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Decision of the Martha's Vineyard Commission DRI 532-M4 Carroll's Trucking Campus Plan

1. SUMMARY

- Referring Board: Self-referred
- Subject: Development of Regional Impact #532-M4
Carroll's Trucking Campus Plan
- Project: The proposal is to replace scattered trailer storage units with a new, multi-story, 51,000-square-foot self-service storage facility; renovate the existing building fronting Edgartown Road; replace the existing Title V septic system with a denitrifying system; two one-half-acre lots are reserved for residential use – one restricted for workforce housing; miscellaneous site improvements.
- Owner: MCLC Family Limited Partnership; Leigh C. Carroll Sr., Trustee of the First Restatement of the Leigh C. Carroll, Sr. Revocable Trust Agreement
- Applicant: MCLC Family Limited Partnership and Leigh C. Carroll Sr. Trust; Mark Nicotera (agent) and Forrest Filler (agent)
- Applicant Address: P.O. Box 1209, Vineyard Haven, MA 02568
- Project Location: 475 Edgartown Road, Tisbury. Map 20-A, Lot 19 (5.43 acres)
5 McLellan Way, Map 20-A, Lot 21.4 (.48 acre)
15 McLellan Way, Map 20-A, Lot 21.3 (.46 acre)
- Deed: Book 1427, Page 554 and (McLellan Way parcels) Book 1372, Page 445
- Description: The three parcels were a single parcel in 2001 when the land was the subject of a DRI approval in 2001 when the Applicant attempted to clean up non-conforming, non-residential uses that predated town zoning. The Town approved two half-acre lots to be subdivided from the western end of the property in 2005. Modifications to the 2001 Decision were approved in 2005 and in 2018 – neither of which addressed the division of the two half-acre lots. In addition to new structures and site improvements, the proposed project addresses all of the land covered under the original 2001 Decision.
- Decision: The Martha's Vineyard Commission (the Commission) approved the project with conditions as a modification of the 2001 Development of Regional Impact, at a vote of the Commission on August 22, 2019.
- Written Decision: This written decision was approved by a vote of the Commission on September 5, 2019.

The permit-granting authorities of the Town of Tisbury may now grant the request for approval of the Applicant's proposal in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law, or may deny the request for approval.

2. FACTS

The exhibits listed below including the referral, the application, the notice of public hearing, the staff report, the plans of the project, and other related documents are incorporated into the record herein by reference. The full record of the application is kept on the premises of the Martha's Vineyard Commission. Many of the plans, staff notes, information and correspondence are available on the DRI 532 webpage on the MVC Website:

<http://www.mvcommission.org/dri/summary/532/55019>.

2.1 Referral

The project was self-referred to the Commission on June 4, 2019 by the Applicant for action pursuant to Chapter 831 of the Acts of 1977, as amended (the Act) and the Commission's Standards and Criteria Administrative Checklist for Developments of Regional Impact, Section 1.2 (modification of previous DRI) and Section 3.1a (Commercial Development over 3,500 sf; 3.1d (Commercial Development); DRI Checklist item 3.1a requires a DRI public hearing review and the project was reviewed as a Development of Regional Impact by the Commission.

2.2 Hearings

Notice: The public hearing notice was mailed to abutters within 300 feet of the property on June 25, 2019. Public notice of public hearing on the Application was published in the M.V. Times on June 27 and July 3, 2019. The public hearing notice was also published in the M.V. Gazette on June 28 and July 5, 2019.

Hearings: The Commission held a public hearing on the Application that was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by the Act on July 18, 2019 which was continued to August 1, 2019 and closed at that time.

2.3 The Plan

The following plans and documents submitted by the Applicant and contained in the Commission's project file constitute "the Plan." Pages or sheets are 8.5" x 11" unless otherwise noted.

- P1. An Application Package entitled "CSS Preliminary Drawings" consisting of twelve (12) 11" x 17" pages; "R1: 19A20 CSS Renderings for MCLC Family Limited Partnership," 475 Edgartown Road Vineyard Haven, MA 02568 Parcel: 19-A-20. Scale 0.1623" = 1'-0", dated April 16, 2019; "EC1: Parking Overlay Existing Conditions," dated April 16, 2019; "EC-1 Existing Conditions," dated April 16, 2019; "Parking and Retainage Plan," dated April 16, 2019; "L1: MCLC Proposed Landscape Plan" prepared by Contour Landscape Construction, scale 1/16" = 1', dated June 3, 2019; "U1: Proposed & Existing Site Utilities Plan," dated April 16, 2019; "S1: CSS Footing Plan," dated April 16, 2019; S1.1; S1.2; S1.3; S2; "A05: CSS Section with Grade Labels," dated April 16, 2019.
- P2. "Description of Proposed Development and Summary of Impacts: MCLC Family Limited Partnership Property," consisting of seven (7) pages with a project narrative including Context; Site Description; Access, Traffic and Transportation; Building and Structures; Landscaping; Infrastructure; Lighting and Signage; and Project Impacts, dated June 4, 2019.
- P3. "Updated Nitrogen Calculation Notes," consisting of four (4) handwritten pages, dated June 6, 2019.
- P4. "Water Management Plan," consisting of seven (7) pages, dated June 6, 2019.
- P5. "Business Use Narrative," including descriptions of Carroll's Moving and Storage, Cash and Carry, UPS, and the Proposed Self-Storage Building, consisting of one (1) page, dated June 13, 2019.
- P6. "MCLC Property Traffic Flow," consisting of one (1) page, dated June 21, 2019; revised June 28, 2019.
- P7. "MCLC Self Storage Fire Protection Water Requirements," consisting of one (1) page, dated July 11, 2019.

- P8. "Impervious Storm Management Calculations for MCLC Proposed Storage Building" showing, consisting of one (1) page, dated July 11, 2019.
- P9. "MCLC Affordable Housing Offer July 11, 2019" consisting of one (1) page, dated July 11, 2019.
- P10. "MCLC Contours and Cutfill [sic] Plan," consisting of one (1) 11" x 17" page showing the Proposed Grading Plan and the Cut & Fill Areas, dated July 11, 2019.
- P11. "Updated Cross Section with Hoistway," provided to clarify the A05: CSS Section with Grade Labels plan, consisting of one (1) 11" x 17" page, dated July 17, 2019.
- P12. "Traffic Generation Numbers and Sources," consisting of one (1) page, dated July 18, 2019.
- P13. "Wastewater Treatment with the SanTOE IA System," consisting of one (1) page, dated July 18, 2019.
- P14. "SK-1 19A20 Existing Grade Overlay," consisting of one (1) 11" x 17" page, scale 1" = 20'-0" dated July 23, 2019.
- P15. Submittal "RE: DRI 532M4 Written Decision" consisting of one (1) page request to include two one-half-acre lots in DRI modification, dated August 21, 2019 [Presented to Commission with MVC Staff header "DRI 532-M4a Carroll's Residential Lots, dated August 22, 2019]

2.4 Other Exhibits

- E1. June 4, 2019 Completed DRI Application
- E2. July 8, 2019 Land Use Planning Committee Notes – Pre Public Hearing Review
- E3. July 18, 2019 MVC Staff Report
- E4. July 18, 2019 Commission Meeting Minutes – Public Hearing
- E5. July 27, 2019 MVC Staff photos and video of Site
- E6. August 1, 2019 Revised MVC Staff Report
- E7. August 1, 2019 Commission Meeting Minutes – Continuation and Close of Public Hearing
- E8. August 5, 2019 Map titled "2019 Site (parcel 20)" prepared by MVC staff
- E9. August 5, 2019 Land Use Planning Committee Notes – Post Public Hearing Review
- E10. August 22, 2019 Commission Meeting Minutes – Deliberation and Decision
- E11. September 5, 2019 Commission Meeting Minutes – Approval of Written Decision

2.5 Summary of Testimony

The following is a summary of the principal testimony given during the public hearing of July 18, 2019.

- Presentation of the project by agents Mark Nicotera and Forrest Filler
- Staff report by Bill Veno (MVC Senior Planner)
- Oral testimony from Public Officials: none
- Oral testimony from the Public: none

The following is a summary of the principal testimony given during the continued public hearing of August 1, 2019.

- Presentation of the project by agents Mark Nicotera and Forrest Filler
- Staff report by Bill Veno (MVC Senior Planner)
- Oral testimony from Public Officials: none
- Oral testimony from the Public: none

No written testimony was received by the Commission other than that from the Applicant.

3. FINDINGS

3.1 Project Description

The proposal is to replace scattered trailer storage units with a new, multi-story, 51,000-square-foot self-service storage facility; renovate the existing building fronting Edgartown Road; replace the existing Title V septic system with a denitrifying system; two one-half-acre lots are reserved for residential use – one restricted for workforce housing; miscellaneous site improvements.

3.2 Statutory Authority

The purpose of the Commission, as set forth in Section 1 of the Act, is to “protect the health, safety and general welfare of island residents and visitors by preserving and conserving for the enjoyment of present and future generations the unique natural, historical, ecological, scientific and cultural values of Martha’s Vineyard which contribute to public enjoyment, inspiration and scientific study by protecting these values from development and uses which would impair them, and by promoting the enhancement of sound local economies.”

The Commission has reviewed the proposal as a Development of Regional Impact, using the procedures and criteria that the Commission normally uses in evaluating the benefits and detriments of such a proposal. The Commission has considered the Application and the information presented at the public hearing, including listening to all the testimony presented and reviewing all documents and correspondence submitted during the hearing and review period.

3.3 Benefits and Detriments

Based on the record and testimony presented therein, the Commission finds the following pursuant to Sections 14 and 15 of the Act.

A. THE COMMISSION FINDS THAT THE PROBABLE BENEFITS OF THE PROPOSED DEVELOPMENT WOULD EXCEED THE PROBABLE DETRIMENTS, AS EVALUATED CONSIDERING THE CONSIDERATIONS SET FORTH IN SECTION 14(a) OF THE ACT.

A1 The Commission finds that the proposed development continuing to use this location is appropriate in view of the available alternatives (Section 15(a) of the Act.)

The moving and storage operations, and the UPS operation, are essential services to the Island, facilitating the transport and storage of materials and packages.

A2 The Commission finds that the proposed development would have a beneficial impact upon the environment relative to other alternatives (Section 15(b) of the Act).

With respect to Wastewater and Groundwater, the Commission finds benefit. Replacing the existing Title V septic drain field with a SanTOE innovative alternative (I/A) system will significantly reduce Nitrogen loading to Lagoon Pond even while expanding waste treatment capacity. Groundwater will be protected by replacing the existing storage trailers with the proposed structure and stormwater management will be enhanced. Workforce housing proposed on lot 19-A-21.4 and housing on lot 19-A-21.3 will also be on an I/A system(s) to meet the Commission’s DRI water quality policy.

With respect to Open Space, Natural and Community Habitat, the Commission finds benefit in that most of the perimeter vegetation will be preserved, though some trees may require physical protection from proposed fill. Most of the fill area will be revegetated as natural meadow.

With respect to Night Lighting and Noise, the Commission finds that there will be no significant impacts. New lighting will be limited to required security lighting, on motion detectors, at the building entrances. The storage building will more than double the existing storage and likely increase traffic and associated

noise. Noise associated with moving materials in and out of individual storage units may be reduced, as access to units will be from the building's interior

With respect to Energy and Sustainability, the Commission finds benefit. The new storage facility will be climate controlled, but the energy requirements will be muted by nesting much of the building below grade. The structure will be powered, in part, by an existing solar array on the property. The roof will be engineered to accommodate solar panels should that extra capacity be legally permitted. Increasing available island storage reduces the need for off-island transporting of stored goods.

A3 The Commission finds that the proposed development would have a beneficial effect upon other persons and property (Section 15(c) of the Act).

With respect to Traffic and Transportation, the Commission finds detriment. Traffic will likely increase with the more than doubling of available storage space, but even if all the estimated amount of storage traffic were new (no current storage traffic), the amount represents less than one percent of existing traffic on Edgartown Road.

With respect to Scenic Values, the Commission finds benefit. A new building will replace the patchwork of containers and old trailers with a new building that will be mostly screened from the main public road. The continued use of the area closest to Edgartown Road between the property driveway and Carroll's Way for the staging containers, vehicles and materials for no more than a week at a time and is largely screened from view from Edgartown Road.

With respect to Character and Identity, the Commission finds benefit. The storage building mass will be comparable to the existing Carroll's building along Edgartown Road but will be disguised by nesting it into the hillside with cut and fill and by retaining existing vegetation. The new building will be wood sided with vertical batting to further break up the building's mass but will have a large mansard roof. Removing the storage containers will provide a tidier appearance at the top and bottom of the site.

With respect to Impact on Abutters, the Commission finds benefit. The visual appearance will be improved, though the large new building will be more prominent than the existing containers. Fire prevention will improve and vermin habitat reduced. There will be some increase in traffic. An automated security gate will control access to the storage facility.

A4 The Commission finds that the proposed development would have a beneficial impact upon the supply of needed low and moderate income housing for Island residents (Section 15(d) of the Act).

The Applicant has offered to construct a residential structure with at least two bedrooms on lot 19-A-21.4. The housing will be restricted to use for Workforce Housing.

A5 The Commission finds that the proposed development would have a beneficial impact on the provision of municipal services or burden on taxpayers in making provision therefore (Section 15(e) of the Act).

There will be better fire protection by the sprinkled building as well as security of stored materials and controlled vehicular access to the storage area of the property. The investment in the building will increase the property value.

A6 The Commission finds that the proposed development would use efficiently and not unduly burden existing public facilities (other than municipal) or those that are to be developed within the succeeding five years. (Section 15(f) of the Act).

The project redevelops activities on the existing site and will not overburden the road network.

A7 The Commission finds that the proposed development does not interfere with the ability of the municipality to achieve the objectives set forth in the municipal general plan. (Section 15(g) of the Act).

A8 The Commission finds that the proposed development would not contravene land development objectives and policies developed by regional or state agencies. (Section 15(h) of the Act).

The development is consistent with the Island Plan and State objectives concerning infill development, energy efficiency, water quality, and development of affordable housing—especially rental housing.

In sum, after careful review of the plan and its attendant submittals and the testimony presented by the Applicant and others, and the addition of conditions, the Commission has concluded that the probable benefits of this proposed development in this location exceed its probable detriment in light of the considerations set forth in section 14(a) of the Act.

B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WOULD BE CONSISTENT WITH THE LAND DEVELOPMENT OBJECTIVES OF THE COMMISSION, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(b) OF THE ACT.

C. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH MUNICIPAL DEVELOPMENT ORDINANCES AND BY-LAWS, TO THE BEST OF THE COMMISSION’S KNOWLEDGE.

The uses of the site predate local zoning. They are not enumerated in the Town’s zoning district for the parcel but operate under a special use permit from the ZBA.

D. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS ARE CONFORMANCE WITH THE REGULATIONS OF DISTRICTS OF CRITICAL PLANNING CONCERN, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(d) OF THE ACT.

The uses of the site predate local zoning. They are not enumerated in the Town’s Island Road DCPC but operate under a special use permit from the ZBA.

4. DECISION

The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on August 22, 2019 and made its decision at the same meeting.

The following Commissioners, all of who participated in all hearings and deliberations on this project, participated in the decision on August 22, 2019.

- Voting in favor: Leon Brathwaite; Robert Doyle; Josh Goldstein; Fred Hancock; Joan Malkin; Kathy Newman; Doug Sederholm; Linda Sibley; Ernest R. Thomas; Richard Toole; James Vercruysse
- Voting against: None
- Abstentions: Clarence A. “Trip” Barnes

Based on this vote, the Commission approved the application for the modification of a Development of Regional Impact with the conditions listed in section 5 below. This written Decision is consistent with the vote of the Commission August 22, 2019 and was approved by vote of the Commission on September 5, 2019.

5. CONDITIONS

After reviewing the proposal for this Development of Regional Impact, the Martha's Vineyard Commission imposes the following conditions in order to increase the benefits and minimize the detriments of the project. The analysis of benefits and the resulting decision to approve the project is based on the proposal as modified by these conditions. These conditions form an integral and indispensable part of this decision.

These conditions are an essential part of this decision and shall be enforced as written. If the Commission finds it necessary to seek judicial relief to enforce the condition, the Applicant, or its successors in title at the time of such proceedings, shall pay the Commission’s attorney’s fees and costs incurred in obtaining judicial relief.

Wastewater and Groundwater

5.1 As offered by the Applicant, the 5.43 acre parcel’s (Lot 19) wastewater treatment system shall incorporate a SanTOE innovative alternative system.

- 5.2 As offered by the Applicant, the new storage building shall be connected to the site's wastewater treatment system.
- 5.3 As offered by the Applicant, workforce housing proposed on Lot 21.4 shall be connected to the SanTOE system being created on Lot 19, if allowed by the town.
- 5.4 Prior to obtaining building permits for any of the parcels covered by this Decision, the Applicant shall submit for the review and approval of the LUPC a monitoring and reporting program that the wastewater treatment system(s) for the development(s) proposed adhere to DEP requirements and the MVC Water Quality Policy, and specify monitoring threshold(s) and reporting protocols to ensure compliance.
- 5.5 As offered by the Applicant, a final stormwater management plan for Lot 19 shall be submitted for the review and approval of the LUPC before site excavation begins or building permits are issued.
- 5.6 As offered by the Applicant, fire suppression measures for Lot 19 acceptable to the town shall be submitted for review and approval of the LUPC concurrent with, or as part of, the stormwater management plan.
- 5.7 The final stormwater management plan shall be stamped by an engineer and designed to handle on-site at least a 25-year storm event.
- 5.8 There shall be no use of fertilizers other than required to initially support newly planted vegetation.

Open Space, Natural and Community Habitat

- 5.9 As offered by the Applicant, a final landscaping plan for Lot 19 using native and island appropriate species per Polly Hill Arboretum and MVC guidance shall be submitted for the review and approval of the LUPC before site excavation begins or building permits are issued.
- 5.10 The final landscaping plan will identify the number, location, variety and, when appropriate, size of plants and any measures necessary to protect existing or introduced plants.
- 5.11 As offered by the Applicant, existing wood and wire fencing of Lot 19 will be repaired and extended as represented on the Site Fencing Plan.

Night Lighting and Noise

- 5.12 As offered by the Applicant, no lighting shall be added to the non-residential areas of the properties except that lighting with the new storage facility shall be limited to required security lighting, on motion detectors, at the building entrances.
- 5.13 Lighting on the residential buildings shall be directed to prevent light spill beyond the property boundaries.

Energy

- 5.14 As offered by the Applicant, the storage facility shall be powered to the extent possible by an on-site solar array and the roof engineered to accommodate solar panels should that extra capacity be lawfully permitted.

Traffic and Transportation

- 5.15 As offered by the Applicant, access to the storage facility shall be controlled with an automated security gate, but will prevent all access between the hours of 7 PM and 8 AM.

Character and Identity

- 5.16 As offered by the Applicant, placement of vehicles, containers and materials between the existing fencing along Edgartown Road and the existing Carroll's building, extending between the property driveway and Carroll's Way, shall generally be for a day at a time but in no case for more than a week. [*Note: this replaces Condition A.1.a.4 of the 2001 Decision*]
- 5.17 As offered by the Applicant, the storage facility shall be clad in board and batten.

Low and Moderate-Income Housing

- 5.18 As offered by the Applicant, rental workforce housing with at least two (2) bedrooms shall be constructed on Lot 21.4. Rental records identifying renters and their employers shall be provided to the MVC annually.

5.19 As offered by the Applicant, construction of the workforce housing shall begin within 36 months of the substantial completion of the storage facility.

5.20 Prior to issuance of a certificate of occupancy for the storage facility, the Applicant shall provide to the Commission a plan and timetable for commencement and completion of the workforce housing.

5.21 Rental of the workforce housing shall not be for periods of less than three (3) months.

6. CONCLUSION

6.1 Permitting from the Town

The Applicant must, consistent with this Decision, apply to the appropriate Town of Tisbury Officers and Boards for any local development permits which may be required by law. The permit-granting authorities of the Town of Tisbury may now grant the request for approval of the Applicant's proposal in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law, or may deny the request for approval. Any permit issued by the Town shall incorporate the plan approved by the MVC and the above conditions.

The Office of the Tisbury Building Inspector shall not issue a Building Permit for the storage facility authorized in this Decision, or earth working permits for the properties, until it has received a Certificate of Compliance issued by the Executive Director or DRI Coordinator of the Martha's Vineyard Commission confirming that conditions 4, 5, and 9 identified in Section 5 of this Decision have been satisfied. Similarly, said Office shall not issue a Certificate of Occupancy for the storage facility until receiving similar confirmation that condition 20 has been satisfied.

6.2 Notice of Appellate Rights

Any party aggrieved by a determination of the Commission may appeal to Superior Court within twenty (20) days after the Commission has sent the development Applicant written notice, by certified mail, of its Decision and has filed a copy of its Decision with the Tisbury Town Clerk.

6.3 Length of Validity of Decision

The Applicant shall have two (2) years from the date of receipt of the Decision of the Martha's Vineyard Commission contained in this document to begin substantial construction. Should substantial construction not occur during said two (2) year period, this Decision shall become null and void and have no further effect. This time period may be extended upon written request from the Applicant and written approval from the Martha's Vineyard Commission.

6.4 Signature Block

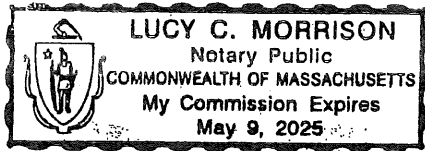
E. Douglas Sederholm
E. Douglas Sederholm, Chairman

9/20/19
Date

6.5 Notarization of Decision

Commonwealth of Massachusetts
County of Dukes County, Mass.

On this 20th day of September, 2019, before me,
E. Douglas Sederholm, the undersigned Notary Public, personally
appeared Lucy C. Morrison, proved to me through satisfactory evidence of identity, which
was/were personal knowledge to be the person(s) whose name(s) was/were
signed on the preceding or attached document in my presence, and who swore or affirmed to me that the
contents of the document are truthful and accurate to the best of his/her/their knowledge and belief.



Lucy C. Morrison
Signature of Notary Public

Lucy C. Morrison
Printed Name of Notary
My Commission Expires May 9, 2025

6.6 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: September 20, 2019

Deed – Book 1506, page 301
Document Number: 00005231