



Martha's Vineyard Commission

DRI # 618 Big Sky Tents Building

MVC Staff Report – 2010-09-16

NOTE: New information is printed in bold type.

1. DESCRIPTION

Applicant: Jim Eddy of Big Sky Tents; Reid Silva (Engineer/Agent)

Project Location: 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.

Proposal: To build a 9,600 sf (footprint) building on Dr. Fisher Way in the West Tisbury Light-Industrial District to house a tent and party rental business.

Zoning: Dr. Fisher Special Way DCPC; Light Industrial District; L-I has 20 foot setbacks except 100-foot setback with wooded buffer required if lot in L-I abuts RU District (in rear)...

- When the L-I District was drawn a number of properties were split between the L-I District and the Residential District. In 2000 the properties that were in both were incorporated into the L-I District. Several neighbors have questioned the legality of the re-zoning of the L-I District in 2000. The stated purpose of the L-I District is "to allow locations for uses that might negatively affect residential areas, such as the airport, landfill, and light industrial uses that are best segregated from other land uses".
- The Purpose of the Dr. Fisher Road DCPC is "to keep the Doctor Fisher Road open to public use". Any use permitted in the respective zoning district is allowed provided that the Dr. Fisher Road remains open to public use.

Local Permits: Building Permit; Special Permit from Zoning Board of Appeals; Planning Board Site Plan Review.

Surrounding Land Uses: Rural residential & light-industrial. Keene & Bizarro.

Project History: The owner of the property, Mr. Williams, had been working with the Planning Board since November 2007 to define his commercial parking proposal and ways to mitigate the impacts. When the Planning Board heard that the lot had been cleared and was being leased by Allied Waste to store equipment, in the Spring of 2008, the Zoning Administrator determined that the un-permitted use had expanded and he issued a Cease and Desist order. Peter Williams had applied to the MVC to create a commercial parking area for 50 trucks, 25 trailers, and 20 pieces of equipment on the property.

Project Summary:

- To build a 9,600 sf (80' by 120' footprint) building on Dr. Fisher Way in the West Tisbury Light-Industrial District to house a tent and party rental business.
- There would be no washing of dishes on the site. The applicant has a location at the Airport Business Park for washing dishes.
- The Applicant has three trucks in his fleet and is looking for one more.
- This is a primarily seasonal business from May through the Christmas Holidays and a few occasional events outside of those times.
- The siding of the three sides of the building facing the public would be a mixture of clapboard and shingle and other effects to make it look like an agricultural building.
- The building would have 14' tall sidewalls and be just under 28' high at the top of the ridge.

2. ADMINISTRATIVE SUMMARY

DRI Referral: West Tisbury Zoning Board of Appeals, March 24, 2010

DRI Trigger: 3.301a:

Pre-Application meeting with staff: April 1, 2010

LUPC: April 12, 2010

Site visits: July 1, 2010

Public Hearing: July 1, 2010; Continued to August 5, 2010; Continued to September 16, 2010

3. PLANNING CONCERNS

Some Key Issues

- Regional
- The property is in the Light-Industrial District but is also on an ancient way and abuts a residential neighborhood to the east. (Note: The Light-Industrial District borders were expanded in 2000).
- Is this too much intensity of use for a property bordering a rural residential area?
- How will Dr. Fisher Road be impacted? Maintained?
- Are the buffers along Dr. Fisher and Pine Hill Roads sufficient?

Environment

• **Vegetation:**

- The lot has been partially cleared except for the corner of Dr. Fisher and Pine Hill Road (both dirt roads). The still wooded area accounts for about 1/2 of the property.

• **Habitat:**

- The property is in NHESP Priority Habitat of Rare Species.
- The NHESP issued a letter on January 9, 2009 that the Williams commercial parking plan they reviewed on January 7, 2009 would not result in a take of state listed species.
- The NHESP made this decision based on there being no plans for the one-acre parcel across Dr. Fisher Road owned by the same owner. Any plans for development on that parcel would have to be sent to NHESP who would consider the cumulative impacts.

• **Landscaping:**

- The Applicant proposes to maintain a 15 foot vegetative buffer between both roads and the building.

• **Open Space:** A 15 foot buffer along the roadways is planned.

• **Lighting:**

• **Noise:** Trucks can be quite loud. All commercial vehicles create a loud beeping noise when backing up. The Applicant has said his trucks do not have beepers.

• **Energy/Sustainability:**

• **Waste Management:**

• **Water:** The property has an existing well on site.

• **Wastewater / Stormwater:**

- The site is located near the head of the outwash plain at an approximate elevation of 70 feet. The soil types in the area include Riverhead sandy loam on 0 to 8 % slopes depending on exact location. Riverhead is a prime agricultural soil. Riverhead may contain varying amounts of fine material that could present some problems with ruts after periods of rain.
- The site is located near low density residential land uses that are supplied with drinking water by on-site wells.

- Groundwater is at a depth of 30 to 40 feet below grade at the landfill and should be similar at this site. The groundwater flow is toward the southeast in this area. In the down gradient direction, there are low density residential uses with on-site, private wells. The West Tisbury School is about 2000 feet away however in a more south-southeast direction and probably out of the flow path from beneath the subject property.
- The property previously had a residential use (cabin) on site.
- The site is located in the Tisbury Great Pond watershed, a nitrogen sensitive water body that the MVC classifies as a Compromised pond. Within the Water Quality Policy, a project must either meet the watershed limit or implement the basic nitrogen reduction techniques. If a previously developed site already exceeds the loading limit, the total load from the new project cannot exceed that previous load. This parcel was a residence.
- The acceptable nitrogen load for this watershed is 0.8 kilograms per acre per year. The parcel is 1.01 acres in area.
- The system design for this project is 200 GPD. The MVC Policy estimates that actual flow will be 60% of design flow or 120 GPD. The Applicant is proposing to use a drip effluent disposal system. These systems offer nitrogen uptake of the effluent by landscape plant materials covering the disposal area that is about the equivalent of the other on-site denitrifying systems. The annual wastewater load would be about 5.8 kilograms before treatment and 3.2 kilograms after plant uptake.
- The previous use was residential. MVC estimates the annual residential water use in West Tisbury to be 160 gallons per day. Wastewater flow would be about 144 GPD.
- Total impervious and low permeability surfaces are about 15,000 square feet. Roads and parking areas will be surfaced with RAP. Run off from all surfaces will recharge through natural vegetation offering some nitrogen uptake. The annual nitrogen load from runoff is estimated to be 0.7 kilograms per year.
- The total nitrogen load from all sources excluding landscapes is about 3.9 kilograms per year. Landscaping should utilize low maintenance and/or native plant materials to limit annual fertilization.
- The proposal represents a reduction in flow as well as a treatment reduction in total nitrogen load.

Transportation

- **Traffic Summary:**

- Staff reviewed the road again and measured it. It is 630 feet from the end of Old Stage Road to the center of the proposed site driveway on Dr. Fisher Rd.
- There are 7 turnouts of various length and width in that space. They are adequate though clearly they are not ideal for the neighborhood.
- It is about 840 feet from the end of Old Stage Rd to the center of Pine Hill Rd.

- **Access:**

- The plan includes accessing the property as soon as you reach the property on Dr. Fisher Road. The Applicant's Agent has said that Bizarro has agreed to also use this access.
- The access to the Williams parcel is Dr. Fisher Road, which is one of the more well known ancient ways on the Island and carries with it many of the ambiguities of these old ways regarding layout, ownership, and rights of use. Generally, owners along Dr. Fisher Road have the right to travel, maintain, and improve the road.

- There would be one access to the property from Dr. Fisher Road via the Old Stage Road (Dump Road). Vehicles would not be permitted to use Dr. Fisher Road to the east of this property.
- At the end of Old Stage Road Dr. Fisher Road travels east through town land, then the Manter property before reaching Mr. Williams's property.
- It should be noted that an abutting property owner has its own legal access to its property via Pine Hill Road. Through verbal discussions, these property owners are willing to agree to use the 12-foot easement along the western property boundary in order to decrease vehicular activity along Pine Hill Road, while the existing access remains open.
- As an old roadway with little development and little vehicular use, Dr. Fisher Road is a popular route for non-motorized travel via foot, pedal and horseback. This section of Dr. Fisher Road runs west-east linking State Road and Old County Road, connecting to the State Forest. With the potential increased use of the road by motor vehicles, the applicant and Commission might explore the value of dedicating a trail parallel to, but offset from, Dr. Fisher Road for non-motorized travel.
- **Parking:**
 - The plan shows 16 parking spaces on the property (4 for trucks).
 - The surface would be concrete rap.
 - According to the ITE manual, Parking Generation, 3rd Edition, 2004, Land Use Code 110, General Light Industrial, the average size of the study sites determined in this manual were for uses of 210,000 sf of general floor area, well above the proposed 9,600 sf building.
 - In this case, based on staff observations at the existing location, the available parking lot would more than meet the demand. The current parking layout provides 16 total spaces. Current demand could possibly be met with 12-15 spaces pending no future expansion. Big Sky Tents currently has 3 trucks with plans of adding one more vehicle to the fleet.
- **Existing Safety:** The accident data was obtained from MassDOT records for the three most recent years available (2006-2008) at the following project area intersections:
 - Dr. Fisher Road / Old Stage Road
 - Dr. Fisher Road / Pine Hill Road
 - Dr. Fisher Road / Old Holmes Road
- Dr. Fisher Road / Old County Road
 - There were zero reported accidents in the three year period evaluated.
- **Trip Generation:**
 - Estimated trip generation was based on *ITE* 7th Edition (L.U. Code 110 (Gen. Light Industrial)).
 - This use is estimated to generate a total of 66 daily trips (33 In and 33 Out) at the site driveway. Saturday operations are expected to generate 12 daily trips (6 In and 6 Out). *ITE*, *Trip Generation* numbers are created from land use developments built on the mainland, typically exceeding the developments and uses found here on the island.
 - Using the existing staff trips (5 In and 5 Out), and Vehicle Fleet (8 In, 8 Out) staff estimates a total trip generation of roughly 25-35 daily trips. This estimate includes miscellaneous trips such as returning for lunch breaks, equipment exchanges, and customer trips.
- **Sight Lines:**
 - Sight lines at the existing and proposed driveways are adequate.
 - Existing vehicle turnouts along Dr. Fisher Road are adequate.
- **Traffic Mitigation:** Any future maintenance of, and or expansion of the roadway should be considerate of retaining the rural character of this ancient way.

Affordable Housing

- According to the MVC's Affordable Housing Policy the recommended monetary mitigation for a 9,600 square foot building is \$10,200.
- The Applicant offered to donate \$5,000 to an island affordable housing organization at the public hearing on July 1, 2010. The Applicant feels that this is a large building but is mostly an empty shell used for storage.

Economic Impact

- The proposed project is an allowable use within West Tisbury's Light industrial District.
- The proposed building will operate seasonally from May to October with some use during November and December. The hours of operation will be from 7:30 am – 6:00 pm, six days a week with the office closed one day either Tuesday or Wednesday. Deliveries to clients will be made during the hours of operation.
- The building will not be used as a showroom or cleaning facility. Tents and other equipment will be cleaned at other locations on the Island. Catering supplies are rented to clients but there is no food or food preparation.
- There are currently 15 seasonal employees and 2 year-round employees.

Scenic Values

- **Streetscape:** This proposal and the recent creation of a parking and storage area for Bizarro Waste Disposal next door on Pine Hill Road has visibly altered Dr. Fisher Road and Pine Hill Road, which had previously carried little traffic and few large trucks.
- **Building Massing:**
- **Architectural Detailing:** The building will be shingled on three sides in order to make the building appear agricultural. They may put a cupola on top.

Local Impact/Abutters

- The addition of Bizarro next door and this proposal would result in a significant change to the character on this end of Dr. Fisher Road.
- Dr. Fisher Road and Pine Hill Road are used as trails by both schoolchildren going to the West Tisbury School and by horse back riders connecting the numerous horse farms in the area.

4. CORRESPONDENCE

Town Officials: The West Tisbury Zoning Board of Appeals submitted a letter with the referral that states that without a formal decision the ZBA members are generally in favor of this development as revised. **The West Tisbury Planning Board has submitted a timeline.**

Island Organizations:

Public: David and Libby Fielder wrote with concerns about the hours of operation that just when Bizarro will be shutting at night this operation will just be getting going. They also feel that the proposed building is too big for a one-acre parcel. A number of neighbors including Melissa Manter, Dan Larkosh, Constance Breese, Bill Coogan, and John Pavlick spoke at the public hearing on July 1, 2010. **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 with 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.**