

# THE MARTHA'S VINEYARD COMMISSION

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BOX 1447, OAK BLUFFS, MASSACHUSETTS, 02557, 508-693-3453, FAX 508-693-7894 [INFO@MVCOMMISSION.ORG](mailto:INFO@MVCOMMISSION.ORG)

## Minutes of the Meeting of June 10, 2004

Held in the Olde Stone Building,  
33 New York Avenue, Oak Bluffs, MA

### IN ATTENDANCE

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**Commissioners:** James Athearn (Elected – Edgartown), John Best (Elected Tisbury), John Breckenridge (Appointed - Oak Bluffs), Christina Brown (Elected – Edgartown), Linda DeWitt (Appointed - Edgartown), Jane A. Greene (Appointed - Chilmark), Katherine Newman (Appointed - Aquinnah), Ned Orleans (Appointed - Tisbury), Megan Ottens-Sargent (Elected - Aquinnah), Robert Schwartz (Appointed - West Tisbury) Doug Sederholm (Elected - Chilmark), Linda Sibley (Elected - West Tisbury), Paul Strauss (County Comm. Rep.), Richard Toole (Elected – Oak Bluffs)

**Staff:** Mark London (Executive Director), Bill Veno (Senior Planner), Jo-Ann Taylor (DRI Coordinator), Christine Flynn (Economic Planner), Bill Wilcox (Water Analyst)

### 1. 4 CAUSEWAY ROAD: DRI 574, VINEYARD HAVEN: PUBLIC HEARING

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*Commissioners present: J. Athearn, J. Breckenridge, J Best, C. Brown, L. DeWitt, J. Greene, K. Newman, N. Orleans, M. Ottens-Sargent, D. Sederholm, L. Sibley, R. Schwartz, P. Strauss, R. Toole*

*For the Applicant: Gerald Sullivan, owner; Moira DeHaven Fitzgerald, architect; Andy Grant, traffic analyst*

**Christina Brown** opened the public hearing and summarized the proposal for a 3728 square-foot footprint office building and the reversion of an existing building from office use back to residential use.

#### 1.1 Applicant's Presentation

**Gerald Sullivan** said the building has been in his wife's family since 1940; he talked about his background and briefly about the project.

**Moira DeHaven Fitzgerald**, architect, reviewed the plan. She clarified the following:

- The building will appear from the road to be 3 separate buildings of 2 stories each.
- Height is calculated from the mean natural grade which is 36 feet above sea level; the height limit above mean natural grade is 35 feet; at its highest the building is 32 feet.
- Setback requirements are 0 feet at front line; 2 feet at back line. The setback is between 8 and 20 feet at the front and meets setback requirements all the way around.
- The landscape plan proposes that the majority of trees remain.
- The building will be professional office space; no retail or restaurant is planned.
- The 3600 square-foot footprint covers 14.7% of the lot.
- The existing building will be converted back to a 3-bedroom house which will be rented year-round.
- The entrance from Causeway will shift about 6 feet.
- Existing paved areas will remain paved; the architect and owner are looking at options for a non-paved parking lot.
- Preliminary septic plan calls for leaching field under parking lot with water run-off going to dry wells.

**Andy Grant** reviewed the traffic impact assessment.

- He analyzed existing conditions at four intersections.
- He then estimated trip generation with 8 office units and a 3-bedroom unit at 176 new trips on a daily basis. Worst condition was estimated at 48 new trips Friday afternoons between 4:00 and 6:00 p.m.
- Other conditions include that the site is on a major transit road and in a business district.
- Retail use would generate more intense traffic.
- The numbers result in level of service C; the "realistic" test is back-up at other intersections affects Causeway and State Road intersection; congestion prevails during peak period.
- Mitigation measures for consideration include the sidewalk, encouraging use of public transportation, and stop sign coming off the property.
- He limited the scope to the site and alternative routes.

**Moira Fitzgerald** pointed out density concentrated in the business district allows people to walk and reduces sprawl.

She clarified that the building is 134 feet long.

## 1.2 Commissioners' Questions

In response to Commissioners' questions, **Moira Fitzgerald** clarified:

- The parking lot to State Road is 74 feet.

- The elevation of the proposed parking lot is the same as the existing.
- 24,329 square feet is the lot total
- The main portion of the building is 38 feet wide, with a 4 foot section out on the front.
- 10 foot elevation difference exists between upper and lower area of the parking lot.
- Mr. Coogan will probably want one unit; possibly two.

**Moira Fitzgerald** explained, in response to Linda Sibley's question, that the plan will have separate dry wells for parking lot run-off. The engineering plan isn't complete. **Gerald Sullivan** said he doesn't want pavement but prefers stone dust which is in place now.

Regarding traffic, Commissioners asked the following:

- **James Athearn** asked for accident history at the State Road/Causeway intersection and whether the slope at Causeway is considered an issue. **Andy Grant** will research.
- In response to **James Athearn's** question about traffic at Cronig's versus Causeway, **Andy Grant** suggested traffic is the same; the stand-out difference might be that the Causeway location is more conducive to walking. **James Athearn** suggested neighbors may want to know if traffic generated by the project will affect their lives. **Andy Grant** said that neighbors might notice more people passing through.
- **Kathy Newman** asked about the proposal's affect on the intersection of Causeway and Skiff; the level of service doesn't change noticeably. The intersection of Skiff and Edgartown Vineyard Haven Road has level of service B, about a 35 second delay.
- **Jane Greene** asked about delay turning left onto State from Causeway on a rainy day in the summer. **Andy Grant** explained that the traffic is already so bad that this proposal couldn't make it worse. **Jane** asked how it would affect the neighbors.

**Megan Ottens-Sargent** asked about including a sidewalk or path towards Veterans Park. At this point, the proposal does not include a sidewalk or path.

**John Breckenridge** expressed concern about snow piling up on the front sidewalk. **Moira Fitzgerald** clarified that the sidewalk is not in Mass Highway's right of way. **Moira Fitzgerald** wouldn't object to obtaining clearance from Mass Highway for putting in a sidewalk.

**Doug Sederholm** asked about building a sidewalk along Causeway; **Moira Fitzgerald** said that it not very feasible because of the slope and existing trees.

**John Best** asked about the bathrooms including showers; the showers are for people who bike to work. **John Best** commented that the Sullivans have taken into

consideration the Commission's concern about massing of the building. He also suggested ways to break up the length of the profile.

In response to a question from **Megan Ottens-Sargent**, **Andy Grant** responded that residential units are calculated at generating 8-13 one way trips per unit. Office space trip generation is based on square footage. The office space puts a little more strain on the peak hour of Friday afternoon, but the numbers are similar.

**Linda Sibley** asked for a photo montage that gives a sense of scale from the back of the building.

**Linda DeWitt** expressed concern about 18 parking spaces for 8 units and customer versus employee parking. **Gerald Sullivan** gave alternatives of the Park and Ride lot and the lot on Causeway Road

### **1.3 Staff Report**

Jo-Ann Taylor summarized staff notes including:

- Square footage is as follows:
  - 7271 sq. ft. of office space
  - 8603 sq. ft. of interior space (offices, stairs, etc.)
  - 9500 – 9800 sq. ft. of exterior walls
  - 1780 sq. ft. for the existing building
- Zoning is B-1 allowing office use. Application to the Conservation Commission for determination of applicability for proximity to wetlands and to the Board of Health for approval of the on-site septic systems will need to be made.
- Staff notes include a summary of the LUPC meetings on this DRI.
- The Commission's traffic consultant Charles Prevost reviewed the traffic study and concurred with methods used; his report states the detriments would not adversely affect congestion in the area. He suggested limiting the project to the uses proposed.
- Affordable Housing component is the conversion of office space to a 3-bedroom year-round rental.
- Trees all along State Road remain.
- Letters regarding insurance are in staff notes.
- No correspondence from town boards was received.
- The Commission received four letters from the public opposing the project for various reasons including traffic parking, scale, and its affect on the neighborhood.

**Jane Greene** asked if the fire chief had sent a letter regarding the project. A letter is needed from the fire chief regarding fire truck access to neighbors.

**Bill Wilcox** said the drinking water will be town water. He summarized the septic plan:

- The preliminary plan is based on 9938 square feet of office space plus 3 bedrooms.
- The leaching field is 48 ½ foot trenches with the reserve area between trenches. He said the design looks workable. He speculated that the parking lot/leaching field will need to be leveled somewhat to deal with grade changes.
- The drainage calculations look good and the drainage pit plan looks workable. He requested a conceptual plan for drainage and erosion control which will be staked hay bales.
- Groundwater flow is toward the harbor. There are no physical constraints to handling run-off and wastewater. He has concern about water flowing to the Lagoon, but the model shows water flowing toward the harbor and Five Corners. He said flow is difficult to predict with any accuracy, particularly when two bodies of water are close together in the down-gradient direction, to which body the wastewater will flow.

**John Best** asked about methods for flow analysis, particularly in terms of town septic which removes groundwater from the flow. **Bill Wilcox** said the model wouldn't be affected but the reality may be the town sewerage project will result in more flow toward the harbor. The corner of the leaching field is 108 feet from edge of wetlands.

Two questions for the applicant are: what aspect of the project falls under the jurisdiction of the Conservation Commission and in what ways does the project relate to the 100-year floodline contour.

#### 1.4 Comments from Town Boards

**Christina Brown** said that the Commission will be requesting comments from the Planning Board and the Fire Chief.

#### 1.5 Public Comments

**Helen Gelatt**, resident, requested a clearer schematic of residential versus business in the area. She explained that residents of the area don't have the luxury of picking and choosing the time they "go to town" so they are always affected by traffic. She pointed out that the pitch from the applicant's property to the wetlands is straight down. From the Mansion House to Edgartown Vineyard Haven Road is very heavily traveled, on more than Friday afternoons. She explained that she is a long time resident and she grew up in the house she's living in.

**Shirley Kennedy** lives across the street. She said that 3 ½ stories in front of her house will have a high impact. Traffic is difficult and makes a lot of noise. She hasn't heard of a study on the need for office space. If the office space isn't used, the proposed units will become retail stores and restaurants which would greatly affect residents; no laws in the B-1 zone protect residents.

**Rosemary Casey** lives across from Dr. Finkelstein. She concurred that accidents do take place; her fence is knocked down every three years. Houses in the area are about 50 feet wide. This proposal is for 150 feet. The area has many historic houses. She believes that this proposal will have a great impact on these houses historically.

**Paul Strauss** asked whether making Causeway one way would improve traffic; residents and neighbors were in consensus that it would not.

**Walter Kennedy** lives across the street. He spoke about the number of trucks on the road and the truck numbers do not go down during winter. He often has to wait as much as five minutes to turn right or left onto State Road. Any truck going up State Road in the morning comes back down later in the day. He also believes that the traffic pattern is very different from that at Cronig's because of Edgartown Vineyard Haven Road and the truck traffic.

**Deborah Medders** lives about 2 properties up from the proposed project. She said she is not in opposition of the project; she does object to the scale. She asked whether the attic space is being calculated into the office space. She also asked what prompted the change in location of the parking lot. Her calculation of square footage indicates to her that potentially 30 people could occupy the office space which would put unrealistic demands on the proposed parking. She is advocating that the building be reduced in size and requests that serious consideration is given to reducing the building from 3+ stories to 2+ stories.

**Rebecca Potter Schwab** owns the property next door, 10 feet downhill from the property. She said it seems like a large project for an area that is still considered residential for people who have had family homes for 100+ years. None of the elevations show the scale with neighboring houses, except the photo montage. She asked whether screening is being considered and what is being proposed for lighting. She said pedestrians currently walk through her yard.

**Judy Fedowitz** is a resident of Vineyard Haven and Chairman of the Williams Street Historic District Commission and the Tisbury Historical Commission. She said that the street façade represents a whole complex of architectural styles and the street façade represents a quality and a lifestyle that is particular to Vineyard Haven. The architecture is simple and is usually 1 ½ stories. She finds the mass and scale of the proposed building shocking. The mass and scale of the Mansion House is huge and shouldn't be repeated. She doesn't object to the lot being developed but she believes that the scale of this proposal is too much and will affect the people in the neighborhood. She clarified that the proposed building is not in the Williams Street Historic District, but the Tisbury Historic Commission looks at buildings all over town.

## **1.6 Affordable Housing**

**Christine Flynn**, Economic Planner, researched insurance rates: strictly commercial use annual rate is \$5,000-\$10,000; mixed use annual rate starts at \$15,000. For Affordable Housing, the applicant has offered to rent the 3-bedroom 1780 square foot house to a teacher; she will research rental rates and salary scale before making a rental price recommendation to the applicant. She confirmed that as a private landlord, the applicant has the discretion to limit his rental to a category. She will talk with Mr. Sullivan to answer questions about rental categories and insurance rates. **Megan Ottens-Sargent** said that it would be valuable to determine the monthly rental for someone in the municipal income bracket because that is the applicant's affordable housing contribution.

### 1.7 Follow-Up Comments and Questions

**Jane Greene** asked about the line of site from Causeway onto State Road and whether the proposed building would affect line of site.

**Rebecca Potter Schwab** asked about exterior lighting for the proposal.

**Deborah Medders** asked whether it is the Commission's purview to do an economic impact study for the need for office space. **Christina Brown** responded that the Commission reviews economic factors and the applicant may wish to respond to the question.

**Shirley Kennedy** said that residents have no guarantee that the building would remain office space. **Christina Brown** clarified that the application is for office space, no retail or restaurant space. If the Commission were to approve the proposal, it would be for office space only. A change of use would have to be approved by the Commission and by the Building Inspector. **Ned Orleans** said that a provision in the leases could prohibit a change in use. **Christina Brown** said that the Commission will work on the wording it needs; the application is for and an approval would be for office use only.

**Linda Sibley** said a market study would be helpful because a need for office space doesn't exist, it would be more likely that a lessee or the owner would return to the Commission requesting a change in use. She would also like the exterior lighting and the architectural details to be pinned down, including the façade, trim, color, and air conditioners.

**Gerald Sullivan** said he envisions the new building will have the same look at the existing building. Tenants would be responsible for air-conditioning and they would have individual units. **Moira Fitzgerald** said the exterior will be shingled, with natural cedar trim. An exterior light will be at each door, as required, and parking lot light fixtures will be 5 inches, 2 – 3 feet above grade, down-shielded. Exterior lights that can be put on timers or motion detectors will be.

**Katherine Newman** asked whether the buildings could be three separate buildings. **Moira Fitzgerald** said she tried to design the building as three, but the need for an elevator precluded that plan. **John Breckenridge** commented that in the original plan the original justification for 2 stories was to have affordable housing on the second floor, eliminating the need for an elevator. Changes were made to the plan because of mixed use insurance costs; but the result has caused a massing of the building which neighbors and some Commission members have expressed concern about.

**Judy Fedowitz** commented that a study she was involved in determined that most people want small office units; only dentists want large spaces. She suggested three separate buildings that blend with the streetscape.

In response to **Megan Ottens-Sargent's** question about residential units rather than office space, **Gerald Sullivan** responded that residential insurance is very hard to get and very expensive.

### 1.8 Applicant's Comments

**Gerald Sullivan** said the big tree **Rebecca Potter Schwab** commented on is strangled and he's been advised that it's going to die. He asked **Judy Fedowitz** whether any portion of the Williams Street Historic District is a B-1 business district; she responded that the Vineyard Playhouse and the Sail MV building are. He'll work on responding to other questions raised.

**Christina Brown** said LUPC will meet on June 21<sup>st</sup> at 5:30 p.m. She continued the public hearing until July 15<sup>th</sup>.

The Commission recessed briefly.

## **2. OTHER**

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### 2.1 Minutes

Commissioners read an addendum to the May 13<sup>th</sup> minutes. Approval of May 13<sup>th</sup> minutes was postponed.

### 2.2 Upcoming LUPC Meetings

June 14<sup>th</sup> - Pennywise Path Affordable Housing project

**Katherine Newman** asked for clarification on what the proposal stated that was approved at town meeting; she wondered if neighbors believed they were voting on 12 affordable housing lots. **James Athearn** suggested that the Commission get copies of the warrant and minutes from the meeting. **Paul Foley** is working on it.

**Christina Brown** said that LUPC will also be discussing the 4 Causeway Road proposal and will work with the applicant. LUPC will keep the Commission informed of the schedule for the Martha's Vineyard Hospital application.

### **2.3 Steamship Authority Proposal**

**Paul Strauss** asked whether Mark London had received an invitation to the June 15<sup>th</sup> Oak Bluff's Selectmen's meeting. They are discussing the Steamship Authority's proposed project and the Conservation Commission and Martha's Vineyard Commission would be invited. He explained that the Steamship Authority had requested an informal meeting with the Conservation Commission but because they are already involved in a formal process, the Conservation Commission suggested an informal meeting with the Oak Bluffs Selectmen, Steamship Authority and Conservation Commission.

### **2.4 Cape and Islands Regional Planning Association Group**

On June 11<sup>th</sup>, the committee of Cape and Islands Regional Planning Group is meeting at the Commission offices starting at 10:30 a.m. There will be presentations on various water issues. Commissioners are invited.

### **2.5 Forum**

The next forum is A View from the Road on Wednesday, June 23<sup>rd</sup> at 7:30 p.m. at the Polly Hill Arboretum Far Barn, preceded by an exhibit on road art by Vineyard artists.

### **2.6 Community Development Plan**

Staff is working on the Community Development Plan which is due June 30<sup>th</sup>.

### **2.7 Tisbury Fuel Services**

**Mark London** said he was in court for slightly more than a week for the Tisbury Fuel Services' appeal of their denial. He said there were very extensive discussions between traffic consultants about traffic and the details of ratios and statistics and projections. The trip generation of 4 Causeway Road appears to be one-third or one-fourth of the Tisbury Fuel Services projected trip generation which was about 141 trips at peak hour versus 48. The impact of level of service isn't necessarily proportion. There was a

level of service projection indicating that delay would go from 60 seconds to 300 seconds.

**2.8 Personnel Evaluation**

**James Athearn** asked about personnel evaluation. The process is on-going.

**2.9 Mail**

Commissioners discussed e-mail versus hard copy preferences. **Mark London** said staff will try to work something out.

The meeting adjourned at 10:25 p.m.

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Chairman

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Date

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Clerk-Treasurer

\_\_\_\_\_  
Date