



BOX 1447, OAK BLUFFS, MASSACHUSETTS, 02557, 508-693-3453,
FAX 508-693-7894 INFO@MVCOMMISSION.ORG WWW.MVCOMMISSION.ORG

Martha's Vineyard Commission

Land Use Planning Committee

Notes of the Meeting of January 22, 2007

Held in the Stone Building, New York Avenue, Oak Bluffs. 5:30 P.M.

Commissioners Present: Christina Brown; John Breckenridge; Chris Murphy; Ned Orleans; Jim Powell; and Mimi Davisson.

Commissioners Present but not eligible to vote: Susan Shea; Pete Cabana; and Richard Toole

MVC Staff Present: Mark London; Paul Foley; Bill Wilcox; and Jim Miller.

1. Hart Hardware (DRI 549) Pre- Public Hearing Review

Present for the Applicant: Dick Barbini, Jim Hart

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 with two second floor apartments (one to be permanently deed restricted to be affordable). There is a foundation in place that was built 5-6 years ago.

Key issues: access/circulation; wastewater; local economy; and visual impact.

Wastewater:

- MVC Executive Director Mark London pointed out that since the project was before us in December the MVC has adopted an interim wastewater policy that allows for some flexibility in certain areas such as developments in smart growth areas and affordability and makes exceptions for best effort. For the Tisbury Great Pond watershed the applicant must meet the less restrictive of: 1. meeting the nitrogen load limit or 2. Meeting basic nitrogen reduction techniques.
- Under the basic nitrogen reduction techniques, an applicant is allowed 4 bedrooms per building lot provided the wastewater is denitrified. For this project they would be allowed 2.1 bedrooms. Because they have an affordable unit, are in a smart growth area, and they will be de-nitrifying the wastewater they would be allowed about the equivalent of four bedrooms.
- Bill Wilcox described the calculations. Their area is 22,500 sf. The proportional acreage they have allows 2.1 bedrooms according to the new policy. With a 50% increase for smart growth they get 3.1 bedrooms and with one affordable unit they would receive another 0.5 bedroom. The total number of bedrooms of denitrified wastewater flow allowed under the new policy would be 3.6. Assuming two bedrooms and 1964 sf in retail the total flow would be 367 gallons per day. The Tisbury Great Pond watershed nitrogen limit under our old policy is basically impossible to meet.
- Bill Wilcox noted a discrepancy between his calculations and the DEP letter that indicates that the flow would be 345 gallons/day. Bill estimates 367 gallons/day. Dick Barbini indicated the total flow calculation would be about 333 gallons/day as only 500 square feet would be office and 1500 square feet would be retail. The Chairman asked the engineer to get together with Bill and figure out what the real numbers are.
- The de-nitrification system (bioclere) should have a service contract that tells us that it is going to be maintained forever. There is a state mandate that requires quarterly testing for two years at which point the DEP may change it.

- Bill Wilcox also asked for a stamped wastewater plan and also for a storm water plan from the engineer for the project.
- A commissioner said their concern is that all of the storm water will all drain into the neighboring property. Mr. Hart said that property is deed restricted for that purpose. There was a question of whether that means anyone can just drain their storm water into it. Dick Barbini pointed out that there were infiltrator units in place designed for the roof water and parking area runoff.

Circulation and Access:

- At the hearing they said that the access road would just be for service trucks.
- The service road surface would be paved with a subsurface drainage system.
- Dick Barbini, project engineer, said that the plan has changed slightly from what was presented at the Public Hearing. The direction of traffic on the access road would be reversed so that the trucks would enter from the Indian Hill Road side of the property rather than looping around the building before going down to the basement level. Some vegetation indicated on the landscape plan near the back door would have to be removed.
- A commissioner asked how many deliveries we are talking about.
 - The answer was 1 or 2 a week with a 24 foot box truck. It was later noted that the basement service access driveway and second retaining wall that was added to the plan just before the Public Hearing seemed like a lot of infrastructure for one delivery a week.
- Another commissioner asked if there was an interest to reduce the number of curb cuts?
 - Mr. Barbini said they could do it with one access. It would take away some of the vegetative buffer and they would simply block one of the parking spots with a cone on delivery day (He has subsequently sent over a revised site plan clarifying this).
- A commissioner asked if the existing (buckling) large concrete block retaining wall is being replaced.
 - It is being disassembled and rebuilt and they will reuse the 2500 pound blocks.
- Also, if your neighbor were to allow access to State Road how would that affect your plan?
 - Mr. Hart said he would love it and would connect to it if allowed.
- We might think about a condition of a dormant easement for this property and neighbors if presented. There was some discussion of making it a dormant easement for the purpose of creating a sole access onto State Road rather than Indian Hill Road or a second access. There was debate on this point on whether it would this be an extra easement or an alternative easement.
- Commissioners decided to compromise on this point and said that the dormant easement should be enforceable by the Town of West Tisbury with the provision that at the time of consideration the West Tisbury Planning Board should consider whether the existing access to Indian Hill Road should be discontinued in favor of a single access to State Road.
- A commissioner lamented that the town should have done some more forward thinking when they designated this area as a business district.
- A commissioner noted that this proposal would leave the property 90% paved. Staff said that during the Public Hearing the applicant said that they would only pave the entry, the handicapped parking spaces, and the ramp to the basement. Staff also asked if it was really necessary to have the extra paved service drive and retaining wall for one delivery a week.
- Jim Hart said the reason for the extra access and drive is that the use is changing from office, which does not need deliveries, to a retail use that does need deliveries. He said that without this extra service drive it would be difficult to back up a 24 foot box truck down a curving ramp.
 - (Note: It should be pointed out at this point that it would have been better if the project had just come to the MVC in 2000 when the West Tisbury Zoning Board of Appeals approved

the office use. At the time the ZBA warned the applicant that any proposal to add the basement as active space or apartments above would have to come to the MVC. In the meantime the applicant built the foundation several years ago in an inopportune location. Ordinarily the MVC requires buildings to be placed in front of the lot with parking behind. Incidentally so does the West Tisbury Zoning By-Laws)

Recommendation:

- Chairman Brown asked if there was a general consensus that we will approve with conditions. The general response was yes.
- We are recommending an enforceable dormant easement that would be exercised if the abutting easement to State Road should become available.
- We are recommending that there should only be one access from Indian Hill Road. If the service drive that encircles the building was to be allowed it would connect with the existing curb cut through the parking lot in front of the building.
- Another commissioner said that we have had a representative sketch of a landscaping plan. One of the concerns is that if we allow the second service road we are going to lose the buffer near Indian Hill Road. He would like to see a little more detail that preserves the buffer.
 - Dick Barbini said he will submit a revised landscape plan.
- With respect to a discussion of energy efficiency Jim Hart said he would use fluorescent lights and energy star appliances. Outdoor lighting will be downward shielded and turned off when closed.
- We can accept the applicants offer to West Tisbury that the apartment will be permanently restricted to be affordable.

Ned Orleans moved to recommend to the full commission to approve the project with the conditions outlined here. It was duly seconded and approved unanimously.

Deliberation and Decision for this project will be scheduled on February 1, 2007 at 8:30 pm (There is a Cape Light Compact speaker at 7:30).

2. Vineyard Haven Yacht Club – DRI Checklist Interpretation Request

Present for the Applicant: Dick Barbini

- Dick Barbini requested LUPC time to go over a plan by The Vineyard Haven Yacht Club to tear down their approximately 3,500 square foot building and replace it with a 4,400 square foot building. He said that he was under the impression it would not be discussed this evening so he did not bring plans. There was a brief discussion of it anyway.
- He said the issue is that DRI Checklist number 3.601 does not say whether you have an existing building and are going to rebuild; it says "the creation of..."
- Several commissioners said they thought from what little they heard the project should be referred to the MVC as a DRI. If they are tearing it all down and building anew it has to come. It was also noted that it is in a very visible site.
- Mr. Barbini argued that a similar project, The Mink Meadows, did not come. He said that the DRI Coordinator at the time sent a letter stating that it did not have to be referred. To which a commissioner said they are not comfortable with staff deciding what is and what is not our policy.
- After some more discussion it was decided to look closer at the project and whether it should be sent as a DRI at the beginning of the next DRI Checklist Review on Monday February 5 at 5:30 pm.

Adjourned at 6:58