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Martha's Vineyard Commission

Land Use Planning Committee

Notes of the Meeting of November 20, 2017

Held in the Stone Building, New York Avenue, Oak Bluffs. 5:30 p.m.

Commissioners Present: Linda Sibley; Trip Barnes; Christina Brown; Richard Toole; Joan Malkin; Rob Doyle; Fred Hancock.

MVC Staff Present: Paul Foley; Adam Turner; Chris Flynn, Dan Doyle.

The LUPC reviewed three projects on November 20, 2017: VTA Solar Modification (DRI 524-M4); East Chop Bluff Repair pre-public hearing review (DRI 679); and Steele ANR Concurrence Review (CR8 –2017). These notes are just the Steele ANR Concurrence Review.

3. C.R. 8 - 2017 : Steele ANR – Concurrence Review

Applicant: Russell O. Steele;

Present for the Applicant George Sourati (Engineer/Agent);

Proposal: ANR Division of one 0.44 acre lot in the B-1 District into two lots (one 12,361 sf lot and one 6,772 sf lot).

Location: 61 Dukes County Avenue, Oak Bluffs Map 11 Lot 352.

Purpose: To review the project and decide whether or not to make a recommendation to the full Commission to concur or not to concur that this is a proposal that requires a public hearing review as a Development of Regional Impact.

Staff Report:

- Paul Foley presented the staff report and a Power Point slide show with aerial images of the site, GIS Maps, plans and photographs.
- The proposal is the division of one 0.44 acre lot in the B-1 District into two lots (one 12,361 sf lot and one 6,772 sf lot) through the Approval Not Required process.
- The regulations for the B-1 District are based upon the situation on Circuit Avenue where they have small buildings cheek by jowl on small lots. However, the B-1 zoning district extends out to more residential neighborhoods and includes all of Dukes County Avenue. The B-1 has no frontage requirements, no minimum lot size and minimal 5' setbacks which may be appropriate for Circuit Avenue but will create a much different look and feel on Dukes County Avenue.
- Be that as it may the property is zoned B-1 with no frontage requirements, no minimum lot size and minimal 5' setbacks.
- The proposed new lot is within the 100 foot buffer of wetlands and within the 100 year flood zone.
- The ANR Division only needs endorsement by the Planning Board and MVC. The Planning Board has virtually no review. All they do is confirm that the property has the required frontage and lot size, in this case none, and adequate access.

- However, any commercial development will require an Order of Conditions from the Oak Bluffs Conservation Commission; a Building Permit; Site Plan Review and Wastewater approval for sewer flow.
- A single family house would require an Order of Conditions from the Oak Bluffs Conservation Commission; a Building Permit; and Wastewater approval for sewer flow.
- The Applicant is proposing only a new lot. Any potential buyer would have to obtain an order of conditions from the Conservation Commission, permission for construction and sewer flow.
- The Applicant will remove a shed currently on the property.
- When the sidewalk was installed on Dukes County Avenue a few years ago they included a curb cut for this potential lot.

Presentation:

- George Sourati said this is just a Form A division that only needs a sign off from the Planning Board. There is no development planned.
- Whoever buys the new lot will have to go to the Oak Bluffs Wastewater Commission to get sewer flow, the Conservation Commission for an Order of Conditions if and when they decide to develop something.
- If they want to do a commercial project they would also have to go to the Planning Board for Site Plan Review.
- The proposed lot is 6,772 square feet.

Discussion:

- Fred Hancock said he thinks we should have a public hearing review as a DRI. He does not think it is a good idea to approve postage stamp size lots that are not viable and are prone to flooding within the wetlands buffer. At this point the Town has no review over it.
- George Sourati added that the town would have reviews over any actual development.
- **Motion: Fred Hancock made a Motion to recommend to the full Commission to concur that this Division does rise to the level of requiring a public hearing review as a DRI .**
- There was no second.
- Trip Barnes asked if it could be affordable housing. George Sourati answered that it depends on whoever bought it.
- **Motion: Richard Toole made a Motion, seconded by Trip Barnes, to recommend to the full Commission to not concur and that this does not rise to the level of requiring a public hearing review as a DRI. The motion passed 3-2 (LS and FH opposed).**

Meeting adjourned at 7:00.

Materials:

- CR 8 – 2017 Steele ANR Staff Report 2017-11-20
- CR 8 – 2017 Steele ANR Staff Slide Show 2017-11-20