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## **Martha's Vineyard Commission Land Use Planning Committee Minutes of the Meeting of January 3, 2011**

Held in the Stone Building, New York Avenue, Oak Bluffs. 5:30 p.m.

Commissioners Present: Doug Sederholm (Chairman of LUPC); Christina Brown; Linda Sibley; Ned Orleans; Chris Murphy; Brian Smith; Fred Hancock; and Pete Cabana (Kathy Newman was present for part of the meeting, but did not participate).

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

Chris Murphy, incoming Chairman of the MVC, presented new LUPC Chairman Doug Sederholm.

### **1. Barnes Gas (DRI 629) Pre-Public Hearing Review**

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**Applicant:** Clarence A. Barnes III and family; Bob Wheeler (agent)

**Project Location:** 392 State Road, Tisbury Map 22-A Lot 12 (13,503 square feet or 0.3 acre).

**Proposal:** To locate a gas/diesel filling station at 392 State Road in Tisbury.

**Present for the Applicant:** Clarence "Trip" Barnes III; Clarence A. Barnes IV; Michael Barnes; Elizabeth Barnes; and Rubin Cronig.

#### **Documents:**

The LUPC had the following documents before them:

- MVC Staff Report 2010-12-30.
- The Applicant's Narrative of the Project (2010-10-21) with a letter from Bob Wheeler.
- The Applicant's brought a revised narrative and traffic assessment.
- A PowerPoint presentation of the site.

#### **Presentation:**

- Doug Sederholm said that there were two issues the LUPC was to take up today:
  - Whether the DRI Application is complete and the project ready to be scheduled for a public hearing.
  - The scope of the traffic study.
- Trip Barnes went over the documents he thought were required for the DRI Application such as a certified abutter's list and the quitclaim deed. For affordable housing, he just built three units in West Tisbury and gave them to the Dukes County Regional Housing Authority.
- Paul Foley said he had not received the check or the signed DRI Application yet.
- Trip Barnes explained that he had been to the ZBA to request a porch on the front of the building but they had told him they could not do anything while the project is at the MVC. He said that he had Rubin look at the traffic studies of other nearby projects that Paul Foley had given to Bob Wheeler and do a comparison. They prepared a proposal of their own on traffic which they presented at this time.
- Rubin Cronig said he pulled out elements of the older studies that he felt were relevant to the project.

- Trip Barnes introduced his family. He said that the prep work on the site was done and it had to be done anyway. He built a retaining wall along the border with the mini-golf which he said had to be done. He placed planters on the top of the wall in which they plan to plant tomatoes, corn, flowers.
- In terms of technical reports he said that there are all kinds of state regulations around underground storage tanks and he would have to do all of those if he gets permission to proceed with the project.
- He wants to use solar power to provide the energy for the gas pumps and lights. He would put a light on his side of the light pole that illuminates the mini-golf.
- There was a discussion of the MVC's requirement for an accurate plan of the existing conditions including property lines, roads, and vegetation, as well as abutters' properties. In this case it would need one for the previously existing conditions as well as the current (significantly altered) existing situation.
- To complete the application, the MVC also needs an accurate plan of the proposal. Trip Barnes said that he is in discussion with the town and one of the property lines may move.
- Doug Sederholm said we need to see a definitive plan on paper of what the actual proposal is. The MVC can't make a decision on a moving target. If Mr. Barnes the porch is part of the DRI Application we need to see that on a plan; if it is not, then it should be omitted.
- Trip Barnes said that in that case, make the porch part of the Application.
- Paul Foley presented a slide show of the site and plans including an image which showed where the property line is. He said that he had talked to both Ken Barwick (Building Inspector) and Fred LaPiana (DPW Chief) earlier in the day. He got clarification from Mr. Barwick about where the property line is on the ground and confirmation from Mr. LaPiana about the Connector Road route, where the sidewalk would be, and where the first curb cut could be. Mr. Foley pointed these out on the slides. The sidewalk on High Point Lane is proposed to be on the same side of the street as the Barnes Gas proposal.
- Doug Sederholm said that any technical reports that he may have on tanks and pumps should be submitted as part of the Application. We need to define the Application. We can't be saying well the pumps may move four feet one way or another or the property line may be here but might move there. That is not to say that things cannot change during the process but we need to know where they are intended to be. We need an accurate site plan showing where the right of way is, the pavement, the curb cuts, pumping stations, electric charging stations, etc...
- Rubin Cronig said they are looking at a multistage approach. They want both gas tanks and an electric charging station. They are trying to create a new approach. They would like to work with GM or Nissan to make the Vineyard a model community in electric cars. The plan has been revised somewhat to accommodate this new vision of electric car charging. The new porch on the building would help them to maximize their solar array. They are thinking about hydrogen too but they are not ready for that yet. Mr. Cronig described the beauty of electric charging.
- Doug Sederholm said we don't necessarily need an engineered plan of the tanks at this time but we do need the exact number and location as well as a detailed description of the tanks. Trip Barnes said they do not have those studies yet but they do have pricing for those studies.
- Linda Sibley said that she wants to see, with such a limited space, how the stacking of vehicles is going to impact the Connector Road.
- Chris Murphy said that he has concerns about the impact on the ground water. He is going to want to see detailed studies of how the aquifer is going to be protected. We will need landscaping plans. But first we need to approve a scope of traffic study.
- Chris Murphy added that in terms of other proposals that were turned down in the vicinity it's hard to see how this is better. The Applicant should understand that they might have to spend a fair amount of money and there is no guarantee that the application will be approved. The history of this type of

proposal in that area suggest that the application may be denied. Mr. Barnes should think carefully about the investment needed to complete the application with respect to the likelihood of approval.

- Trip Barnes said he has thought long and hard about it. There are two gas stations in town now and both are in the heart of the traffic and below sea level. In terms of screening, he is proposing to screen the gas station on three sides. There is a need. No one wants to drive through Five Corners to get gas. This makes common sense. Across the street is a poisoned site that used to be the Coca-Cola bottling plant. Behind that is a huge pit. It is going to be a state of the art station. It is time.
- Doug Sederholm said that Mr. Barnes was making arguments he should make at the public hearing but the job of the LUPC is to see whether the Application is complete and ready for a public hearing. Right now it appears that the Application is not complete and LUPC has not approved the scope of traffic study.

**Traffic Scope:**

- Staff distributed a proposed scope for the traffic study.
- The Applicants presented a large red three ring binder as their traffic study.
- Staff pointed out that this was putting the cart before the horse. First the LUPC defines the scope of what must be in the Traffic Study; then the Applicant hires a professional to prepare the Traffic Study.
- Rubin Cronig said they have looked at other traffic studies and used them as a basis for their interpretation of traffic. They based their study on the existing road not the future Connector Road.
- Trip Barnes added that it was news to him that the Town is not considering putting the sidewalk on the other side of the street. He added that no one ever mentions that there is a 500 car park and ride up the hill and that does not seem to be bringing traffic to a standstill.
- Doug Sederholm suggested that at the public hearing, the Applicant's should differentiate their proposal from the other gas stations that were proposed and denied on the abutting properties.
- Trip Barnes expressed some frustration that he cannot do any work on the building while the project is being reviewed.
- Fred Hancock reiterated that we need to see a comprehensive site plan showing pumps, canopies, curb cuts, lighting, etc...
- Trip Barnes said he would like the MVC Traffic Planner to look at what they put together and suggest what, if anything needs to be added to their study.
- Doug Sederholm said that with projects this complex, we always have an applicant hire a professional traffic engineer to prepare a study.
- Staff was instructed to look at the "Red Book" and see if there is anything that would change what is in the proposed scope of traffic study. Once Staff has reviewed the "Red Book" they should let Mr. Barnes and his cousin Rubin Cronig know what, if anything has changed, and the status of the DRI Application.
- Ken Barwick, the Tisbury Building Inspector was in the audience and asked if he had anything to add. He said that the Town has extensive data on traffic and groundwater in the area. He said he would be happy to show anyone who is interested the files.
- Chris Murphy requested a more detailed report from Bill Wilcox on groundwater issues.

Adjourned 7:05 p.m.