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Martha's Vineyard Commission

Land Use Planning Committee

Minutes of the Meeting of March 5, 2007

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

Commissioners Present: Christina Brown; John Breckenridge; Mimi Davisson; Ned Orleans; Linda Sibley; Kathy Newman; Chris Murphy; and Jim Athearn.

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

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

Present for the Applicant: Jim Hart, Chris Alley (Engineer)

Present from the Town: Eric Whitman (West Tisbury ZBA), Joe Eldredge (Friends of Christiantown)

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). The proposal requests 18 parking spaces and has been approved for eight.

Context

- Prior to LUPC there was a site visit.
- Chairman Brown began the LUPC by noting the MVC reopened the hearing because of concerns that came up at the Deliberation and Decision. The primary concerns were the proposed service road, the amount of pavement and lot coverage, and vehicular circulation within the site. This is an informal discussion to try to explore possible solutions. All discussion will be summarized and introduced at the reopened public hearing.
- The MVC asked their Traffic Engineering consultant, Charles Crevo, to look at the site plans and definitively say whether the service road was necessary and if there were alternatives.
- On the site visit four to five alternatives were discussed.

Circulation, Service Road, and Pavement

- The Chairman asked Mr. Hart if there was a solution/alternative he preferred.
- Jim Hart said he is still in favor of his proposed plan with a revision that there not be impervious surface. He would prefer the wrap-around service road and feels the only part that needs paving is the steeper, curved drive at the back. He noted the difficulty of creating a turn-around with the existing foundation and the limited lot size. He said he has not come up with a new plan for a turn-around that makes sense to him.
- Several Commissioners noted that there seems to be too much paving.
- One possibility would be to pave the front parking area for the store, and not pave the back parking area for the tenants.
- A Commissioner who owns a retail store said theirs was not paved for years, but that they don't advocate leaving unpaved parking spaces. It is a noble goal to cut down paving but unpaved parking lots create a mess.

- The main issue is the service road. A Commissioner said that the MVC simply does not approve projects that have development from property line to property line. It doesn't matter how often or little you use it. The problem is that this plan is virtually an entirely covered lot. The Commissioner said it was her opinion, especially after visiting the site again, that it is possible to create a turn-around that allows trucks and service vehicles to back down to the loading dock. She said that a concept that did the following would seem best and appears to be possible:
 - a turn-around near the back of the property,
 - a driveway along the edge of the retaining wall to the building,
 - maintaining a 10-foot vegetative buffer along the property boundary.
- At the site visit there were several suggestions for where the turn-around might be. Mr. Hart noted that on the site visit, we talked about creating an area where a truck could back up across a couple of parking spots that could be blocked off when deliveries are made.

Buffers, Fences, and Abutters

- Another issue raised at the site visit was that running a stockade fence along the whole property line and close to Indian Hill Road would have a negative visual impact along the road. It would be better if the fence was only in the middle part of the property, to screen the view of the new building from the neighbor.
- One Commissioner questioned whether a fence was needed at all and wondered whether it would be better to just have a vegetative screen.
- On the site visit, Jim Hart said he could save some of the mature trees next to where the parallel parking is planned, which are shown on the plan as being cut down. He agreed to revise the plan accordingly.
- The ZBA gave Mr. Hart a variance to build closer to the lot line, but that doesn't mean that the paving should build up to the edge.
- A Commissioner noted that while we have been talking about leaving a 10-foot minimum buffer along the side bordering the drainage lot, there is parking proposed on the other side almost right up to the property boundary.
- Another Commissioner said they would prefer a bigger buffer on the other side as well if someone could come up with a way to still allow room for the required number of parking spots.
- Staff noted that you could eliminate the parallel parking on the one side and not lose spaces if you entered the lot near the middle and then had parking on the left and the right. There is room for this although, in general, the Commission does not approve of parking in the front of the building. Obviously, with this project one of the issues is that we are designing around a foundation that is in place already.

Town Representative Comment

- Eric Whitman of the West Tisbury Zoning Board of Appeals (ZBA) said it was his recollection that Jim came to the ZBA in 2000 and he wanted to have his plumbing business there.
- The Planning Board approved it as a viable lot for a business and sent him to ZBA for setback relief.
- During this whole two-year process (2000-2002) Jim was very vague on what it was he wanted to do with this property. He even talked about living on the second floor himself.
- He got a building permit and put in his foundation before his permit expired (6 months). There is a time limit for completing the foundation, but there is not a time limit on building on that foundation.

- Mr. Whitman's overall impression was that it was very difficult to pin Mr. Hart down on what he wanted to do. It would have been better if he had just come through the MVC at the time he got his building permit.

Traffic

- MVC Traffic Planner Jim Miller reminded Commissioners that this project would create about 60 trips in and 60 trips out on a daily basis. Estimates are that there would be 175 trips (half in and half out) on a busy summer Saturday.
- The biggest issue is the left turn out of Indian Hill Road onto State Road. This project would create more cars coming out of there. MassHighway could make that more of a T intersection.
- The sight lines from the Hart property are going to be improved with re-grading and removal of the berm near the entrance.
- Joe Eldridge representing the Friends of Christiantown said the intersection of Indian Hill Road and State Road is a very dangerous intersection. He said he has a solution and wants to know how he can help.

Basis of Re-opening of Hearing

- There was some discussion of what the specific purpose of the re-opening was.
- A Commissioner said it was for looking at the site plan while another Commissioner thought it was more general.

The Business District

- A Commissioner wanted to know if when the Business District was drawn up there was any conversation about future access and circulation.
- Commissioner Linda Sibley explained that it was her impression that it just didn't cross their mind back then that they would be dealing with the type of traffic we are dealing with now. It was a sleepy little corner.
- A Commissioner said that the MVC could offer to help the Town in planning the Business District.

Conclusion

- There seemed to be consensus that a solution would be to eliminate the service road and create a turn-around near the back of the property that would lead to a driveway that would lead along the edge of the retaining wall into the back of the building leaving a 10-foot vegetative buffer along the property boundary.
- The three parallel parking spots along next to the building along one property boundary could be eliminated thus saving a number of mature trees still in the property.
- These three parking spots could be recouped by having a central drive with parking on either side.

2. Arnie Fischer (DRI 34-M) Pre-Public Hearing Review

Project Location: Road to Great Neck, West Tisbury Map 35 Lot 3.1(110.3 acres

Proposal: To subdivide one 12.9-acre parcel off of the 110-acre piece.

Commissioners Present: Christina Brown; John Breckenridge; Mimi Davisson; Ned Orleans; Linda Sibley; Kathy Newman; Chris Murphy; and Jim Athearn.

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

Present for the Applicant: Arnie Fischer, Eleanor Neubert, and Glenn Provost (Engineer)

Staff Report

- Paul Foley, DRI Coordinator, described the project.

- The applicants want to subdivide one 12.9-acre parcel off of the 110-acre piece in order to have something in hand to offset estate tax in case something should happen to the Trustee of the property while an overall estate plan for the whole property is being worked out.
- This Form A plan may not ever be exercised, its purpose is only as a backup plan.
- The property is presently restricted under Chapter 61A which gives the owners a lower rate of tax for farmland.
- If someone wanted to buy 61A land for a residential development they would have to pay the difference in the taxes for the property between the 61A rate and the residential rate going back five years.

Applicant Presentation

- Glenn Provost of Vineyard Land Surveying, said the if Arnie and Eleanor's mother Priscilla were to pass before an estate plan were in place, it would create a huge estate tax problem.
- If they can get this Estate Plan for the whole property done by this fall they would never exercise this plan. If they have preliminary plans ready this fall they would be asked to be referred to the MVC.
- This proposal is just so that they have something in the back pocket in case they need it.

Commissioner Discussion

- ***Linda Sibley made a Motion to waive a traffic study which was seconded by Mimi Davisson and agreed upon unanimously.***
- The Commission has to treat this subdivision as if it were going to happen and be built on.
- Commissioners reviewed questions that should be clarified at the Hearing.
 - Why make a 12-acre parcel when you can make a 3-acre parcel?
 - Would this 12-acre parcel be sub-dividable?
 - Would it still be under Chapter 61A?
 - How many bedrooms could go there?
 - Why the little line was placed where it is and not up where the other properties come together?
 - Where would a house go? Could the plan include a building envelope? The impact on the open space is a concern; there would be a huge difference in impact if a house was located in or near the woods, or went out into the open fields.
- This is right on the Tisbury Great Pond so it is a very sensitive and visible site.
- Glenn Provost replied that they can probably address these issues to the Commission's satisfaction at the Public Hearing.
- The applicants were given a copy of the Commission's Open Space Policy?
- Commissioner Murphy said he would like to help personally if there is anything he can do to help preserve this land.
- Commissioners recalled what happened when the Norton farm went without an estate plan and the IRS moved in.
- Glen Provost said they hope this is just part of the process and not a problem. This is simply a catastrophe plan. They feel they have to create a parcel with significant value.
- They would be willing to give an easement but the IRS wants cash. The IRS is going to look at the maximum amount that could be developed.
- Commissioners suggested they talk to Dick Johnson and the other conservation organizations. Mr. Fischer said they have talked to all of them.

Adjourned at 7:00 p.m.