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Minutes of the Commission Meeting Held on October 20, 2016 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

Commissioners: (P= Present; A= Appointed; E= Elected)

P Tripp Barnes (E-Tisbury)	- James Joyce (A-Edgartown)
- Yvonne Boyle (A-Governor)	P Joan Malkin (A-Chilmark)
P John Breckenridge (A-Oak Bluffs)	P Katherine Newman (A-Aquinnah)
- Christina Brown (E-Edgartown)	P Doug Sederholm (E-West Tisbury)
- Peter Connell (A-Governor; non-voting)	- Ben Robinson (A-Tisbury)
P Robert Doyle (E-Chilmark)	- Abe Seiman (E-Oak Bluffs)
P Josh Goldstein (E-Tisbury)	P Linda Sibley (E-West Tisbury)
P Fred Hancock (E-Oak Bluffs)	P Ernie Thomas (A-West Tisbury)
P Leonard Jason (A-County)	P James Vercruysse (E-Aquinnah)

Staff: Adam Turner (Executive Director), Christine Flynn (Economic Development and Affordable Housing Planner).

Chairman James Vercruysse called the meeting to order at 7:00 p.m.

1. OAK BLUFFS WATER DISTRICT SOLAR PANELS DRI 660 PUBLIC HEARING TO BE CONTINUED WITHOUT TAKING TESTIMONY

Commissioners Present: T. Barnes, J. Breckenridge, R. Doyle, J. Goldstein, F. Hancock, L. Jason, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruysse.

Fred Hancock, Public Hearing Officer opened the continued Public Hearing without taking testimony and continued the Public Hearing until November 3, 2016 at the applicant's request.

2PHILLIPS HARDWARE MIXED USE-OAK BLUFFS DRI 663 CONTINUED PUBLIC HEARING

Commissioners Present: T. Barnes, J. Breckenridge, R. Doyle, J. Goldstein, F. Hancock, L. Jason, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruysse.

For the Applicant: Chuck Sullivan, Donna Leon, Susan Phillips

Fred Hancock, Public Hearing Officer opened the Continued Public Hearing at 7:03 p.m.

2.1 Staff Report

Adam Turner presented the following.

- The first floor will be the hardware store and the other two floors will be the eight unit hotel.
- Trip generation and parking have been reviewed again and there were not any noticeable changes.

- The economic impact could generate quite a bit more revenue such as sales tax and room tax revenue.
- A letter was received from DeBettencourt & Weiss, P.C. for Reliable Market noting that the staging would not be done in their parking lot on Kennebec Avenue.
- The applicant went to the Town of Oak Bluffs and received approval for staging in the front of the building.
- Additional correspondence was received by the MVC from the public.
- The proposed construction will start in the Winter 2017 with the hardware store opening in the Summer 2018.
- The residential units will be used as hotel suites.
- The applicant plans to go back to the Town for approval as residential units but right now the MVC is obliged to review the project as a hotel with eight units.
- Site photos were shown of the location in the 1880's including Circuit Avenue looking south showing the Oakwood Hotel. Typical massing at that time was on the road for the first two stories and then going up in the back. Historic photos were shown including a remnant of the Oakwood Hotel.
- Site photos were shown of the existing and proposed western elevation, the proposed floor plan for the eight hotel suites and the site plan.
- The construction plan is now on Circuit Avenue and demolition would be beyond the sidewalk. During construction the sidewalk would also be taken for a period of time.
- The first phase is demolition and pedestrians would be re-routed.
- The second phase sidewalk would be covered for pedestrian use.
 - **Doug Sederholm** asked if the sidewalk would be useable during phase 1.
 - **Chuck Sullivan** said the sidewalks would be blocked with a chain link fence and pedestrians won't have to cross to the other side of the street to use Circuit Avenue. The sidewalk will be redirected.
- A site photo was shown from the Corner Store showing the height of the existing building.
- Aerial views of downtown Oak Bluffs were reviewed.
- The alley was shown where it will become the entrance to the hotel suites.
- A view from the Reliable Market parking lot showing the Arcade Building was shown.
- Photos of the existing third floor interiors were reviewed.
- Views from the current second and third floors were shown.
- The half basement is currently used for storage.
- There is a grade change between Phillips Hardware and Rosebuds.

Fred Hancock, Public Hearing Officer noted that Kathrine Newman has rehabilitated herself for this meeting. She has watched the video of the first Public Hearing and signed sworn testimony to that effect and can now sit on tonight's Public Hearing.

2.2 Applicants' Presentation

Chuck Sullivan presented the following.

- When we left the last time the hotel had just been presented to the MVC as a hotel. The reasoning for that was that the original application had three four bedroom units. The goal is to have eight units: four one bedroom units and four two bedroom units. The only way to do that under the current zoning is with the Hotel By-law.
- Although posed as a hotel in the application, the applicant's intention is not for that. The goal would be to come back to the MVC in the Spring/Summer 2018 with the hopes of an update in the local zoning to allow for eight year round units or 40B.
- To make the project financial feasible eight units are needed.

- The current proposal allows us to design and engineer the building as eight units.
- There has also been correspondence from the Reliable Market since the first hearing that they should not share the responsibility of staging the project and that should be done on Town property.
- The applicant has met with the Selectmen on using the town property/Circuit Avenue and closing the sidewalk.
- The Selectmen were very enthusiastic about the project and we will be back to them with more details as they are available.
- The goal is to start the project after Columbus Day 2017.
- The sidewalk does slope down so we would move the entrance closer to the Reliable Market so both entrances (Phillips Hardware and Rosebuds) for the proposed project would be at the same level. This would also allow for handicap accessibility. The entrance for Phillips Hardware would move south towards the Reliable Market.

2.3 Commissioners' Questions

Linda Sibley asked if the applicant is asking the MVC to approve either/or; residential units or hotel units. **Chuck Sullivan** said no just to approve what the application proposes; 8 hotel units.

Joan Malkin asked how the Circuit Avenue sidewalk will be blocked. **Chuck Sullivan** said it would be done with fencing.

John Breckenridge noted that off season dates were mentioned and asked what is typically allowed in Oak Bluffs. **Chuck Sullivan** said Columbus Day to May 1st. **Donna Leon** said she thought the regulation was from June 1st but they are hoping to be done by May 1st.

John Breckenridge noted that architectural sketches are being shown and asked if they are being changed. **Chuck Sullivan** said no and new plans were sent to the MVC to correct some computer glitches and the existing Oakwood Hotel was dotted in.

John Breckenridge asked if the applicant is modifying to have more architectural features as the Oakwood Hotel. **Chuck Sullivan** said not exactly. It is very expensive but we will do some details and Paul Foley has it on file as well as the material list. The windows will be 2/2.

Doug Sederholm said the MVC has what the applicant plans to build and asked if that is what will be built. **Chuck Sullivan** said it is. There were some computer issues about the windows and Paul Foley has the corrected plans.

2.4 Public Testimony

Richard Toole is a resident of Oak Bluffs. This plan is a breath of fresh air and addresses a number of needs for the town and will offer a useable hardware store. We all know we need housing. It is a perfect location with infrastructure in place. The project is a terrific idea and will bring the building up to current codes. He hopes the applicant has talked with Cape Compact and takes advantage of what they offer for energy savings.

2.5 Applicant's Closing Statement

Chuck Sullivan said the neighbor across the street (the Arcade building) had some concerns at the last meeting. We spoke with him after the last meeting and we offered to meet with him. They have sent him an email and have not heard back from him. He wanted it noted that the applicant did reach out to him.

Doug Sederholm asked if the neighbor submitted anything additional to the MVC. **Adam Turner** said he did not.

Donna Leon said they are very hopeful that the by-law will go through in April but they will have to wait and see.

2.6 Commissioners' Discussion

There was a discussion about the residential units.

- **Katherine Newman** said the MVC is voting on the current configuration for the upstairs and asked if the MVC perhaps should say either/or with regards to the apartments.
- **Linda Sibley** noted that the applicant said they would come back to the MVC.
- **Adam Turner** said right now the project is only proposed as what is allowed per the By-law. As Executive Director he recommends that the MVC look at what the project is an eight unit hotel.
- **Chuck Sullivan** noted that that at the last Public Hearing the applicant did say that they would come back to the MVC for consideration.
- **Fred Hancock** also noted that the MVC has to take into consideration affordable housing during deliberation and the applicant would not have the Certificate of Occupancy until that is resolved.

Fred Hancock, Public Hearing Officer closed the Public Hearing with Post Public Hearing LUPC on October 24, 2016 and Deliberation and Decision on November 3, 2016.

There was a discussion about the schedule.

- **Linda Sibley** was concerned about the schedule for the MVC meeting on November 3, 2016 with the other agenda items that are scheduled.
- **James Vercruysse** said the Oak Bluffs Water District project was scheduled for November 3, 2016 and that may not be finished on that night and could be continued.
- **Linda Sibley** asked if the Oak Bluffs Water District could be scheduled last on the agenda so Phillips Hardware could be completed.
- **James Vercruysse** said that could be done.
- **Chuck Sullivan** asked why the applicant had to come back to LUPC.
- **Linda Sibley** and **James Vercruysse** said it is about using correct language and to be sure the offers are written correctly. The MVC has found it to be beneficial to the applicant to have LUPC.

3. NEW BUSINESS

Commissioners Present: T. Barnes, J. Breckenridge, R. Doyle, J. Goldstein, F. Hancock, L. Jason, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruysse.

4.1 Reports from Chairman, Committees and/or Staff

Finance Committee

James Vercruysse, Chairman noted that the budget season is coming up and the Finance Committee needs to be reappointed. It is usually comprised of all of the appointed Commission members from the Towns and the County. There is a new appointee from Tisbury, Ben Robinson. The members of the Finance Committee are; John Breckenridge- Oak Bluffs, Joan Malkin- Chilmark, Leonard Jason – County, James Joyce – Edgartown, Katherine Newman – Aquinnah, Ernie Thomas – West Tisbury, Ben Robinson – Tisbury.

John Breckenridge said the dates of the meetings and the information will be emailed out to everyone as well as to the Towns. The All Island Finance Committee met and we have already laid out a few things for them and we have also received input from them. The first meeting of the FinCom will be November 3, 2016 at 5:30 p.m.

Compliance Committee

James Vercruysse said there was a compliance issue with a referral of a property in Chilmark.

Robert Doyle said the Chilmark Historical Commission has put a suspension on the demolition of a property in Chilmark. We looked at the regulations and wrote a letter to the Town that it should have been referred to the MVC. What we heard, despite our letter, was that it would not be referred and the house will be torn down. The home is a historic building but not in a Historic District. Should the MVC proceed in pursuing the issue?

Doug Sederholm asked if facts could be shared about the issue.

Adam Turner said the home is 250 years old. The owner went to the Town and the Town gave a six month stay of demolition. It was not referred to the MVC and Adam Turner read the DRI Checklist trigger. Based on what the Compliance Committee felt the MVC should have had the referral. The home is over 100 years old but has not been identified as historic.

Joan Malkin said Chilmark's Master Plan has an annex that lists all of the historic homes and is this home not listed there?

Leonard Jason said when the MVC developed the language for the DRI trigger it was done to protect houses not in the Historic District. The right to deny a demolition has to be in perpetuity. Chilmark has reviewed several houses in the past that were beyond saving.

Linda Sibley said the MVC is not obligated to hold a Public Hearing under most of the criteria.

James Vercruysse said the obligation is to refer.

Linda Sibley said as Leonard Jason has pointed out in a relatively recent reissue of the MVC DRI Checklist the MVC made it a little stricter. If a local board doesn't have the ability to deny we would want it to come to the MVC for concurrence. This is something that should be a criterion of our review for older houses that cannot be saved.

Joan Malkin said the way the Checklist is written now it is mandatory to refer. This is water over the dam. We are past the point of referral being meaningful for this property. Because there was a comprehensive process we do not do anything. But in the future if something should be referred it should be.

Linda Sibley said if there is a local finding that a building cannot be salvaged perhaps the MVC should have that in the Checklist.

Leonard Jason said if the Town did not feel they could handle the issue as a Town they would have referred, but the Town has a six month period to see if the building could be preserved.

James Vercruysse noted that referral is an obligation under the Checklist.

Doug Sederholm said this is what happens when sometimes something may just be common sense.

Fred Hancock thinks the MVC has to control its jurisdiction and perhaps send the Towns information regarding this Checklist item. It is not a good precedent to set that you don't have to follow the MVC Checklist.

Leonard Jason said he does not disagree with what the Checklist says. But if the Town of Chilmark had something that the Town didn't want to see knocked down it would be sent to the MVC.

Katherine Newman thought it would be good to acknowledge the criteria and have the Town explain to the MVC why they did not refer. It doesn't feel good to just ignore this issue.

Leonard Jason said the homeowner has been waiting six months. She cannot sell it and she cannot insure it. The home is infested by Powder Post Beetles and beyond repair.

Linda Sibley said what Katherine Newman suggests doesn't follow Chapter 831. Leonard Jason is right in a funny circular way. If the Town doesn't want something done they have the power to send it to the MVC to help them. Under Chapter 831 the MVC is to make the objective criteria and the Towns are to follow it.

Trip Barnes asked how did we get to this point. He noted two examples; the Flynn house and an East Chop house that seemed a waste of time for the MVC. How can the criteria be adjusted to eliminate confusion.

Leonard Jason said he thinks the change was in 2013 to permanently deny.

Katherine Newman clarified what she was asking. What happened six months ago? Why wasn't it referred to the MVC immediately? **Leonard Jason** said the Town thought they were exempt and did not understand the Checklist.

Doug Sederholm said it is clear that the building is not worth saving. It is clear the Town did not read the Checklist the way the MVC reads it. The MVC should send a letter to all of the Towns to clarify and the MVC should review this at the next Checklist Review. We have beaten this issue to death.

John Breckenridge said the MVC has the luxury of this project having the respected Building Inspector on the MVC. But in other instances that may not be the case. But for this building we have credibility with a credible source.

Joan Malkin moved and it was duly seconded to send a letter to all Towns providing the actual language of the DRI Checklist on demolition with a narrative on how to interpret that language. Voice vote. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.

Linda Sibley asked Leonard Jason as a Building Inspector can he condemn a building. **Leonard Jason** said he can but for the Checklist we need to ask ourselves what are we trying to protect.

Oak Bluffs Downtown Streetscape Committee

Christine Flynn said the Oak Bluffs Downtown Streetscape Committee meets Wednesday October 26, 2016 at 7:00 p.m. at the Oak Bluffs Library. Conceptual plans for parking and traffic circulation will be presented.

Wastewater Water Quality Committee

Doug Sederholm said the committee will meet October 25, 2016 at 8:00 a.m. at the MVC.

4.2 Executive Director Report

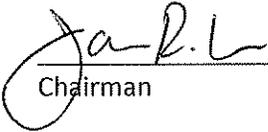
Adam Turner presented the following.

- He did the presentation at the Chamber of Commerce on statistics for the Island.
- This was done by the MVC until 2006 and then it stopped.
- More data will be finished and then a complete abstract will be done and given to the Towns to review. They will have a couple of months to review and revise and then everyone can use it for consistency in making decisions as well as for writing grants.
- Edgartown Stop and Shop was referred. The first Edgartown Public Hearing is on November 1, 2016 and there will probably be another one before it comes to the MVC. MVC Review of the project should commence in January 2017 and it will be done in Edgartown at the Whaling Church meeting room.
- The Lamppost project and the Santander Bank have been referred. There are a few other projects that have been referred to staff so it will be busy.

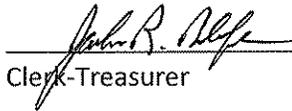
The meeting was adjourned at 8:05 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Martha's Vineyard Commission DRI # 663 Phillips Hardware Mixed-Use Building MVC Staff Report – October 20, 2016
- Project Narrative, Phillips Hardware, Dated October 19, 2016
- Site Plan Phase 1, Phillips Hardware
- Site Plan Phase 2, Phillips Hardware
- Correspondence for Phillips Hardware DRI 663 received by Martha's Vineyard Commission


Chairman

12-21-16
Date


Clerk-Treasurer

12/29/16
Date