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## Martha's Vineyard Commission

### Land Use Planning Committee

### Draft Minutes of the Meeting of September 18, 2006

Held in the Stone Building, New York Avenue, Oak Bluffs.

*Commissioners Present: Christina Brown, John Breckenridge, Chris Murphy, Kathy Newman,  
MVC Staff Present: Mark London, Paul Foley, Bill Wilcox*

#### 1. Hart Plumbing and Hardware (DRI 549-M)

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Present for the Applicant: Jim Hart, Dick Barbini

**Project Location:** 56 Indian Hill Road, West Tisbury, MA Map 16 Lot 82 (0.53 acres)

**Proposal:** To change the use of an approved but not yet built building from office to a combination of plumbing business and hardware store and a second floor apartment. The foundation of the building is in place. This project has bounced between Town Boards, being on hold, and the MVC for several years.

Opened 5:38

#### Referral

- The project was referred by Murray Frank, Chairman, West Tisbury Planning Board under 3.301e and 3.301h.
- 3.301e: Any development of commercial, storage, office and/or industrial lands or building(s)...that has any change of use, or increase in intensity of use (including conversion of basements, storage space or other exempt floor space to active floor space) with the concurrence of the Martha's Vineyard Commission.
- 3.301h: Any development of commercial, storage, office and/or industrial lands or building(s)...that is on the list of high traffic-generating businesses provided as Attachment B, with the concurrence of the Martha's Vineyard Commission.
- There was some discussion over whether this is actually a mandatory referral under 3.301a. 3.301a states: Any development of commercial, storage, office and/or industrial lands or building(s)...that has new construction totaling 2,000 square feet or more of floor area in one or more buildings.
- LUPC Chairman Brown asserted that we do not include residential square footage in the calculation.
- MVC Staff were under the impression that for the last several years the MVC had indeed been reading 3.101a as written that "any development of commercial...lands or buildings that has new construction totaling 2,000 sf or more" regardless of whether parts of the 2,000 sf are residential.
- This project has a 1,950 sf footprint with a full basement and a second story with two apartments. While there is only 1,950 sf of commercial space there is a total of 5,850 total gross square feet (including the basement and assuming the apartments are the same sf as the footprint).
- It was decided to proceed as though it was a concurrence review as referred and bring the dispute over interpretation to the attention of the Chairman of the MVC.

#### Proposal

- Jim Hart wants to build a 1,950 sf footprint three-story mixed-use building with a plumbing and hardware store selling the wares of his plumbing business which would also have its office there.

Downstairs would be storage in a walkout basement for stock of the first floor hardware, plumbing, and paint store. Above the store on the second floor would be two one-bedroom apartments, one of which would be deed restricted to remain affordable. He hopes to use it as employee housing for the plumbing/heating and hardware store business.

- The basement is not zoned for office and is only allowed for storage.
- It would be a regular hardware store with a counter and a clerk using Edgartown Hardware as a model.
- Mr. Hart needs to move his business and he owns this property. He is approved for an office building but doesn't really want to run an office building. He feels that the best thing for him to do is attach the use of the building to what he does. He has a plumbing and heating business and this store would complement what he knows and does. Furthermore, he perceives a need for a hardware store up-island. He can't find the stuff he needs at Alley's anymore.
- There is an existing foundation.
- Mr. Hart has 6 employees and 6 vehicles in the plumbing business. His plumbing business employees would come to the shop/store in the morning to prepare for the days activities and then go out.
- He estimates he will need no more than three people to run the store.
- He would prefer not to pave the parking if he does not have to.
- There are a total of 17 spaces marked on the plan. 6 will be employees coming and going and 3 for the store employees minus a few spots for housing leaving the 10 spaces for the store.

### **Mixed-Use Business District and Neighborhood**

- It was noted that this is going to be a big increase in intensity in that neighborhood.
- On the other hand it would be entered from Indian Hill Road so it does not add to the traffic to the entries to the Middletown Exchange complex.
- The VTA busses come in on Indian Hill Road behind Cronig's and then exit on to State Road.
- The Mixed-Use Business District was created in the late 1970's.
- One of the issues here is the character of Indian Hill Road. You see the back of Cronig's.

### **Issues**

- There are two different issues. One is the traffic generation and the other is the character issue.
- Traffic: Can Indian Hill Road carry more traffic?
- Character: Notwithstanding the fact that it is zoned business the immediate neighbors on Indian Hill road is of a residential character.
- LUPC suggested that a clearer site plan showing the vegetation and layout would make it easier to make a determination at the concurrence review before the full commission.

### **Water**

- The septic system is approved by the Board of Health for three offices. The Applicant is proposing to install a denitrifying wastewater system. This is required by Title 5 because the site is too small for the proposed wastewater flow because it is situated in a nitrogen sensitive area, namely one with private drinking water wells.
- Mr. Hart said that offices would be more intensive than a hardware store.
- Bill Wilcox (MVC Water Resource Planner) said the site is just within the Tisbury Great Pond watershed. The point is that the watershed boundary line is not 100% clear. Some feel that this might be in the Tashmoo watershed. Bill recommends that we be not as stringent in our guidelines because the watershed is not completely certain.

- If it is in the Tisbury Great Pond Watershed this project, even with Bio-clere de-nitrification, would be producing ten times more than our recommended nitrogen loading limit.
- It was noted that if he had not changed uses he wouldn't be sitting here.
- It was also noted that the bigger issue may be the location of the North Tisbury Business District right where several watersheds apparently begin.
- The solution to that might be a package treatment facility for that area.
- The problem is determining exactly where the watersheds boundaries are.

## **Traffic**

- Not withstanding our absence of a traffic planner we should look at the ITE traffic generation.

## **LUPC Recommendation**

- A commissioner said they think water is the main issue although the character of Indian Hill Road could also become an issue. Beyond these two issues, especially the water question, they would be reluctant to concur.
- Another commissioner lamented that there was no one from the West Tisbury Planning Board present to share their concerns.
- LUPC noted that if the whole upstairs is deed restricted as residential (one to be affordable), the site plan is approved by Site Plan Review of the West Tisbury Planning Board, they will have minimal exterior lighting, a vegetative buffer along Indian Hill Road and they are planning to not use any herbicides, pesticides and fungicides, then this may help the full commission to decide to not concur (assuming this is not a mandatory referral).
- Mr. Hart noted that all of that is in there. He has all of the correspondence of the Planning Board and their conditions have included plantings in the front.
- LUPC recommends to not concur by general consensus although one commissioner said that she wished there was a Planning Board person here to relay their concerns.

*Commissioners Present: Christina Brown, John Breckenridge, Chris Murphy, Kathy Newman,  
MVC Staff Present: Mark London, Paul Foley, Bill Wilcox*

## **1. Woodland Phase 2 (DRI 39-M2) Stormwater plan**

Present for the Applicant: Chris Alley

- Chris Alley of Schofield, Barbini, and Hoehn described the storm water retention plan.
- The roof runoff is similar to the Woodland Complex where the roof runoff runs into planted leaching strips.
- For the runoff in the parking lot there is an elongate gutterdrain that catches runoff as it comes down the hill in front of Humphries. The Applicant is proposing a filter insert that adsorbs hydrocarbons in the gutter itself.
- The plan is to capture the water coming down the hill, filter it and then leach it into the ground with four leaching pits. It is a maintenance intensive system (the company that makes the filters recommends inspection at least three times a year). It is mostly cigarette butts and other garbage that gums it up. If the property has a competent grounds manager it can be done by them. If necessary a third party can be contracted to do the operation and management.
- A contract can be established where they come down once a year.
- A commissioner said we should require maintenance three times a year with the fossil filter being changed once a year.

- A commissioner said their issue is who from the condo group is going to administer it?
- Basically we are telling Sam Dunn that he needs to have an Operation & Management agreement in place before the maintenance is turned over to the Condo Association.
- The dilemma is that we do it with the cooperation of the Board of Health and the Board of Health has indicated they don't want to do it. Is that correct?
- We need to make sure that some one takes the responsibility over the long term because the filter will clog and become ineffective.
- Bill Wilcox said he liked the idea of bringing the Tisbury Water Department into the process because the site is within the Zone 2 of the Spring Street supply well but said he would have to talk to them first.

Adjourned 7:02