

W. T. PLANNING BOARD MEETING, JULY 7, 2008, 7:30 P.M.

PRESENT: David Douglas, Ginny Jones, Susan Silva, Leah Smith

ALSO PRESENT FOR ALL OR PART OF THE MEETING: Michael Jampel, James Ferry, Amy Carignan, Sherry Sidoti, Ann Bassett, Melissa Manter, Michael Nania, Cynthia Aguilar, Constance Breese, John Pavlik, Rez Williams, Woody Bownman, Harriet Bernstein, Dan Larkosh, Monte Bizzarro, Clarke Bruno, Simone DeSorcy

CORRESPONDENCE

In: MVC re. Up-Island Paint
Al DeVito re. 250 State Road
Bea Amaral re. Ferry Tennis Center
William Coogan re. Peter Williams
David and Libby Fielder re. Peter Williams

Out: Selectmen re. Chilmark Flea Market

Jampel Special Permit, M31, L121: Michael Jampel said that the Island Affordable Housing Trust (IAHT) will hold the ground leases; home owners will work with banks to secure their own mortgages. The two affordable homes will pay a \$50/month land lease fee to the Trust. There will be 99 year leases. David said that having the Trust involved is good oversight for when affordable housing gets resold. Ginny asked who would own the land for the market rate lot; Michael Jampel said the homeowner would own that condominiumized portion of the lot. He said the two affordable houses would be allowed up to 3 bedrooms maximum, and the market rate lot 4 bedrooms.

Ginny said she would like to see the driveway widened at the State Road intersection to accommodate 2 cars; Board members agreed that the first 20 feet should be widened, and that there should be a tarred apron per the Rules and Regulations specs. It was agreed that there would be a single, shared driveway with the abutting lot to the rear, and a road association would be formed. David said there should be a dormant bike easement along the front of the lot parallel to State Road. The project is subject to Board of Health approval. Also, the Fire Chief will be consulted to see if there are any hydrant/hydrant fund requirements. Susan made a motion to approve the special permit; all in favor.

James Ferry Tennis Center Modification: James Ferry said that he wanted to modify his MVC and Planning Board approved project; instead of two low traffic generating offices on the second floor (one for himself and one to be rented) he would like to have a yoga/aerobics studio. The modification was sent to the MVC; the MVC said it was not a large enough change to trigger their review.

David read a letter from abutter Bea Amaral in support of the project. Abutter Amy Carignan said she wasn't aware of the project. Ginny said that when the project was originally applied for she was under the impression that the neighbors were aware of the proposal. Amy Carignan said that the project is different than what James Ferry originally described. The project now looks directly into her bedroom. She just invested \$150,000 in renovations. The backyard and patio have lost all privacy. She is in lock-

down inside her house. She requested some evergreen plantings for screening. She requested a site visit.

Ginny said she was under the impression that James Ferry's property had quite thick plantings. He said he is planting a tree for every one on the site he cuts. He will plant fast growing Leyland Cyprus trees for screening. He invited the Board for a site visit.

Susan said she found the overall proposal extremely busy. Ginny said it was a small piece of property with a lot going on already. James Ferry said that the house in front is now only a house with a basement apartment; the dog grooming home occupation has moved out.

Sherry Sidoti, prospective yoga instructor tenant said that classes average between 15-20 people. Ginny noted that a lot of classes were being proposed. James Ferry said that people can park behind each other.

Amy Carignan said that the Wellness Center, on the other side of her lot, is a great neighbor. It is almost irresponsible for James Ferry to put so much use on such a small lot. It is excessive for Ferry to add yoga on top of tennis and racquetball. She is already dealing with dirt, dust, and the sound of traffic. With a decent buffer she thought she could deal with the original proposal, but adding the yoga studio tips the scales. She will have to live with light, sound, and visual impacts.

David said that this is a problem not easily solved. Town only has a small business district; when it was created the intention was for even higher intensity businesses than a yoga studio. David asked how much room was between her and the property line; Amy Carignan said it was very narrow. David said that both property owners can do plantings.

Ginny said that when the project was first proposed it was a small operation but it has grown. She said she felt this was too much for the small lot, even with the dog groomer leaving. James Ferry said that he has a lot of money invested in this and cannot be restricted so much. Ginny said that he had originally applied for office space on the second floor, and the Board agreed to that low key use; the new proposal is for a very intense high traffic use. She said she didn't see how he could make it any more intense. Leah said a site visit needed to be scheduled; she asked Simone to bring an aerial photo to the visit.

Peter Williams, 90 Dr. Fisher Road, LI District: Peter Williams presented his latest plan to store heavy equipment on his lot, and read from a list of restrictions dated June 27, 2008. There would now be a single wide entrance off Dr. Fisher Road. The plan shows a 6' high stockade fence set back 20 feet from the center of Dr. Fisher Road and Pine Hill Path, with 4' high Leyland Cypress 6 feet on center. He said he tried to address the Board's/neighbors' concerns re. no access off Pine Hill Path, screening, and providing professionally drawn plans.

David said there should also be plantings along a portion of the fence along the Bizzarro property line. Irrigation would be needed. He said 6' trees on 8' centers would be better. Melissa Manter agreed, asking why there wasn't any screening proposed on the rear property line; Peter Williams said because there is a huge, high soil pile on that lot. Susan said added that that lot is in the LI District.

Ginny asked Peter Williams to define what he means by a truck; Leah noted that with the Bizzarro proposal the Board knew exactly what kind of trucks would be parked there. Peter Williams said they probably wouldn't be semis, but probably large dump trucks up to 18,000 lbs. He will not be bringing containers or Allied Waste back to the site. Without containers there are no setback issues. David said the proposed screening would be adequate for screening trucks no larger than 18,000 lbs. Ginny said she was pleased to see the inclusion of a local property manager. She said she would prefer to see a full-time manager on site. Peter Williams said he cannot justify this economically without trucks in and out of the property full time. He said he has worked out an agreement with Bizzarro to maintain the road; he is also working with residential neighbors.

Peter Williams said that the proposal is for 80% lot coverage. There was a discussion that trucks cannot be parked as if on the freight boat; there must be room to maneuver. David said parking areas were not addressed on the plan. Susan asked whether the entire lot would be clearcut. David said at least a third is already cut; he would like to see no further clearcutting. Melissa Manter said the lot is currently pretty empty.

Ginny read a comment letter from neighbors David and Libby Fielder. Peter Williams said that the Fielders had made no attempt to reach out to him. He said that this is the most benign use of the lot allowed by zoning. He said he looked for something that would have the least impact save making it a park.

A letter was read from neighbor William Coogan. Peter Williams apologized for allowing Allied Waste on the property without securing Town permission; he thought it was an as-of-right situation. Ginny said that the Board tried to work with him, but in the meantime he expanded his zoning violation. Peter Williams said that the letter's proposal to be limited to 6 vehicles was not economically viable. Ginny said his plans were too amorphous.

Ginny said the property should be fenced and screened on all 4 sides. David said he didn't feel it was needed where it abuts the LI district, but trees should be planted along the Bizzarro property line to the Bizzarro cross-ways fence. Leah said a fence all around the property is a good safety precaution; Bizzarro has fencing all around. Peter Williams said that Keene and Olsen are a much more attractive nuisance and they are not fenced; his proposal does substantially more than anybody else's. Susan asked whether a 20' buffer with trees was adequate. David said he would like to see a 30' buffer, holding the trees back from the road as Leyland Cypress grow quickly. Peter Williams said this would be taking another tenth of an acre from the property. David said that trees won't

work well if pressed hard against a fence and the road. He said he understands that Williams doesn't want to give up more property, but if the buffer is to thrive there is no choice. Susan agreed that it needs to be wider, especially given the number of vehicles he is requesting to park there.

Melissa Manter asked whether this would be for short- or long-term storage. She asked whether stockpiling would take place, and whether landscapers would be operating their businesses there. There is already a lot of traffic with few turnoffs on Dr. Fisher Road; it's dangerous. She said she is uncomfortable with the land being clearcut right to the property line, noting that some clearing may have been done on her property without her permission. When the dumpsters were there, they were tasteless and ugly, signifying Mr. Williams' lack of sentiment for the area and the people.

Peter Williams said that traffic is inevitable. Re. the clearcutting, he said he has the right; he could clear the entire lot for a pig farm without needing permission.

Susan said that when Monte Bizzarro worked with the Selectmen to improve the road, more turnoffs were created; more are needed. Melissa Manter said that she owns on one side of the road and would not be interested in creating more on her property. Susan said the adequacy of the road for the proposal needs to be considered.

Dan Larkosh said that the location of the existing driveway off Dr. Fisher Road is a better location than the one shown on the plan. He agrees with David that the buffer should be wider; the Bizzarro property has a 100' buffer. David noted that this distance was offered by the applicant. Dan Larkosh said that there is already much truck traffic on the road. Bizzarro is limited to 7 trucks; the Williams proposal would exponentially increase this. The amount of traffic during the trial period should be in keeping with Bizzarro; it works financially for Bizzarro.

Dan Larkosh said the neighbors had asked that no business be conducted on the site; no fuel storage; no night lighting; no guard dogs.

David read from a legal opinion from Reynolds Rappaport and Kaplan stating that reasonable setbacks can be applied in Site Plan Review.

Ann Bassett, Byways Committee Chairman, said that they could expand their current DCPC Special Ways proposal to include Pine Hill Path and Dr. Fisher Road.

Constance Breese said that if Peter Williams were sincere he would not resist the setback issue, which is important to the neighbors.

Harriet Bernstein asked what Light Industrial means; Ginny read the definition in the zoning bylaw.

Leah read from the MVC DRI checklist; commercial parking lots for 10 or more vehicles are an automatic referral to the MVC. Williams said if he is going to be sent to the MVC, he will resubmit a more intense proposal.

David said he would like to see a 50' buffer on Pine Hill Path, and a 30' buffer on Dr. Fisher Road. Leah agreed with Dan Larkosh that the existing driveway location is preferable.

Melissa Manter asked whether Peter Williams would downsize his proposal in order to avoid MVC referral; Peter Williams said no, in fact he would increase his proposal.

Ginny made a motion to refer the project to the MVC as currently proposed; all in favor.

Martha's Vineyard Savings Bank: Simone reported that the ZBA would like the Planning Board's input on two issues re. the Bank's proposal. First, the Bank would like to create two affordable apartments on the property, but not on the second story of the commercial building. The zoning bylaw section refers to second-story apartments. Board members felt the inclusion of 2 affordable apartments met the intent of the bylaw. Second, the ZBA wondered whether the Planning Board needed to permit the housing portion of the project; Board members agreed that the project should be reviewed in its entirety by the ZBA, with the Planning Board having the opportunity to comment.

The meeting was adjourned at 10:35 p.m.

Respectfully submitted,
Simone DeSorcy, administrator