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Martha's Vineyard Commission

Land Use Planning Committee

Draft Notes of the Meeting of February 2, 2009

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

Commissioners Present: Linda Sibley(Chair); John Breckenridge; Ned Orleans; Kathy Newman; Christina Brown; Chris Murphy, Holly Stephenson; Pete Cabana; Carlene Gating.

MVC Staff Present: Paul Foley; Mark London;

1. Surfside Condominiums (DRI 295-M2) Modification Review

Applicant: Jeff Young, Alan Schweikert (agent), George Sourati (engineer).

Project Location: 5 -7 Oak Bluffs Avenue, Oak Bluffs, MA Map 9 Lot 39, 42, & 41.2 (total 0.38 acres). Lot 39 is 0.02 acres (B-1) owned by MVS Corp with a 2,928 gsf building housing 6 hotel rooms and the O-Sun Restaurant built in 1955. Lot 42 is 0.23 acres (B-1) owned by MVS Corp with a 16,389 gsf building housing the bulk of the motel built in 1930 with an addition in 1989. Lot 41.2 is a 0.13 acre parking lot on Pasque Avenue owned by Jacob Young III Trust in the B-2.

Proposal: To convert 32 hotel suites into 19 residential condominiums.

Staff Report:

- Paul Foley gave the staff report
- The proposal is to convert 32 hotel suites into 19 residential condominiums.
- The owners of the condominiums would have the option of putting the units into the hotel pool but would not have to.
- There would still be 6 hotel rooms over the O-Sun restaurant (Lot 39) and 3 shops.
- The Applicant said that last year they estimated the range for the price of the condominiums to be \$225,000 to \$350,000 but that the market would determine that. He does not foresee implementing the proposal at this time due to the state of the economy.
- There are approximately 28 parking spots on the three parcels.
- The Surfside Motel was first before the MVC in 1988-89 for a 10 room expansion. The proposal was approved with conditions on October 26, 1989 after three public hearings.
- The conditions were that they would provide one unit for housing the motel's additional staff; they would comply with handicapped accessibility requirements; and final approval for the proposed developments façade shall rest with the Oak Bluffs Architectural Assistance Committee.
- The Applicant was referred to the MVC in 2004 (DRI 295-M) for a proposed hotel addition on Lot 41.2 but the project was withdrawn.

Commissioner Questions:

- Chair Sibley had a question about the parking and easement in the back for Fortune World.
- Jeff Young said that they are writing up a permanent easement. If you are looking at the lot from Pasque the entry will be moved to the left. We are not even sure if we are going to do it. We were told that if we wanted to do it we would have to come to the MVC.
- Alan Schweikert said they spoke to Jerry Wiener and he didn't even think it needed a building permit. He added that we are losing hotel rooms. In effect these 19 new owners would be offered

- to be a part of the rental management pool in addition to those that would still be there. His experience is that the owners would only be on the island for a short time and then put them into the pool the rest of the time. It would be like the Island Inn behind Lola's and the Harbor View.
- Chair Sibley said the issue from our point of view is whether this is a significant change to the use that was approved in 1989. The uses as presented to us had traffic and parking implications. The question is whether this would have an impact.
 - Commissioner Orleans asked if the change is related to intensity of use. If the parking issue is going to be less then it was then that is the factor we are looking at.
 - Chair Sibley said she remembered that the Applicant testified (in 1989) that they discourage people from bringing cars.
 - **Commissioner Brown said that the owner should write a letter stating that this is the change that they want to make. She recommended that this is a modification that will lessen the impact and that we should vote that this is an insignificant change that does not require a public hearing as a DRI.**
 - **Commissioner Cabana Seconded the motion.**
 - Chair Sibley asked if they could explain why they think that this will lessen the impact.
 - Commissioner Brown said that in Edgartown they had a hotel that did this and by lessening the amount of hotel room it decreases the need for parking spaces and turn over.
 - Commissioner Murphy asked if there is a permit required from the town of Oak Bluffs. Are those lots separable as they are now configured? He added that he would like our staff to talk about traffic.
 - Alan Schweikert said that the units will all still be one-bedrooms. For the units that are side by side one unit will be a bedroom and one a living room. They will be decreasing the number of bedrooms. Jeff does a lot of winter rentals and this will allow those folks to cook at home now instead of going out for every meal.
 - Commissioner Breckenridge said he thinks this may be an issue of parking. Theoretically turning these into condominiums may result in more permanent cars being left on the island. I would also like to throw out that I would like to see details of this easement to be submitted as part of the plan.
 - Commissioner Brown said she would add to the motion that they should submit the easement as part of the letter asking for the change. It is important for the applicant to spell out in as much detail as possible the exact change they are proposing.
 - Commissioner Stephenson said it seems to her that this is a substantial land use change even though it would reduce the amount of cars. It would reduce the cars but it is a significant land use change. Single room rentals are cheaper so this will result in higher prices. I assume you have limits on how many people are allowed in the rooms.
 - Jeff Young replied that is right, we are limited to 4 people per room. We have a number of suites that are 500+ sf. The existing five suites are being left alone.
 - Commissioner Murphy made a motion to table the motion that this is an insignificant change to the next meeting until we have something in hand.
 - Commissioner Orleans seconded the motion to table the motion.
 - Chair Sibley said she wanted to respond to one thing that Holly said. I think the ability to cook your own food has a huge effect on affordability. I had an employee a few years ago who left the island because he could not afford to eat out every night.
 - Commissioner Stephenson added that it's a change in the land use from tourism to residential apartments.

- Commissioner Newman asked whether we have any way of encouraging an effort on the part of the applicant to make their project more energy efficient with Modifications.
- Chair Sibley said that the question before us is quite limited. The question is whether this change of land use is outside the scope of what was presented to us. She added that she would also like to see them clarify whether there would be assigned parking spaces.
- Jeff Young said yes.
- Commissioner Gatting said that knowing whether there will be a hearing at the local level would be important.
- Alan Schweikert said that the only board he could think of is maybe the Planning Board. That's why Jeff went to the Building Inspector first. The neighbors are B-1 neighbors.
- Commissioner Cabana said he would like them to clarify their energy since there was no energy policy at the time. Chairman Sibley said she thought that is beyond the scope for us at this time. If we decide that this requires a public hearing we would go into that.
- Jeff Young said that the only physical changes would be new windows and railings.
- The LUPC voted unanimously to table the motion that this is an insignificant change until the applicant submits a letter outlining specifically what changes are being proposed. The letter should include details about the physical changes being proposed; details about the easement being drawn up between the Applicant and Fortune World; whether the lots are separable; what local permits are necessary; the price range of the units; whether and where assigned parking spots would be; and any other pertinent information.
- Chair Sibley scheduled the continuation of the LUPC for DRI 295-M2 on February 23 at 5:30.

2. Williams Parking (DRI 618) Pre-Public Hearing Review

Applicant: Peter Williams

Project Location: 90 Dr. Fisher Road, West Tisbury Map 16 Lot 12.1B Lot (1.01 acres). The property was the subject of a Form A last year that divided Lot 12 into 3 one-acre parcels.

Proposal: To create a commercial parking area for 50 trucks, 25 trailers, and 20 pieces of equipment on Dr. Fisher Road in the West Tisbury Light-Industrial District. Originally the proposal was for 20 trucks, 15 trailers, and 10 pieces of equipment.

Applicant Presentation:

- Peter Williams said that the proposal is to put parking for commercial trucks and trailers on a one-acre site in the LI District. It abuts a residential area on one side. He is going to have a 20 foot buffer on the road with a planted vegetative screen.
- He estimates a 10-70% daily use of the vehicles. The highest utility that he can imagine is 70% of the parked vehicles but expects it to be significantly lower.
- There seems to be no place available to legally keep commercial vehicles. There are over 700 commercial vehicles on the island that have no place to be. The purpose of the project is to provide a place to park, there is a need.
- The reason he changed the application from 20 to 50 trucks is that the NHESP people said they only want to do this once. He is limiting the maximum size of vehicles to 18,000 pound trucks (not 18-wheeler). An 18 wheeler would be more like 50,000 lbs. The larger vehicles he is talking about would be more like a UPS Truck or a 20 foot truck, like a lawn guys trailer.
- Commissioners felt it would be helpful if staff researched and posted pictures of what an 18,000 lbs truck looks like.

Commissioner Questions and Discussion:

- Commissioner Newman said he picked this number (50) but you are not sure how they would be parked. It might be helpful to have a plan.
- Peter Williams replied that People will rent 1 or 2 spaces and they will arrange it as they need it. He does not have a formal plan for circulation.
- Commissioner Newman suggested that there could be a grid. If someone has x number of trucks you should have a sense of how it is going to work.
- Commissioner Breckenridge said that it is his understanding that a large part of the lot has been cleared and asked if he is going to clear more of the lot.
- Peter Williams said that what he anticipates is that this site plan effectively becomes the master plan. The Planning Board may tell me something different from what you say. Therefore the original application was for a partial use of the lot. Since the NHESP wanted an overall plan he bumped the numbers up to what he felt would be the maximum. He said that he wants to clear the whole site inside the 20 foot buffer and fence.
- Commissioner Gatting said it would be important to have a site visit.
- Commissioner Murphy said that whatever the plan is it should be very clear. He also thinks this requires a traffic study.
- Peter Williams said it is a dirt road. He was out there today and it is the best dirt road you have ever seen.
- Commissioner Brown asked what his proposal to maintain the dirt road is and suggested that he should tell us at the public hearing how the road is maintained
- Peter Williams responded that he thinks Keene did some work. Vermont has more dirt roads than paved roads. He is going to share the maintenance with Bizarro along Dr. Fisher Road. The town has asked him to eliminate an entry he had onto Pine Hill Road.
- Paul Foley then presented a slide show of the site.
- Commissioner Murphy said that when Mr. Williams was here before and he was going to have only 20 trucks, 15 trailers, and 10 pieces of equipment he had said that the cabin would be kept.
- Peter Williams said that he can't use it as a house. He supposes it could be an office at some point.
- Mark London said that he could say it is going to be office or storage. He said that we need to clarify the Open Space and Habitat. The Open Space Policy only kicks in for properties over three acres but we might want to consider this because it is core habitat. We should look at how it correlates to core habitat and fragmentation. We need to review the policy and see if anything should be applied to this proposal.
- Mr. Williams said that the Natural Heritage (NHESP) people had some concern for some type of moth. He said that they passed on his plan to clear the whole lot.
- Chair Sibley addressed a process question. Mr. Williams is submitting a plan for 50 trucks, 25 trailers, and 20 pieces of equipment because the NHESP wants a comprehensive plan. Normally what comes to the MVC is the plan that has been submitted to the town, which in this case was 20 trucks, 15 trailers, and 10 pieces of equipment.
- Mr. Williams said that the Planning Board told him they would not talk to him while he is at the MVC.
- Chair Sibley responded that what he is saying now is that he has increased the proposal from what he submitted to the Planning Board.
- Mr. Williams said he was getting whipsawed here. His submission to the NHESP was the whole lot so he is now submitting a plan for the whole lot to the MVC even though he submitted a somewhat smaller plan to the Planning Board.

- Chair Sibley said that we are closer to the NHESP in that we would prefer a master plan. But a master plan is not a vague plan. We need to see where people are going to park. We do not make decisions on vague plans.
- Commissioner Newman suggested that Mr. Williams consider presenting a plan that is in phases. Take stage one and then say the master plan has stage two and three.
- Mark London replied that Mr. Williams said he did not want to come back to the MVC. The plan is quite clear. There will be a fence around the outside with a 20 foot buffer with parking inside that will cover the rest of the lot.
- Commissioner Stephenson noted that the plan shows Leyland Cypress to be planted along the outside edge of the property but we just had a picture that showed a considerable amount of oaks and underbrush still intact along the Pine Hill Road and Dr. Fisher Road intersection.
- Mr. Williams responded that her point is well taken. He said he will revise the plan to show that the existing trees outside the fence, where they still exist, will be retained. Other than that he will plant Leyland Cypress.
- Commissioner Murphy said that If he gets permission from us that is different from what was discussed at the Planning Board.
- Chair Sibley thought that the problem she sees is that he is saying that he wants permission to park up to 50 trucks, 25 trailers, and 20 pieces of equipment and that he is not certain how they will be parked.
- Mr. Williams said that they will be inside the fence.
- Commissioner Brown asked why we care.
- Chair Sibley asked how high the fence would be.
- Mr. Williams said that the fence would be 6 feet high.
- Chair Sibley said then many of the trucks will be higher than the fence.
- Mr. Williams replied that, with all do respect, it is a three story house. He can't build a three-story fence. They chose to buy and build on inexpensive land that abuts an L-I district near the landfill.
- **Commissioner Murphy made a Motion to require a traffic study by the MVC Staff working with the applicant that is presented to us before we meet again.**
- Mark London said we do not usually do traffic studies for private applicants. In this case he could probably do it himself.
- Mr. Williams suggested that at the height of the economy these would be accessed 70% of the time which translated into about 140 trips per day (70 in and 70 out).
- Chair Sibley said that generally the applicant asks for a heavy use scenario. I was thinking that if this is that big a truck they may have to come back for lunch in order to get to wherever they are having lunch.
- Mark London suggested that he does not have to do a Level of Service (LOS) analysis for the intersections.
- Chair Sibley countered that if the various stored vehicles all get picked up at the same time that is going to be a huge impact on both State Road and Dr. Fisher Road.
- Commissioner Murphy said we should let staff and the applicant look into this.
- Commissioner Brown asked the applicant if he is in a hurry.
- Mr. Williams replied that Dan Larkosh (who was in the audience) was going to try to stop him.
- Chair Sibley said the LUPC is only trying to help him prepare a better plan. She suggested that he should work with Staff to develop a better plan and traffic study. We will advertise the public hearing for the 19th. If we feel that we do not have enough information then we will continue it at that time. Adjourned 7:07 pm.