



Martha's Vineyard Commission

DRI # 618 Williams Parking

MVC Staff Report – 2008-02-19

Note: Newer information is printed in bold type.

1. DESCRIPTION

- 1.1 Applicant:** Peter Williams, Fulton K & E LLC
- 1.2 Project Location:** 90 Dr. Fisher Road, West Tisbury Map 16 Lot 12.1B Lot (1.01 acres). The property was the subject of a Form A last year that divided Lot 12 into 3 one-acre parcels.
- 1.3 Proposal: To create a commercial parking area for 50 trucks, 25 trailers, and 20 pieces of equipment on Dr. Fisher Road in the West Tisbury Light-Industrial District.** Originally the proposal was for 20 trucks, 15 trailers, and 10 pieces of equipment.
- 1.4 Zoning:** Light Industrial; Dr. Fisher Special Way DCPC.
- 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.
- 1.5 Local Permits:** Planning Board Site Plan Review.
- 1.6 Surrounding Land Uses: Rural residential & light-industrial. Keene & Bizarro.**
- 1.7 Project History:** The Planning Board has been working with Mr. Williams since November 2007 to define the proposal and mitigate impacts. At that time 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.
- 1.8 Project Summary: To create a commercial parking area for 50 trucks, 25 trailers, and 20 pieces of equipment on a short and long term basis on Dr. Fisher Road in the West Tisbury Light-Industrial District.** Originally the proposal was for 20 trucks, 15 trailers, and 10 pieces of equipment. All stored vehicles would be on wheels. The hours of operation would be 7am to 6 pm with the caveat that between 7 and 8 am starting would only be allowed if there is no backup beeping. No work or business would be conducted on the property. The maximum size truck would be 18,000 lbs.

2. ADMINISTRATIVE SUMMARY

- 2.1 DRI Referral:** West Tisbury Planning Board
- 2.2 DRI Trigger:** 3.301f: 3.301 Any development of commercial, storage, office and/or industrial lands or building(s), or any private educational facility that has: f) commercial parking lots designed to accommodate ten (10) or more vehicles, or larger than 2,000 square feet; parking lots which are incidental to another on-site existing permitted use are excluded. **The subdivision of the three acre parcel into three one-acre parcels should have been referred to the MVC as a**

DRI under Sections 3.104c and 3.201. 3.104c is subdivision of land identified as habitat. 3.201 is subdivision in a light-industrial zone.

2.3 Pre-Application meeting with staff: July 31, 2008

2.4 LUPC: August 11, 2008; February 2, 2009

2.5 Site visits: Thursday February 19, 2009 at 8:30 am.

2.6 Public Hearing: February 19, 2009

3. PLANNING CONCERNS

3.1 Some Key Issues

- Regional

- **Why has the proposal expanded since the referral from the W.T.P.B.?**
- **The proposal should have an internal parking and circulation plan.**
- 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).
- Enforcement of conditions such as hours of operation would be difficult to enforce.
- Is this too much intensity of use for a property bordering a rural residential area?
- **The overview supplied by the Applicant to the W.T.P.B. states that the purpose of the operation shall be short and long term storage and parking of industrial trucks and equipment and ancillary products. What is included in ancillary?**
- **How will Dr. Fisher Road be impacted? Maintained?**
- **Should there be a one-way loop inside the property to minimize the noise associated with trucks backing up?**
- **What will become of the other one-acre parcel?**
- **Is there really a need for parking commercial vehicles? If so, is this the appropriate location to fill that need?**

3.2 Environment

- **Vegetation:**

- The lot has been largely 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 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 clear most of the site.
- He would put up a 6' high stockade fence along Dr. Fisher Road and Pine Hill Road with a 20' planted buffer between the roads and the fence planted with Leyland Cypress. **At LUPC the Applicant said that he would retain the existing trees within that 20' buffer where they still exist.**

- **Open Space: A 20 foot buffer outside the 6 foot high stockade fence is planned.**

- **Lighting:** The site currently has no power and therefore no lights are planned at this time.

- **Noise:** Trucks can be quite loud. All commercial vehicles create a loud beeping noise when backing up. The Applicant has said he will not allow this before 8 am, though this would be difficult to manage and enforce. **A one-way loop could help mitigate the need for trucks backing up and the associated loud beeping.**
- **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.
 - The site is located near low density residential land uses that are supplied with drinking water by on-site wells.
 - The site is in the Tisbury Great Pond watershed.
 - **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. It is unlikely that there would be any increase in nitrogen loading over the previous use.
 - The plan is to scrape the topsoil to create a parking surface. Riverhead may contain varying amounts of fine material that could present some problems with ruts after periods of rain.
 - Protection of the existing well and the septic tank/leaching system by providing a buffer
- **Items for discussion include hazardous materials on site:**
 - One expected user of the site is the landscape industry. The Applicant is willing to prohibit mixing pesticides on site. We should discuss prohibiting pesticides being kept on site in concentrated form. Once they are mixed with water, the level of concern is much less.
 - The Applicant has proposed that tenants cannot store any petroleum products on the ground but that they may be stored in containers in accordance with government rules. It is not clear what is possible. The Applicant agreed to not allow fuel tanker trucks on site.
 - The Applicant would prohibit tenants doing work on site (item 12).
 - The Applicant would prohibit fuel or oil being dumped or dropped on the ground. Fuel and oil drips are likely from heavy use construction vehicles. As long as they are in small amounts, natural breakdown should prevent groundwater impacts. The Applicant mentioned having the lot manager do regular checks to assure that vehicles are not leaking. The Applicant does plan to carry liability insurance. Staff recommends that insurance to cover environmental pollution incidents should be considered.
 - **The proposed use is similar to trucking terminals that are generally considered a high risk to groundwater quality within the Commonwealth's public well supply protection guidelines. The concern there goes beyond the usual drips associated with parking areas particularly to any maintenance or vehicle washing.**

- Staff recommends that we discuss prohibiting the following:
 1. All vehicle and equipment maintenance, repairs and washing including oil or transmission changes.
 2. Fueling vehicles or equipment.
 3. Storage of hazardous wastes of any kind.
 4. Storage of hazardous materials should be restricted to those in original, labeled, product-tight containers stored within a tight container capable of holding 110% of the volume of products stored. These materials are those listed as toxic in MGL chapter 21E or as defined in Appendix A in 105 CMR 670.00 and any others that are potentially dangerous to human health or safety or to the environment.
 5. Storage of fertilizers unless tightly covered with a waterproof tarp or within an enclosed vehicle and in bags or other containers that are intact.
 6. Mixing pesticides, liquid fertilizers or any other potentially toxic material.

In addition:

- We should discuss how to limit or control the storage of petroleum products on site. A limit either to the volume and/or to the conditions of storage or a prohibition should be discussed. Perhaps fuel stored in 5 gallon containers (or less) in a vehicle would be OK. This would exclude fuel in vehicle and equipment tanks.
- A sufficient quantity of speedy dry or other absorbent material should be on site in a marked and accessible container.
- Storage of loose landscaping materials on the ground should not include manure, compost or any other materials that could leach such as sand-salt mix for treating ice-covered parking lots. Any products that might create odors or rodent problems should either be prohibited or restricted/managed to avoid those problems.

3.3 Transportation

- **Traffic Summary:**

- The Applicant requested a Waiver from doing a traffic study. His request was based on his belief that the maximum trips during any given day would not exceed 80 total trips **when his proposal was for 20 trucks, 15 trailers, and 10 pieces of equipment**. He anticipates there will be no increase to the number of vehicles on the island. The purpose of this parking area is to move illegally parked equipment that is already on the island to a location where the parking will be legal.
- **Staff estimates conservatively that the proposal could generate up to 200 trips a day on Dr. Fisher and Old Stage Roads. The Applicant estimated daily turnover of vehicles would be more like 10-70% with little activity in winter.**
- **If the 50 trucks were accessed every day that would result in 200 trips a day (1 trip to get the truck in a car, 1 trip out with the truck; 1 trip back with the truck, and 1 more trip to leave the site in car).**
- **The trailers and equipment are likely to be accessed less frequently.**
- **Given the unknown frequency of accessing the stored vehicles the 200 trips a day is a rough estimate.**
- The Applicant and Bizzarro Waste Disposal Inc. would maintain the Dr. Fisher Road.
- The Applicant has said Dr. Fisher Road may need widening.

- **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 (as required by the Planning Board) 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, the Manter property (about 200 feet) and about one hundred feet of Mr. Williams's property.
 - This proposal and the recent creation of a parking and storage area for Bizarro next door on Pine Hill Road will require further alteration to that end of Dr. Fisher Rd.
 - **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 proposal is to create a commercial parking area for **50 trucks, 25 trailers, and 20 pieces of equipment** on a short and long term basis.
 - The entry area would be some kind of hardscape. **Sand/hardener is shown on the plan.**
 - **The surface area for parking is currently unspecified other than stripping the topsoil. The site visit provided evidence that some type of hardener such as gravel would be necessary to prevent the lot from becoming a mud pit in rainstorms.**
- **Traffic Impacts:**
 - **The majority of the 200 trips a day the project is estimated to produce are likely to come in surges in the AM and PM Peak periods. These surges on the narrow (one car wide) dirt road increase the potential for congestion on Dr. Fisher Road.**

3.4 Affordable Housing

- The proposed project does not trigger the MVC Affordable Housing Policy.

3.5 Economic Impact

- The proposed project is an allowable use within West Tisbury's Light industrial District.
- There will be one manager who will be on-site periodically but not full time.
- There is a need for parking of commercial vehicles and equipment.

3.6 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:** Not applicable.

3.7 Local Impact/Abutters

- An abutter came to the MVC office with concerns about the plan and the L-I District in general.
- **The noise of the trucks operation as well as the beeping of backing up trucks will be a significant negative impact on the abutters.**
- **The impact on the character on this end of Dr. Fisher Road would be significant.**
- **The fumes of idling trucks will negatively impact the residential neighborhood.**
- **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 to the State Forest.**

4. CORRESPONDENCE

4.1 Town Officials: The West Tisbury Planning Board submitted a letter that state they were stunned by the massive expansion of the proposal. They have concerns about the impact to the residential neighborhood and the special ways. They feel the original proposal was too big for this parcel and suggest that the project should either be denied or scaled back significantly and conditioned with such things as an on-site manager, screening, restricted hours and access, and a road maintenance agreement. **The West Tisbury Planning Board** has submitted many pages of their meeting minutes since November 2007. Minutes include those from November 13, 2007; November 19, 2007; December 3, 2007; December 10, 2007; January 28, 2008; March 17, 2008; March 31, 2008; April 22, 2008; May 5, 2008; and July 7, 2008;

4.2 **Island Organizations:**

4.3 Public: David and Libby Fielder have written with concerns of how to preserve the tranquility of the abutting residential neighborhood and compliance of the property with conditions. **Melissa Manter** has written with concerns about the noise and air pollution associated with all of these vehicles; the impact on Dr. Fisher Road which is used as a trail by horse back riders and schoolchildren. She also has questions about the specifics of the proposal. **William Coogan** has written with concerns about the impact on the rural residential neighborhood and special ways. He suggests the project should be scaled back significantly. **Constance Breese** has written with concerns about the impact on the neighborhood and the trails. She questions the legitimacy of the rezoning of the Light-Industrial District in 2000 and the subdivision of the three-acre parcel. The buffers of the property should be re-vegetated and specifics of the plan should be supplied. **Charles W. Bowman** has written noting that the plan has never been specific about use, layout, impacts, and management. He has concerns about how the residential area will be buffered; further encroachments of the industrial district on the area; and he questions whether the re-zoning of the light-industrial district was done properly and legally. **Dan Larkosh** submitted a letter with a number of concerns just before the public hearing.