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Martha's Vineyard Commission

Land Use Planning Committee

Notes of the Meeting of February 22, 2010

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

Commissioners Present: Linda Sibley, Christina Brown; Fred Hancock; John Breckenridge;

MVC Staff Present: Paul Foley; Chris Flynn; Bill Veno

Audience:

1. DRI 485-M5 Sam Dunn New Building at Tisbury Market Place

Applicant: Sam Dunn

Project Location: Tisbury Marketplace, Beach Road, Tisbury Map 9-B Lot 19.18 and 19.19

Proposal: To build a new two-story, 7,050 square foot building with three retail units, two offices, one apartment, and one marine related unit on the lawn at the Tisbury Market Place with a 4,000 square foot footprint.

Summary: The LUPC wants Sam Dunn to meet with the Tisbury Site Plan Review. They also want staff to consult with the Town to make sure that the proposal meets zoning. Bill Veno asked that the Traffic Study look at placing a loop within the parking lot so that cars could circle around without exiting onto Beach Road.

Presentation:

- Sam Dunn had an engineer look at the calculations of pervious and impervious surfaces. There is a table on the new sheets that says that the site is only 20% impervious. He feels he is nowhere near the threshold and that this property has the least amount of development by area compared to others in the business district.
- With respect to the zoning that says only 10% of the property can be driveways and parking that is a bylaw that was adopted after the Tisbury Market place was developed and they cannot meet that, but they will not increase the non-conformity.
- The proposal will increase the efficiency by getting the people who work here to park in the back. To date they have not had a problem with customer parking. He has never been unable to find a parking space. He feels that if they can enforce the employees parking in the back they will be ok.
- He had the wetlands delineated by Doug Cooper.

Commissioner Questions:

- John Breckenridge asked if he had the delineation done by vegetation analysis.
- Sam did not know but thinks he is certified. Several buildings in the Tisbury Market Place have been built closer to the wetlands.
- John Breckenridge said that this is at elevation 8' with FEMA. Sam had said the first floor would be at elevation 8'. John understands that the joists on the first floor must be at elevation 8'. If you have to have the joists at 8' would the building still be less than 28 feet high?
- Sam Dunn answered yes and that 28 feet is measured from the flood plain. They have a little wiggle room here if they do not have gables. That's why they are going to have a green roof.

- John Breckenridge asked if they can you go higher than 28 feet with a special permit.
- Tony Peak of the Tisbury Planning Board said that there are no Special Permits that allow for extra height. There is some special consideration for the Coastal District but this is not in the Coastal District.
- John Breckenridge asked whether if he were able to do a building more in keeping with the architecture already there would he need a variance.
- Sam Dunn said he knows this is going to be a controversial looking building. He is going to build a green roof. Maybe it is time we start building this way. He could make some smaller phony gables but he is going a different direction now. He wants to leave the view open from the other buildings and he wants to do a green roof. Everything doesn't have to be in a certain vernacular.
- Tony Peak said there are guidelines for buildings and there is a Site Plan Review Board. The guidelines were put in place by a previous board that was interested in maintaining the character.
- Linda Sibley asked Tony if he would say that a flat roof would be allowed under those rules. If there is a high probability that the local board would turn it down based on that should we find out what the Site Plan Review thinks first.
- John Breckenridge asked if they could go above 28 feet.
- Tony Peak said not without a variance.
- Christina Brown said we don't do variances. She said we have looked at projects in Oak Bluffs and told them to talk to the local board first to get an indication of how it will fly.
- Linda Sibley said that typically in Oak Bluffs they go before the Historical Commission before they come to us if it is in their purview. She understands that John Breckenridge would prefer that this should look like the other buildings there. It should be in character but not necessarily have to be the same style.
- Christina suggested it might be helpful if Sam talked to the Site Plan Review Board first.
- Sam Dunn said that he could design the building to look like the others with gables and dormers but then we would not have a green roof or protect the views from second levels.
- Christina said that if the local board is going to redesign it he should talk to them first.
- Sam Dunn said he would be happy to set up an informal meeting with them as soon as possible.
- John Breckenridge said that we have had careful reviews at other project in Tisbury and we discussed the massing and the roof pitches and he wants to stay consistent with that.
- Sam Dunn said that the part of the building on the parking lot is only one story high. This is not a looming Bauhaus structure. Look at the east elevation (from the water) this building is cascading down. He is really excited about this. It's a neat thing. He thinks it responds to today.
- Linda Sibley said that the public views are those from the water and the road. Because it is a creative design she thinks he should talk to the Site Plan Review informally. She asked if we have the information we need to schedule a public hearing.
- Sam Dunn said that the traffic study is in progress.
- Linda said that the original DRI Decision said that they had two problems: one was septage and the other was traffic. She is sure the background traffic level has grown severely. Do we know why they thought at the time why they thought that the increased traffic would be too much?
- Sam Dunn said that it's a failed road.
- Christina Brown reminded people that failed is not what Level of Service (LOS) F means in the ITE.
- Mike Mauro said that the misconception with the letter grades is that they are strictly concerned with delay time.
- Fred Hancock said that as an Oak Bluffs resident who has made that traverse it can sometimes take a half an hour to get past the drawbridge to the hospital. It can be bad both ways.

- Paul Foley said that the original DRI Decision also cited the 1987 report that denied it based on proximity to an environmentally sensitive area. The report had recommended that no development take place within 200 feet of the Lagoon.
- Linda Sibley said that report was probably based on septage which is no longer an issue since they are connected to the sewer.
- Sam Dunn said that if the only solution is to tell people that they cannot build that is not right. You have a responsibility to address what is wrong and not just say no more.
- Linda Sibley said that this board turned down a project on State Road based on traffic. When we reviewed your project on State Road at Woodland we said that the circulation had to be fixed but that it would not create a detrimental amount of additional traffic.
- John Breckenridge said that he would love to hear from the people in the audience. In terms of left hand turns into the lot how do you see this employee parking in the back working?
- Mr. Reece said that there is a large area in the back that is not used and there are some receptacles that need to be moved that could help. There is a problem in the summer with turning and parking.
- John Breckenridge asked how many potential parking spaces could be secured.
- John Best noted that the MVC has an energy policy and asked if it is part of the LUPC process that has them conform to that policy. There is a green roof but he has not heard anything else about energy.
- Sam Dunn said that it is addressed in the new report. We will have a green roof and we will insulate as best we can though it will have a lot of windows because it has views.
- John Breckenridge said that the State requirements are lax so it should not be hard to meet them.
- Sam Dunn said that this is mostly commercial space so it is not as crucial to heat as residential space. They will have programmable thermostats so it will be efficiently heated.
- Christina Brown said that the more detail you can tell us about the energy efficient measures will help. We would like to know how much it will surpass the state energy requirements.
- Linda Sibley said they should be a little more specific with the landscaping. If you are specific you will not have to come back later.
- John Breckenridge thought that a landscaping plan should be presented and speak to how they will fit in with the existing wetlands and how they will not fertilize.
- Christina Brown asked the LUPC if they were satisfied that the wetlands line is delineated. It would be nice if the Tisbury Conservation Agent could look at this map and say if the delineation is correct. She asked Paul Foley to send the plans to Jane Varkonda to check.
- Sam Dunn said that at the bottom of the sheet you can see they have a new bio-retention area planned.
- Christina Brown asked if the other ones are working.
- Sam Dunn said he thinks so though he is not sure how you know if they are working. He knows that no water is going into the Lagoon.
- John Breckenridge suggested that Sam should talk to Bill Wilcox and talk to him about what types of vegetation are preferred in those types of bio-retention swales. We had the hospital and YMCA do bio-retention swales.

Zoning:

- Christina Brown wanted to get back to the question of whether it meets zoning and whether it is an application that can go forward.
- Tony Peak said that one thing which is not adequately addressed by the bylaw is that there are allowed uses and they were determined by what was already there. The idea of mixed uses in the

waterfront district is ok but the issue was with new buildings. There is nothing that says that you have to have someone in the water related use. To put in an apartment above is not really within the intent of the Waterfront Commercial District. They had that problem with the building that is now a pharmacy. The Planning Board went through some contortions to approve that one. The easiest argument is that once the building is there it is not prohibited from allowing these other uses. He thinks they have a lack of control at the town level in the way the zoning is written for the waterfront. For example if the 750 sf were empty that would not mean that they were in violation. The issue for Tony is the parking. It has expanded illegally in the last few years. He does not see why the town would allow any more additional parking. He said he will have to look at the original plan. He does not recall that area in back was designated as parking.

- Linda Sibley thought what John Breckenridge was talking about is that there is a problem at the entrance because people are always trying to park as close to the Net Result as they can.
- Bill Veno said that sometimes people pull out and pull back in doing a loop which does impact the traffic. If they reduced the berm before the exit they could have a loop within the parking lot.
- Sam Dunn said that what happens is occasionally people drive around and pass several spots and then they get to the end and there are no more spots so they drive around again.
- Christina asked whether Linda was talking about a way across the berm for the cars or people.
- Linda answered either one.
- Sam Dunn said that the berm helps to hide all the cars. He honestly believes if they can get the people who work in there to park in the back we could open up a quarter of the spaces.
- John Breckenridge asked if the parking in back will have a pervious surface.
- Sam Dunn answered yes, it will be dirt.
- Christina Brown said she would like to find that it meets zoning. That was a yes or no question. She would like to suggest that before the Public Hearing that someone in the Town answer us that this project is allowed by zoning.
- Sam Dunn said the law is clear. Tony is talking about something he wishes the Town had done.
- John Breckenridge said he would like formal guidance from the Town.
- Fred Hancock asked if there are any excluded retail uses.
- Sam Dunn said that there will be no high traffic generating uses.
- Tony Peak explained that Site Plan Review is like a pre-application process.
- Linda Sibley said they are not a formal board who issue a permit so they can make a decision.
- John Best added that we should look at the ratio of pervious to impervious surfaces.
- Sam Dunn said that the new buildings are impervious but the old buildings are built on stilts and therefore are counted as a pervious surface.
- Linda asked why the original buildings were done that way.
- Sam Dunn said that at the time FEMA had said this was in the velocity zone. He thinks that a requirement to have gables is totally against having an energy efficient building.
- John Breckenridge said that there is a balancing act here.
- Christina Brown said they are a long way from the required 50-50 in terms of open space.
- Linda Sibley asked how the calculation would work out if you don't count the island.
- Sam Dunn said that calculation was done and is already on the sheets and that even without Ferryboat Island he has room to spare to meet the 50-50 requirement.

Adjourned 6:44