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Martha's Vineyard Commission

Land Use Planning Committee

Draft Notes of the Meeting of May 4, 2009

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

Commissioners Present: Linda Sibley (Chair); Christina Brown; John Breckenridge; Ned Orleans; and Chris Murphy.

MVC Staff Present: Paul Foley; Mark London; Bill Wilcox, Chris Flynn, Mike Mauro

1. Morning Glory Farm (DRI 620) Pre-Public Hearing Review

Applicant: Jim Athearn, Simon Athearn

Location: Edgartown-West Tisbury Road, Edgartown Map 28 Lot 224 (17.5 acres).

Proposal: To build an approximately 2,500 sf addition to the Morning Glory Farm Stand, move one greenhouse, build a new (20' by 40') retail greenhouse, close one of two existing curb cuts, and add 11 parking spaces.

Applicant Presentation:

- Jim Athearn explained that the farm stand can become crowded. Customers say they can't get to all of the produce because people waiting on line at the cash registers get backed up and block the way to some of the produce. They do not have any office space. If they construct a second floor they can have that and an area for staff to meet. Most of what they are doing is creating more space to do what we already do.
- There is a dormitory with 6 bedrooms on the second floor now. They have a scenario sketched out for more bed space but it depends on the wastewater.
- There is an existing kitchen on the second floor for the staff dormitory.
- The year round staff is just the family right now including Jim, his wife and two sons.
- There are about 80 employees at the height of the summer in August including part time and full time workers. The number of employees goes down when the students leave in August to about 30. By Christmas the staff goes down to about a dozen.
- They would like to till more land and grow more produce. But even though their income and productivity are up they have been planting the same rows for several years. Currently they operate 9 am -6 pm seven days a week. After Halloween the hours are reduced to 6 days a week. They do not anticipate any change to that. If they got very busy they might move it one hour one way of the other.
- There are about 55 acres of vegetables, 40 acres of hay and a few more in pasture and whatnot. They've been improving pastures in Chilmark and are hoping to use that soon.

Commissioner Questions:

- Commissioner Breckenridge noted that cutting the curb cuts down to one is a benefit because it moves the traffic further away from Edgartown-West Tisbury Road. He then asked for some help envisioning the proposal.
- Jim Athearn said that they are going to come up with better drawings. They are adding on to the original and trying to keep the same feel. The greenhouse would probably not be polyethylene like the ones they have now. He is considering possibly a glass conservatory for the new retail

greenhouse that would be visible from the road. Simon Athearn added that there are also new materials that look like glass but are actually poly carbonates.

- Commissioner Sibley commented that it would be nice if you could see the plants for outside.
- Commissioner Brown thought otherwise saying that when the MVC looked at preliminary plans for Mahoney's a number of years ago and they wanted to do greenhouses near the road and the MVC said that it may be agricultural but it looks like retail.
- Jim Athearn said that in this case it would help if it is in scale with the other buildings already on site.
- Commissioner Sibley said that her recollection was that the issue with Mahoney's was partially scale and partially glitz. There was a sense that they were producing a greenhouse that did not look rural.

Wastewater:

- Bill Wilcox said that the property is in the Edgartown Great Pond which is listed as compromised. The policy is never really completely applied to –unconventional projects. The policy says that the less restrictive of the following two should apply. Either meet the nitrogen load or implement the basic nitrogen reduction techniques as described (See handout). As you go through the policy, in the same section there is a note that, if the existing load exceeds the limit, the current proposal should not increase the existing flow (Policy, section 3.5). If the existing nitrogen load exceeds the nitrogen load the policy says that the total load shall not be increased. If that is an option then it would be relatively simple to offset the nitrogen by converting one or more fields to organic.
- Simon Athearn noted that there are at least 30-35 acres in this watershed and several fields in other watersheds.
- Mark London said that his understanding of the policy is there is a difference between an "impaired" and a "compromised" watershed. Presently they could spread fertilizer everywhere. They have no constraints currently so that is the limit we have to consider. If we figure out what your limit is based on your current constraints then you have a high limit. If you offer to make a certain amount of your fields organic then we would have some new protections that do not currently exist.
- Jim Athearn said that they are organic but not certified organic. They use composted chicken-manure pellets that they buy by the ton. They try to tailor the fertilizer to the crop. With sweet corn they start out with little or no nitrogen. When it gets a foot or two high they routinely put on nitrogen at that time. Based on how the crop looks at the time.
- Commissioner Murphy suggested that what they need to do is focus on this little corner of the property and say they are going to name the following changes to reduce their nitrogen load. However he does it following the guidelines he needs to end up with no net increase.
- Commissioner Breckenridge asked whether they use synthetic fertilizers. If it is organic it is not water soluble and is taken up by plant and stays out of the watershed. If it is synthetic then it is water soluble and is leaching into the watershed.
- Jim Athearn said that they may use some synthetic fertilizer and they might leach.
- Commissioner Sibley said that we could look at this one of two ways: looking at the whole farm or just the retail.
- Mark London said that they are currently exceeding the nitrogen level. What is important is what they could do as opposed to what they are doing. Presently they are not constrained in any way. That creates your grandfathered right. If you can make a commitment to reduce nitrogen by using certain practices then we are all better off. Jim and Bill can sit down and come up with offers.

- Commissioner Murphy said that the way he understands it is that the amount a farmer would apply to their field is likely to far exceed the load. It seems to me the easiest thing to do is only regulate the retail. It is impossible to really know how much is being loaded onto the fields. You should not be adding any nitrogen to this retail area. Whether you have to put in a clivus toilet or denitrification to lower the nitrogen load from the retail section there seem to be options.
- Commissioner Sibley said that the problem with that is that he may not be putting as much into the ground and may not be exceeding the limit.
- Bill Wilcox said he is assuming 55.6 gallons per 1000 square feet of retail per year for a 240 day period, the dormitory at 50% of a residential wastewater load and for the fertilization program, a leaching loss of 25-30% of the 55 kilograms of nitrogen applied per acre to the row crops. If you can use the pelletized chicken manure instead of manure and something else to balance that out it might work as well. The policy says that you cannot increase the load over the current load. Under these assumptions that are pretty reasonable, it is safe to assume that they do currently exceed the nitrogen loading limit.
- Mark London said that it is not clear to him whether we are asking them to reduce the current load or reduce the potential current load.
- Commissioner Sibley said that Jim and Staff are going to have to work something out. Keep in mind that the solution has to be clear or we are going to have a very long and confusing debate.
- Jim Athearn said that they considered connecting to the Edgartown wastewater treatment plant a few years ago but it seemed prohibitively expensive.
- One more thing is that he has proposed dividing the lot into two pieces to separate the house from the farm stand area. The entire property is all under a conservation restriction that restricts it to farm use and farm sales.
- Commissioner Breckenridge noted that if they are breaking off that piece then the nitrogen loading numbers will completely change.
- Jim Athearn said that they hope to have the partition done in a couple of weeks.
- Commissioner Sibley said that there was a question as to whether that subdivision would trigger the DRI Checklist and we felt that since the whole property is permanently covenanted then it does not trigger a DRI. But you would have to do that first.
- Commissioner Murphy said that then we are looking at an 8 acre parcel and you cannot use the 17 acres for nitrogen loading purposes.
- Jim Athearn said he understood that and thought it would not matter since it seemed like they were not going by a standard of kilograms per acre but rather by a standard of no net increase.

Affordable Housing:

- Jim Athearn said that they currently have six bedrooms on the second floor for staff housing. They were thinking of adding two more but there is a design access issue so the easiest thing to do is to go with one new bedroom for staff.
- Chris Flynn said that if the addition is more than 2,500 sf then there is a recommended mitigation but we prefer the staff housing option.

Traffic and Parking:

- Jim Athearn said that they currently have 49 parking spots and are looking to add 9 more in the parking lot adjacent to the store where they will be moving one of the existing greenhouses.
- Commissioner Sibley said that we have to consider the fact that in theory if you are increasing your retail space then you are increasing your traffic.

- Jim Athearn said that one of the increases is that they will be taking out some blueberry bushes for the staff parking. He said that, in terms of numbers, they have never passed 1,000 customers in a day but they came close a few times. He has some numbers that he will submit.
- **Chris Murphy made a Motion that we allow our staff to work with the applicant to do the traffic study as noted in the traffic scope memo. John Breckenridge seconded the motion.**
- Chairman Sibley said it is fine if MVC Staff include at ITE trip generation estimates but it would be more helpful if the applicant could do some manual counts based on the time of day.
- Jim Athearn said that they know that their peak traffic hours are 11:00 am to 1:00 pm and 4:30 pm to 6:00 pm.
- **The LUPC voted to approve the traffic scope unanimously as long as it looks at trip generation based on more than just ITE.**
- Another LUPC will be scheduled for this project when there are more details.

2. Plans for DRI's

- Commissioner Sibley said that she would like staff to schedule an LUPC meeting that shall be dedicated exclusively to the topic of what type of plans, architectural and otherwise, we will require for Public Hearings.
- Commissioner Brown said she hopes we will consider what type of plans and at what stage they are required. She said that she is fine with sketch plans at the beginning but that will mean that more advanced plans will have to be submitted before proceeding.
- Commissioner Breckenridge said that the more we accomplish at LUPC the smoother it goes at public hearing. I think we need to get the details at the LUPC instead of telling them that these are the plans we want to see at the public hearing.
- Commissioner Murphy added that we should have a specific plan from an applicant, not a multiple choice.

3. V.T.A. Storage (DRI 524-M2) Modification Review

Applicant: Martha's Vineyard Transit Authority, Angela Grant (Administrator)

Project Location: M.V. Airport Business Park, Edgartown Map 24a Lot 8 and 9.

Proposal: To add a 240 square foot (24' by 10') storage area.

- Angie Grant said that they are proposing to have some outside storage that will tidy the area up. Currently the items are stored outside on the lot. The roof will be a shed style roof. There will be an enclosed roof with a chain link fence. The MVAC wants black vinyl slats in the fence.
- Commissioner Sibley said that the issue is whether this is a sufficiently substantial change.
- **Ned Orleans made a Motion to recommend to the full Commission that this is not a substantial change and does not require a public hearing. John Breckenridge Seconded the Motion.**
- Commissioner Brown asked where the employees live. Angie Grant said that they have a wide variety of people that are coming over this summer. They are renting two houses this year.
- Commissioner Murphy asked why they aren't putting walls on the structure.
- Angie Grant said they don't need it. We will lock it but we don't need that much. If you make it a walled structure then you need sprinklers and egress.
- **LUPC passed the Motion unanimously.**

Adjourned 7:00