



BOX 1447, OAK BLUFFS, MASSACHUSETTS, 02557, 508-693-3453  
FAX 508-693-7894 INFO@MVCOMMISSION.ORG WWW.MVCOMMISSION.ORG

## **Minutes of the Commission Meeting Held on September 8, 2005 In the Olde Stone Building 33 New York Avenue, Oak Bluffs, MA**

### **IN ATTENDANCE**

---

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

P James Athearn (E – Edgartown)	P Ned Orleans (A – Tisbury)
P John Best (E – Tisbury)	P Megan Ottens-Sargent (E –Aquinnah)
P John Breckenridge (A – Oak Bluffs)	P Deborah Pigeon (E – Oak Bluffs)
P Christina Brown (E - Edgartown)	Jim Powell (A – West Tisbury)
Carlene Condon (A – Edgartown)	Doug Sederholm (E – Chilmark)
P Mimi Davisson (E – Oak Bluffs)	P Linda Sibley (E – West Tisbury)
Martin Crane (A – Governor Appointee )	Paul Strauss (County Comm. Rep.)
Chris Murphy (A – Chilmark)	P Andrew Woodruff (E – West Tisbury)
Katherine Newman (A –Aquinnah)	

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Coordinator), Christine Flynn (Affordable Housing & Economic Planner)

### **1. ADOPTION OF MINUTES: JULY 14, 2005**

*Commissioners Present: J. Athearn, J. Best, J. Breckenridge, C. Brown, M. Davisson, N. Orleans, M. Ottens-Sargent, D. Pigeon, L. Sibley, A. Woodruff*

***Christina Brown moved and it was duly seconded to adopt the minutes of July 14, 2005, as written.***

The following revisions were made:

Page 7, line 222 - *Greg Blaine*

Page 10, line 377 - after the first sentence the addition of *The applicant responded that there are no legal commitments for either issue.*

***A voice vote was taken to approve the minutes as written with the above revisions. In favor: 9. Opposed: None. Abstentions: 1. The motion passed.***

### **2. 7 BEACH STREET: DRI NO. 557-M – PUBLIC HEARING**

*Commissioners Present: J. Athearn, J. Best, J. Breckenridge, C. Brown, M. Davisson, N. Orleans, M. Ottens-Sargent, D. Pigeon, L. Sibley, A. Woodruff*

*For the applicant: Michael Kidder, Owner; Peter Breese, Architect/Agent; Jeff Kontje, Contractor*

**Christina Brown** opened the public hearing on the proposal to demolish the existing mixed-use 2-story building of 2,540 square feet to be replaced with a 2-story 2,950 square foot building with a wrap-around porch and a walkway bridge to 11 Beach Street.

## **2.1 Applicant's Presentation**

**Michael Kidder** described the work that was done on 11 Beach Street and related parking lot improvements.

- He explained that 7 Beach Street has been advertised to be moved and he will help finance the move.
- He and the architect and contractor had made the decision to demolish versus renovate because it is their conclusion that the wall, risers, and foundation are not safe.
- He intends to maximize upstairs apartments by joining the two buildings with a bridgeway.
- The proposed building will be attractive and will tie into 11 Beach Street.,

**Peter Breese**, the architect for 7 and 11 Beach, explained that he has been working with Jeff Kontje, the contractor, to determine the reuse of the existing building versus new construction.

- The intention is not to match the other building exactly but to complement it.
- The Commission ruled in November 2002 on 11 Beach Street; he and Peter Breese and Michael Kidder have tried to use some of the same elements for the new proposal.

**Megan Ottens-Sargent** asked for clarification of the amount of commercial and residential space. **Michael Kidder** said there was an apartment on the back that was torn down. Downstairs was commercial manufacturing space and the upstairs was an apartment. commercial space downstairs. The use will not change.

**Peter Breese** noted that the square footage of the proposed downstairs is 1530 (versus existing of 1300). The proposed 2<sup>nd</sup> floor is 1400 sq. feet (versus existing 900). They are reducing residential occupancy by 1 bedroom which was the south wing of first floor.

**Megan Ottens-Sargent** asked about the bridge. **Michael Kidder** said the bridge would be a way to join the two apartments which would be used by his family; the bridge could be closed off.

**John Best** asked whether the existing building figures include the demolished space; the existing building square footage includes the apartment at the back of the building that was demolished.

**Linda Sibley** asked about rentals. **Michael Kidder** said a year round rental would be preferable.

**John Breckenridge** spoke about the issues of massing and asked whether the footprint of the new building shows a difference in width. He also asked about the 1<sup>st</sup> floor differential between 7 and 11 Beach Street. **Peter Breese** said the new building will be about a foot wider, it will be stepped back 4-5 feet to match 11 Beach Street, and will be about the same height. He

noted that the floor heights will be approximately the same as those at 11 Beach and the fronts of the buildings will be in alignment.

## **2.2 Staff Report**

**Paul Foley** gave the staff report and reviewed the contents of Commissioners' packets.

- The lot size is 5430 square feet.
- The proposal is for the demolition of the existing mixed-use 2-story building of 2,540 square feet to be replaced with new construction of a 2 story mixed-use building of 2,915 square feet.
- The zoning for the lot is B1.
- Permits are required from Board of Health, from the town for a Demolition and Building Permit, from the Conservation Commission, and the Zoning Board of Appeals for a special permit for residential use above commercial space.
- Part of the structure was originally built in the early 1880s.
- Travis Tuck put a new front on the building.
- 7 and 11 Beach Street are under common ownership.
- If the structures are connected, the two lots may have to become one
- The building will be similar although not exactly the same as 11 Beach.
- The applicant has offered \$15,000 to assist in the moving of the house if there were a proposal to move the house.

Some key issues:

- The property is on a major island thoroughfare.
- Is this a significant historic building?
- Can the building be moved: though a major island thoroughfare?

Other considerations include:

- The environment is an urban site and could use some landscaping.
- It is not a critical habitat area.
- The building will be connected to town water and sewer.
- The parking lot is on top of a potentially significant archaeologically significant area. He said that it's not the applicant's intention to do any work in the parking lot, but they will allow tribal oversight of any work.
- Currently there are 10 parking spaces on the site, which includes one handicapped space. The driveway is shared with 11 Beacon.
- The proposed building is expected to generate fewer trips than the current structure.
- There is need for discussion of bridge height and left-hand site distances at the intersection with Beach Street.
- The site is on a major transit line.
- The affordable housing contribution would be \$1457.
- Demolition of the building may require replacement of housing space because two apartments will be lost and one added.

- His understanding is that it takes 6-8 months to get the permits in place for moving a building. An appropriate contribution by the applicant to moving costs could be the value of the tax deduction the applicant would receive.
- Philippe Jordi of the Affordable Housing Fund will look at the house for the feasibility of moving it.
- The commercial space is intended for rental as architectural offices.
- The new building will be larger, set back 4-5 feet, with a slightly different design from 11 Beach Street.

**Paul Foley** reviewed the two letters the Commission received:

- **Marian Halperin**, a member of the Williams Street Historic District and Tisbury Historical Commission, but writing as a individual, objected to the demolition of a historic building and the construction of a larger structure
- **Nancy Hall** objected to the demolition of an older building that gives the town character.

### **2.3 Commissioners' Questions**

**Mimi Davisson** asked if the Commission reviewed Travis Tuck's renovations; **Paul Foley** said that the Commission had not.

**Christina Brown** asked what the renovations were. **John Best** said Travis Tuck added the apartment upstairs and renovated the whole first floor except the apartment that's been demolished. He noted that the front façade is new and the foundation underneath is new.

**James Athearn** said reconstruction and revitalization seem like a good idea. He wondered with all the changes that have been made what is left that is historic. He suggested that for community character 7 Beach should look slightly different from 11 Beach.

**Peter Breese** said their proposal references historic details in clapboard, details and proportions. His design takes into consideration safety, structural and aesthetic issues. He explained that the Travis Tuck renovations were not historic in character and there is very little left of the original building.

**Michael Kidder** said he would be prepared to have an engineer look at the structural integrity of the existing building. He said he had intended to save the building but he felt it is an unsafe structure.

**Peter Breese** said the existing floor joists are only 6" tall and there is potential for those to break. Additionally, the floor joists were cut and not reinforced. The rafters were cut and ties were lost so the walls have started to bow. The foundation is failing. If they were to renovate, the existing building would basically have to be demolished to bring it to code.

**James Athearn** said the arguments to rebuild are valid and he is encouraged by the focus on historic detailing.

**Peter Breese** said the proposed design is safer and more historically correct than the existing building.

**James Athearn** asked about the bridge. **Michael Kidder** explained that it is a way to join the small upstairs apartment with 11 Beacon's apartment.

**Andrew Woodruff** asked whether the architect would say that the proposed design is more historic than that of the existing building. **Peter Breese** said the historic aesthetically pleasing aspect of Travis Tuck's renovations is the door; the façade window is not historic. The proposed design uses historic details on corner boards, traditional divided light windows, and doors with side lights. The proposed design matches the historic districts' criteria.

**John Breckenridge** said one of the letters referenced the neo-classical style and he spoke about the roof pitch. **Peter Breese** said the new building is a 10 and 12 pitch; the existing building looks like a 9 and 12. He said a steeper pitch is not less traditional.

**Jeff Kontje** explained that 11 Beach has a 9 and 12 pitch; 7 Beach looks like it has a 7 and 12 or 8 and 12 pitch. He said he proposed building will have a slightly steeper pitch at 9 and 12.

**Linda Sibley** said it sounds like it's not very likely that someone is going to come along and take this building.

**Michael Kidder** said it will take a tremendous amount of money and he feels that as people look more closely at the building, the likely anyone would come up with money to move the building and renovate it. He said he is afraid the building will fall apart if it's moved.

**Peter Breese** explained that 11 Beach wasn't moved for a number of reasons including that electrical wires were in the way, a utility pole is right out front, and the State had to approve the use of the road.

**Christina Brown** said the point is that an effort was made to have the house moved.

**Linda Sibley** spoke about affordable housing. The Commission would prefer to have the new space rented year round and she expressed the desire that the new space not become short-term rental housing. She wondered whether the applicant would be comfortable making a commitment to rent to summer workers or committing to year-round rental, without doing short-term vacation rentals. **Linda Sibley** clarified that the Commission wouldn't want to prevent Michael Kidder from renting to family; however, the Commission would have a problem with short-term, vacation rentals.

**Michael Kidder** said that he would be fine with not doing short-term vacation rentals.

**Linda Sibley** noted that the reason for the Commission's emphasis on asking for a commitment to summer workers or year-round housing is to help islanders and workers have a place to live.

**Megan Ottens-Sargent** asked about the ground level apartment that was demolished and whether there was a reduction in the number of units. **Jeff Kontje** said that between the two lots there were three apartments; with the renovations of the two buildings there could be three apartments.

## **2.4 Town Boards**

**Paul Foley** said the proposal would have to go before the Zoning Board of Appeals for a special permit for residential space above commercial space. The applicant will also have to do

an application of intent or applicability to the Conservation Commission because the property backs up against wetlands.

## **2.5 Public Comment**

**Doreen Kinsman** of 5 Beach Street, site of Sports Haven, said that her building was originally two stories with an unfinished third floor; she finished the third floor which had a water view until 11 Beach was rebuilt.

- She said that Travis Tuck had been generous regarding her concern for her blue spruce tree which she has taken care of for years.
- She wondered whether the additional foot of footprint will be on her side or their side and how it will impact her blue spruce.
- She said she has several tenants who are concerned about the timing of the demolition and she is concerned about them staying if the demolition and rebuilding endures.
- She said she is concerned about the 8 feet or so of grassy area, the additional foot, and the location of the wrap-around porch.
- She asked what the construction bond covers.
- She wondered about the impact of demolition and construction on vegetation and the potential archaeological site.
- She said she wished she could have known about the public hearing ahead of time because she would have liked to put her comments in writing.

**John Breckenridge** asked about the process and timing of demolition and construction. **Jeff Kontje** said construction staging will occur at the rear of the facility and all deliveries will be made at the side or rear of the building. He explained that the demolition for 11 Beach Street was done in two hours. They intend the same for 7 Beach.

**Michael Kidder** said he will do everything to save the blue spruce. He suggested that a condition of the project be that he consult an arborist to suggest proper handling of the tree during construction. He said that saving the tree could be an order of condition.

**Peter Breese** said they will have to conform to setbacks and will step the building back a foot or two. The stone retaining wall on the east side of the building will be removed and the building will be moved out in that direction. He said the edge of the building will end up between the footprint of stone wall and the handicap ramp.

**Michael Kidder** said they had to post a construction bond for 11 Beach Street because of the way the wall next to the Harbor Landing was constructed. He asked if there were any complaints lodged in the building of 11 Beach because the process will be the same for 7 Beach.

**Jeff Kontje** said that their goal is to complete the exterior of the building within 8 months; painting and finish work will take longer.

**John Breckenridge** said a proposed construction schedule would be helpful. **Jeff Kontje** said it would be a rough schedule. They are proposing demolition later in October, constructing the foundation before winter, and framing during the winter.

**Peter Breese** confirmed that the wrap-around porch is not open on the Sports Haven side. The open part is on the east side facing 11 Beach.

**Linda Sibley** asked for a description of the parking. **Michael Kidder** said the parking is completely outlined with 9 spaces with railings and signs with one handicapped space. There will be no change in the parking plan.

**Andrew Woodruff** asked how the construction schedule would be affected if someone were interested in moving the structure. **Michael Kidder** said if someone came in with a bona fide plan to take it by October 15<sup>th</sup>, they'd work with them. **Andrew Woodruff** asked how willing Mr. Kidder was to prolong the demolition if there were a bona fide offer. **Michael Kidder** responded that he would be willing to prolong the demolition if there is a guaranteed offer/plan, but he can't postpone the demolition indefinitely.

**Megan Ottens-Sargent** asked whether moving the house is part of the affordable housing offer. **Michael Kidder** said moving the house would save him money so he will contribute \$15,000 to the cost of the move. His affordable housing contribution is \$1400 if the house is demolished.

**Megan Ottens-Sargent** asked if the Commission should look at the impact of different kinds of commercial ventures; the proposed use is office space. If that were to change the applicant would need to come back before the Commission.

**John Best** asked if the building would be ADA compliant. Peter Breese or Jeff Kontje explained that the front entrance will be flush with grade; there will be a ramp at the back.

**Mimi Davisson** asked where the ridge of the roof will be; the ridge will be taller than existing building because the interior volume is greater.

**Doreen Kinsman**, owner of Sports Haven, asked whether the 3<sup>rd</sup> floor of her building would get any sun; **Peter Breese** said that sun will still reach the entire window that faces the building.

**Peter Breese** said he feels Michael Kidder did a lot with the first project to show his commitment to community quality, and safety. He added that he believed the Commission should want to champion this kind of proposal.

**Christina Brown** closed the public hearing, noting that LUPC will be meeting to review the proposal.

Commissioners took a brief recess.

## **2. ENERGY ACTION PLAN OF THE VINEYAD ENERGY PROJECT**

*Commissioners Present: J. Ahearn, J. Best, J. Breckenridge, C. Brown, N. Orleans, M. Ottens-Sargent, D. Pigeon, L. Sibley, A. Woodruff*

*Presenter: Kate Warner*

**Kate Warner** presented the Energy Action Plan. She outlined the project's history and the process by which the plan was developed.

- In the fall of 2004, the Vineyard Energy Project funded by the Massachusetts Technology Collaborative and a private donor, contracted with C.P. Donovan to develop ideas on how Martha's Vineyard could become a renewable energy island.
- There are a number of reasons why the Vineyard Energy Project's work is important: rising fuel costs to towns and individuals; environmental concerns including air quality; and climate change.
- The Vineyard Energy Project focuses on greater energy independence; a transition to a more sustainable approach to energy will create more jobs, keep more money in the community, and lessen dependence on foreign oil.

To create Vineyard Energy Project's 10 year plan, Chris Donovan came to the Island and spoke with community members, including some Commissioners, about energy use and resources. She met with wind, solar, energy efficiency and biomass consultants who reviewed the Island's resources and looked at efforts of other communities, including immediately available technology. C.P. Donovan produced a 90 page report and developed a plan that focuses on energy efficiency through aggressive and ambitious programs.

C.P. Donovan proposed a 50% electricity reduction in one year by:

- replacing 15 incandescent lights per building with compact fluorescents, reducing electricity needs by 7%.
- discouraging high residential usage of electricity and charging more to higher users; this is similar to Aspen's program.
- use solar to produce 1% of electricity by 2015 through installation of 500 1.4 kilowatt systems
- encouraging solar hot water heaters.

C.P. Donovan concluded that the greatest resource on the island is wind. Any serious attempt to develop renewable energy should include wind; ;C.P. Donovan suggested that larger turbines would be placed in areas agreed on by Islanders. Wind turbines should be clustered, not set up one-by-one.

C.P. Donovan' suggested that, in terms of biomass, that the State Forest annually harvest a certain amount of wood. Donovan proposed heating two Island schools with wood.

- payback is 19 years; switching two island schools to wood
- on a smaller scale smaller, Donovan suggested composting to reduce amount trucked off and to reduce the amount of soil trucked on Island.

C.P. Donovan liked the joint transportation committee report; Kate Warner suggested that Commissioners meet with other organizations and talk about the report and recommendations that might be good for each town.

Personally **Kate Warner** said she would like to see bike lanes not just bike paths and she would like to see bicycling pushed as a means of transportation.

**Kate Warner** said she would like to see ways to stimulate the use of hybrids; she suggested that the Steamship hold reserve spaces for hybrids. She suggested that a certain percentage of rental car fleets or taxi cab fleets could be hybrids.



**Kate Warner** said the report suggests more biodiesel could be used by Park & Ride and school uses.

C.P. Donovan made 3 suggestions:

- create an energy district of critical planning concern.
- create a widespread educational initiative.
- implement energy education in schools.

**Kate Warner** said these are big changes for small impact; but if the island starts it will be developing energy locally, relying less on imported fuel.

**Kate Warner** suggested the Commission:

- review transportation suggestions.
- hold an island-wide planning meeting
- work with the Vineyard Energy Project on changes to the MVC Master Plan energy section.
- work with the Vineyard Energy Project to create guidelines for the DRI process.
- work with the Vineyard Energy Project to coordinate with other town boards.
- look at the larger planning issue, if the island wanted to group wind turbines, where would they go.
- encourage the upgrading of Town wind by-laws, if needed..
- encourage the addition of bike lanes for at least one route for each town.
- encourage subdivisions to have clotheslines as one small way we can promote reduced energy use.
- recommend people for an Island-wide energy DCPC and discuss the viability of creating a DCPC.

**Ned Orleans** asked where town meetings fit in as decision makers. **Kate Warner** suggested that each town form a town energy group that reports on how municipal buildings are doing. A town energy group could also help with the lighting blitz

**John Best** asked whether biodiesel can be used in heating systems; **Kate Warner** said biodiesel loosens crud so filters have to be cleaned so nothing gets clogged. There is an additive to keep it from gelling.

### **3. HOUSING BANK LEGISLATION**

*Commissioners Present: J. Athearn, J. Best, J. Breckenridge, C. Brown, N. Orleans, M. Ottens-Sargent, D. Pigeon, L. Sibley, A. Woodruff*

**Christina Brown moved and it was duly seconded to form an informal subcommittee to give the Commission's comments about the Housing Bank Legislation letter. A voice vote was taken. In favor: 9. Opposed: 0. Abstentions: 0.** The motion passed.

The meeting adjourned at 9:40 p.m

- Work with the Vineyard Energy Project to create guidelines for the DRI process.
- Work with the Vineyard Energy Project to coordinate with other town boards.
- Look at the larger planning issue, if the island wanted to group wind turbines, where would they go.
- Encourage the upgrading of Town wind by-laws, if needed.
- Encourage the addition of bike lanes for at least one route for each town.
- Encourage subdivisions to have clotheslines as one small way we can promote reduced energy use.
- Recommend people for an Island-wide energy DCPC and discuss the viability of creating a DCPC.

**Ned Orleans** asked where town meetings fit in as decision makers. **Kate Warner** suggested that each town form a town energy group that reports on how municipal buildings are doing. A town energy group could also help with the lighting blitz

**John Best** asked whether biodiesel can be used in heating systems. **Kate Warner** said biodiesel loosens crud so filters have to be cleaned so nothing gets clogged. There is an additive to keep it from gelling.

#### **4. HOUSING BANK LEGISLATION**

*Commissioners Present: J. Athearn, J. Best, J. Breckenridge, C. Brown, N. Orleans, M. Ottens-Sargent, D. Pigeon, L. Sibley, A. Woodruff*

**Christina Brown moved and it was duly seconded to form an informal subcommittee to give the Commission's comments about the Housing Bank Legislation letter. A voice vote was taken. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.**

The meeting adjourned at 9:40 p.m.

*Linda B. Sibley*  
Chairman

2/2/2006  
Date

*Nathaniel J. Means*  
Clerk-Treasurer

Feb. 2, 2006  
Date