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Martha's Vineyard Commission

Land Use Planning Committee

Draft Notes of the Meeting of May 7, 2007

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

Commissioners Present: Christina Brown, Richard Toole, Ned Orleans, John Breckenridge, Peter Cabana. Chris Murphy

MVC Staff Present: Mark London, Paul Foley, Jim Miller

1. J. Ferry Tennis and Racquet (DRI 598) Post-Public Hearing Review

Present for the Applicant

Project Location: Map 16 Lot 71.1 (21 Amos Lane 0.47 acres). The applicant also owns the abutting property, Map 16 Lot 80 (497 State Road 0.69 acres), which provides the access and will share septic.

Proposal: To construct an outdoor tennis court, an indoor racquetball court, a pro shop, and two offices on 21 Amos Lane.

Applicant Presentation:

- There is an existing house with two apartments on the front lot. Mr. Ferry's brother lives in a two-bedroom apartment in the basement and a dog groomer lives upstairs and operates a home business.
- The proposal is for a single outdoor tennis court and a building that would house an indoor racquet ball court and two offices.
- There would be a reception area and a pro shop on the first floor.
- In the back of the rear lot on the border with the Estrella's there will be a small retaining wall.
- There used to be two dirt driveways that Mr. Ferry retained and made one in and one out.
- When he bought the property he took 16 truck loads of junk off the property.
- He also had a tree company come and clear out the trees that were not worth saving. He has designed the proposal around saving some birch tree and beech trees.

Commissioner Questions:

- Is there room for buffering parking area in easement?
- Mr. Ferry gave up his rights to the easement to Indian Hill Road. He does retain the right to use the easement on his property along border with the Wellness Center. The Estrella's are the only other ones who are allowed to use it.
- There were concerns during the Hart (DRI 549) Hearing about storm water runoff.
 - Mr. Ferry pointed out that his property is flat and does not drain in that direction. He said there are no drainage issues with this site.
- What is the parking surface?
 - Mr. Ferry would like to use shells.
- What would the surface of the tennis court be:
 - Hardcourt. The tennis court will have drainage.
- At the access along State Road what are the sightlines?
 - MVC Staff is doing the traffic study and will look at that.

- What is the energy efficiency of the building?
 - Heating is going to be radiant in the floors and AC in the court and office
- Have you thought of geo-thermal?
 - No. Mr. Ferry will inquire with his architect Mo O'Connor about geo-thermal energy.
- LUPC encouraged Mr. Ferry to make the building as energy tight as possible.
- How are you going to structure memberships?
 - \$1000 for a single, \$1500 for a family to allow you to schedule time. Left over time would go to Charter School and
 - There would also be Walleyball. Would like to give time to the Charter School.
- A commissioner suggested that he might offer an incentive to the people in the neighborhood to reduce the car trips.

Nitrogen Loading:

- Bill Wilcox reported that the property is not adding flow to what they are already approved for but they are already over our nitrogen loading limit. Thus they cannot increase it over what they now have.
- They already have 660 gallons per day assigned to the existing house. They are limiting the house to 440 gallons a day and allotting 220 gallons a day to the new building.
- None of the dog grooming wastewater goes into the ground. There will be a tight tank that holds the wastewater and then gets pumped out.

Traffic:

- MVC Staff will be doing the traffic study for the project.
- Jim Miller and the applicant had previously discussed projected traffic numbers.
- The total new trip generation is estimated to be 142 trip ends, with a peak hour of 17.
- Mr. Ferry feels that 17 cars in there at a time would be the theoretical maximum but does not think that would actually happen.

Conclusion:

- Commissioners asked that at the Public Hearing the applicant be prepared to discuss easements, screening of the neighbors, offers to mitigate affordable housing needs, and drainage.

1. VHYC (DRI 602) Post-Public Hearing Review

Present for the Applicant Dick Barbini, Charlie Felder, Peter Breese, Peter MacLean, Ray Maciel.

Project Location: Map 5-J Lot 7 (1.85 acres)

Proposal: To demolish the existing 3,500 square foot building and replace it with a two-story 4,400 square foot replacement clubhouse.

Public Access Issue and Letters:

- Three letters were received on the week following the public hearing in which the written record was left open.
- Also in that time period Henry Stephenson of the Tisbury Planning Board met with Dick Barbini, Peter Breese, Charlie Felder, Peter MacLean, and Ray Maciel of the VHYC at the MVC Office with Paul Foley and Jim Miller of the MVC Staff to discuss the public access and parking issues at the bottom of Owen Little Way.

- The first letter was from L. Anthony Peak, Chairman of the Tisbury Planning Board, stating the Planning Boards understanding of the outcome of the meeting at the MVC on the public access issue. The Planning Board supports the initiative to have the VHYC, the Town, the County, and neighbors meet to address these issues without holding up the VHYC. They suggested Labor Day as a deadline for a fairly detailed plan.
- The second letter was from Charles Felder, the manager of the VHYC, offering to participate in and consider any municipal or county discussions regarding the traffic, parking, and public use of the beach. The VHYC was not opposed to a deadline but suggested that October 15 would be a more realistic timeline would be for the appropriate Town Board to initiate a planning meeting by October 15, 2007 with a goal of implementing a plan by Memorial Day 2008.
- The third letter was from Fain Hackney, an abutter, with a suggested list of conditions the MVC should consider.

Commissioner Discussion Regarding the Letters and Public Access:

- A commissioner said that it seems to that all parties have agreed to have reasonable conversations about public access.
- The LUPC discussed what the proper deadline should be.
- The VHYC was concerned that this proposal be tied to the outcome of the discussions. The Planning Board has no jurisdiction. The Selectmen, the Highway department, the County all have to be on board. To get all of those people together is beyond our control. It might just be a pretty map that goes nowhere.
- A commissioner said that this requires getting a group of interested people to get together. In my view this is not a legal approach to achieve something by October 15.
- There was some discussion that this is a major town issue that would have to go to the Town Meeting
- **Peter Cabana made a motion to accept the offer of the applicants to meet with the Town, County and neighbors with a deadline of October 15, 2007. Richard Toole seconded the motion which was approved with all in favor.**

Offers and Conditions:

- **Peter Cabana made a motion to approve the project with conditions which was duly seconded by Ned Orleans.**
- Chairman Murphy read the offers and asked if anyone had anything to discuss.
- John Breckenridge said there has been some concern that parties be limited.
- Dick Barbini said the intent of the offer was to have the parties in the off season for members. Currently someone can just rent the club. Mr. Barbini suggested that we just take out the word "sponsored". This was agreed to so the offer should read:
 - The VHYC will not make itself available for private parties that are not by members of the club.
- To the offer regarding bus passes it was agreed to add the word "strongly" so that the offer should now read:
 - The VHYC will make bus passes available to all employees. Members will be strongly encouraged to carpool, walk, bike, and take public transportation.
- There was also some discussion as to whether there should be a minimum number of bus passes, such as 10, that the VHYC should buy for employees. This was not added because some thought it would be unfair to make them buy passes that might not get used.

- A commissioner asked what is magic about limiting the club membership to 425. It was simply a way of allowing some expansion to the current membership in case demographics change and there are more single members and less family members. The VHYC stated again that they do not intend to increase membership but do not want to be overly limited in case they need more.
- John Breckenridge said there seems to be some concern from the abutters about the view of the new building and parking from there houses and the public way. He suggested that our condition on landscaping should say that the club, in conjunction with the abutters, agrees to accommodate some of the abutter's requests regarding screening.
- Chris Murphy agreed and said that it should say the VHYC "shall" accommodate...
- John Breckenridge said the landscaping plan needs to come back to LUPC for review and approval. It should also be state that applicant shall convene a meeting with abutters to address concerns in the development of the plan such as sightlines and screening of abutters.
- John Breckenridge asked if there is going to be boat storage do we want to limit that to just boats of the club. Chris Murphy said we can make that a condition. All agreed including the applicant. John Breckenridge clarified that he meant only club owned boats not boats of members.
- Dick Barbini said that since we met some of the concerns have gone away. The setbacks are 25 feet. We have testified that it will be frosted glass on the Styron side of the building. We need the chimney so we can't take that out. Furthermore, he doesn't think the VHYC should or can limit themselves to only using half of their property.
- The applicant offered to limit parties in the shoulder season to five. LUPC agreed that five parties in the shoulder season is fine (as opposed to the neighbors suggestion of three).
- Ned Orleans made a motion to limit the membership to 400. John Breckenridge seconded the motion on the understanding that they can come back to us in the future if they want to expand.
- Several commissioners disagreed with this motion saying that 425 is not unreasonable and they said they have no intention of adding memberships. There are 4-5 categories of paid memberships with a current total of 391 memberships. The motion failed.
- There was some discussion about outside amplification. There is a noise ordinance in Tisbury.
- A commissioner asked if the VHYC ever had outside weddings with amplifiers. The answer was yes
- John Breckenridge asked if MVC Staff could make a few phone calls about the towns ordinances regarding noise.
- It was suggested that during the summer at night there should be a limit on the number of events
- Charlie Felder clarified that the VHYC would be willing to limit nights of live music.
- **Having finished the discussion on offers and conditions Chairman Murphy asked for a vote on the motion on the floor to approve with conditions. The Vote was unanimous to approve with conditions.**

1. 18 State Road (DRI 593) Post-Public Hearing Review

Present for the Applicant: Sylvestro Schiavone, Andrew Grant

Project Location: 18 State Road, Tisbury, MA Map 9-A Lot 4 (0.33 acres)

Proposal: To construct a 2,200 gross square foot mixed-use building (900 square foot footprint) with one office, a studio apartment and storage on a property with an existing two-unit commercial building.

- John Breckenridge suggested that to minimize the disturbance in the sensitive archaeology area we should move the shed from the lower area to the spot where the existing shed is. Ned Orleans seconded the motion.
- Mr. Schiavone protested that it would only require six post holes.
- There was some discussion on the proposed location and what zoning allows in terms of lot coverage. In the Tisbury B-1 there is no restraint on lot coverage.
- The motion failed.
- John Breckenridge made a motion that Landscaping plans should come back to LUPC for review and approval. He suggested that the landscape plan should focus on more native plants.
- Christina Brown said that all landscaping should be native except for ornamental plants directly next to building.
- The motion passed unanimously
- Several commissioners had an issue with the wording of the energy offer which just says that the building will meet code. It has to.
- John Breckenridge made a Motion to say that the project should at least beat the energy code requirements by 30%. The motion was duly seconded and passed.
- There was some discussion of where the suggested dormant easement should be with one commissioner suggesting a floating dormant easement. Some thought the easement should be to connect to the abutting neighbors and others thought it was for a theoretical road that has been talked about along the edge of Veteran's park.
- A commissioner suggested that prior to a Certificate of Occupancy we need a legal document establishing dormant easements that would connect to the neighboring properties.
- Mr. Schiavone said he will try to accommodate a dormant easement.
- John Breckenridge said that he would like to make a condition that the applicant use white cedar shingle, cedar clapboard or wood composite for the siding. Richard Toole seconded the motion. Pete Cabana disagreed saying the Commission should consider the energy expended on the maintenance of natural materials. He said that when he finishes his house he is going to have a plastic house with a steel roof. He said he couldnot in good conscience do one thing at his own home and expect something else from someone else. He said he does not think we should exclude something if it has a natural look.
- The commissioners settled on requiring natural materials for siding but allowing plastic trim that looks natural. All agreed except Pete Cabana
- Christina Brown said she would like to add that the Wampanoag Tribal historic Preservation Officer (THPO) will be told at least one week before any excavation so that they have an opportunity to observe.
- **Chairman Murphy asked for a vote of all those in favor of approval with conditions. The vote was unanimous.**

Adjourned 7:10