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## **Martha's Vineyard Commission**

### **Land Use Planning Committee**

# **Draft Notes of the Meeting of March 9, 2009**

Held in the Stone Building, New York Avenue, Oak Bluffs. 5:30 P.M.

Commissioners Present: Linda Sibley (Chair); Pete Cabana; Chris Murphy; Ned Orleans; Kathy Newman; Christina Brown; Holly Stephenson.

MVC Staff Present: Paul Foley; Mark London; Christine Flynn; Mike Mauro

### **1. Sai Mai Thai Restaurant (DRI 593-M) Modification Review**

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**Applicant:** Pissamai Green (Applicant), Daniel Dyer (Agent), Sylvestro Schiavone (Bldg Owner)

**Project Location:** 18 State Road, Tisbury, MA Map 9-A Lot 4 (0.33 acres)

**Proposal:** To locate a 56-seat Thai restaurant in the front building (formerly the Pisano-Belushi Gallery).  
Guest: Ken Barwick

#### **Staff Report:**

- The proposal is to locate a 56-seat Thai restaurant in the front building (formerly the Pisano-Belushi Gallery). There would be an additional 16 seats outside on the terrace in the summer.
- The kitchen would be on the basement level where there would also be a take out door in the back.
- Mr. Schiavone was approved with conditions in May 2007 to build a new second structure in the rear of the property. The new building was a 2,200 gross square foot mixed-use building (900 square foot footprint) with one office (four rooms), a studio apartment and storage on a property with an existing two-unit commercial building. There was also a new shed built on the back of the property.
- The basement of the new building was proposed for storage for the new office, the pre-existing gallery, and the pre-existing documentary film office.
- The key issue appears to be parking.

#### **Parking:**

- The site has 12 parking spaces shared between the two buildings.
- The Town does not require any parking from businesses in the B-1 Commercial District.
- Most of the existing restaurants in Tisbury do not have their own parking.
- The site has a narrow driveway onto a very busy road with slightly blocked sightlines.
- One of the concerns is what happens if the parking lot is full and someone drives in and then has to turn around and exit while others are also entering. This situation could create a bottleneck on one of the busiest roads on the island.
- A commissioner commented that they would almost be better off without any parking.

#### **Applicant presentation:**

- Daniel Dyer said that Pissamai is from Thailand. She thinks many Thai restaurants have become Americanized. She has rare recipes from the Royal Thai Palace. She wants to bring back her culture and introduce it to the U.S.

- They looked at several possible locations. This site did not have a restaurant previously but it seems to fit their needs well. Mr. Schiavone has gone out of his way to help them.
- The only obstacle they have heard is parking. He has been in and out of that driveway all winter and has not experienced a problem.
- They are going to be a year round business. They are trying to find a balance of how to make it work. They could widen the driveway a little bit so that there could be two cars at the same time, one coming in and one going out if it was necessary.
- They have talked to their neighbors. Joe Grillo is open but does not want to commit at this time. Pat Gregory has been very helpful.
- Sylvestro Schiavone said he would like to add that there is ample parking on Causeway, about 30 spots on Causeway. There is a road down to the park that ends near our property.
- Commissioner Cabana noted that he belongs to the Mansion House and parks on Causeway all the time.

### **Commissioner Questions:**

- Commissioner Stephenson said that the Planning Board of Tisbury has been looking at alternative routes. She said it was important the MVC stay in contact with the Planning Board when project are in front of the MVC even if they do not have to go to the Planning Board.
- Chairman Sibley said that in this case this is a modification/concurrence. We have to decide if this project is a substantial change from the previous DRI. We may want to weigh whether this is an area that is critical to the Planning Board.
- Commissioner Orleans said that it seems to him there is a responsibility of the local Planning Board to pay attention to our schedule. At this stage it has always been that the Building Inspector is the one involved.
- Commissioner Brown said that we are often acutely aware that some projects need a public hearing. If there is going to be a public hearing in the town that covers the relevant issues at a local board we don't always have to hear it here.
- ***Chris Murphy made a motion to recommend to the full Commission to accept the referral as a DRI.***
- Commissioner Newman was wondering about the history of the property and whether we looked at the Pisano gallery. The MVC did not review the Pisano gallery as a DRI.
- Commissioner Brown said that if the issue is traffic in practical terms there has been a traffic generating use on the property and no accidents have been reported. Plus this is going to have a hearing at the ZBA and they can deal with the local issues. She doesn't think this has a parking problem. She would lean towards a non-concurrence. They have dealt with the sewerage.
- Commissioner Stephenson said that State Road is a regional issue. The traffic is often backed up to Cronig's. In the summer it is very difficult to drive through there. Even at this time of year it is an issue. If it were a nighttime only restaurant it would be one thing, but the fact that it is a daytime restaurant as well makes it a parking issue.
- Commissioner Orleans asked just what a high-end Thai Restaurant is.
- Daniel Dyer said what they mean is something like Saltwater, in terms of ambience.
- Paul Foley suggested that maybe they should use the term "authentic" Thai restaurant.
- Pissamai Laothong Green said they want to be in Vineyard Haven. A real Thai food restaurant is her dream. Her country and Vineyard Haven have a long connection. Her king was born in Boston in the 1920's and came to summer in Vineyard Haven at 703 Main Street. She has put together a

history that shows that King number 8 and 9 both came to Vineyard Haven. She would like to reconnect the historic connection between the Vineyard and her country.

- Commissioner Orleans said that on the parking he would say that they should consider that the parking in back should be for employees and handicapped. We have a problem with traffic and parking. One answer is to not allow places to open but that is not going to happen. He does not see traffic and parking as more of an issue for this proposal any more than for any other restaurant. He would support a Motion to not concur.
- Mark London said that the Commissioners might want consider the impact on the timing of the restaurant's opening if it has to go through the MVC process, and whether there are any issues that the Commission could deal with that the ZBA can't. To get an idea of the scale of the parking demand, we could assume that half the clients might walk; this leaves 30 people and at 3 people per car, they would need 10 spaces, which they have. We should work with the Planning Board on the circulation; it has identified two options for improving access at the rear; one is to connect neighboring properties to each other, the other is a possible road along the park.
- Commissioner Cabana said that by going to a public hearing we might have an opportunity to get together to look at this issue of circulation.
- Commissioner Newman said that her question is whether we can do that better then them going to the Planning Board.
- Commissioner Stephenson pointed out that this project does not go to the Planning Board.
- Commissioner Murphy said that we do not have to have long complicated hearings. To him any business that enters onto State Road should be reviewed.
- Commissioner Newman pointed out that the Pisano gallery never came here.
- Chairman Sibley said she thinks we should give our new traffic planner an assignment. Compare the impact of a gallery opening to a restaurant that is open for lunch and dinner. Her suspicion is that the opening is more intense but that this is chronic. She said that she would probably abstain today without that type of information. We should clarify what the ZBA can do in this context?
- Mark London suggested that LUPC members outline questions for staff that might be answered by the time of the vote by the full commission. The Applicants are anxious to get this done quickly, so he suggested advertizing for a public hearing, in case the Commission concurs.
- Commissioner Stephenson said that we need to know what Joe Grillo is planning on doing. She said she doesn't want to hold up the restaurant but these are important issues. They are keeping the building the same. If we hold up the restaurant it would be to try to solve the parking issue. They shouldn't have to pay for Tisbury's problem.
- Commissioner Brown said that if we were to go to public hearing we should list our issues and questions right now on why and what is the information we need.
- Commissioner Murphy said he has issues with access and egress onto the State Road. He would be happy to wall off the parking lot. In terms of having a restaurant this would exacerbate a bad situation. Has the applicant looked at the compliance with the previous conditions?
- Chairman Sibley reiterated that we should have Mike look at the traffic and parking situation and tell us whether or not it is a problem. If we are the only board who can address that issue, then we should have a hearing.
- Mark London said that the biggest regional impact would be people coming up State Road and trying to cross into this property and blocking up traffic if they had to wait too long to get in.
- Commissioner Brown said that makes the assumption that people stopping to let others in is a bad thing. On the Vineyard it is a common thing.
- Chairman Sibley said that this is the empirical question we are giving to our traffic planner.

- Mr. Schiavone said that his experience with the Pisano gallery is that there was a bit of late breakfast lunch traffic. He did do a traffic study for the first DRI. The commission has that on file.
- Chairman Sibley said that we should have that information. She proceeded to poll people and see where they are.
- Commissioner Cabana said that he is inclined to concur.
- Commissioner Brown said that she is inclined to concur with an agreement that we have a fast track.
- Commissioner Newman said that she would like to know the information that we are missing before we vote. She doesn't think that there is that much of a regional impact.
- Commissioner Stephenson said she was on the fence. We need a traffic study. She would note that the Fire Department is down the road and that State Road is a problem. The MVC has a professional staff but the Town does not. She would like someone to look at the traffic for that strip. She added that she doesn't want to hold the restaurant up.
- Commissioner Murphy said that holding up the restaurant is not our issue. He added that the way to get the information we need is by continuing the process.
- Commissioner Orleans said that he recognizes the issues and the problems and the issues are continuous and never ending and will never end. He would vote not to concur with the referral.
- Commissioner Newman asked what if the Applicant offered the Chris Murphy solution of blocking the parking lot to customers.
- Chairman Sibley said that she is inclined to concur because we have the staff to deal with this type issues. If staff would come back by next Thursday and report that there is not an issue then she might vote not to concur. She asked staff to set a date for a public hearing and be prepared to advertise.
- **Commissioners Murphy, Cabana, and Stephenson voted to concur with referral. Commissioners Orleans and Brown voted not to concur. Commissioners Newman and Sibley abstained. The motion to concur with the referral passed 3-2.**
- Commissioner Murphy asked if the LUPC could ask staff to report on the traffic and compliance
- Commissioner Orleans said that he is asking for a report on the issue specifically related to the access to State Road. He thinks we need to have the discussion of what the minimal traffic study would include.
- Mark London said that staff would do a preliminary study to ascertain if there is a parking problem and access issues.
- Commissioner Brown added that staff should look at whether cars going in and turning left from State Road would create a problem.
- Commissioner Murphy said his question is whether we are creating a traffic accident.
- Chairman Sibley said that there might be greater risk at this time of year than in the summer because in the summer the traffic is at a crawl.
- Commissioner Orleans said that we need to have a history of accidents in that area. There may be no problem.
- Commissioner Brown said she wants to know how the flow of this restaurant will impact traffic.
- Mr. Schiavone added that in the traffic study by Sourati a few years ago it said that the bank and Camp Street break up the flow.
- Mark London said that staff should also look at the traffic studies for 4 Causeway, and Tisbury Fuel Services.
- Commissioner Stephenson added that the fire department may have information.

- Commissioner Brown reminded staff to look at safety, not only for this stretch but other commercial areas as well. One other thing is how much can the ZBA deal with.
- Ken Barwick, Tisbury Building Inspector, said that the ZBA has a list of criteria in the bylaw that they look at. How much of that is going to be presented and discussed and digested he cannot say. But if you view Section 5 of the bylaw it lists the criteria which include traffic and lighting.
- Commissioner Stephenson noted that the ZBA has no professional staff.
- Chairman Sibley thanked Mr. Barwick for coming to LUPC. It is very helpful when the Commission gets input from local boards.
- Mr. Barwick said that several years ago they made a suggestion that any project that triggered the DRI Checklist, it would automatically go to the Planning Board but nothing ever came of it. At the Building Department we are required to inform the Selectmen.
- Paul Foley suggested that the easiest way would probably be if he simply informed all of the local boards in a town whenever he received a referral from any board in that town.