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Martha's Vineyard Commission Land Use Planning Committee

Notes of the Meeting of October 15, 2012

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

MVC Commissioners Present: Doug Sederholm; Chris Murphy; Fred Hancock; Ned Orleans; Christina Brown; John Breckenridge; and Linda Sibley.

MVC Staff Present: Paul Foley; Mark London; Bill Veno; Sheri Caseau; and Chris Flynn.

The LUPC review four projects (DRI 121-M, 124-M, 321-M4, and 626-M) on October 15, 2012.

Documents referred to during the meeting

- LUPC Agenda of October 15, 2012
- Allen Farm Form B (DRI 121-M) Staff Report and plans.
- Plum Bush Home-site Lot (DRI 124-M) Staff Report and plans.
- Cronig's Kinetic Sculpture site plan and sketch.
- Beach Road Pizza site plan and DRI 626 Conditions.

1. Allen Farm Form B Preliminary Estate Plan (DRI 121-M) Modification Review

DRI No. DRI 121-M.

Applicant: Allen Farm Nominee Trust; Clarissa Allen and Mitch Posin. Reid Silva(Agent)

Proposal: A Form B Preliminary Subdivision of 50.2 acres into four lots.

Location: 421 South Road, Chilmark Map 25 Lot 21 (50.2 acres)

Purpose: To review the project and decide whether or not to make a recommendation to the full Commission as to whether this is a significant change to the approved DRI requiring a public hearing review as a Development of Regional Impact.

Presentation:

- Paul Foley presented a brief staff report:
 - The proposal is a Form B Preliminary Subdivision of 50.2 acres into four lots.
 - One of the four lots would be the already developed homesite lot of 16.5 acres.
 - The other lots would be 12.8 acres, 11.4 acres, and 9.5 acres. The plan also includes a proposed access road (0.7 acres).
 - In 1980 DRI 121 was approved to divide 116.5 acres into 12 lots. Of the 116.5 acres 77.5 were on the north side of South Road comprising eight of the twelve buildable lots plus two open space lots.
 - All of the 10 lots on the north side of South Road except lot 5 were 2 to 3.36 acres each. Lot 5 was 53.79 acres and was the main farm lot on the north side of South Road.

- Somewhere along the line in the ensuing years one more 3-acre lot (Map 25 Lot 20-11) was carved off of Map 25 Lot 20-1 (Lot 5).
- Reid Silva of Vineyard Land Surveying said that this only a Form B conceptual plan. They are only looking for a consensus on the concept. The extra lot was created in 1985 in what they thought was part of the original process.
- Paul Foley noted that a Form B may be conceptual at the Planning Board but that at the MVC a modification to a DRI is still a DRI.
- There is a large area that is technically a wetland on the front lot that is used for pasturage.
- They estimated what they felt was the reasonable density for the area. Nobody wants the farm developed but they need to know that possibilities.
- The proposed 11.4 acre lot is a plateau with a gentle slope. That is where the wind turbine is located. The proposed 12.8 acre lot is steep with a knoll at the top. They placed the house site off of the ridge. The proposed 9.5 acre lot is mostly wooded at the top of the hill.
- He reiterated that a Form B is a minimal conceptual plan that is non-binding. It does not require locating houses but they put some possible sites on anyway. They have not considered locating the septic systems, parking, etc., yet. There is still a lot of planning to do before a Form C Definitive Plan is done.
- Paul Foley noted that the referral was a modification to an existing DRI. As long as these lots are not further sub-dividable then it is a modification. But if these lots are further sub-dividable then the project would be viewed as a mandatory review under the DRI Checklist.
- Reid Silva said that the Commission can assume for these purposes that these proposed lots are not going to be further subdivided.

Discussion:

- Chris Murphy said that we have to reconcile this plan with extra lot that was created in the last 30 years. We need to include it in this modification and consider whether that impacts the affordable housing component or the nitrogen. He added that it is important to the town that this remains a farm.
- Christina Brown asked how the MVC handles Form B's.
- Paul Foley said that when the MVC reviewed the Flat Point Farm Form B we made a list of the specific items we wanted to see in the Form C that were not in the Form B such as building envelopes, measures to minimize impacting views of the farm and pond, and offers such as no guest houses and meeting MVC policies.
- Fred Hancock said that the MVC Compliance Policy calls for all DRI's to be in compliance before the MVC will consider a modification.
- Doug Sederholm suggested that if they included the extra lot in this plan it could be considered remediated. He also noted that would change the nitrogen loading calculations.
- LUPC decided that a few issues needed to be clarified so they continued the LUPC for the Allen Farm Form B Preliminary Division to next Monday. Staff is to investigate the creation of the extra lot with the Chilmark Planning Board and supply examples of how the MVC has dealt with Form B's in the past.

2. Plum Bush Point Homesite Lot (DRI 124-M) Modification Review

DRI No. DRI 124-M.

Applicant: Timothy Silva (Owner); Reid Silva (Agent -VLS)

Proposal: Subdivide one 4.1-acre lot into on 3.1-acre lot and one 1-acre homesite lot.

Location: Plum Bush Point Road, West Tisbury Map 35 Lot 6.161 (4.1 acres)

Purpose: To review the project and decide whether or not to make a recommendation to the full Commission as to whether this is a significant change to the approved DRI requiring a public hearing review as a Development of Regional Impact.

Presentation:

- Paul Foley presented a brief staff report:
 - The proposal is to subdivide one 4.1-acre lot into on 3.1-acre lot and one 1-acre home-site lot.
 - The 4.1 acre lot was part of a subdivision of a larger 76-acre lot (14) in the original subdivision that was not referred to the MVC for DRI Modification Review.
 - The Plum Bush Pont Subdivision came to the MVC for DRI Review in 1980 and was approved for the division of 211 acres into 14 lots buildable lots and one large conservation piece (52.1 acres). 12 of the 14 buildable lots were approximately 4 to 5 acres in size. The subdivision also included one large farm lot (Lot 14) of 76.54 acres and one other large lot of 25 acres (Lot 13).
 - The property has not returned to the MVC for review since 1980. However, further subdivision of the land has occurred. Lots 13 and 14 have subsequently been divided into an additional 9 lots so that the original 211 acres now has 23 buildable lots and the one large 52.1 acre conservation lot.
 - The current proposal is to carve a 1-acre homesite lot out of one of the lots carved out of the original 76-acre lot 14.

Discussion:

- Doug Sederholm wondered whether we should include all of the extra lots the MVC has not seen as part of the application. Chris Murphy suggested that we need to have a discussion with the West Tisbury Planning Board.
- Reid Silva said that there are a lot of DRI's out there that are not sent to the MVC. This stuff was done over 20 years ago. When his client bought his property he had no idea there were any hidden encumbrances on it.
- Doug Sederholm said he would love to see the attorney's title search.
- Chris Murphy said we have to settle these issues of the extra lots before we can even consider this proposal. The nitrogen loading limit may already be used up.
- Linda Sibley said that the problem is that these lots were created illegally. The way to fix it is to put them through the process and approve them. The Planning Board cannot make them legal.
- Doug Sederholm said the MVC has to work with the West Tisbury Planning Board to straighten this out. Chris Murphy added that it would be helpful to have someone from the Spalding/Silva family as well.

3. Beach Road Pizza Picnic Benches (DRI 626-M) Modification Review

DRI No. DRI 626-M.

Applicant: William M. Craffey (Escape MV Inc.)

Proposal: To place two picnic tables on the lawn at the pizza and sandwich shop at 45 Beach Road.

Location: 45 Beach Road, Tisbury

Purpose: To review the project and decide whether or not to make a recommendation to the full Commission as to whether this is a significant change to the approved DRI requiring a public hearing review as a Development of Regional Impact.

Presentation:

- Paul Foley explained that the Beach Road Pizza shop has put two picnic tables on their lawn for use by the general public. The pizza place was approved by the MVC and as part of Decision the Applicant had offered that there would be no seating. He is now faced with a number of new competitors and would like to provide a place on the site where people could sit down and eat if they are in a hurry. He showed slides of the property before the pizza place with a used car lot in front and after the pizza place moved in with a lawn and plantings in front.

Discussion:

- ***Linda Sibley made a Motion to recommend to the full Commission that this is an insignificant change to the approved DRI not requiring a public hearing and to approve the modification. The Motion was seconded by John Breckenridge and approved unanimously.***

4. Cronig's Solar Kinetic Sculpture (DRI 321-M4) Modification Review

DRI No. DRI 121-M.

Applicant: Steve Bernier d/b/a Cronig's Market; Derrill Bazy and John Abrams of South Mountain.

Proposal: To install a kinetic sculpture (app. 8'-9' tall) and educational display board (app. 3' by 5') with park benches near the entrance to the store that will inform and educate passersby about renewable energy and sustainability as well as provide a place for rest and contemplation.

Location: Entrance to Cronig's Market on State Road, Tisbury Map 23A Lot 23, 26, & 63

Purpose: To review the project and decide whether or not to make a recommendation to the full Commission as to whether this is a significant change to the approved DRI requiring a public hearing review as a Development of Regional Impact.

Presentation:

- Paul Foley described the proposal and showed slides depicting the solar powered kinetic sculpture and re-located parking.

Discussion:

- ***John Breckenridge made a Motion to recommend to the full Commission that this is an insignificant change to the approved DRI not requiring a public hearing and to approve the modification. The Motion was seconded by Ned Orleans and approved unanimously.***

LUPC adjourned at 7:05 p.m.