

THE MARTHA'S VINEYARD COMMISSION

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Land Use Planning Committee Summary of June 14, 1999 Meeting Olde Stone Building

Members present: John Best, Christina Brown, Michael Colaneri, Marcia Cini, Michael Donaroma, Ann Gallagher, Tristan Israel, Megan Ottens-Sargent, Richard Toole, Robert Zeltzer

Staff present: David Wessling, William Wilcox

Others present: See attached list

Meeting opened at 5:35 P.M. by Michael Donaroma

Planet Vineyard Health and Fitness (DRI #501)

Joan Lanza, representing the Applicant, presented the proposal to the Committee.

She began by describing the key elements of the site plan - location, orientation, and size of the proposed structure; the buildings's exterior materials and their colors; landscaping, grading and drainage changes; and traffic flow. During her presentation she explained the design intent - to minimize the building's visual appearance and to fit the building to its surroundings.

Referencing the building's floor plan, she then outlined the proposed uses (health club, physical therapy, massage and suana, members lounge, offices, mechanical rooms, and photographer's studio). The interior of the building, she emphasized, is to comply with the Americans with Disabilities Act (ADA).

The project's landscaping and lighting plans are based on the concept of retaining "as much of the native vegetation in its undisturbed state as possible" and revegetating the site with drought tolerant species. Ms. Lanza, a landscape architect, depicted the state of the site and the extent of the proposed changes. The landscaping plan was accompanied by a plant material list. The lighting plan indicated a mix of pole lights, bollards, and "security" lighting.

In her discussion of the traffic and parking plan, Ms. Lanza justified the need for the 36 parking spaces, the paved parking surface (demanded by the Airport Commission) and the dual access (a dedicated access for handicapped automobile drivers). Her discussion included a review of health clubs' trip generation characteristics.

In response to questions from Committee members, Ms/ Lanza stated that:
the health club's normal closing hour would be 9:00 P.M.,
lighting would be regulated by a timer or motion sensors,
engineered grading and drainage plans will be presented at the public hearing,
the number of parking spaces exceeds the town zoning by-law requirement, and
the Applicant intends to contribute in excess of \$9,000 to the affordable housing fund
(based on the Commission's formula).

In closing, the Commission members noted that the intent of landscaping the site should be to screen the proposed structure rather than to decorate the grounds (Mr. Israel), that retailing is not permitted on the premises (Mr. Donaroma and Ms. Brown) and that a "clearance" from County Manager as to wastewater treatment will be required before the Commission's staff advertises the project's public hearing (Mr. Colaneri).

(Note: Meeting summary based on notes taken by David Wessling)

Island Transport/Pier 44 (DRI #499)

Before starting the discussion of the project referral, letters from the Applicant and the Tisbury Board of Health were distributed to the Members. The Applicant's letter argued that the referral was improper in that there was no qualifying activity (i.e., there was no "development"). The Board of Health wrote its letter in order to support the project.

After the Members discussed the appropriateness of the referral, Joseph Forns, as agent for the Applicant, presented the scope of the project. "The only change...is less than 6 inches to make the [bathroom] door handicapped accessible", he said. [Note: Upgrading of the septic system to "title V" standards was required by the Town of Tisbury.] Later, Mr. Forns stated that, "there's no material change, there's no substantial change, there's no exterior change, there's nothing that changes in zoning..."

Mr. Donaroma recommended that "the matter be taken under advisement".

Mr. Israel, referring to Eric Wodlinger's [MVC counsel] written opinion on the matter, suggested that the project be referred in a different manner. [Note: On the day following the meeting, the Commission received the Tisbury Board of Selectmen's referral of the project which cited Section 3.101(b).] Mr. Israel stated that while the bathroom upgrade is not significant, its tie to the uses of Pier 44 warrants a full review of activities at the pier.

Mr. Donaroma ended the meeting by continuing the discussion of the project at the June 21st LUPC meeting at which a report from the Executive Director will be presented to the Members. [Note: However, the Selectmen's referral requires the Commission's concurrence. A concurrence vote is schedule to occur at the Commission's June 24th meeting.]

Tisbury Wharf (DRI# 474)

Ralph Packer, the wharf owner, began his presentation by summarizing the results of previous LUPC meetings. He referred to the LUPC's request made to its counsel concerning an interpretation of the Commission's Standards and Criteria.

Staff informed the Members of a "new" referral made by the Tisbury Conservation Commission as to proposed improvements to the wharf and the installation of a "dolphin" and related work. Mr. Packer explained the details of the proposal to the Committee. However, he returned to his original question to the Committee: "Where do we [the Applicant] stand on the first referral from the Tisbury Planning Board...?"

Mr. Donaroma replied, "You're here because of the Conservation Commission referral."

Mr. Israel added, "Notwithstanding the Conservation Commission [referral], the Planning Board referral was proper..." Mr. Packer and Mr. Israel continued to discuss the sequence of referrals by Town officials and boards.

Mr. Donaroma repeated his assertion that the proposed project qualifies as a DRI and Mr. Packer continued his review of previous actions by Town officials and boards. Mr. Packer disputed the validity of the referrals by the Town.

Mr. Best, a member of the Tisbury Conservation Commission supported, in part, Mr. Packer's point of view. Mr. Best explained the Conservation Commission's actions. He stated that the Conservation Commission "did not discuss as to whether we would have referred this [project] to the Commission were it not already over here from the Building Inspector...we would have to revisit that issue at the Conservation Commission if it's no longer going to be a DRI according to the referral by the Building Inspector."

Mr. Donaroma sought to clarify the conflicting descriptions of the project's history. He asked Mr. Packer if LUPC should "table" the referral, thus allowing the Conservation Commission to reconsider its referral. Mr. Packer answered, "I have no problem with that." Mr. Colaneri supported the Chairman's suggestion. Mr. Israel and Mr. Best opposed the suggestion.

Ms. Brown made a motion: "That we [LUPC] send the referral back to the Conservation Commission". Mr. Colaneri seconded the motion. During the discussion of the motion, Mr. Israel objected to the motion in light of counsel's opinion and the length of time that the referrals from the Building Inspector and the Planning Board have been pending.

Mr. Colaneri stated that the Executive Director should prepare a written interpretation of the Planning Board's referral and withdrew his "second"

Mr. Donaroma ended the meeting by stating that the meeting would be continued to June 21st.

Vineyard Golf Partners (DRI #484)

At the request of the Applicant, staff distributed "clarifications" concerning statements made at the June 17th meeting. Copies of Commission meeting minutes were also distributed (requested by Ms. Sibley) as were excerpts from the Commission's enabling act as to project benefits and detriments.

Mr. Donaroma began the evaluation of the project by directing the Committee's attention to section 15(a) of Chapter 831. Mr. Colaneri stated that the alternative to the golf course would be a 148 lot subdivision. Other members argued about the validity of the approved subdivision