

PO BOX 1447, OAK BLUFFS, MASSACHUSETTS, 02557, 508-693-3453
FAX 508-693-7894 INFO@MVCOMMISSION.ORG WWW.MVCOMMISSION.ORG

Minutes of the Commission Meeting Held on September 16, 2010 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

Commissioners: (P = Present; A = Appointed; E = Elected)

- | | |
|--------------------------------------|--------------------------------------|
| - Bill Bennet (A – Chilmark) | P Katherine Newman (E – Aquinnah) |
| P John Breckenridge (E – Oak Bluffs) | P Ned Orleans (A – Tisbury) |
| P Christina Brown (E – Edgartown) | P Camille Rose (A – Aquinnah) |
| P Peter Cabana (A – Tisbury) | P Doug Sederholm (E – Chilmark) |
| - Martin Crane (A – Governor) | P Linda Sibley (E – West Tisbury) |
| - Fred Hancock (A – Oak Bluffs) | P Brian Smith (A – West Tisbury) |
| P Chris Murphy (E – Chilmark) | - Holly Stephenson (E – Tisbury) |
| P Jim Joyce (A – Edgartown) | - Andrew Woodruff (E – West Tisbury) |
| P Lenny Jason (A – County) | |

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Coordinator)

Christina Brown called the meeting to order at 8:00 p.m.

1. WIND PLANNING MEETING UPDATE

Douglas Sederholm gave an update on the meeting that had just previously taken place concerning the RIO SAMP and the Memorandum of Understanding (MOU) recently signed between RI and MA.

- Representatives from the RIO SAMP and the MA Ocean Plan were present at the meeting.
- There is a MOU between the two States in which they agreed to work together on the possibility of wind energy development in an Area of Mutual Interest located in federal waters.
- RI has done extensive evaluations on what the impact of wind-turbine development would be on avian species, marine mammals, fishing grounds, navigation routes, and the sea bottom.
- Areas that were less than twenty meters deep, had significant rugosity – wrinkles in the sea-bed – d, and were heavily used for navigation were removed from consideration.
- Fishing grounds are also being considered in the decision making process.
- Deerin Babb-Brott of EEA repeated that the MVC has jurisdiction over the Noman's commercial Wind Energy Area.

Christina Brown added that representatives from both the federal and state governments were involved. Rhode Island spent more than three years and \$7 million gathering data, which will be available to the MVC.

John Breckenridge raised concerns about the possible need for additional planning, data collection and/or legal work on the MVC budget, which will be prepared this fall.

Christina Brown reported that the federal government has changed the setback requirement to a twelve-nautical mile minimum distance off shore for commercial offshore wind farms.

Doug Sederholm pointed out that it was only for commercial, not innovative community based projects.

2. BIG SKY TENTS: DRI 618 – PUBLIC HEARING CONTINUED

Commissioners present: J. Breckenridge, C. Brown, C. Murphy, J. James, L. Jason, K. Newman, N. Orleans, C. Rose, D. Sederholm, L. Sibley, B. Smith

For the Applicant: Jim Eddy, Big Sky Tent; Reid Silva, Engineer/Agent

Christina Brown re-opened the public hearing.

Paul Foley explained the Public Hearing was continued because the Commission requested more information, a new site plan and there had been no offers presented. He said that a new site plan, a list of offers, and a letter from abutters have now been received.

2.1 Staff Report

Paul Foley gave an overview of the staff report.

- The map of the project shows the property location at 90 Dr. Fisher Road, West Tisbury Map 21 Lot 12 (1.01 acres). The property was the subject of a Form A that divided Lot 12 into 3 one-acre parcels.
- The property directly to the left is owned by Melissa Manter, leased by Keene, and zoned light industrial.
- The property was subdivided into three lots. One is leased by Keene and the other by Bizzaro.
- The town recently changed the zoning of the surrounding properties which brings the commercial traffic down Dr. Fisher Road and Pine Hill Road.
- A couple of years ago, the owner of the property Mr. Williams requested to have commercial parking on the lot. The project was withdrawn.
- Mr. Eddy would like to purchase the property and build a 9,600 sf (footprint) storage facility for his tent and equipment rental business.
- The plan includes accessing the property as soon as you reach the property on Dr. Fisher Road. There is a verbal agreement for an easement across the property to be granted to Bizarro. Bizarro has verbally agreed to also use this access point.
- A letter was received on September 15, 2010 from area residents signed by: Bill Coogan, Kim Mathews, David Fielder, Libby Fielder, Melissa Manter, Constance Breese, John Pavlik, Charles W. Bowman, Susie Bowman, Sherry Kagan Segal, Danny Segal, Sarah Vail, David Vigneault, Susanna J. Sturgis, Abigail Bailey, Kenneth Bailey, Porter Thompson, Enja Thompson, Hal T. Child, Karen J. Child, Scott Bemudes, and Cynthia Bermudes. The letter expresses concerns about the scale of the building, the increased

truck traffic and impacts on the rural roads, and the potential for noise and light impacts. They ask the MVC to consider the cumulative effects of the whole development of the three lots and to find balance between historic, conservation needs and development.

2.2 Applicant's Presentation

Reid Silva stated that it was his understanding the main reasons why the hearing was continued was to come back with a more detailed site plan and a list of offers.

- He provided information on the site and construction. The driveway surface would be rap. A swale and grass strip would be placed along the edges to capture run-off.
- He reviewed the offers and offered clarifications in response to Commissioner questions.
 - *Landscaping:* Tree and brush removal will be limited to that which is necessary to construct the structure and install the driveway and parking areas. Buffer screening will be provided by supplementing the existing vegetation with white pine clusters where needed. A general landscape plan has been presented, however, a detailed plan will be submitted for final review and approval prior to issuance of Certificate of Occupancy.

Christina Brown stated that the final landscaping plan had to be approved by LUPC.

- *Exterior Lighting:* Exterior lighting on buildings shall be limited to that required by code, shall be downward shielded to prevent light spilling off the property and shall be either motion sensitive or on timers to ensure that they are turned off when the building is closed.

Christina Brown asked what type of lighting was required by code. **Reid Silva** answered that he believed it would only be by entry and exit doors. **Douglas Sederholm** asked if there would be no flood lighting or lighting of the parking area. **Reid Silva** said that was correct.

- *Hours of Operation:* Due to the sensitivity of the abutting residential neighborhood, normal hours of operation for the proposed facility shall be limited to 7:00 am to 7:00pm, Monday thru Sunday.

Ned Orleans questioned the operating hours because the staff report stated 7:30 to 7:00. **Christina Brown** explained that these are the current offers being presented. **Douglas Sederholm** asked for the word "normal" to be removed. **Reid Silva** said that "normal" could be stricken.

- *Affordable Housing:* The applicant will make a \$5,000 donation to an Island affordable housing organization prior to issuance of a Certificate of Occupancy by the Town.

Ned Orleans stated that the offer was less than what the policy requires. **Reid Silva** explained that it was previously discussed that it was reduced because the majority of the building was storage to house equipment. Big Sky has given Affordable Housing organizations a significant discount on tent rentals in the past and would continue to do so.

- *Wastewater:*

- *The applicant will not clean dishes or tents on this property.*
- *The property will be restricted from any outdoor hanging or drying of tents.*
- *The septic system will consist of a drip dispersal leaching facility. Although not qualified by DEP as an "Enhanced" septic system, the general professional opinions of the system is that it will provide substantial nitrogen reduction through the utilization of the grass root zone.*
- *A grass berm has been planned around all parking areas to help treat rain runoff prior to infiltration into the ground.*

James Joyce wanted to know what would be inside the building that would require a septic. **Reid Silva** answered that a bathroom for employees would be inside. **Christina Brown** asked if the grass berm would be part of the landscaping plan which would be presented for approval to the LUPC. **Reid Silva** said that was correct.

o *Dr. Fisher Road:*

- *The applicant will only use sand hardener to repair potholes and ruts.*
- *The applicant will not build or create any new turnouts.*
- *The applicant will retain much of the existing vegetation along Dr. Fisher and Pine Hill Roads for natural native buffer.*
- *An offer has been made to the neighboring property currently used by Bizzaro to create and allow use of an access way through the property to help relieve vehicular traffic that currently uses Pine Hill Road.*

Mark London suggested re-writing the offer to say that they "shall allow an easement". **Chris Murphy** stated that the name of the abutter should be removed and it should state "an easement will be granted to the abutter." He also asked where the West Tisbury Planning Board stood on the easement. **Reid Silva** said that they suggested and supported the easement.

o *Architectural Detailing:*

- *Final architectural plans and details will be submitted for the review and approval of the Martha's Vineyard Commission before a Building Permit is issued.*
- *The exterior of the building will be shingled as opposed to steel siding on three of the four sides. The sides to be shingled are the north, east, and south facing walls.*
- *Architectural details such as a cupola, and trim work will be incorporated into the plan to promote a rural/barn façade.*

John Breckenridge asked if trim boards were typical to a barn with windows.

Reid Silva explained that it was to add more detail than a typical steel sided building. **Mark London** stated that a process would be needed to review the details of the building. There was discussion on if it would be reviewed by the whole Commission or LUPC. It was agreed that it would be discussed if it was approved.

- o *Energy and Environmental Building Policy:* 2,000 sf of the proposed structure will be conditioned space with the remaining 7,600 sf being un-conditioned storage space for equipment and materials. The conditioned space will exceed the requirements of the Massachusetts RES-Check audit by at least 20%.

2.3 Public Comment

Bill Coogan, resident of Pine Hill Road, stated that during the summer months many people spend a lot of time outside, he is concerned that the closing hour of 7 p.m. is pushing into social time; if the project is approved he would like to see the hours strictly enforced. **Christina Brown** stated that the word "normal" was being removed from the business hours; operations past 7 p.m. would be outside of the offer.

Melissa Manter, abutter and owner of 250 feet of property along Doctor Fisher Road, expressed concerns.

- Bizzaro has not abided by the agreements for Doctor Fisher Road. Gravel hardener has been used and additional turnoffs have been created.
- She questioned the actual use of the building and asked if customers would be picking up supplies.
- She stated that West Tisbury has a list of uses that are considered Light Industrial. She wanted to know under what usage the project fell under.
- She asked what the process would be if the project was approved by the MVC. **Christina Brown** explained that if it is approved with conditions it would go back to the West Tisbury ZBA; the ZBA could approve the project as is, modify, or deny it.
- She expressed concern for safety.
- She said the building would be out of character for the neighborhood.

Cynthia Bermudes, resident of Indian Hill Road, explained that she and her daughters ride ponies at least three times a day on Doctor Fisher Road. She is concerned about the traffic and safety of her daughters.

Constance Breese, resident of Pine Hill Road, stated the information given in the report was a starting point for the trip generation. She stated the business will grow and there would be no process or regulation for the growth.

Porter Thompson, resident of Pine Hill Road, stated the project was out of scale; he questioned what happens after Big Sky is done with the property. **Christina Brown** explained that the approval is attached to the land; other uses would have to be approved by the MVC.

2.3 Commissioner Questions

There was a discussion on what would be an appropriate use of the property.

- **Chris Murphy** stated that the property is zoned Light Industrial. He asked what an appropriate use of the property would be.
- **Constance Breese** stated that Bizzaro is a good example. The trucks leave once in the morning and come back once at 4 p.m. There are no repeat trips and no evening or weekend hours.
- **Melissa Manter** said that West Tisbury has a list that defines Light Industrial with approximately 100 different uses. She added that it is the scope of the project that is out of proportion with the area.
- **Christina Brown** said that the Commission would look at the list.
- **Chris Murphy** pointed out that a year ago the same piece of land was before the Commission to be used as a parking lot. The neighbors stated that it would be an abuse

of the property and the project was withdrawn. The new proposal seems to be a less intense use.

- **Christina Brown** pointed out that the discussion would take place among the Commissioners.

John Breckenridge asked Jim Eddy what the maximum amount of trips would be per truck a day. **Jim Eddy** explained that two trips a day would be the maximum for a truck.

There was a discussion regarding customer pick-ups.

- **John Breckenridge** asked for clarification on customers picking up supplies.
- **Jim Eddy** explained that there would be no customers at the site. It was only for storage of tents, chairs, and tables. He further explained that he had a show room and office at his other location at the airport business park that he would be keeping.
- **John Breckenridge** said that it should be added to the offers that no customer pick-ups would be permitted.
- **Jim Eddy** agreed.

There was a discussion regarding adding on at the current location.

- **Lenny Jason** asked Jim Eddy if there was anything preventing him from adding on at his current location for storage.
- **Jim Eddy** explained that he is currently a tenant at the airport. He does not think the space could be expanded.
- **Lenny Jason** asked if he has had a conversation with his current landlord.
- **Jim Eddy** said that he has not, but does not think it would be possible. It would have to be approved by the Airport Commission. He has already acquired more space in the building and does not think they could add on to the building.

It was agreed to have the list of Light Industrial uses from West Tisbury available for deliberations.

Christina Brown closed the public hearing and the written record.

The project will be heard by the Land Use Planning Committee on September 27, 2010 at 5:45 pm.

3. 45 BEACH ROAD / PIZZA: DRI 626 – PUBLIC HEARING

Commissioners present: J. Breckenridge, C. Brown, C. Murphy, L. Jason, K. Newman, N. Orleans, C. Rose, D. Sederholm, B. Smith

For the Applicant: William M. Craffey, Escape MV Inc.; Liz Wielder, Agent

Linda Sibley opened the public hearing and read the hearing notice. The application from William M. Craffey is to locate a new pizza and sandwich shop at 45 Beach Road, with other existing uses continuing on the property.

3.1 Staff Report

Paul Foley gave the staff report.

- The project is located at 45 Beach Road, Tisbury.

- The applicant is William M. Craffey (Escape MV Inc.), the tenant who would operate the pizza restaurant, and is applying on behalf of the owner of the property, namely Tisbury Marina LLC.
- The proposed plan is to locate a new pizza and sandwich delivery shop in a renovated building located at 45 Beach Road with a Century 21 Office and parking for Budget Rental Car and Blue Canoe Restaurant.
- The applicant estimates that 85% of business would be pickup by automobile.
- There will be no seating, just counter service. There will be no delivery.
- They do not plan to seek beer and wine permits.
- The project will be connected to the town sewer. They will have two fryolaters and a grease trap.
- The applicant will sign a ten-year lease subject to permitting.
- Budget Rental car will maintain a shed and the rear 20' of the lot for parking.
- Hours of operation are estimated to be 10 am to 10 pm in summer and 11 am to 9 pm winter. There would be 3-4 employees in summer and 2-3 in winter.
- The project was referred to the MVC by the Tisbury Planning Board for three different reasons; increased intensity of use, high traffic generating business, and restaurant outside of the B-1. All are concurrence reviews.
- It was determined on August 12, 2010 that a public hearing was necessary.
- Some of the key planning issues include that this is a high-traffic generating, auto-oriented use on one of the busiest stretches of road on the island.
- The Commission should also consider if there is adequate access for the various uses (pizza and sandwich shop, restaurant parking, Budget Rental Car, apartment, and office).
- This is not an NHESP habitat.
- The site was a rental and car sales lot in the past. There is a new small lawn in front.
- The project is connected to the Tisbury sewer.
- The DPW allocated an additional 44 gpd to the existing 250 gpd based on the new use and not having any customer seating
- Other existing uses include on office and one-bedroom apartment.
- Site surfaces are proposed to be gravel and crushed shell.
- There are no gutters on the building. Stormwater would run off the roof and into the ground.
- The previous parking lot consisted of 66 unmarked parking spaces, plus a trailer and shed, covering virtually the entire lot with vehicles.
- The proposed parking situation results in a decrease of 8-14 parking spots for a total of 52 unmarked parking spaces.
 - Budget Rent-a-Car has 26 parking spaces at rear of the property.
 - Century-21 occupies 3 parking spaces alongside the Art Cliff.
 - Pizza will occupy 10 adjacent parking spaces (the area with crushed shells).
 - Blue Canoe and the Marina will occupy 14 parking spaces. It is unclear how the Blue Canoe parks their customer vehicles.
- The existing/proposed parking lot circulation plan currently shows an entrance/exit at the site driveway as well as an entrance/exit roughly 70'-feet west of the site driveway.

- Existing conditions show a 20'-foot right of way but field measurements show the traveled way being closer to 15'-feet, making the two-way traffic and access to the parking spots less than desirable but when compared to other Island locations it should be manageable.
- The previous uses generated 180 Total Daily Trips.
 - Apartment – 6
 - General Office – 5
 - Budget Rent-a-Car (66 cars) – 132
 - McCurdy Auto Sales – 12
 - Leased Spaces and Trailers – 15
 - Flooring Contractor – 10
- The proposed uses generate 188 Total Daily Trips.
 - Apartment – 6
 - General Office (Century 21) – 20
 - Budget Rent-a-Car (26 cars) – 52
 - Island Pizza – 82
 - Blue Canoe and Marina Parking – 28
- The Blue Canoe's trips were determined by assigning two trips per parking space.
- Overall, the estimated proposed daily trip generation will result in an increase of 8 total daily trips (4% increase change from previous). This result will have a negligible effect on the Beach Road Corridor.
- Sightlines are adequate.
- There have been no accidents associated with this location during the last three years.
- There is concern regarding the amount of room available for cars backing out. There appears to be enough room, however it is rather tight.
- The proposed project does not trigger the MVC's Affordable Housing Policy.
- The building has been renovated and owners have improved the landscape and streetscape.

3.2 Applicant's Presentation

William M. Craffey presented information about the project.

- The landscape was brought in 18 inches to make the sidewalk wider.
- There will be no pizza delivery out of that location.
- The information provided regarding 85% of the business will be from phone orders are based on previous experience at Tisbury Marketplace. There are hopes that being more visible from the road and closer to the boat will produce more walk-in business.
- There have been three traffic reports. The highest increase in a report was eight trips.
- He does not see parking as an issue.

3.2 Commissioner's Questions

Ned Orleans asked what kind of sandwiches would be served. **William Craffey** said it would be subs. It is pizza and subs.

Brian Smith asked if there would be any outdoor seating. **William Craffey** said there would be no seating at all.

John Breckenridge asked if a beer and wine permit would be sought. **William Craffey** answered that a beer and wine license requires seating for thirty people and classification of what a meal is.

Kathy Newman asked what kind of signage would be visible from the road. **William Craffey** explained that the current sign in the front of the building that holds the Century 21 and Budget signs would include his sign as well. The other two signs would be smaller so that the three signs would be of equal size. The only change he is making to the building is a vent for the fryolater and a hood for the grill. It is planned for them to come out the back of the building. If it has to come out the side, it would be screened so that it is not visible.

William Wilcox stated that storm-water runoff is hard to capture; he stated that it would most likely run off the roof into the gravel and shell. **Liz Wild** explained that French drains were installed with gravel and vegetation around the perimeter.

There was a discussion regarding traffic and the timing of activities.

- **Linda Sibley** asked if the times of day and certain activities were looked at in regards to the traffic.
- **Liz Wild** explained that the drawbridge opening and boat schedule has the biggest impact on the traffic in that area. She also explained that Budget only uses the lot for staging.
- **Michael Mauro** agreed.

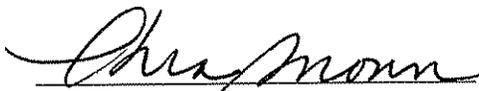
There was a discussion regarding installing a cross-walk.

- **Lenny Jason** asked if there were plans to put in a cross-walk.
- **Liz Wild** explained that they have requested one, but the State claims not to have the funds available to install one.
- **Mark London** explained that there were recent discussions with MassDOT about the area and the state is receptive to making improvements in this area, though it will take several years to design and implement.

Linda Sibley asked for Testimony from Public Officials and the Public. There was none.

Linda Sibley closed the public hearing and written record.

The meeting adjourned at 9:45 p.m.


Chairman

11/4/10
Date


Clerk-Treasurer

11/4/10
Date