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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.

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

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**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 Murhpy 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