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Martha's Vineyard Commission

Land Use Planning Committee

Notes of the Meeting of March 15, 2010

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

Commissioners Present: Linda Sibley, John Breckenridge; Ned Orleans; Christina Brown; and Kathy Newman.

MVC Staff Present: Paul Foley

Summary:

- The LUPC reviewed two items on March 15, 2010.
- The **first** was the pre-Public Hearing Review for **Rickard Bread Retail (DRI 311-M3)**
- The LUPC approved the basic traffic scope with the emphasis being to assess the impact on Cook Road and whether it can be improved or if a pull-over can be accommodated.
- The **second** project was a question of whether the proposal at **10 State Road (DRI 622)** can go forward before receiving the results of the intensive location archaeological study. The Study is not expected to be finished until the end of June.
- LUPC decided that we could open the hearing in June and continue it to a date after we receive the archaeological study. We will schedule another LUPC meeting in mid to late May and then a Public Hearing in early June.

1. DRI 311-M3 Rickard Bread Retail – Pre Public Hearing Review

Applicant: Kathryn and Michael (Gates) Rickard

Project Location: 114 Cook Street, Tisbury, Map 22C Lot 5 (0.61 acres)

Proposal: To provide a 200 sf retail section in a 3,200 sf bakery to offer pastries and beverages.

Staff Report:

- Paul Foley presented the Staff Report and a slide show of the site.
- The original DRI Decision for DRI 311 said that the ..."building shall be restricted to wholesale business".
- Since the first LUPC the Applicant has said they would not include sandwiches as part of the proposal and that there would be minimal signage.
- The one concern is with the road to access the bakery. It is a very tight, narrow lane for two-way traffic and the road is in poor condition. The concern is that if this became a popular spot for sandwiches, such as Humphreys, that heavy traffic could be a nuisance on Cook Street.

Traffic Scope:

- Staff presented a proposed traffic scope (see Memo from MVC Staff dated March 15, 2010 re: DRI #311-M3 Rickard Bakery Traffic Scope)
- Commissioners asked who owns the road. Is it public or private? What is the layout? How long is it? Can improvements be made on it?

- Christina Brown suggested that the MVC could just make a condition that the proposal is ok as long as they are able to create a turnout on Cook Road.
- Linda Sibley noted that Cook Road is a short stretch of narrow road and added that as long as we are not afraid that traffic will be backing up onto State Road there doesn't seem to be a big issue.
- Gates Rickard said that he has been there a few years and has never had an issue with oncoming traffic.
- Kathy Newman asked what local boards in Tisbury the project has to go to for permits.'
- Gates Rickard answered that they have to go before the Planning Board for signage. He said that the Building Inspector doesn't seem to think there is an issue with the road.
- In response to a question Gates said that they would like to sell their breads and pastries and beverages. He added that if you are selling pastries you want to be able to offer coffee or other beverages to go along with it.
- Christina Brown asked if he will sell hot cocoa and cold drinks. Gates said he would like to.
- John Breckenridge asked if they would have donuts.
- Gates said they do not currently have them. They may someday. He added that their style would not include frozen products.
- John Breckenridge said that his point was that a retail operation selling bread and pastries is going to be low but once you cross over into the donut mainstream the traffic could get too high for that road. He added that Dippin' Donuts is probably smaller than 200 square feet and people are lining up 5 deep.
- Linda Sibley surmised that John Breckenridge's concern was about the menu. She added that the breads are not high traffic stuff. She is trying to figure out what the dividing line is. Pastries are a little more costly than a donut. They will buy it when they buy the bread. What John is concerned about is that the coffee and donut notion could draw large numbers of people.
- Gates Rickard said that is not what they are shooting for.
- John Breckenridge asked then why don't they remove donuts from the application.
- Gates Rickard said he could do that now and leave it open in the future to come back if the operation proves to not be a negative impact on the road.
- Linda Sibley suggested that she is not sure the rest of the commissioners are that concerned about it.
- Christina Brown noted that Dippin' Donuts has a wide variety of sandwiches and coffees. It does not make sense to compare Rickard to Dippin' Donuts. We need to look at the road. See if there is a logical place to have a turnout. We could say this is fine subject to creating a turnout on the road. She added that she is hesitant to limit the types of pastries. They have already limited the type of products they want to offer. They originally wanted soup and sandwiches and they have offered to not sell those.
- John Breckenridge said he is comfortable with that.
- Kathy Newman was wondering if the narrow road is even our problem. The issue seems to be the turn out into State Road. There are roads all over like that and if they become a problem then people tend to avoid them.
- Gates noted that the parking lot is fairly large.
- Linda Sibley said that she was simply looking at the worst case scenario. The question is if a large truck comes along is there a point where people will be backed up onto State road.
- Christina Brown suggested that in that case they will keep driving onto Humphreys.
- Linda said she wants Mike to look at the concept of this affecting State Road. If it is customers coming across each other on Cook road then it will be self healing.

- Christina added that we might ask Mike to look at the intersection with State Road and evaluate that.
- Ned Orleans said that he thinks we are building up something that is not going to happen. It is a long road that leads into a big parking lot. He doesn't think we are going to have any backing up onto State Road. He does not see any regional island-wide impact.
- Linda Sibley reviewed the traffic scope. We might want to know how long the segments are along the road to see if there is room to pull off.
- Gates noted that if someone is at the point they can see all the way down the road.
- Linda noted that there is a fence that runs along that whole way and that is where the pull off would be so there would not likely be anybody with an issue with that.
- Gates said he thinks that the residential houses used to connect to Cook Road but at some point they must have blocked that off so the traffic doesn't feed off of Cook Road into that neighborhood.
- Christina Brown said she thinks it is going to be difficult to do a level of service analysis. We should let Mike know that we want some real numbers and how they were generated.
- Kathy Newman asked if we ever give a provisional approval and ask them to offer proof later on.
- Linda said that we have done that before, we did it with Cronig's back entrance.
- Kathy noted that the worry is what will happen during the summer if it is popular.
- Christina wondered how we would word a trigger for that. Would we stop them from serving if we found it was too popular?
- Linda said she agrees with Ned that we are over thinking a small thing. At the Red Barn we approved one thing. They are doing all kinds of things now. She has not heard of any major traffic issue with that one and this one is further away from State Road.
- **John Breckenridge made a Motion that we approve the traffic scope as written with the few additions we have added here. The Motion was duly seconded by Kathy Newman.**
- Linda Sibley added that we should remove the public transit section as irrelevant for this project.
- Christina Brown noted that we don't have to spend too much time on the LOS analysis.
- **The Motion passed unanimously.**
- Christina asked to review the current proposal to make sure we know what the offers are
- The proposal is for the retail sale of breads and pastries made on site and hot and cold beverages.
- John Breckenridge said that the staff report says no sandwiches but thought that the LUPC also wanted to say there would be no soups.
- Gates Rickard said that maybe after the summer and they see how it goes they might come back and think about soup and/or sandwiches.
- Linda Sibley said that is when we would be able to look closer at the traffic impacts.
- Christina Brown suggested that they might think about one of those other locations downtown that are available.
- Kathy Newman asked if we could add into this traffic study that we check into the actual numbers and traffic situation over the summer to look into whether they could expand without much traffic impact.
- A Site Visit was scheduled for the morning of the public hearing on April 1.

2. DRI 622 10 State Road - Archaeological Study and Scheduling

Applicant: Joe Grillo; Delano Realty Trust

Project Location: 10 State Road, Tisbury, Map 9-A Lot 5 (0.35 acre)

Proposal: To build a new three-story 5,655 gsf mixed use building and a new two-story 1,152 sf 2-bedroom cottage on a property in the B-1 District behind an existing 1,920 sf building on the same property.

- Linda Sibley said that it's a kind of big building to be squeezing in there. The Applicant seems to be comfortable with sharing traffic circulation with EduComp but not the neighbor on the other side.

Archaeological Study:

- The Applicant is requesting that his public hearing go forward even though the archaeological study will not be ready for review until the end of June. He is hoping that the MVC would look at all of the other issues and then deal with the results of the archaeological study when it is ready. He is confident that the study will not turn up anything important.
- Christina Brown asked what the worst that could happen with the study is.
- Kathy Newman noted that the study could conclude that he cannot build.
- John Breckenridge said that the study may also determine whether he can build on a foundation or only on footings.
- Christina Brown added that would impact the size of building that could be built.
- Kathy Newman asked what if he came to us with an option to consider either outcome.
- Linda Sibley felt strongly that we can not vote on this project before we review the final archaeological report. She added that we could evaluate it on the basis of assuming is it all right with the archaeology and then if it is not he would have to do it all over. With the exception of some very rare circumstances she has a problem with the process getting changed because someone is in a hurry. That being said she could see us opening the hearing and looking at the other issues.
- Christina Brown noted that the estimate is that it is going to be mid-July before we see the report.
- Linda Sibley reiterated that we are not comfortable with issuing some kind of contingent decision before the report comes in.
- Christina Brown added that we should not narrow down the conditions to the point it looks like an approval.
- Linda Sibley said that we could hear the other aspects of the plan but closer to the time when the archaeological study is expected.
- Kathy Newman said that we would not want to do it much before June.
- John Breckenridge noted that if the study is worse then he thinks he will have to change the design.
- Christina Brown said we could open the hearing in June and continue it to a date after we receive the archaeological study.
- Linda Sibley suggested that Staff should try to find a night when we have to have a meeting but there is not too much already on the schedule.
- Christina Brown said we could have another LUPC to discuss the other issues.
- We will schedule another LUPC meeting in mid to late May and then a public hearing in early June.

Adjourned 7:00 pm