



Martha's Vineyard Commission

DRI # 566-M3 Island Fuels Increased Capacity MVC Staff Report – 2012-03-23

1. DESCRIPTION

1.1 Applicant: Jay McMann; Island Fuel Inc.

1.2 Project Location: 44 Evelyn Way, Tisbury, MA Map 22-C Lot 7.1 (11,340 square feet - 0.26 acres)

1.3 Proposal: To increase the capacity for storing Number 2 Heating Oil and Diesel from 10,000 gallons to 25,000 gallons in an additional 25' tall above ground storage tank at 44 Evelyn Way.

1.4 Zoning: B2 – Business District 2. There is no minimum lot size, frontage, or lot depth in the Tisbury Business Districts. There are setbacks for structures (30' front setback, 15' side & rear s, 35' height)

1.5 Local Permits: Bldg Permit; Fire Chief (State Fire Marshall since applicant is volunteer fireman)

1.6 Surrounding Land Uses: Light Industrial, MV Autoworks, ABC Disposal, Barnes Moving, etc...

1.1 Project History:

- In 2003 the MVC approved a proposal (DRI 566 - M.V. Electric) to construct a second office building on the property with three offices on the ground floor and two apartments above. The proposal was approved with 2 conditions (landscaping and aff. housing) but never developed.
- In 2007 the property came back (DRI 566-M Cornerstone) with a proposal to subdivide the 22,680 square foot lot into two 11,340 square foot lots and construct a two-story 4,256 square foot building for the shop and office of Cornerstone Builders with a two-bedroom apartment on the southern lot. DRI 566-M (primarily the southern lot) was approved with Conditions
 - In 2010 this Applicant was approved to locate a fuel company with three trucks on the northern parcel at 44 Evelyn Way and install a 10,000 gallon above ground storage tank with two compartments for Number 2 Heating Oil and Diesel.

1.2 Project Summary:

- To increase the capacity for storing Number 2 Heating Oil and Diesel from 10,000 gallon to 25,000 gallons in an additional 25 foot tall above ground storage tank.
- The Applicant would also like to have five trucks on site rather than three.
- The 2010 MVC DRI 566-M2 Decision requires that:
 - No vehicles other than his delivery trucks will be fueled at this site.
 - Every year a loss control consultant from the insurance company shall evaluate their operations and spill prevention program.
 - They shall have spill containment kits on every truck along with oil absorbent pads. Any driver hired shall be trained personally by Jay and will not be allowed to operate any of their vehicles until Jay is satisfied they are fully competent with their equipment and procedures
 - All trucks are equipped with all the latest safety devices. Some of these devices include a brake Interlock system that will not allow the truck to move with any fuel hoses attached, dry disconnects that will not allow fuel to flow without being fully connected and electronic level devices that prevent the truck from being overfilled.

- At their company location they will have available at all times spill containment equipment, including Oil absorbent pads, speedy dry, with steel waste drum to hold for proper pickup and disposal.
- No vehicles other than his delivery trucks will be fueled at this site.
- Five red maples and four rhododendrons shall be planted along Evelyn Way to help screen the above ground storage tank.
- There shall be no additional lighting. All existing exterior lighting shall be downward shielded to prevent direct light from spilling off the property.
- In the winter time one or two trucks will leave for the day delivering home heating oil, on a very busy day they may return to pickup more fuel once or twice.
- The Applicant contracts with Bruno's to deliver fuel for his storage tank from off-island.
- During the summer one truck leaves early in the morning to fuel fishing and other boats and returns in the afternoon. This truck will again leave around 8:00 PM to fuel tour and school buses, and other trucks at their locations.
- They may have an occasional customer come to the office to pay their bill, other than that there will be no retail operations at this site.

2. ADMINISTRATIVE SUMMARY

- 2.1 DRI Referral:** Tisbury Building Inspector; March 20, 2012
- 2.2 DRI Trigger:** 3.2a "Expansion of vehicular refueling"
- 2.3 Pre-Application meeting with staff:** March 15, 2012
- 2.4 LUPC:** March 26, 2010; 5:30 pm
- 2.5 Site visits:** March 11, 2010; 8:30 am
- 2.6 Public Hearing:** Tentatively April 26, 2012.

3. PLANNING CONCERNS

3.1 Some Key Issues

- Regional
 - Has the previous DRI Decision (DRI 566-M2) been complied with?
 - Is this an appropriate location for fuel storage?
 - Evelyn Way is one of three roads that Tisbury is planning on making part of a connector road system that would possibly include changing the zoning and land use in the neighborhood.

3.2 Environment

- **Vegetation:** There is little vegetation left on this parcel.
- **Habitat:** This is not an NHESP Habitat.
- **Landscaping:** Conditions on the DRI 566-M 2call for the front of the lot to be planted with five trees and four rhododenrons. Conditions on the DRI 566-M call for the front of the lot to be planted with street trees.
- **Open Space:** There is virtually no open space on this small industrial parcel.
- **Lighting:** No new lighting is planned.
- **Noise:** Trucks backing up could be heard in residential neighborhood.
- **Energy/Sustainability:** The building is heated by a "Clean Burn" waste oil furnace that re-uses used oil.

- **Waste Management:**
- **Wastewater / Stormwater:**
 - The site is outside the Zone 2 for the Tisbury public supply wells
 - The Applicant is conditioned to have spill containment and control on site.
 - The Applicant said he is required to:
 - Every year a loss control consultant from the insurance company helps them value their operations and spill prevention program.
 - They have spill containment kits on every truck along with oil absorbent pads. Any driver hired is trained personally by Jay and is not allowed to operate any of their vehicles until he is satisfied they are fully competent with equipment and procedures
 - Their trucks are equipped with all the latest safety devices. Some of these devices include a brake Interlock system that will not allow the truck to move with any fuel hoses attached, dry disconnects that will not allow fuel to flow without being fully connected and electronic level devices that prevent the truck from being overfilled.

3.3 **Transportation**

- **Access:** The DRI 566-M approval was for separate driveways for the two buildings.
- **Parking:** The site has room for five trucks stacked and two cars.
- **Traffic Summary:** Staff will prepare a traffic scope for LUPC.

3.4 **Affordable Housing**

- The proposed modification to install an additional 15,000 gallon storage tank does not trigger the MVC's Affordable Housing Policy because it is not a new development of 2,000 sf.
- The DRI 566-M Conditions for affordable housing were directed towards the southern lot where Cornerstone Builders were approved for a two-story 4,256 square foot building. The Condition was to create a 2-bedroom apartment on the second floor that would be used exclusively as a year round rental apartment, preferably for the use of employees of the resident business. That building has not been completed yet (Staff will check on status).

3.5 **Economic Impact**

- The proposed modification for Fuel Service & Delivery is an allowable use within Tisbury's B-2 Business District.
- There are currently 3 full time employees: office manager and 2 commercially licensed drivers.
- The office hours of operation are seven days a week Sunday – Saturday 8:00am – 5:00pm. The fuel trucks will make deliveries at night or during other off peak traffic hours to places like the Edgartown and Oak Bluffs Harbor (for boats), Island Food Products, and Tour Buses while home heating oil delivery services will generally be made during office hours.

3.6 **Scenic Values**

- **Streetscape:** The required landscaping with five red maples and four rhododendrons between the street and proposed storage tank has not been installed yet. The Applicant has contracted with Tea Lane Nursery to install the landscaping soon.
- **Building Massing:** No significant changes to the building are planned at this time.
- **Architectural Detailing:** No significant changes to the building are planned at this time.

3.7 **Local Impact/Abutters**

- If tractor trailers are contracted to deliver fuels to the tank, getting them into the site could cause some delays on Evelyn Way.

4. **CORRESPONDENCE – NO CORRESPONDENCE YET**