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Martha's Vineyard Commission

Land Use Planning Committee

Notes of the Meeting of March 17, 2008

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

Commissioners Present: LUPC Chairperson Richard Toole, John Breckenridge, Christina Brown, Peter Cabana, Chris Murphy, Kathy Newman, Ned Orleans, and Susan Shea

MVC Staff Present: Bill Venno and Bill Wilcox

Guests: Jessie Steer (applicant); Caleb Nicholson (abutter, landscape contractor, and applicant's consultant)

1. Shirley's Hardware (DRI 380) Proposed Modification

Project Location: Upper State Road, Vineyard Haven.

Proposal: To excavate rear of property for placement of 4,200 square feet of storage space.

Chairman Toole opened the meeting at 5:30 pm.

Bill Venno stated that this project was referred to the MVC by the Tisbury Building Inspector under checklist item 3.102b (once a DRI always a DRI), modification to a previous DRI approved in 1994, noting that the excavation and topographic work at the rear of the property was a change to the originally approved site plan.

Issue of Whether Modification is Substantial

General discussion focused on several issues:

- Possible compromise of the lot's erosion and drainage by the excavation and walls.
- Square footage of storage space, fact that the storage units have been scattered on-site for some years, and the nature of active vs. inactive storage.
- Impacts upon the parking and circulation
- Magnitude of topographic change
- Visibility of units from State Road
- While the storage units may have been on site for some time, they still represented departures from the plan approved in 1994.
- Concern on the legal status of storage units as structures and how towns can (and whether they should) regulate them (staff was asked to look into the issue generally).

Based on the topographic change, the addition of 4,200 square feet of commercial storage space and how that may effect retail activity, Christina Brown moved, properly seconded, to recommend to the full Commission that it consider the proposal to be a substantial modification of the 1994 DRI and to hold a public hearing. The motion passed with one nay vote.

Commissioners decided to proceed with reviewing the project with the applicant, in anticipation that it would be going to public hearing.

Water

- No added water demand or additional wastewater generation
- Stormwater is the primary issue; the engineer's diagram shows allowance for drainage for the retention walls. A detailed stormwater management plan will be necessary for Bill Wilcox to evaluate whether the project will result in greater runoff directed to the existing on-site drainage facilities, but the soil type is excessively well-draining.

Traffic

The storage units will be placed beyond the parking approved in 1994 and will allow less frequent use of delivery trucks in-season and present less obstruction to circulation on the site's parking lots and on the area roads. Consequently, the LUPC voted unanimously to waive the transportation study for this project, should the entire MVC decide to hear the project as a substantial modification.

Other Considerations

The applicant was advised that if the MVC decides to hear the project, it would be able to re-examine the entire property, looking at such things as lighting, energy conservation and landscaping. Bill Veno added that the MVC would especially look at whether its conditions of the original DRI approval had been followed, and pointed out the condition requiring landscaping along the side property lines should the abutters remove the screening vegetation that served that purpose. Jessie replied that he had planted some vegetation but that it is a very narrow space.

The applicant was invited to attend the March 20, 2008 meeting of the MVC, 7:30 p.m., when the entire Commission will decide whether the scope of the project is substantial enough to warrant a public hearing, which would be scheduled in a few weeks. LUPC members did not think there would be a need for the applicant to reappear before the LUPC prior to any hearing.

Meeting adjourned 6:35 p.m.

Next Meeting: Monday, March 24, 2008, 5:30-7:00 p.m.

Notes prepared by Bill Veno