concur with the referral of the project as a DRI based upon the changes to the building being minor, there would be limited signage, and the traffic study that showed that the UPS Store is expected to only add 23 peak hour trips (12 trips in and 12 out) on a privately owned driveway.

IN PROGRESS**DRI # 525-M2 MV Coffee Shop at Tisbury Shell Awaiting Traffic Study**

This was a project that was referred to the MVC as a Concurrence Review because it was a modification to a previously approved plan and because it could be an increase in intensity of use. The proposal is to replace "Wrap and Roll" with a Dunkin' Donuts franchise. The MVC is awaiting a traffic study before it schedules the project for a public hearing.

DRI # 593 18 State Road Awaiting Applicant

This was a project that was referred to the MVC as a mandatory referral because the proposal was to construct a 2,200 gross square foot mixed-use building (900 square foot footprint) with one office, a studio apartment and storage on a property with an existing two-unit commercial building. The original plan has changed a few times. Archaeological evidence shows that there has been human habitation of this site since approximately 8,000 B.C. In 1965 William Ritchie, the author of The Archaeology of Martha's Vineyard, did an extensive dig on this property and wrote a chapter about it in the book. The applicant has gone to the Tisbury Sewer Commission to request a connection to the system. The property is in the business district but is one property away from the designated sewer area. Connection to the sewer system is practically a prerequisite to any further development on this property since it would require far less excavation on the sensitive portions of the site.

OTHER

DRI # 38 Main Street

This project would be referred to the MVC as both a Mandatory and Concurrence Referral. Mr. Hall requested time at the LUPC to challenge the Building Inspector's interpretation of the DRI Checklist. The plans have changed but it would appear that if an application is filed it will be referred to the MVC as a DRI.

MVC - DEVELOPMENTS OF REGIONAL IMPACT - WEST TISBURY 2006

DRI # 560 Bridge Housing Extension (April 6)

This project was originally approved by the MVC in 2003 and has been granted an extension until June 30, 2008 to begin substantial work on the proposed project.

DRI # 503-M Allen Moore Farm Extension (July 20)

This project was originally approved by the MVC in 2000 and has been granted another extension to July 28, 2007 due to the on-going delays it has experienced working out the conservation restrictions.

DRI # 422-M Island Gymnastics Withdrawn

The owners of Island Gymnastics were scheduled to appear before the LUPC on August 21 to propose a modification to their DRI Decision to add a small staff cottage to the property. However, they called to withdraw the proposal. If and when the proposal is re-submitted it should be referred to the MVC for a modification review.

DRI # 326-M Rattner/White Houses Non-Concurrence W/ Fact (September 21)

This was two separate projects: one was to move an existing 3,300 +/- square foot house to an abutting property under the same ownership; the other was to build a new house of 12,700 square feet (15,575 gross square feet including porches and basement) on the site of the existing house with a footprint of 6,774 square feet. The two projects were referred to the Commission as a Concurrence Review since the site was the subject of a previous DRI. The decision to not concur with the referral of this project as a DRI was based on these findings of fact – including those that were clarified by the Applicant during the concurrence review – which form an integral and indispensable part of this decision. Should any aspect of the project substantially change, the permit-granting authorities should refer the project back to the Commission for consideration as to whether the modified project is a Development of Regional Impact.

DRI # 209-M3 Deep Bottom Lot Merge Non-Concurrence W/ Fact (October 5)

In 1986, 1992, and 1995 the Magid (Deep Bottom) Subdivision was before the MVC as a DRI. One of the Conditions was to combine 11 pairs of lots to cut down on the density. Each time the merging of lots 82 and 83 was specifically designated and approved. The zoning in 1986 was based on 60,000 square feet rather than one and a half acres (65,340 square feet). This proposal asked to be allowed by the MVC to add 0.2 acres of an abutting open space easement (which has had a conservation restriction placed on it) to Lots 82 and 83 to create a 3-acre lot. The decision to not concur with the referral of this project as a DRI was based on specific findings of fact – they will observe a set back from the Edgartown-West Tisbury Road consisting of the 100' existing buffer and will add 50' to the required 50' setback thus creating a total of a 200' setback to any structures from the road in which they will observe a "no cut" zone. Also, the owner will install a denitrifying wastewater treatment system.

DRI # 488 Rutkiewicz/Willow Bottom On Hold

This was originally sent to the MVC in 1999 and was subsequently in the courts for many years. In 2005 Mr. Rutkiewicz was instructed by the court to go through the DRI Process, which he was doing when he suddenly and sadly died. The project has been on hold since that time.

IN PROGRESS

DRI # 549-M Hart Hardware and Plumbing Public Hearing (December 14)

This is a project that proposes to change the use of an approved but not yet built building from office to a combination of plumbing business, hardware store and two apartments. The project is scheduled for Public Hearing as a DRI on December 14, 2006 at 6:30 pm.

DRI # 598 Ferry Tennis/Office Recently Referred (November 27)

This project was referred November 27 and is scheduled for a Staff/Applicant Meeting on December 14. The proposal is for an outdoor tennis court, an indoor racquetball court and two offices. The project abuts the aforementioned Hart Hardware proposal and both are in the West Tisbury Mixed Use Business District.