

**DRAFT
LAND USE PLANNING COMMITTEE
November 19, 2004
Minutes**

The Land Use Planning Committee of the Martha's Vineyard Commission met at 5:30 P.M., Monday, November 8, 2004, in the Olde Stone Building, New York Avenue, Oak Bluffs.

Present: LUPC Chairperson Christina Brown, MVC Commissioners Ned Orleans, Paul Strauss, Kathy Newman, Linda Sibley, Jim Athearn, and John Breckenridge; MVC staff Executive Director Mark London, DRI Coordinator Paul Foley, Bill Wilcox, Srinivas Satoor and Christine Flynn. Present for the Applicants: Charles and Christine Wiley. Others present:

Chairperson **Christina Brown** opened the meeting at 5:30 P.M.

Vineyard Gardens - DRI # 581, Pre-Public Hearing Review

Proposal: The Wiley's would like to move their business, The Vineyard Gardens, from its present location on State Road in the business district to property they own on Old Stage Road and an abutting lot they would like to purchase if the permitting process allows them to use it to their advantage.

Project Location: West Tisbury Assessor's Map 16, Lots 235.1, 235.2, and 235.3. The proposal also requests a determination for an abutting lot (Map 15, Lot 73) owned by Stephen and Robin Elrick, which is for sale.

The Wiley's presently use lots 235.1, 235.2. and 235.3 as office space and as a growing area. The proposal is before the Commission because they want to expand the use to retail and expand the growing area by building several more greenhouses. The West Tisbury Zoning Board of Appeals referred the proposal while the applicant's were applying for a special permit for the agricultural and horticultural use and for the dormitory.

This pre-hearing Land Use Planning Committee (LUPC) meeting is intended as an informal informational meeting to help the applicant's determine whether they want to proceed through the MVC DRI Public Hearing Review process. The question was raised (and still needs to be determined) at what point does the Elrick property become designated as a DRI? The Applicant's would like to purchase the abutting Elrick property in order to take advantage of its visibility along State Road, use a

new curb cut on State Road through the property, and use the house as a dormitory.

A further reason the Wiley's had for purchasing the Elrick property was that the additional acreage would put them over five acres. They wondered if this then might exempt them from MVC DRI review through the right to farm law. At this point it was pointed out that having five acres allows farmers certain rights regarding Massachusetts General Law 40 A (the Zoning Law) but does not exempt them from the MVC DRI Review because the MVC is enabled by a different state law.

There was discussion whether the proposal could proceed with a plan A (without the Elrick property) and a plan B (with the Elrick property). There seemed to be agreement that the Wiley's could propose a project for there property and also seek a determination on plan B (This needs to be checked into). There was also discussion about the difference between Town conditions and MVC conditions. It was pointed out that the Town could impose stricter conditions than the MVC but could not make conditions more lenient than the MVC. In other words, if the MVC allowed something, the Town could still disallow it. But, if the MVC disallowed something the Town could not allow it.

The Wiley's then described their plans for the property. Town zoning allows them to practice agriculture and horticulture in RU (Rural) zoning but does not allow the landscaping aspect of their business. Commissioners asked them about future plans. The Wiley's said they have no interest in expanding to have a farm stand, at least not now. Commissioners asked about the plan before them, which showed most of the four properties being altered to accommodate the business including display gardens that ringed the entire property. The Wiley's said they were flexible with the plan and would be happy to strike a balance that allows them the visibility they need while also maintaining the rural character of the streetscape. There was discussion of employment. The Vineyard Gardens employs over 40 people, 15 at the nursery and 25 or so in the landscaping business.

The Wiley's were asked whether they would still buy the Elrick property if they were not allowed to use the curb cut for the business? They answered that it was a factor and they would have to think about it. They feel the intersection of Old Stage Road and State Road is dangerous. At this point Tucker Hubbell from the West Tisbury Zoning Board of Appeals spoke. He said that the original subdivision of these four lots specifically made all vehicular access on Old Stage Road. The Elrick's were denied a State Road curb cut two years ago. They returned last year

saying they needed the curb cut on State Road for the safety of their children. He said that the Board reluctantly allowed the State Road curb cut for the safety of the children. Not long afterward the property went up for sale. Mr. Hubbell also said that three of four people have come to the ZBA for home businesses in that area and neighbors have spoken out that they do not want the two business areas (The business district by Cronig's and the business corridor near Humphrey's) to be connected. The question was then raised whether West Tisbury can close a curb cut once they have allowed it? The idea of improving the Old Stage Road and State Road intersection was also raised as a possible solution.

There was discussion of whether the Commissioner's should look at the correspondence that has already been generated. They decided not to look at it at this point.

Discussion turned to the proposed dormitory. At this point Bill Wilcox, the MVC Water Resource Planner, said that if the dormitory were to house the proposed eight employees it would exceed the MVC interim nitrogen loading limits set for the Tisbury Great Pond. They could possibly get around this by adding a denitrification unit (Bio-Clear) or a non-water based wastewater system such as a Clivus system. This will have to be fleshed out as the proposal progresses. There was also some discussion of traffic generation.

There was discussion of the greenhouse fertility program. Fertilizer would be applied through the irrigation water. While the greenhouse is covered, spillage on the floor would remain in the soil, as there is no recharging precipitation to carry it into the groundwater. However if the plastic is removed and left off the houses over a period of time with precipitation (particularly late winter and spring) substantial nitrogen could move into the groundwater. A best-practices management program is necessary to assure that this does not happen.

Near the end somebody pointed out that the Wiley's probably should opt to go through the DRI process since they already own three of the lots and they will need a determination on them in order to see how they can use them. However, several questions persist regarding how to approach the Elrick property. When does the Elrick property becomes designated as a DRI and are they willing to be so designated before a sale occurs? Another question is whether the Town can rule on the curb cut before the MVC?

PHF