

THE MARTHA'S VINEYARD COMMISSION

BOX 1447 • OAK BLUFFS
MASSACHUSETTS 02557
(508) 693-3453
FAX (508) 693-7894

MINUTES OF MARCH 17, 1994

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, March 17, 1994 at 7:30 p.m. at the Martha's Vineyard Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA regarding the following Development of Regional Impact (DRI):

Applicant: David and Ellen Richardson
aka Tony's Grille
RFD #475
Edgartown, MA

Location: Oakland Avenue
Oak Bluffs, MA

Proposal: construction of a 100-seat cafeteria
style restaurant on two floors plus
basement

Linda Sibley, Chairman of the Land Use Planning Committee read the hearing notice and opened the hearing for testimony at 7:36 p.m. She called upon the applicant for his presentation.

David Richardson, applicant, discussed the proposal, the location of same, the type of restaurant with wine and beer. He discussed in detail the location and surrounding area. He further explained the business zones in Oak Bluffs and the relationship of the proposal to them. Mr. Richardson then showed the proposed structure and its design. He explained the handicapped access and the internal movement of persons. He then noted the location of the handicapped lift, the seating arrangements and service areas. He then discussed the hours of operation for summer and winter. He further explained the parking lot arrangements. He noted that parking would be on several lots owned by himself. He then identified handicapped parking, employee parking and the like. He then discussed the usage of bike racks both proposed and existing.

Mr. Richardson then discussed the issue of traffic impacts upon the roadways of the area. He discussed the current usage of the convenience store (Tony's Market) and how it would relate to the proposal. He noted that overflow parking was expected to occur at Viera Park.

Mr. Richardson discussed the uses in the surrounding area and how he felt the restaurant complimented the area. He indicated hours of operation would be about 6:30 a.m. in season perhaps later out of season.

He then discussed the issue of affordable housing and how he planned

to maintain the two existing residences. He discussed the affordable housing fee and requested payment over a year or two. He then discussed the expansion and impact of Tony's Market upon the Town. He felt that there would be up to 10 new employees hired for the restaurant. He then discussed affordability of food service and how he felt the restaurant could meet a need. He then discussed various petitions that he had regarding the proposal. Mr. Richardson then discussed the neighborhood and some of the feelings of abutters and others. He then discussed the various letters of support that he had received.

Ms. Sibley called for commissioner questions.

Ms. Lazerow raised a question regarding parking at Viera Park. Mr. Richardson discussed the traffic problem on Wing/Circuit and the need to address the speed issue.

Mr. Hall questioned the location of the septic system. Mr. Richardson explained where the backing areas were located. Mr. Richardson then explained the landscape plan as proposed. He indicated that he wished to save as much of the existing hedges as possible. He then issued the various options for vegetation and the possible location of same. He then further discussed the existing vegetation on the site.

Mr. Colaneri asked for a review of the parking and what was required by zoning. Mr. Richardson noted where each of the spaces occurred. He further discussed the issue of employee parking and location.

Mr. Schweikert further questioned the issue of vegetation and sight distance problems. Mr. Richardson further explained the sight issue and the various types of vegetation.

Mr. Hall questioned the surface of the parking lots. Mr. Richardson explained how drainage would be handled as well as the type of surface materials to be used. He then discussed the use of pervious materials.

Ms. Sibley questioned the potential maximum number of employees at one time. Mr. Richardson felt that 8-10 in both places may be the maximum. She then questioned the number of tables. Mr. Richardson further discussed this issue and felt about 33 would be the number.

Mr. Early raised a question of the usage of the stairway. Mr. Richardson explained the width (4') and the usage being two way. Mr. Early then questioned the usage to the north. Mr. Richardson indicated that it was residential. Mr. Early then further questioned the septic system arrangement. Mr. Richardson explained the issue of how the town had granted permission for the installation of the pipe under the roadway. He then further discussed the State requirements under Title V.

Mr. Colaneri questioned whether the septic could be on-site. Mr. Richardson indicated no.

Ms. Gallagher questioned what reasonable meant. Mr. Richardson explained the range expected on the menu. He noted that lunch would be a summer only fare.

Mr. Early questioned the location of the dumpster and loading dock. Mr. Richardson explained where the various items were located. He also discussed what would be located in the basement of the building.

Mr. Briggs questioned where the heating and air conditioning would be located. Mr. Richardson explained where the units would be located. A discussion of the ventilation for the kitchen followed.

Mr. Richardson noted that the square footage of the entire proposal was about 3,800 square feet. A discussion of this matter followed.

Mr. Hall questioned the type of heating ventilation system. Mr. Richardson further explained where the various components were located.

John Schilling, MVC staff, discussed the proposal with respect to the zoning, town officials and the location. He discussed the exterior lighting, landscaping, signage, the issue of affordable housing. He then discussed the issue of access and the usage of a wheelchair lift. He noted the comments in a letter received regarding the proposal and pedestrian access.

Ms. Sibley raise a question regarding hours of operation. Mr. Richardson indicated 6:30 a.m. to 9:00 p.m. possibly 10:00 p.m. in summer.

Mr. Briggs raised a question regarding sidewalks in the area. Mr. Richardson indicated that there were none in the area.

Ms. Sibley then called for town boards - there were none. Ms. Sibley asked if there was any correspondence from the Park Commission. Mr. Richardson noted that he did not but had letters from the Board of Health, Planning Board and the Highway Dept.

Ms. Sibley requested copies of all correspondence. Mr. Richardson further discussed the issue of parking around Viera Park.

Ms. Sibley then called for proponents.

Wayne Wallace, a tenant in one of the houses, spoke in favor of restaurant as being good for community.

Frank Beard, lives near Viera Park, felt proposal good for town and area.

Art BenDavid, abutter, feels would benefit town.

Cathy Bouvier, abutter, discussed traffic and felt that there would be no problem and there was a need for affordable restaurant.

Catherine Deis, area resident, favored proposal.

Roger Wey, businessman, felt a benefit to town.

Ms. Sibley then called for opponents.

Matt Sienta, abutter, indicated not opposed but had questions. He discussed issue of traffic disturbance, grading toward his property, and the preservation of certain vegetation on site. He discussed the possibility of alternate parking arrangements. He discussed the problem of parking on the street. A discussion of the street parking issue followed. Ms. Sibley raised a question of the suggested fencing with respect to the existing vegetation.

Ms. Greene raised a question of parking for the existing houses. Mr. Richardson noted where the spaces would be located.

Ms. Sibley then called for any additional testimony.

Beth McDougall raised an issue as to the length of time that the residential unit had to be kept as affordable and what would happen if one was ever converted to retail. A discussion of this matter followed.

Mr. Early questioned how many lots were involved and how many units were involved. A discussion of this matter followed.

There being no further testimony Ms. Sibley called for applicant summation.

Mr. Richardson discussed the issue of parking and grading away from the abutting property. He discussed the issue of added fencing. He discussed the exterior lighting. He discussed the problems with the alternate parking proposal.

Mr. Richardson then discussed the issue of take-out and the fact that all places have take-out but that he had provided trash bins around the property.

A discussion of the use of biodegradable materials followed.

Mr. Jason questioned whether there would be benches or seats on the porch. Mr. Richardson indicated no.

There being no further testimony the hearing was closed at 9:09 p.m. The record was to remain open for one week.

Following the public hearing the Martha's Vineyard Commission held a Regular meeting on Thursday, March 17, 1994, in the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Ma.

ITEM #3 - Approval of Minutes

Minutes of February 3, 1994 - on a motion by Mr. Colaneri, duly seconded, the minutes were approved.

Minutes of February 10, 1994 - on a motion by Ms. Greene, duly seconded, the minutes were approved.

Minutes of February 17, 1994 - on a motion by Ms. Greene, duly seconded. Mr. Best felt the issue of a letter from the

Tisbury Conservation Commission should be clearer. Mr. Jason also noted that he had left the room during that issue.

Ms. Greene amended her motion to read approve as corrected, duly seconded, so voted. (The text of the Tisbury Conservation Commission letter is attached).

ITEM #4 - Chairman's Report

Mr. Clifford noted that Marie Allen had been hospitalized with a severe shoulder injury which required an operation. Mr. Clifford also requested the names of those who would be attending the conference.

- LUPC

Ms. Sibley reported on the meetings that had been held regarding the Tony's Grill DRI, the Peter Sharp DRI. A discussion of the status of the Sharp DRI followed.

- PED

Mr. Early discussed the meeting regarding the EOCD partnership workshop. A discussion of this matter followed. Mr. Early further discussed the concept of the econo bank.

- Agri. Task Force

Ms. Sibley discussed the potential of merging the PED and the Agri Task Force.

Mr. Colaneri questioned whether there had been any response to inquiries regarding the Urban harbors study. A discussion of this matter followed. Mr. Clifford discussed the contact and letters that had been sent and to whom. A further discussion of this matter followed. The Executive Director was directed to contact Richard Delaney again via mail to see if any information would be forthcoming.

ITEM #5 - Possible Vote - Written Decision - West Tisbury School

Mr. Early left the room.

On a motion by Mr. Colaneri, duly seconded, the written decision was approved with 2 abstentions.

ITEM #6 - Old Business - there was none.

ITEM #7 - New Business -

Request of Carol Borer

Ms. Sibley and Mr. Hall left the room.

Ms. Borer raised issues regarding the decision of the Convery movie theater DRI proposal.

Douglas Dowling, Smith and Dowling, discussed the process that the Commission had used to review this proposal. He felt the process was one sided and unfair to the applicant. He discussed each in detail.

A discussion of the appropriateness of the presentation followed.

Ms. Borer felt the written decision did not reflect the record nor what had been presented. She felt the written decision dealt with economics and not with any of the issues that had been dealt with at LUPC or the Commission. She asked what should be addressed if a new application were to be submitted.

A discussion of what was in the decision and what it meant followed.

A discussion of MVC procedure followed.

A discussion of whether this property would fall within the once a DRI - always a DRI followed.

A discussion of whether there was a procedure for a reconsideration of the vote to designate a proposal a DRI followed.

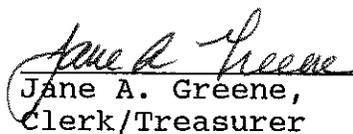
There being no further business the meeting adjourned at 10:14 p.m.

ATTEST



Michael J Donaroma,
Chairman

4-21-94
Date



Jane A. Greene,
Clerk/Treasurer

4-21-94
Date

Attendance

Present: Best, Briggs, Colaneri, Donaroma, Early, Greene, Hall, Jason, Lazerow, Sargent, Schweikert, Sibley, Vanderhoop, Gallagher

Absent: Bryant, Riggs, Sullivan, Clarke, Allen, Bolling, Chapin