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Martha's Vineyard Commission

Land Use Planning Committee

Draft Notes of the Meeting of July 28, 2008

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

Commissioners Present: Richard Toole; Chris Murphy; John Breckenridge; Susan Shea; Pete Cabana; Kathy Newman; and Christina Brown.

MVC Staff Present: Paul Foley.

1. Vineyard Youth Tennis (DRI 539-M2) Condition Review

Applicant: Vineyard Youth Tennis, Reid Silva (VLS – Agent)

Project Location: Barnes/Airport Road, Oak Bluffs, MA, Map 51 Lot 3(12.92 acres).

Proposal: The Applicant would like to satisfy a condition that requires them to have a pervious surface for a combination overflow parking and informal play area. They were recently approved by the LUPC (April 7, 2008) to put in pavers that would allow grass to grow in the area and be suitable for parking. However, when costing the project out they found that the proposed pavers would be prohibitively expensive and are now asking the MVC to allow the area to be the same surface as the rest of the parking (hardener and pea stone).

In DRI 539 M the MVC required that:

Condition 1d: April 28, 2005 MVC Decision on DRI 539-M (Vineyard Youth Tennis)

That the Applicant may clear the designated area for use as a multipurpose area for informal play as well as for occasional overflow parking, provided a landscaping plan is submitted for the approval of [LUPC or ED] with the ground surface vegetated (e.g. grass, ground cover, etc.) and with maximum preservation of trees.

Applicant Presentation:

- Reid Silva explained that there was a condition for an overflow parking area to be dual purpose. In April 2008 they were approved for a permeable paver surface to allow grass to grow through. When they went through the bidding process the estimates were between \$70,000 -\$90,000. They thought it was too much to spend on parking. They would like to propose using a pea stone surface such as the other existing parking areas. They are not so sure a dual purpose is a great idea. They are busy and the idea of kids playing in that area is not a good idea. So they would like to change the original condition.
- Commissioner Brown suggested that they just put down grass seed over the pea stone. It will grow if there is no use but if there is heavy use then it will not grow.
- Reid Silva pointed out that the plan they entered in April was a little altered from the original. Even though the new configuration was approved they do not think that the lot is likely to be used as a play area.

- Paul Foley said that if they are asking to change the condition then it is a modification.
- Chairman Toole said that if they will make an attempt to make it a dual purpose then it doesn't have to go to the full commission.
- Commissioner Breckenridge said that if it is pea stone then it is permeable and that would seem to satisfy the condition.
- Commissioner Murphy added that it has to do with how much you put in there. If you start out with six inches of rap nothing is going to grow for a while. As long as water can leach through it then the grass will have a chance to grow. Then we can see if the parking is used.
- The LUPC asked if they were now asking for pea-stone.
- Reid Silva said that they are asking for pea-stone.
- ***John Breckenridge made a motion that we approve the proposal that the pavers be replaced with pea-stone as long as there is an attempt to grow grass by seeding the area. Chris Murphy Seconded the Motion which passed unanimously (CM, JB, RT, KN, SS, PC; CB).***

2. Edgartown Affordable Housing (DRI 551) BADD/Field Review

Applicant: Doug Ruskin and Ted Morgan of the Edgartown Affordable Housing Committee.

Proposal: The proposal is to change the offer from donating three lots in the BADD subdivision for affordable housing to donating \$1,800,000 to the Edgartown Affordable Housing Committee.

MVC Process:

- On June 30, 2008 the LUPC voted unanimously to recommend to the full Commission that this is an insignificant change that does not require a public hearing as a DRI and that they should accept this modification as proposed.
- At the July 24, 2008 MVC Meeting the full Commission voted 6-4 that this is a significant change that does require a public hearing as a DRI.
- Prior to this LUPC Meeting (July 28) the Edgartown Affordable Housing Committee made an appeal to the Edgartown Selectmen to ask the MVC to reconsider the vote and send it back to the Town.

Commissioner Public Disclosure:

- Commissioner Brown revealed that she is a member of the Edgartown Affordable Housing Committee but that she was going to participate in the discussion since the LUPC is an informal meeting of commissioners.

Applicant Presentation:

- Doug Ruskin said that he and Ted Morgan are here to appeal to the LUPC to reconsider the Modification Review from last Thursday.
- He said that they were not present last Thursday because the unanimous recommendation from the LUPC seemed to them to not require their attendance.
- The Edgartown Affordable Housing Committee has been working on this for many months. Everybody they have talked to has said that it was a great idea. There may be a time constraint.

- Ted Morgan said they would like the MVC to reconsider. They worked on this for a long time. There are a number of things we can do with the money instead of having three empty lots.
- Doug Ruskin said that if they could have the \$1.8 million we could buy homes that are already built. The offer was for three empty lots.
- Who would qualify for the units would go through a whole process. The problem is that historically giving an empty lot to a family that qualifies for it creates a problem with getting a house constructed. They are often either stalled or left undone altogether.

Motion to Reconsider

- Commissioner Murphy said that he voted at the MVC Meeting that the proposed Modification required a public hearing. Listening to the representatives of the Edgartown Affordable Housing Committees concerns he thought it might be worth reconsidering. He added that he in no way meant to hamstring the Affordable Housing Committee.
- **Commissioner Murphy made a motion to recommend to the full commission to reconsider the vote on whether this proposal requires a public hearing. The Motion was seconded by Commissioner Cabana and passed unanimously (CM; JB: RT; KN; SS; PC; CB)**

3. Up Island Paint & Tool (CR 4-2009) Concurrence Review

Applicant: Rachel Baumrin (Partner); Mike Ryan (Construction and Partner); Kristen; Jeff Kurth; jr. (Partner)

Project Location: 505 State Road, West Tisbury Map 16 Lot 70 (1 acre)

Project Summary: To locate a paint and hardware store in a mixed-use building in the Mixed-Business District in West Tisbury. The store has been operating in that location for several months. In September 2007 the Planning board approved the proposal to open a paint/hardware/house ware supply store at 505 State Road. The Board approved the proposal because it is an appropriate use in the Mixed-Business District, has adequate parking, and has been approved in the past for commercial uses such as an art gallery and an internet café. Later the Planning Board was informed by the lawyer of a similar project that went through the MVC that the project should have been referred to the MVC because hardware stores on the MVC list of high-traffic generating uses.

- Paul Foley gave a Staff Report.
- Commissioner Newman asked if there is an apartment.
- Michael Ryan replied no, there was but they moved out. We now have a business there. The house is owned by the Reeves.
- Mr. Ryan noted that the paint store is a non-toxic paint store but they do have solvents which they keep in the containers.

Parking:

- Mr. Ryan said that they have three parking spots allotted to them in front (there are also three allotted to Citrine. In the back you could get 20 parking spaces. The employees park in the back.
- Commissioner Breckenridge said that the newly established business could eventually have substantially more need than they presently have. He asked if they could connect the two access drives that they have.
- Staff pointed out that there is a grade change. Michael Ryan asked why you would want to. Rachel Baumrin said that you would have to go over the septic. They would prefer people use the back parking lot.
- MR. Baumrin added that there is a contract that says that three spots are for Citrine and they are adamant about that. The handicapped is in the back.

Containers

- Commissioner Newman asked if the town has rules about the containers.
- Jeff Kurth Jr said he made them disappear with the paint.
- Commissioner Murphy asked if the containers were temporary.
- Rachel Baumrin said they are moveable. Michael Ryan added that they are using them now while they organize the space.
- Commissioner Murphy said that if the metal boxes are not going to be there for a long time then he doesn't have a problem with it, as long as the containers are temporary.
- Michael Ryan said that they are there for a short period of time. We would like them for a few more months. To see what type of space we need.
- LUPC thought that six months would be a fair period of time.
- Mr. Baumrin asked if it was decided after six months that they still needed them whether it would be okay for them to come back and ask for a change.
- Rachel Baumrin added that she feels more comfortable having things like thinner in a metal container rather than in the building.
- Michael Ryan added that they would be willing move them to a less conspicuous position and plant around them.

Motion:

- ***Christina Brown made a Motion that the LUPC recommend to the full commission that this use does not require a public hearing based on the West Tisbury Planning Board recommendation that it is appropriate and has adequate parking and access.***
- ***Chris Murphy said he would second the Motion if you add that we deal with the containers.***
- ***Christina Brown added that as part of the recommendation to not concur that we would like to see a site plan and have the containers removed in six months.***
- ***The LUPC vote unanimously to approve the Motion. (CM, JB; RT; KN; SS; PC; CB)***

Adjourned 6:20