

Transcript
Land Use Planing Committee
Martha's Vineyard Commission
11/17/95 - West Chop Trust

[Overview of Project by Hutker & Applicant, followed by discussion concerning MVC action as follows]

Mike D - My thought here is, the ZBA does, or did in fact, send this thing here with these things checked off - I don't know what our ability is to . . .

Thom - There really is a very narrow issue before you: it has been referred, and the presumption is that it is a DRI, but you operate under your own rules. If you feel - or if the Commission feels - that it really doesn't meet these two, then it can say "send it back," the same way you did with Tashmoo Woods a couple of months back. If, on the other hand you feel that it clearly meets is, then you just go ahead like normal.

Mike D - It's especially odd because it clearly meets it but it clearly wasn't generally our intent to review this; some of the people may feel differently. I think that we might need to talk to the whole board on this.

Agent - I have a suggestion, Michael, that there's a possibility that we've talked about for the first time this morning. We're considering that you reject this as a DRI with a condition that we provide six parking spaces somewhere in those back woods.

Mike D - Well, if the parking is not in the Coastal District . .

Agent - The Coastal district is 500', which includes this . . .

Mike D - . . . if you're there, that eliminates item #4b - you're out, as far as I'm concerned. Then it wold just be the issue of doing a little research on 13b. Or else, the ZBA just says your parking isn't required in the Coastal District.

Jennie - I guess the other question is would the club be willing to provide parking on the other side of the site . . .

Agent - . . . which we would. As a practical matter, people are going to get out of their car and walk up. we're not fooling you by saying "we'll provide spaces behind the tennis courts;" people are going to pull up on the lawn and go to their unit.

Jennie - The problem is this becomes a designated parking area and it is right on the road in the Coastal District and viewscape, and if you could stuff cars somewhere else it's going to be a lot more attractive for everybody.

Mike D - I would think the ZBA could deal with it . . .

Jennie - . . . but also the question that I'm not sure about, where this is a quasi-commercial building, and in fact it's becoming a condominium, I'm not sure how the Town of Tisbury parking law reads in that respect.

Agent - They tell us a couple of things. They don't like cars backing up on pavement.

Jennie - Nobody does.

Agent - But they also, and this is not a criticism, but they didn't get it in town, of how its been used for 100 years, and in the process of getting it they didn't care, and if you went up there, a picture's worth a thousand words. If you went there and saw a typical summer day, it would look normal and natural. You couldn't think of it another way; if you tried to tinker with it, and tried to make it a little bit more perfect, or to conform to a current law or by-law, you might make it worse . . .

Jennie - The problem is though, that what has existed in the past may not work in the future if you're going to bring in another dozen cars . . .

Mark - . . . we're not, we're . . .

Jennie - . . . maybe you are, maybe you're aren't. How many vehicles were connected with the building before, its not really clear. So that, another issue, and the Town at some point is going to have to look at the fact that more building is going on in that area and they are going to have to start addressing the fact they're parking illegally, for safety issues, and fire.

Mike D - Didn't I read something about parking out there? Parking over by the flag pole or something?

Agent - What happens in the summertime now is that - well, we all know what's happened in the last 19-20 years - people go up there when the sun goes down - 10 or 15 cars - it becomes . . .

Jennie - . . . if it becomes like Menemsha, you've got a real problem - and then you do want to have designated parking spaces.

Mike D - Well, I think the permit that's before the ZBA, I think they're telling you they require parking, so they're asking you to put in the 12 parking places. Now, if you're going to put them in the Coastal District, it's a problem up there, that's going to need to be reviewed. I would imagine people are going to review your parking up there anyway, because it is willy-nilly and it is a mess. But if you require parking off of that Coastal District, and that's ok with the ZBA, then you skirt us dealing with it. If you're in the Coastal District I think you're going to have to deal with it.

Jennie - Yes, the question is whether the ZBA is going to require on-site parking or allow off-site parking because . . .

Mike D - . . . Right . . .

Jennie - . . . a lot of different issue because it's condos . . .

Mike D - . . . but the local boards can deal with it to start with. If you get out of the Coastal thing, then we don't have to look into everything.

Mark D - When I read the checklist, it says parking lot, more than five . . .

Jennie - Again, parking for 12 vehicles - that's interpretation - and remember, that [pink checklist] is a breakdown of the Standards and Criteria . . .

Mark D - . . . in my mind, there's a big difference . . .

Jennie - . . . well, someone could have 4 cars here and 4 cars here and 4 cars here and [inaudible] and we're certainly not going to look at it the same way [inaudible] it's not so intense to look at, but that's me, others feel different - Michael wants more trees.

Mike D - Yeah, and it's a shame to put parking out there, to dig up the green grass and move trees around - it's pretty nice the way it is.

Mark - As you can see, we went out and measured as best we could because these are beautiful trees out there and the [inaudible] we're proposing is between the . . .

Mike D - Yeah, it would be a shame to break that up with gravel or pavement or something like that. But on the other hand, there are people who are not going to like you backing up onto the street.

Jennie - The Town may not allow that.

Mike D - We definitely never recommend that, so I would say that's the problem with the project, I would work with the ZBA and try to get it off-site.

Jennie - See if the ZBA will allow you to do it off-site first.

Mark - What if we leave 5 there, and put 7 out of the Coastal District?

Jennie - Don't mess around with numbers . . .

Mike D - Well, "more than five," it says what it says.

Thom - If you go back and do that, are they still going to send it here under the other checklist item? [13b].

Mike D - I think that's another whole thing.

Thom - You don't want to go back and go through all that and find yourself here again . . .

(several voices in general agreement at once)

Jennie - If you could put some of the cars somewhere else [inaudible]

Mark - Well, we have two schemes that show parallel parking, so that can be accomplished.

Jennie - [inaudible]

Mike D - How do we get around 13b, though?

Agent - What does it mean?

Jennie - It means that you're condo-izing

[laughter]

Mike D - Yeah, that's what this thing was for, was condos, right?

Jennie - Right.

Mike D - 10 rooms . . . more than 10 rooms for use . . . but they've already got 23.

Jennie - Yes, so it's an interpretation as to whether it's an increase over the existing or not - what do the Standards and Criteria say?

Thom - "Any proposed development, including the expansion of existing developments, that is planned to create or

accommodate more than ten dwelling units or more than ten rooms for lease or rent." That's the legal Standard.

[lengthy silence followed by multiple simultaneous discussions]

Jennie - It says "including expansion," not "over and above."

Mark - This is a reduction.

Jennie - Will it create or accommodate 10 units for lease or rent? Yes, it would.

Mark - But you're saying that if an owner wants to lease it to a friend . . .

Jennie - . . . they wouldn't be able to lease it unless it came through this process - the owner would not be able to lease it; or else he'd be in violation if he didn't come through the Commission.

Mark - Well I think one of the reasons, and correct me if I'm wrong, I think one of the things that they're trying to get at is to lessen the turnaround in the building and have families come and use the thing all summer long because they own them, as well as finances . . .

Jennie - . . . Yeah, but then you've got club members who already own homes here who purchase them with the intent of leasing them . . .

Mark - . . . One can hypothesize . . .

Jennie - . . . yeah, [inaudible] both sides . . .

Mark - . . . if you project 23 rooms and use them, septic, and vehicular, versus 12 bedrooms . . .

Jennie - . . . I'm not saying the impact is more, but the way this reads, if you take out the expansion wording, it says "will the proposed development create or accommodate ten rooms for lease or rent."

Mark - And they're not, the answer is no, they're creating 12 bedrooms . . .

Jennie - . . . the answer is yes, unless you put in your deeds that they can not be leased or rented.

Agent - I don't follow you.

Jennie - I know -

[laughter]

Agent - If you put 12 out and you cut it down to 10, you're creating 10? So if you follow that . . .

Jennie - Well if you read this, take out the "including the expansion," it says "will the proposed development create or accommodate more than 10 rooms for lease or rent?" So you would have to stipulate that . . .

Agent - So even if you're reducing, you'd fall under that, is that what you mean?

Jennie - I think that's what it means - I don't know if other people read it differently, but that's how it reads to me.

Mark - See, I always thought that the first part of that . . .

Jennie - . . . and I think that . . .

Mike D - "Expansion of existing [inaudible] related or contiguous development . . . create or accommodate . . . I don't know - I can hear Lenny [Jason] yelling in the background "what's the net difference?" You start with this and you end up with this, and what do you got?

Jennie - I agree, but that's not the way it's worded.

Mark - You got about half . . .

Jennie - . . . I agree, but that's not the way its written.

Mike D - I think the parking is more of the issue, regionally, myself . . .

Jennie - . . . Yeah . . .

Mike D - This could be a wash. We could just argue this back and forth and say "the hell with it" but I think the parking's a concern. There's abuse, there's traffic, and you're a private entity with a lot of public use going on around there, and the Coastal does bring in aesthetics; it's a little extra to look at. I'm sure you guys are concerned with that also, so you can see where I think we'd be more concerned on the Board for the parking than . . . this, we'll debate it.

Agent - I'm not sure on your rules and regulations, can I make a suggestion, throwing this out [inaudible] That we see if we can continue this hearing -'cause usually you go from one to the next - for a longer period

of time so we can go back to the Board of Appeals, and see if they will . . .

Thom - Just so you know, this is not a hearing . . .

Agent - . . . Right, I understand [inaudible] ZBA [inaudible] where are you going to require parking and general parking regulations.

Mike D - Plus, that'll give Jennie a chance to clear her head . .

Jennie - . . . about a month, yeah . . .

[general laughter]

Mike D - Well that'll give us a chance to go talk to staff and see what we've done in the past and what was said when we out these things together [inaudible] 13b.

Agent - Any suggestion on a future date?

Jennie - Why don't you talk to ZBA about this . . .

Agent - Yes . . .

Jennie - Sorry to keep sending you back and forth, but I figure if they can resolve the parking issue, we may be able to resolve the whole thing.

Mike D - That's right. We meet every Monday . . .

Mark - . . . You mean find out their minimum requirements?

Mike D - Will they let you go out of . . .

Jennie - . . . off-site. What their actual Town requirements are for parking.

Mark - See, if we can put seven . . .

Jennie - Are they going to ask you for a lot?

[multiple discussions concerning ZBA allowing off-site parking]

Jennie - But you know we also, in our draft for new Standards & Criteria for item 13b, we didn't change the wording for that, either, so it's something we should think about.

Mike D - Yeah, there's a chance we could change this by the 1st of the year [laughter] and straighten it out [laughter].

Thom - Our next full meeting is December 21 of the entire Commission . . .

Jennie - . . . So if you want to get in on that . . .

Thom - . . . I would have to advertise tomorrow if we were going to public hearing . . .

Agent - We'll come back to Land Use first.

Mike D - Yeah.

Agent - You're going to talk to people, and get a feel . . .?

Mike D - We'll talk to staff . . .

Jennie - We'll review, I'm pretty sure this checklist [inaudible].

Mike D - . . . for Condos, and skirting some of the steps.

Mark - Can we get a sense of what you think before we go to another meeting?

Jennie - There's only two of us, we can't speak for the whole Commission.

Agent - Oh, I thought you were going to talk to other people and get some feedback.

Jennie - No no no no no.

Agent - That's got to be done at a formal meeting?

Jennie - Yes

Mike D - Yes. we can ask staff to look into what we just talked about, talk to Chuck, you know, look at our Standards & Criteria and how we put this stuff together and they can make a recommendation to us next time, too.

Agent - Oh, so depending on the ZBA . . .

Jennie - Seriously talk to them about it.

Agent - The next meeting would be the 21st?

Thom - Since you don't want to go ahead to a public hearing, the only thing that could possibly take place at this point would be an issue before the full Commission as to whether or not they want to send this back to the Town.

Mark - The Commission could do that?

Jennie - Yes.

Mike D - Yes. Actually, you do that without a public hearing.

Jennie - And we will be changing our Standards and Criteria.

Agent - And that meeting is not a public hearing?

Jennie - Not for this.

Mike D - It sounds like what you're asking us to do is to hold a hearing to decide whether to make you a DRI or not. That we can do on the 21st without . . .

Thom - . . . It's not a hearing.

Mike D - I'm giving you my feeling that if the ZBA wants you to put parking here . . .

Jennie - . . . If ZBA says they want parking "there," then we're going to want to look at it, and if you can't find an alternative . . .

Mike D - My feelings on this, we may take this out.

Jennie - Another thing about the parking, even if it isn't that bad, if we don't hear it we could get ourselves in big trouble down the road on another issue with similar circumstances but with parking [inaudible]. So, we get caught on that stuff, we have to be consistent.

Thom - Re-present to the ZBA in such a way that maybe they'll just withdraw the referral completely and say this "new thing doesn't even apply" Or, they'll refer it only because of the [number of] "units" issue which the Commission can still put on the agenda and discuss in December. Or, they may say, "no, we want the parking spaces right there," in which case, welcome to the Commission.

Mike D - Right. And in the meantime, we're going over our Standards & Criteria. we might discuss this in one of our next Land Use meetings, so that we would understand where we want to go with that.

[remainder of meeting discussed the Commission calendar].