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Martha's Vineyard Commission

Land Use Planning Committee

Notes of the Meeting of March 1, 2010

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

Commissioners Present: Linda Sibley, John Breckenridge;

MVC Staff Present: Paul Foley; Mark London; Bill Wilcox; and Mike Mauro.

1. DRI 566-M2 Island Fuels Inc. – Pre-Public Hearing Review

Applicant: Jay McMann; Island Fuel Inc.

Project Location: 44 Evelyn Way, Tisbury, MA Map 22-C Lot 7.1 (11,340 square feet - 0.26 acres)

Proposal: To locate a fuel company with three trucks at 44 Evelyn Way in Tisbury and install a 10,000 gallon ConVault above ground storage tank with two compartments for Number 2 Heating Oil and Diesel.

Summary:

- The LUPC approved a waiver from the traffic study but the Applicant will put together a traffic statement about the number of trucks coming to the property and how they will circulate and what the worst case scenarios will be.
- He will have to present a landscaping plan.
- This proposal does not include work on the building. If he wants to add a floor to the building he will return to the MVC for review as a modification.
- A Site Visit was scheduled for Thursday March 11, 2010 at 8:30 am.

Staff Report:

- Paul Foley said that though the project was referred as a modification to DRI 566-M the proposal actually triggered a mandatory referral (DRI Checklist # 3.109b – wholesale commercial storage of fuel) and therefore had to go through the full DRI Process with a public hearing.
- He also noted that there is an approved site plan from DRI 566-M that is different from the site plan that Jay has submitted for this proposal.

Commissioner Questions:

- John Breckenridge said that some of the key issues are obvious and important. In the case of Oak Bluffs fuel storage we know that we do not have the expertise. We let the state experts guide us.
- Bill Wilcox said that there is a lot of info on the ConVault website. The tank is concrete covered and is a steel tank with a 30 mil HDPE secondary containment.
- John Breckenridge asked if this is what the Oak Bluffs proposed and what Packer uses.
- Jay McMann said they put these in at the Chappy Ferry
- Linda Sibley said that if this were not a mandatory it would seem to that this would be fairly simple.
- Bill Wilcox said that this property is outside the Zone 2 for the Town wells and probably outside the Tashmoo Pond watershed.
- John Breckenridge asked if there were a spill where would it go.
- Bill Wilcox said probably northwest.

- Jay McMann said he started in the fuel business in 1976. Nowadays the valve is in the fuel truck, it is almost like self sealing. There are many safety precautions that make it difficult to have a big spill. They have over-fill protection.
- John Breckenridge asked if the trucks would be sitting on a slab or dirt.
- Jay McMann said they could put the tank on a slab. He added that he could put the trucks on one as well. He added that this piece of land may be his retirement so with the 21e laws a spill is not something he would want to deal with. He said it would be better for him to go to that extra expense of putting in a slab under the trucks rather than risk a spill and cleanup costs in the future.
- Mark London asked about hazard mitigation and noted that we want to make sure all of the issues have been raised.
- John Breckenridge added that it would be helpful if Chief Schilling were here for the public hearing.
- Jay McMann said he made copies of various documents that may be of interest and answer some of the commissioners questions. He said the fuel business is very well regulated. Drivers go through FBI and TSA for background checks. He built a property in 1976 and he has the DEP readout on releases. There was only one release on that property and that was seven years after he sold it.
- Linda Sibley said he should tell us about that at the public hearing as well as the concrete pad with lips.
- John Breckenridge said his track record is clean going back but if he decides to sell it is good to know that the safeguards are in place.
- Jay McMann said that when he started filling boats he started distributing to them various products that help in the case of spills.
- Paul Foley asked if he was planning on doing alterations to the building.
- Jay McMann said that there is an overhead door that he wants to raise so that they can do work on the trucks in the winter. He had someone look at it and they said that it is just as easy to add a floor as add one foot. He asked what the MVC would think if he added an affordable unit in there.
- Mark London said the question is whether someone would want to live next to fuel storage.
- Linda Sibley noted that mixed-use is part of the whole master plan for that area.
- Bill Wilcox asked if he would be filling up others from the Diesel tank on site.
- Jay McMann said that he would only be filling his trucks on site.
- Mark London said that if this is going to be different than the approved site plan then we need a drawing to that effect.
- It was suggested that he might want to meet with George Sourati who was the engineer on the original plans.
- Jay McMann said that he might not have the money for the building work and apartment for a while so that might be down the road and he would apply for that at a later date.
- The storage tank is more important to him in the summer than the winter because he sometimes has a problem getting his trucks on the boat in the summer.
- He will have to present a landscaping plan.

Traffic:

- The Applicant presented a letter asking for a waiver from doing a traffic study.
- Mark London noted that Jay will have to come back in the future if he does not have plans for an addition to the building now. He has addressed traffic to a certain extent in his letter. The issue with traffic will not be the number of trips so much as the details on the site. How will they get in and circulate?

- John Breckenridge noted that this is planned to eventually be part of the connector road and wondered what would happen if one of the big fuel trucks came along and could not pull in to the site without stopping traffic.
- Jay McMann said he would hate to give the option up of having the bigger fuels trucks delivering occasionally. He does not see the scenario John posited happening.
- Linda Sibley noted that the storage capacity here is limited. It seems like it would be a rare event
- John Breckenridge asked Jay if drives semi-trucks. Jay does.
- Linda asked how long it would take to get in there.
- Jay said he would say they could get it in on a second shot. They anticipate that ahead of time so he does not see a big problem.
- John Breckenridge asked if he was sure he will never have retail.
- Jay said he is in the oil business. There will not be retail.
- Linda asked the LUPC how they feel about waiving the traffic study.
- Mike Mauro said that if this becomes the third leg of the connector system the road would be repaved. This would be the least desirable leg for passenger cars.
- Mark London said that the main road of the connector was supposed to be High Point Lane but the way they had to go means this will be more desirable then it would have been. Maybe we should say the applicant will address the traffic issues on his own particularly maneuvering in and out of the property.
- John Breckenridge asked to clarify; the applicant will never fuel tour busses or anything other than his own trucks on site.
- Jay McMann said he said he will not do any fueling other than his trucks on site. He fuels the tour busses where they are stored. He thinks this will improve the traffic system by not having all of these tour busses going to gas stations.
- **John Breckenridge made a Motion that the LUPC approve that he does not need to hire a consultant to do a traffic study but he will put together a traffic statement about the number of trucks coming to the property and how they will circulate and what the worst case scenarios will be. Linda Sibley seconded the Motion which passed.**
- A Site Visit was scheduled for March 11 at 8:30 am.