



Martha's Vineyard Commission

DRI # 644 Fuller Landscaping Containers MVC Staff Report – 2013-09-23

1. DESCRIPTION

Applicant: Jesse Fuller. The owner of the property is Dan Larkosh.

Project Location: 93 Dr. Fisher Road, West Tisbury Map 21 Lot 12.2 (1.01 acres). The property was the subject of a Form A that divided Lot 12 into 3 one-acre parcels.

Proposal To locate eight storage containers (20'L X 8'W X 8.5'H) on a property in the West Tisbury Light Industrial Zone for storage of landscape equipment and materials.

Zoning:

- 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".
- Dr. Fisher Special Way DCPC: 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: The use has a Special Permit from Planning Board with conditions including: no chemicals, fertilizers or petroleum products to be stored on site; no household waste stored or composted on site; pest control; hours of operation 6 am – 6 pm; trucks to turn around in evening; 15' buffer and 6' stockade fence; hardener on driveway; no travel east on Dr. Fisher Road; join Road Association.

Surrounding Land Uses: Rural residential & light-industrial. Keene Excavation & ABC Waste Disposal.

Project History: The 1-acre parcel was part of a 3-acre lot that was subdivided in 2006 into three 1-acre parcels. That division of land should have been referred to the MVC but was not. On one of the lots the Bizarro waste haulers carved out storage area that originally had a 100' vegetative buffer. In 2007 the MVC reviewed a proposal for truck parking on the middle lot. In 2010 the MVC approved a proposal on the middle lot (DRI 618-M) for a 9,600 sf building to house a party rental business that has yet to be developed. In 2012 the MVC remanded to the Town a proposal on the Bizarro/ABC lot to expand their storage area into the vegetative buffer. This lot was sold and cleared and turned into landscape storage.

Project Summary:

- To locate eight storage containers (20'L X 8'W X 8.5'H) on a property in the West Tisbury Light Industrial Zone for storage of landscape equipment and materials.
- The Applicant plans to store irrigation equipment, lawn mowers, tools & hydro-seed supplies in them.
- The Applicant has three years remaining on his five-year lease of the property.
- This is a primarily seasonal business. The Applicant has 3-4 crews in the summer with 6-8 seasonal employees and 2-3 year round. He has an office at his house in Oak Bluffs.
- There is no electricity or water hookup to the property at this time.
- A 6' high stockade fence along Dr. Fisher Road has been installed. The WT PB has asked that the fence be extended along the northern property border to screen it from approach along Dr. Fisher.

2. ADMINISTRATIVE SUMMARY

DRI Referral: West Tisbury Planning Board, September 19, 2013

DRI Trigger: 3.3h: Container of Trailer for Storage (a Mandatory P.H. Review)

Pre-Application meeting with staff: September 19, 2013

LUPC: September 23, 2013

Public Hearing: October 24, 2013

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 largely cleared except for the border of Dr. Fisher and Pine Hill Road (both dirt roads).
- **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 (DRI 618) 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 at the time. NHESP said at the time that any plans for development on that parcel would have to be sent to NHESP who would consider the cumulative impacts. The one-acre parcel was subsequently sold and cleared and used as a landscaping storage area.
- **Landscaping:**
 - The Applicant proposes to maintain a 15 foot vegetative buffer between both roads and the 6' stockade fence. The site is used for storage of landscaping materials.
- **Open Space:** The lot is open and there are no buildings but it is not open space.
- **Lighting:** No lighting is proposed at this time.
- **Noise:** All commercial vehicles create a loud beeping noise when backing up. The Special Permit on the property requires the Applicant to back up trucks at the end of the day to prevent the sound of back-up alarms in the morning.
- **Water:**
- **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 was wooded and used to be part of a 3-acre parcel that had a cabin.
- 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.
- The acceptable nitrogen load for this watershed is 0.8 kilograms per acre per year. The parcel is 1.01 acres in area.

Transportation

- **Traffic Summary:**

- LUPC voted (9/23/13) that this project does not require a traffic study.
- Staff reviewed the road and measured it at 625 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 roadway section.

- **Access:**

- The property can be accessed from Dr. Fisher Road and Pine Hill Road. The Applicant accesses from Dr. Fisher Road.
- Owners along Dr. Fisher Road have the right to travel, maintain, and improve the road.
- 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 to the State Forest.

- **Trip Generation:**

- Based on 6-8 employees in the landscaping season, the trip generation would be approximately 60 daily trips. This is based on the low range rate for ITE Trip Generation for Nursery/Garden Center (817) by number of employees. This includes employees arriving to the sight and taking landscape trucks, with no retail customers on the site.

- **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

- The proposed project does not trigger the MVC's Affordable Housing Project because the project is not a new commercial development of 2,000 square feet or greater.

Economic Impact

- The proposed project is an allowable use within West Tisbury's Light industrial District.
- The proposed building will operate seasonally.
- The applicant has 3 year-round employees and 6-8 seasonal employees.
- The applicant's business office is located off site in Oak Bluffs.
- It is not anticipated that the proposed project will have additional impacts to municipal services such police or fire.

Scenic Values

- **Streetscape:** This proposal and the recent expansion of the parking and storage area for Bizzarro/ABC Waste Disposal next door on Pine Hill Road has visibly altered Dr. Fisher Road and Pine Hill Road. 10 years ago this site was wooded with a cabin and carried little traffic and few large trucks.

- **Building Massing:**

- **Architectural Detailing:**

- **Local Impact/Abutters**

- The rezoning and subdivision of the original 3-acre property and subsequent clearing and expansion by ABC Waste storage, clearing and inactivity on the middle lot, and the clearing of this site has resulted in a significant change to the character of 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 they would like the fence continued to screen the containers from abutters and that they would like the applicant to form a road association.

Island Organizations:

Public: