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## Minutes of the Commission Meeting Held on April 9, 2009 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

### IN ATTENDANCE

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

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|---|--------------------------------------|
| P James Athearn (E – Edgartown)         | - Ned Orleans (A – Tisbury)          |
| - Bill Bennett (A- Chilmark)            | P Jim Powell (A – West Tisbury)      |
| P John Breckenridge (A – Oak Bluffs)    | - Camille Rose (A - Aquinnah)        |
| P Christina Brown (E - Edgartown)       | P Doug Sederholm (E – Chilmark)      |
| P Peter Cabana (A – Tisbury)            | - Casey Sharpe (A – Oak Bluffs)      |
| - Martin Crane (A – Governor Appointee) | P Linda Sibley (E – West Tisbury)    |
| - Carlene Gating (County Appointee)     | - Holly Stephenson (E – Tisbury)     |
| P Chris Murphy (A – Chilmark)           | P Andrew Woodruff (E – West Tisbury) |
| - Katherine Newman (A –Aquinnah)        |                                      |

Staff: Mark London (Executive Director), Paul Foley (DRI Analyst/Planner), Christine Flynn (Housing and Economic Development)

The meeting was called to order at 7:40 p.m.

### **1. MUCKERHEIDE HOUSING: DRI NO. 615 – PUBLIC HEARING (CONT.)**

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Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, C. Murphy, J. Powell, D. Sederholm, L. Sibley, A. Woodruff

For the applicant: Donald Muckerheide, applicant

**Linda Sibley** re-opened the public hearing and read the hearing notice.

**Don Muckerheide** explained that he submitted architectural plans for two alternative versions of Plan A, the flat roof with mansards. Plan B with the recessed front and pitched roofs was not do-able for a number of reasons.

#### **1.1 Staff Report**

**Paul Foley** gave the staff report.

- Additional offers were clarified at LUPC.
- Two letters were received in support of the project.
- The applicant submitted an article on housing as part of the application.

- Two elevations were submitted: Option 1 had gable roofs on the central projections; Option 2 had mansard roofs on the central projections. The building plan is almost 4 feet lower than the earlier plan. There is a central porch to break up the mass.
- There is a side elevation of the version with the mini-tower.

## **1.2 Applicant's Presentation**

**Don Muckerheide** added the following:

- The peak of the gable roof of the projection would have to be a few feet higher than was shown.
- Option 2 is similar to one that was approved for a modular company by the Oak Bluff Historical Commission.
- The central projection sticks out about 6 feet in front, and about 2-3' on the sides and back. The second floor balcony on the side projection can be either functional or aesthetic.
- He believes that Option 2 is more attractive and more in keeping with historic designs.
- The top of the mansard roof is 30'-3" high, with an additional foot for the peak on the central projections.

**Linda Sibley** reviewed the offers and conditions.

**Linda Sibley** closed the public hearing.

## **2. MUCKERHEIDE HOUSING: DRI NO. 615 – DELIBERATION & DECISION**

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*Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, C. Murphy, J. Powell, D. Sederholm, L. Sibley, A. Woodruff*

***Linda Sibley moved, and it was duly seconded, that referral to LUPC be waived, and the Commission should go directly to deliberation. A voice vote was taken. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.***

**John Breckenridge** complimented Don Muckerheide for bringing forward an architectural design that lowers the height of the building and related mass, which was one of his major concerns.

***John Breckenridge moved, and it was duly seconded, to approve the project as presented labeled Option 2 with the mansard roof for the central projections.***

### **2.1 Conditions**

***Linda Sibley moved, and it was duly seconded, to amend the motion to include accepting the applicant's offers as clarified.***

- **Don Muckerheide** clarified that he wants his Affordable Housing contribution to go to Dukes County Housing Authority, preferably for the Rental Assistance Program.
- Because the roof will be lower there won't be a green grid green roof system, but solar collector hook-ups will be included. If installed, they would not be screened by the roof parapet since it has been lowered. The offer should be changed to read: ***The roof shall be designed to accommodate heating solar collectors.***

- **Peter Cabana** pointed out that there are significant tax credits for installing photovoltaic systems.

***A voice vote was taken on the motion to accept the applicant's offers. In favor: 8. Opposed: 1. Abstentions: 0. The motion passed.***

Commissioners agreed by consensus that the condition about the Condominium Master Deed be replaced with the following.

- ***The Condominium Master Deed and other documents relating to the housing offers shall be submitted to and is subject to the approval of LUPC before site work, demolition, and/or construction begins.***

***Doug Sederholm moved, and it was duly seconded, to amend the original motion to approve the project incorporating proposed conditions as listed and amended, and including the condition related to siding materials, and height of the roof line.***

- Commissioners reviewed the landscaping plan and street trees.
- Commissioners agreed by consensus that the following condition related to exterior materials be included. ***Exterior materials shall be either natural wood shingles, white cedar shingles painted wood siding, or fiber cement siding with traditional trim and other detailing.***
- Commissioners agreed that a condition related to the height of the building should be included. ***The roof line is 30 feet 3 inches, with the peak of the mansard towers not to exceed 32 feet.***

***A voice vote was taken on the amendment to accept the draft conditions. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.***

## **2.2 Benefits and Detriments**

The Commission discussed the benefits and detriments of the project.

- The site is a good location for multifamily dwellings. It is a detriment to some degree that the business zoning is not capitalized upon.
- The first proposal was smaller, less massive, had three affordable units, and was a better alternative.
- The project will be connected to Oak Bluffs wastewater. Stormwater will be adequately handled through the stormwater management plan.
- The driveway is pervious rap, shown on the engineering plan.
- This project is more likely to be benign to the environment than past uses and possible future uses.
- The affordable housing contribution is a benefit.
- This is a good location for multifamily dwellings because of its proximity to town and to open space.
- The applicant has made offers to minimize exterior lighting.
- A detriment is that it potentially increases activity on the site, but this residential use has less activity than a busy commercial use.
- The building is still fairly massive. It is in keeping with the character of Oak Bluffs; however, it could have been more in keeping with this neighborhood.

- It's a good location for housing stock on the Island and it will be well-built.

**Linda Sibley** said that the benefits overall outweigh the detriments. She would have preferred something that looked more like the immediate neighborhood, rather than the larger pattern of Oak Bluffs. The phrase noble experiment came up. It's not certain that the restrictions that the applicant has proposed will guarantee that local people become residents. If the units were to be owned by people off -Island, then, at a bare minimum, these are not units that will be spread out all over the landscape. She thinks that a significant number of them will be owned by local people because he's come up with a plan that]s economically accessible to people. The units are market rate but they're affordable for people in the 140% range of median income.

**Doug Sederholm** said it's massive. It's way too big for its location, but it's not enough to deny it. He still thinks it's inappropriate for the Duke's County Avenue area. These are not adding to the supply of low-income housing. With a maximum price of \$350,000 for a 784 square foot, two-bedroom condominiums, this is almost \$450 per square foot. These are market rate condominiums. There is no limit on re-sale price. They are affordable second homes. The main benefit is that it's an apartment building and it's an in-town project. There is on-site parking. Maybe it's an experiment. An owner can rent it out for the summer at a minimum of 30 days. The affordability is delusional. He doesn't mean the project shouldn't be approved, but Commissioners shouldn't pretend that it's anything else.

**Andrew Woodruff** said he is still struggling whether the clear benefits rise above the detriments and whether this project will house local people. He's been harping on the fact that there are no affordable units; if it had three units like it was originally proposed, he would be at yes already.

**John Breckenridge** said Commissioners have all been experiencing difficulty in trying to understand what the town's intentions are for this area. The Town's master plan is 11 years old and Commissioners don't have any guiding criteria from the Master Plan or the Planning Board on what the vision is for Duke's County Avenue. This isn't an historic district with review to ensure respect for context. This building is large and massive. The applicant has made significant strides to lower the scale and massing. He hopes that in the future, the Town can work with the Commission to develop scale and mass criteria for the area, so the Commission is not in this position again.

**Jim Athearn** said that the idea that having property that can't be rented short term will be interesting to see. In terms of appropriateness of the architecture of the neighborhood, there are small buildings at the other end of the scale that are fragile and may disappear.

### **2.3 Decision**

***A roll call vote was taken on the original motion to approve the project, accepting the applicant's offers and adding the conditions as discussed. In favor: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, C. Murphy, J. Powell, D. Sederholm, L. Sibley. Opposed: A. Woodruff. Abstentions: None. The motion passed.***

### 3. BRADLEY SQUARE: DRI NO. 612-M2 – MODIFICATION

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Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, C. Murphy, J. Powell, D. Sederholm, L. Sibley, A. Woodruff

**Christina Brown** explained the request for modification. To protect the trees along Duke's County Avenue, Bradley One, as allowed in conditions, was moved back from the street. As a consequence, the parking lot was narrowed. The Denniston Building has to be moved 1'-8" to the east, which was not allowed in the conditions, and, so, requires a modification.

**Chris Murphy moved and, it was duly seconded, that moving the Denniston Building is not a significant change and does not require a public hearing. A voice vote was taken. In favor: 7. Opposed: 2. Abstentions: 0.**

**Linda Sibley moved that the Commission approve the proposal to move the Denniston Building by 1'-8". In favor: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, C. Murphy, J. Powell, L. Sibley. Opposed: None. Abstentions: D. Sederholm, A. Woodruff. The motion passed.**

*The Commission took a recess.*

### 4. MUCKERHEIDE HOUSING: DRI NO. 615 – DECISION

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Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, C. Murphy, J. Powell, D. Sederholm, L. Sibley, A. Woodruff

Commissioners reviewed the draft Written Decision and made the following changes:

- Line 129: add the word *each*.
- Line 129: add the word *initially*
- Line 171: add the word *wildlife*
- Specific information will be added at placeholder 'P1'.
- The public notice dates will be corrected.
- The referral date is 2008.
- Line 203: change *can* to *may*
- Line 264: under abstentions add *none*
- Section 1.7: strike because 1.10 addresses the issue.
- Section 1.11: strike
- Line 331: the height *to* the top of the four tower peaks of mansard roof
- Line 335: shall *be issued* except for a set of plans bearing notation of design approval by LUPC
- Line 352: add *as offered by the applicant*
- Line 380: the following conditions have been satisfied and (to be filled in)
- Line 357: add *as offered by the applicant*

**John Breckenridge moved to approve the written decision of the Muckerheide Community Housing Project as corrected. A roll call vote was taken. J. Athearn,**

**J. Breckenridge, C. Brown, P. Cabana, C. Murphy, J. Powell, D. Sederholm, L. Sibley, A Woodruff. Opposed: None. Abstentions: None: The motion passed.**

**5. EXECUTIVE DIRECTOR'S REPORT**

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**Mark London** said that some work was just completed on the front yard, as the last part of the renovations carried out last year, which included replacement of windows and other energy upgrades. This involved installing a walkway and building a low stone wall out of the stones that had been recovered when the collapsing front porch was demolished. A sign will be installed soon. The cost was a few thousand dollars. We have discussed with the Polly Hill Arboretum putting in a demonstration garden of native plants.

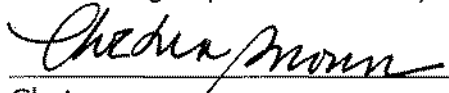
**6. OTHER**

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**Christina Brown** said that the Commission will not meet next week because the only item on the agenda was the Williams Parking proposal, and the West Tisbury Planning Board has asked to postpone the meeting because it is the night of their Town Meeting. The next Commission meeting will be on May 7, unless something comes up.

**Commissioners voted unanimously that the meeting of April 9th be considered the regular meeting of the month.**

The meeting adjourned at 9:40 p.m.



Chairman

5/21/09  
Date



Clerk-Treasurer

5/21/09  
Date