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## **Martha's Vineyard Commission**

### **Land Use Planning Committee**

# **Notes of the Meeting of July 26, 2010**

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

*Commissioners Present:*; Linda Sibley; Christina Brown; Chris Murphy; John Breckenridge; Ned Orleans;  
Brian Smith; Fred Hancock, Holly Stephenson.

*MVC Staff Present:* Paul Foley; Mark London; Chris Flynn

**SUMMARY:** The LUPC reviewed two projects:

#### **1. DRI 525-M2 – Island Deli Market:**

- A proposal to expand an existing take out restaurant into a 26-seat restaurant by converting the attached space (formerly Medicine Shoppe) at a gas station (Tisbury Shell).
- The LUPC voted to recommend to the full commission that this be accepted as a DRI with full review by the Commission and we delay any further action on it until we have met with the Tisbury Planning Board and looked at the traffic and other issues in the overall area.

#### **2. DRI 627 – Blue Canoe Restaurant Expansion:**

- To expand the Blue Canoe Restaurant by adding 30 seats to the existing building.
- The LUPC voted to recommend to the full Commission that this project go to a public hearing so that we can look at the overall parking.

### **1. DRI 525-M2 – Island Deli Market**

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**Applicant:** Mario Lucio Rodrigues

**Project Location:** 86 Beach Road, Vineyard Haven, MA Map 9-C Lot 11 (0.91 acres)

**Proposal:** To expand an existing 12-seat restaurant (formerly Wrap and Roll) into a 26-seat restaurant by converting the attached space (formerly Medicine Shoppe pharmacy) at a gas station (Tisbury Shell). The proposal also includes an application for a push cart.

#### **Staff Report:**

- This applicant has replaced the "Wrap and Roll" space (825 square feet) with the Island Deli Market and now seeks to expand into the former Medicine Shoppe space (Approx. 1,377 sf).
- There are several businesses on the property: the Tisbury Shell gas station; the Island Deli Market (formerly Wrap and Roll sandwich). There was also Medicine Shoppe pharmacy until 2 years ago.
- The proposal would not increase square footage of the overall building.
- The pushcart would be 5 feet long by 3 feet wide and sell bottles of water and juice and ice cream from July through September from 10 am to 9 pm.

#### **Discussion:**

- Linda Sibley asked if in estimating the trip generation they assume that with wait staff the customers stay longer and therefore there is less turnover and less total trips. Mike Mauro answered yes
- Ned Orleans asked if we have reached a point yet on Beach Road where we need to do a massive transportation study. You have people parking on one side and walking across. We continue to do applications one at a time and we are heading for a mess.

- Holly Stephenson noted we have about 4 different projects coming in right now from the same street. This one is right across from Tisbury Market where a new building is being proposed. People ride their bikes through here. We have a truck at the art cliff serving at night and that's not even before us.
- Chris Murphy said he understands that we cannot approve anything that runs counter to zoning. There was an agreement when they approved the sewer that was not supposed to allow this type of growth to happen. It was supposed to be growth neutral.
- Linda Sibley agreed that when the Town of Tisbury put the sewer in they said it was supposed to be growth neutral. Maybe we should have a conversation with the Tisbury Planning Board.
- Ned Orleans asked Mark London if they discussed the work staff is doing with the Tisbury Planning Board (TPB) on downtown. Mark said they had not yet looked at the parking and traffic in this area.
- John Breckenridge said these big picture issues are critically important. With respect to this property we need to know exactly where the parking is going to be. There is a diesel tank in one area where there can't be parking. How are they going to accommodate the parking for 26 and delineate it?
- Linda Sibley asked if Packer owns the next property over.
- Ned Orleans said that we need to have each of the applicants in this area show how they are going to get the cars related to their application to park. We need to look at this all together and do it with the Planning Board.
- Holly Stephenson said that the TPB has looked at waterfront walkways and pedestrian access. The guy who owns the property should really come in. There is a potential beach. To just deal with the Island Deli Market doesn't cut it. We need to look at the whole piece. There is a proposal for another gas station on upper State Road that will affect this area. There needs to be a traffic study.
- Linda Sibley asked Mike mauro what information we have in that area.
- Mike Mauro said he goes three times a year during the early, middle, and later summer season to see what the numbers are. He has some traffic counters down on Beach Rod right now. He did Union Street at the beginning of the year. He can do Beach Road in front of the fire station. He did an in and out study across the street. Now that the gas station is completed he could do one there.
- Mark London said we did a compilation of the counts over the years in relation to the court case with Tisbury Fuels. The densest part of the whole road network on Martha's Vineyard was from Tisbury Market Place through five corners to Upper State Road.
- Linda Sibley asked if it was more then Edgartown.
- Mark London said yes, but to be fair to the applicants we should do an initial look at all of them. If the LUPC thinks that we need to look at it carefully then we will. We should look at it each applicant and compare them to the previous use on the property.
- Linda Sibley asked what is technically before us now is whether this is a significant modification or substantial compared to what we originally looked at. She thinks all the seats are new. When we looked at Wrap and Roll they had no seats so we need to look at all of the seats not just the so-called new ones.
- Chris Murphy said he is comfortable saying that any change that increases the traffic flow and sewage needs to go to the full Commission for review whether we wait for an overall study or not.
- **Chris Murphy made a motion that we recommend to the full commission that this be accepted as a DRI with full review by the Commission and we delay any further action on it until we have met with the Tisbury Planning Board and looked at the traffic and other issues in the overall area. Holly Stephenson duly seconded the Motion which passed unanimously (8-0)**
- Linda Sibley asked if we go to the Planning Board or do they come here.
- Ned Orleans said he thought we should leave it up to them.

## **DRI 627 - Blue Canoe Restaurant Expansion/ Tisbury Marina**

**Applicant:** Tisbury Marina LLC; Liz Wild (General Manager).

**Project Location:** 52 Beach Road, Tisbury Map 9C Lot 8

**Proposal:** To expand the Blue Canoe Restaurant by adding 30 seats to the existing building.

### **Staff Report:**

- The restaurant was limited to 50 seats because it was on septic before.
- After being connected to the sewer their water records were reviewed by the Board of Health for one year. The Board of Health then granted them the flow for the additional seats.
- The Applicant has purchased 45 Beach Road (across the street) to provide additional parking to accommodate the additional seats.
- The property with the extra parking across the street (45 Beach Road) was previously McCurdy car sales but also housed 1-2 retail units, a Budget Rent a Car, an apartment, three trailers for storage, and around 9 parking spaces that were leased to individuals.
- The Applicants have renovated the building, added some landscaping in front where cars used to be, and are also leasing the property to a variety of uses.
- A separate Applicant is proposing a take out pizza and sandwich shop on part of the 45 Beach Road property.

### **Applicant Presentation:**

- Liz Wild, General Manager at the Vineyard Haven Marina, said that they used to be on septic. When they connected to the sewer they had to review their water usage for two years. The Board of Health reviewed them and now they have enough flow for 80 seats.
- Regarding the property across the street (45 Beach Road) with parking, at one time the Boch Marina owned it and then Packer owned it and leased it to McCurdy and then Packer leased it to Wallace. Packer owned it under some Limited Liability Company (LLC).
- It has been a parking lot for the marina and restaurant for years. They have reduced the number of cars on the site and added a lawn in front.
- If they were forced to take the pre-existing tenants back it could go back to being pretty ugly in there. There was a retail store and leased parking spaces. They had trailers in there.
- They have taken a lot of the asphalt in front away.
- They kept the side entrance so you can come in and go around the building. There is enough room for two cars from Century 21 on that side.
- They have reserved the back lot for Blue Canoe and ten spots for the pizza guy.

### **Discussion:**

- Linda Sibley said she thought we need to examine this a bit more.
- Paul Foley noted that the project was referred by the Tisbury Planning Board under two triggers, 3.1g and 3.1h. 3.1g is any development of commercial... that has one or more of the following: g) Any increase in intensity of use – with the concurrence of the Martha's Vineyard Commission; or h) Commercial parking lots designed to accommodate ten (10) or more vehicles...
- 3.1g requires a mandatory DRI review by the full Commission. There is a question of whether it should be referred under 3.1g since they are not creating new parking, and in fact have decreased the amount of parking on that lot a bit.
- Linda Sibley said she felt what we are really going to be interested in is the increase in seats.

- Liz Wild reiterated that they are not adding space just seats. If the weather is bad they will be right back to their 50 seats.
- Linda Sibley said that increasing the number of seats translated into an increase in the intensity of use. We just told the last applicant that we are interested in traffic in that area.
- Christina Brown noted that if we look at this as by concurrence that means to her that the regional issue would be sewage and traffic on the main roads. In this case they are connected to town sewer. In this case it seems to her that the increase in seats will not have a major traffic impact.
- Linda Sibley asked how we can say that the applicant down the road has an impact and this one doesn't.
- Brian Smith pointed out that though there may be less total parking spots on the property they are going to turn those spots over much more often than the previous uses. Before they rented out some of the spots and those people would park there all day. Now with 30 more seats in the restaurant they have those people coming in and out over the course of the day.
- Liz Wild said that right now they are letting Budget park 22 cars during the summer and 16 in winter at the very back of the lot. They used to have up to 62 cars in and out of there.
- Fred Hancock said that it seems to him that it will be an increase in use.
- Chris Murphy thinks it is important that the MVC looks at this. Every chance we have to make it a little better is something that is worthwhile. With the development of sewerage it was supposed to be growth neutral. This is expanding a use solely based on increased sewerage. The zoning district is supposed to be for marine related uses. We need to know from the Planning Board what they want. He thinks we need to accept this parking lot. Tisbury is woefully lacking in parking.
- Linda Sibley said that Christina may be right but unless we have review of this we may lose our chance to improve the situation.
- Liz Wild said that Budget is not going away but they are being cut back.
- Linda Sibley said that unless we have a hearing and condition it then we don't have any way of insuring that uses won't change and increase.
- Holly Stephenson noted that the site where the parking for Blue Canoe is 45 Beach Road, the same address of the proposed pizza and sandwich shop. Why aren't these two projects tied together.
- Ned Orleans asked how the applicant would make sure that the designated spaces are used by the people that are supposed to park there.
- Liz Wild said that they have employees at the marina that can check the lot occasionally. The only problem she has is when the Art Cliff Diner truck opens up.
- **Christina Brown made a Motion to recommend to the full Commission that this project go to a public hearing so that we can look at the overall parking. Chris Murphy duly seconded the Motion.**
- Linda Sibley asked to hear the motion for the previous proposal.
- Liz Wild asked if they LUPC were wrapping the Blue Canoe with the pizza project. The Planning Board sent them separately and they would not hear this until they heard from the MVC.
- John Breckenridge clarified that as he understands it that Christina Brown is talking about the ten spots across the street.
- Holly Stephenson said she doesn't see how we can have one applicant with pieces of two lots and another applicant with parts of another.
- Linda Sibley said we could recommend that they should bring them in together.
- Christina Brown asked if the two projects were on the same timetable. It would seem that the full Commission could look at them both together at the same time.
- Liz Wild said she thought the MVC should look at them separately because one might be withdrawn.

- Christina Brown said of course they are two separate applications. We have been talking about looking at the whole road.
- Mark London asked if we suddenly do not have a separation of projects.
- **Linda Sibley clarified that the Motion before us is for the Blue Canoe expansion project. The LUPC vote unanimously to approve the Motion (8-0).**
- Linda Sibley asked whether now someone would like to address the segmentation issue.
- Chris Murphy said that the applicant is the owner of the property. We cannot segment the property. I think we would be making a mistake if we accept only part of a piece of property. We have had a few of these segmented projects recently. We need to look at the entire property.
- Paul Foley clarified that if the Blue Canoe goes as to the full Commission for review as a DRI then the 45 Beach Road property would be part of the review.
- Liz Wild said that if that is the case they will withdraw both of their applications and will go back to the previous uses. She added that their attorney has advised them to withdraw if they are going to become a DRI.
- Linda Sibley said that the lawyer may not be aware of the change to the DRI Checklist whereby only properties where projects that are approved and built remain as once a DRI always a DRI. If they are denied or expire the property does not carry the DRI label with it.
- Liz Wild noted that they are not sub-dividing; they are two separate projects with the Planning Board.
- Mark London asked what if they were parking down the road with a separate owner would that make them a DRI?
- Linda Sibley answered that they are not parking down the road with a separate owner.
- Liz Wild reiterated that they are decreasing the use of that commercial parking lot. They are not sub-dividing; they are leasing part of the property. They are two separate projects and probably should have been done at separate times but Pat Harris insisted that they be sent at the same time.
- Christina Brown said in an effort to not spend too much on our lawyer the state laws define who an applicant is. The state law says the applicant is the owner or the owner's agent, heirs, or assigns.
- Linda Sibley said that the question is can one applicant who owns two properties across the street bring in two projects at the same time with one spanning both properties and keep them separate projects. Then the question is can we reasonably evaluate one property without considering the proposals on the other.
- Brian Smith pointed out that there are two triggers.
- Linda Sibley said they might have to go to executive committee to figure this out.
- Ned Orleans said his concern is how we are going to solve the problems and issues of that section of Tisbury. He doesn't want to lose sight of that.
- Linda Sibley said that we will be talking to the Planning Board about the area not the individual projects.
- Mark London suggested that staff compile the before and after parking and trip generation numbers for each project. If it can clearly be shown that the trip generation and parking will go down on a project then we might want to consider that.
- Chris Murphy suggested we make a list of the questions. He wants the definition of "project". Do you define a project by what is on the whole property rather than one little piece?

Adjourned 6:52