

THE MARTHA'S VINEYARD COMMISSION

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Minutes of the Special Meeting of February 6, 2003

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

IN ATTENDANCE

Commissioners: Jim Athearn, Chairman (Elected - Edgartown), John Best (Elected - Tisbury), Christina Brown (Elected - Edgartown), Linda DeWitt (Appointed - Edgartown), Jane A. Greene (Appointed - Chilmark), Tristan Israel (Appointed - Tisbury), Deborah Moore (Elected - Aquinnah), Katherine Newman (Appointed - Aquinnah), Megan Ottens-Sargent (Elected - Aquinnah), Richard Toole (Elected - Oak Bluffs), Alan Schweikert (Appointed - Oak Bluffs), Doug Sederholm (Elected - Chilmark), Linda Sibley (Elected - West Tisbury), Kate Warner - Appointed - West Tisbury, Andrew Woodruff (Elected - West Tisbury)

Staff: Mark London (Executive Director), Jennifer Rand (DRI Coordinator), Bill Wilcox (Water Resources Planner), David Wessling (Transportation Planner), Bill Veno (Regional Planner)

1. TAPESTRY HOLDINGS (DRI No. 563 - SCOTTISH BAKEHOUSE) - PUBLIC HEARING

Commissioners present for the Public Hearing were: J. Athearn, J. Best, C. Brown, L. DeWitt, J. Greene, T. Israel, D. Moore, K. Newman, M. Ottens-Sargent, R. Toole, A. Schweikert, D. Sederholm, L. Sibley, K. Warner, A. Woodruff.

Present for the applicant were Steven Galente, owner of Tapestry Holdings, and Moira Fitzgerald, architect of the project.

There being a quorum present, Christina Brown, Hearing Officer, opened the Public Hearing at 7:37 p.m. and read the Notice of Public Hearing.

1.1 Applicant's Presentation

Steven Galente explained the background for the project.

- He is the only shareholder of Tapestry Holdings. He is a seasonal resident intending to move permanently to the Island and he wants to establish a business presence here.

- He purchased the property of the former Scottish Bakehouse, a pre-existing non-conforming use established before the zoning by-law was adopted.
- He proposes to demolish the existing building and rebuild essentially the same functions in a slightly larger building. It would include two apartments rented year-round to Island residents at affordable housing rates in addition to reopening the bakery as it was before and operating under the name of the Scottish Bakehouse.

Moira Fitzgerald described the project.

- The overall building would have 3951 square feet. It has cedar shingles without cornerboards and with natural cedar trim.
- The bakery will be located at the front of the building and was designed to resemble a barn structure. It will be 2031 square feet, which represents a 670 square foot increase over the size of the former bakery – 400 square feet of which is an office on the second floor. There will be interior seating for 12 people at a counter and at small tables as well as several Adirondack chairs on the deck, an arrangement similar to that at the Chilmark Store. There will be one bathroom available to clients.
- There will be two, two-bedroom, housing units at the rear with an area of 960 square feet each. Each unit has private deck with no overlooking views. The living rooms are located on the ground floor and the bedrooms would be below, taking advantage of fact that site slopes off at the back.
- The building would have a standing seam roof, similar to several Island examples she showed of a store, a guesthouse, studios and farm buildings. The roof could be in green, grey or black. The noise for residents will be limited because the roof will be insulated and that the bedrooms are to be located two floors below.
- The landscape plan indicates a proposal to split the road entrance and exit with the exit being moved farther from the corner of the lot to improve sight lines for exiting vehicles, given the presence of a utility pole and large tree right on the corner of the abutter's property. There are 12 parking spaces for the bakery, requiring some levelling of the site and construction of a retaining wall. At the rear are 4 spaces for the apartments plus some employee parking. The parking will be in gravel; only the handicapped space will be paved.
- It is proposed that the existing vegetation in front of the building be removed and replaced by three rows of two or three fruit trees. These trees could also be planted in a more natural layout that would allow preservation of an existing cedar. A line of pine trees is proposed to screen the southern abutter from the new building.
- The alignment of the building has been rotated in order to maximize southern orientation, for passive solar now and the possibility of active solar in the future. This also has the effect of minimizing the presence of the building entering from State Road since people will only see the narrow end. The longer side of the building is screened from State Road with vegetation and the new building is set further back from the road than the present one.
- A loading dock is located toward the back of the bakery and is screened from view with planting.

1.2 Staff Reports

Jennifer Rand noted the following.

- A staff report had been distributed to all Commissioners and is in the project file.
- She has since received a letter from the applicant indicating his intention to make the housing affordable but since he is not prepared to proceed with the deed restriction, will donate \$1900 to an affordable housing fund.
- She received a letter from an abutter who has easement going through the site. He supports the project but expressed concern about the tree and utility pole causing a safety problem at the exit to the site.

David Wessling gave a report on traffic.

- A traffic report has been distributed.
- He agrees with the conclusions of the applicant's traffic study done by Andy Grant. Even with a potential of up to 60 trips, 30 in and 30 out at Saturday morning peak hour (based on assumptions about the turnover of the parking spaces reserved for the bakery) the delay would be about 15 seconds, which is well within the average range. He notes that there have not been accidents in this stretch of road. The construction of the Bridge Housing project nearby would not have a significant impact on the traffic
- He is concerned about sight lines. Looking Up-Island, the sight line is about 500 feet, more than the minimum recommended stopping distance of 300 feet though not as much as the desirable 600 feet. Looking Down-Island, the curve of the road and the up gradient means that the sight lines are very limited. The proposal to move the exit further west helps deal with the problem. He thinks that combining both the entrance and the exit where the new exit is proposed would be a good solution, as it would improve sight lines, provided there is still a stacking area for cars leaving the site.
- With respect to the internal layout, he recommends that the one or two spaces nearest the road should be reconsidered because cars would have to back out into the drive; this could interfere with cars entering the property. He also suggested there be an area for overflow parking.

Bill Wilcox summarized the water resources elements from the staff report.

- The site is in the Gay Head Moraine. It is not clear whether groundwater goes to Lake Tashmoo because of the large distance to the lake and the complex interlying geology. The site will be served by an on-lot well and septic system.
- The nitrogen loading on site permitted title V limit is 845 gallons per day. The 4 bedrooms require 440 gallons leaving an available flow for the bakery of 405 gallons per day or, after applying a 200% design requirement, about 200 gallons per day of actual flow. He assumed consumption of 200 gallons per day for 180 days and 100 per day for the rest of the year for a total of 54,500 gallons. The estimated nitrogen loading for the housing, bakery and lawn maintenance would be 9.81 kilograms per acre per year. This falls in middle range of water resource ratings for the generally used SA standards. The "outstanding" standard is used in relatively rare situations such as for a property very close to a pond. The previous building

was not metered.

- Possible mitigation measures for nitrogen limitation include using low maintenance landscaping not requiring nitrogen fertilizer, limiting the water flow from the bakery or housing, or requiring a denitrification system (reduction of loading of 40-60%; cost of \$8000 to 10,000 to build and about \$500 - \$1,000 a year to maintain). Alternatively, since there is not a high level of confidence of the site's impact on Lake Tashmoo, "taking a pass on any mitigation" is justifiable.

Mark London discussed the scenic values.

- The existing grove of trees blocks the view of the building from road coming from Up-Island. However, the openness of the proposed entrance treatment and formal planting of eight fruit trees planted in rows would undermine the natural character of the rural road with its continuity of informal, indigenous vegetation that is dense enough to largely screen buildings.
- Having the building turned at a sharp angle from the road is not in the tradition of having buildings perpendicular from the road.

1.3 Testimony from Town Boards and Officials

There was none.

1.4 Public Testimony in Favor of the Proposal

Ken Bilzerian, the abutter to the east, is in favor of the project. He had been concerned about what kind of cooking would be done, the hours of operation, the outdoor lighting and various other details related to the area close to his property. Christina Brown suggested that he talk directly to the applicant to clarify details not responded to in the hearing.

Dave Willing, a close neighbor, felt that this is a great project.

Kristin Henshaw lives right across the street and is very much in favor.

Fritz Williams, an abutter, had sent a letter of support. The other abutter, Peter White, sold the property to the applicant.

1.5 Public Testimony Opposed to the Proposal

There was none.

1.6 Public Testimony With Other Comments

There was none.

1.7 Questions from Commission Members

Kate Warner asked how solar orientation justifies turning the building at an angle since the building does not appear to have been designed for passive solar, given the relatively small windows and large overhanging roofs and the fact that active solar could be added on the ground. She asked whether the architect could produce a sketch plan showing the building at right angles to the street, which would be more in keeping with the Island Roadside District. Moira Fitzgerald replied that there are some large windows in the housing units and that would help reduce heating costs. She also felt that this orientation also minimizes the visual impact of the building since the long, west facade is screened with vegetation.

Linda Sibley wondered whether, by turning the building at this angle, it exposed the longest side to the Up-Island part of the road that has the longest sight lines. If the building were more perpendicular, would it be possible to put the parking further back. She also asked about the lighting. Moira Fitzgerald replied that the only lighting would be on the building and sign during business hours that would correspond largely to daylight hours.

Jane A. Greene asked about the signage. Mr. Galente replied that it would be similar to the previous one and agreed that it didn't need to be lit.

Tristan Israel asked whether the owner would agree to a single entrance/exit. Mr. Galente replied that he would be amenable if this was the safest solution. Tristan Israel asked about the menu and deliveries. Mr. Galente replied that the menu would be built around the Scottish Bakehouse Cookbook as well as sandwiches and prepared meals for takeout. It is not clear what seating there was before. There will not be any picnic tables. He is not sure when deliveries will take place.

Megan Ottens-Sargent inquired about review by the Town. Mr. Galente replied that it would have to go to the Board of Health and the Zoning Board of Appeals.

1.8 Applicants' Closing Remarks

Moira Fitzgerald reiterated that the project, with its building design and orientation, parking, new exit, and landscaping would be of public benefit.

Chairman Christina Brown closed the evening's portion of the Public Hearing, which she continued to Thursday, February 13, 2003 at 8:45pm. She noted that the project would also be discussed at LUPC next Monday, February 10, 2003, at 5:30 p.m.

Recess from 8:45 to 8:55 p.m.

Jim Athearn explained to those in attendance that the rest of tonight's meeting would be comprised of deliberations among the Commissioners without participation from the public.

2. KINGDOM HALL (DRI No. 559) - DELIBERATIONS AND DECISION

John Best, Linda DeWitt, Jane A. Greene and Alan Schweikert recused themselves and left the room. Commissioners present for this item: J. Athearn, C. Brown, T. Israel, D. Moore, K. Newman, M. Ottens-Sargent, R. Toole, D. Sederholm, L. Sibley, K. Warner, A. Woodruff

Christina Brown reported that LUPC had met on January 27, 2003. She explained the written offers from the applicant as well as LUPC's recommended conditions that were distributed to Commissioners and are in the project file. LUPC recommends approval of project accepting the offers with the option of cladding the building in cedar siding, and requiring that the building be set back at least 60 feet from the property line on State Road. Various options were discussed with respect to access. The conclusion had been to experiment using Stoney Hill Road and, if that didn't work switch to using Joe Viera Road or a new curb cut on State Road. Subsequent discussion with several commissioners led to other options, namely giving the applicant the choice of option or simply accepting the curb cut on State Road as proposed by the applicant.

It was moved by Linda Sibley and duly seconded that the offer be accepted to clad the building in white cedar shingles with trim and columns in natural cedar. Voice Vote. In favor: 11. Opposed: 0. Abstentions: 1. The motion carried.

It was moved by Linda Sibley and duly seconded that the landscaping offers be accepted. Voice Vote. In favor: 12. Opposed: 0. Abstentions: 0. The motion carried.

It was moved by Tristan Israel and duly seconded that the applicant be given the choice of using Stoney Hill Road, Joe Viera Way or a new curb cut on State Road as access and that the previous DRI decision be modified to that effect:

- Linda Sibley said that she is not happy about what she feels is an unnecessary additional access directly from State Road but recognizes the special circumstances in this case that mean that it will not really constitute a precedent.
- Andrew Woodruff also advocated for minimizing curb cuts for safety and aesthetic reasons. He thought that Jim Athearn's proposal had been good, namely to use Joe Viera Way but to shift it westward so the existing roadway could be used for planting to screen the neighbor. He appreciated the applicant's willingness to make minor changes like shingling the building.

- Tristan Israel noted that this is a community group that has been good neighbor in Tisbury. Although he is not a fan of curb cuts, in this case it is justified.
- Megan Ottens-Sargent said she would favor this proposal if the building were moved 15' back, instead of the 10' as proposed.
- Richard Toole favored this option as it leaves the door open.
- Doug Sederholm felt that the applicant's presentation on the federal law had been somewhat one-sided and self-serving. If the Commission made requirements that threatened the viability of the construction of the church, that could be considered a substantial burden on the applicants' exercise of religion. However, he felt that if the Commission denied the curb cut, this would not be a substantial burden on the applicant's exercise of religion. That said, although he does not generally favor new curb cuts and regrets that the Joe Viera Way option had not been further explored, he could support this motion.
- Linda Sibley asked that the motion be reworded to include the possibility of slightly relocating Joe Viera Way.

Voice vote on the motion amended to include the possibility of also allowing access via a slightly relocated Joe Viera Way. In favor: 12. Opposed: 0 Abstentions:0. The motion carried.

It was moved by Linda Sibley and duly seconded that a condition be required to have the building set back a minimum of 60 feet from the property line along State Road. Voice Vote. In favor: 11. Opposed: 1. Abstentions: 0. The motion carried.

It was moved by Christina Brown and duly seconded to accept the applicant's offer about roof drainage and to impose the condition on site drainage as outlined in the staff document that had been distributed. Voice Vote. In favor: 12. Opposed: 0. Abstentions: 0. The motion carried.

It was moved by Tristan Israel and duly seconded to accept the applicant's offer with respect to lighting and add the proposed condition that security lighting be low wattage and on motion detectors.

- Kate Warner wanted to see details of lights including wattage and heights. She suggested that the lighting should be bollard lighting similar to the lighting at the West Tisbury Library. She also felt that all the lighting should be on motion detectors.
- Tristan Israel noted that the lighting proposal is indicated on the plans.
- Andrew Woodruff asked what had happened to the applicant's offer to lower the poles and the wattage. Mark London indicated that these changes had already been made and were indicated on the latest set of plans.
- Richard Toole felt that when the building was being used, the lights should stay on rather than be on motion detectors.
- Douglas Sederholm agreed that lights should stay on during functions and the security lighting on the building on motion detectors. He agreed it would be better with bollard lighting.

- Linda Sibley noted that with commercial projects, the Commission generally allows a greater amount of light when they are open and security lighting on sensors when they are closed. She felt that the applicants could save money with a better design and suggested that they talk to Kate about how to minimize the lighting.
- Tristan Israel suggested passing the motion as it is and asking the applicant to explore better solutions, offer to work with them.
- Jim Athearn suggested a sub-committee and staff work on an acceptable option.
- Christina Brown noted that they have reduced the number and height of lights and that they will only be used during meetings. She agreed that the Commission should have clear guidelines on exterior lighting.
- Kate Warner proposed the project be approved with the condition that the lighting is like that at the West Tilbury library. If, for some reason, this proved to be infeasible, they could come back and request a modification.

It was moved by Deborah Moore and duly seconded to amend the motion to allow either the lighting scheme as proposed, or with bollard lighting, or with a combination of the two and that the applicant be urged to use the bollard lighting. Both Linda Sibley and Tristan Israel accepted the amendment to their original motion.

- Andrew Woodruff said that since the project is not in a business district or village, he favors the low, library lights.
- Doug Sederholm agreed with Andrew.
- Tristan Israel would have preferred that we would have asked the applicant the question during hearing as to whether the low bollards were acceptable.
- Deborah Moore hesitated to impose this constraint now.
- Megan Ottens-Sargent felt that it would be reasonable to ask for West Tisbury library lighting.

Voice Vote. In favor: 6. Opposed: 4. Abstentions: 2. The motion passed.

It was moved by Linda Sibley and duly seconded that a condition be added to the effect that if there were ever a change to a non-religious use, the owner would have to come back to the Martha's Vineyard Commission and reapply for permission to maintain the curb cut, the canopy and the lighting.

- Linda Sibley said that there had been many concessions on this project due to the fact that it was a religious institution. She was concerned about what would happen if it were sold for a non-religious use.
- Jennifer Rand noted that if it was sold for a more intensive use such as commercial, it would have to come back but that this would not be required for conversion to residential.

Voice Vote. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.

It was moved by Christina Brown and duly seconded that the project be approved as proposed as amended with the offers from the applicant and with all the conditions just adopted and that

the previously approved subdivision DRI be modified to allow the curb cut on State Road.

- Megan Ottens-Sargent was concerned about the sign.
- Jennifer Rand checked the West Tisbury by-law that indicates that the limit is 6 square feet. The proposed sign is indicated in the plans.
- Andrew Woodruff reiterated that there is a 50' no-cut zone that must be respected. Although he generally supports mixed use, in this case he is concerned about the small setback and the new curb cut, even more than exterior wall materials so he will abstain from the vote. It is unprecedented to have a building of this size so close to the road. This is contributing to the suburban sprawl and loss of the rural landscape between North Tisbury and Vineyard Haven.
- Linda Sibley has concluded that this is not an appropriate location for a bike path because of the no-cut zone but hopes that the Jehovah's Witnesses will remember that, if there is bike path proposal in the future, they will remember their commitment to work with the Town to find a good solution.

Roll call vote. In favor: J. Athearn, J. Best, C. Brown, T. Israel, D. Moore, K. Newman, M. Ottens-Sargent, R. Toole, D. Sederholm, L. Sibley, K. Warner. Opposed: None. Abstentions: A. Woodruff. The motion carried.

Christina Brown concluded that this has been good process in resolving the applicant's and the community's needs.

Recess from 9:58 to 10:04 p.m.

3. MANSION HOUSE (DRI No. 550) - CONCURRENCY VOTE

Commissioners present for this item: J. Athearn, J. Best, C. Brown, L. DeWitt, J. Greene, T. Israel, D. Moore, K. Newman, M. Ottens-Sargent, R. Toole, A. Schweikert, D. Sederholm, L. Sibley, K. Warner, A. Woodruff.

Representing the applicant were Sherman Goldstein, owner and David Galler, architect.

Christina Brown reported that LUPC had met on February 3, 2003 to analyze whether the proposed modifications to the building (originally approved by the MVC on April 4, 2002) raised new issues or were significant enough to require holding a new Public Hearing, or whether the Commission could deal with the changes itself. LUPC recommended that a Public Hearing not be held and that the project be remanded back to the Town provided the following applicant's offers were accepted:

- remove the three projecting balconies on Main Street and replace them with Juliet balconies;

- remove the shed roof on the middle part of the fourth floor facade at the rear and treat the wall to harmonize with the roof, and
- make a clear effort to break up the expanse of the large windows in the french doors by introducing muntin bars.

Kate Warner asked which doors were set back from the plane of the facade since she was concerned that these niches would be in dark shadow and would dominate the facade, David Galler pointed out several sets of doors. He also clarified that the railings would be attached to the door trim and the doors would be set back the thickness of the wall.

Kate Warner noted that on the original plans, most of the openings were pairs of double-hung windows with only a few french doors. The proposed new doors are a major change that would undermine the Victorian character of the building. She favored returning to the windows. She also asked whether it would be possible to make the railings grey or white. She is concerned that they would stand out too much in the dark blue as proposed. She said that there was no tradition of iron balconies on this kind of building, or on the Vineyard in general. David Galler said that iron balconies are traditionally black or a very dark color. The railings will be galvanized so they won't rust. He chose blue to match the accent color on the trim of the building. The wooden railings will be a traditional white. The only iron railings are on the upper part of building. He felt that white railings would look odd and would be more of a visual obstruction from the interior.

Mark London said that the question of color may seem trivial but will have an important impact on how the building is perceived. Since the building is mostly grey and white; the eye will be drawn to the two features that are the most problematic, the now considerable number of railings and the large french doors. He agreed that dark colors are usually used for metal railings but these are usually installed on brick and stone buildings. In this case, light-colored railings and frames around the doors would help these elements visually harmonize with the building; stronger colors might help enrich the woodwork at the ground and second floors.

Alan Schweikert felt that Victorian buildings are eclectic by nature and that this is not a significant change.

Linda Sibley also felt that color is not a substantial issue and the building could be repainted in the future anyway.

It was moved by Jane A. Greene and duly seconded that the Commission not concur with the Referral, that the Modification being proposed was not significant and that it did not require a full Public Hearing provided the three projecting balconies on Main Street were removed and replaced with Juliet balconies and provided the shed roof on the middle part of the fourth floor facade at the rear was removed and the wall treated to harmonize with the roof.

- Mark London asked about the muntin bars in the windows of the french doors.
- Jane A. Greene said that muntins in Victorian buildings were always painted black so they would not be visible anyway.
- Mark London said that there were two general approaches for painting Victorian buildings: dark, rich colors with dark windows were more common, but lighter colors were also used. Here, the decision was made to use mainly lighter colors to harmonize with Main Street. With white doors, the absence of subdivisions provided by muntins would be quite visible and he feared that the great number of these large doors without subdivided windows would

substantially change the visual scale of the building and be less harmonious with Main Street.

- David Galler said they looked at possible configurations for muntin bars in french doors and understood that it would be technically possible to add the muntin bars now. He noted that bottom halves of the doors would have railings in front of them and concluded that the best choice was to leave the full-sized glass.
- Megan Ottens-Sargent suggested that a mock-up be made to allow evaluation of the options.
- Tristan Israel said that originally the process was expedited for economic reasons and if this had been shown that night, it would probably have been approved. He suggested leaving the decision up to the applicant.
- Alan Schweikert felt that the railing breaks up the size of the windows and that french doors will look cleaner and be easier to maintain.

Voice vote. In favor: 15. Opposed: 0. Abstentions: 0. The motion carried.

It was moved by Christina Brown and duly seconded that the Commission accept the revised Plan consisting of the set of drawings dated October 28, 2002, with the modifications described in the last motion, thereby modifying the original decision on the project (DRI No. 550). Roll call vote. In favor: J. Athearn, J. Best, C. Brown, L. DeWitt, J. Greene, T. Israel, D. Moore, K. Newman, M. Ottens-Sargent, R. Toole, A. Schweikert, D. Sederholm, L. Sibley, A. Woodruff. Opposed: K. Warner. Abstentions: None. The motion carried.

Sherman Goldstein said that it would take a few days for a welder to cut off the balconies.

Jim Athearn wished the applicants good luck with their project.

4. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETING

It was moved by Richard Toole and duly seconded that the minutes of the Commission meeting of December 19, 2002 be adopted. Voice vote. In favor: 10. Opposed: 0. Abstentions: 5. The motion carried.

The Meeting adjourned at 10:45 p.m.

James A. Athearn
Chairman

July 10, 2003
Date

Jane A. Heen
Clerk-Treasurer

7/24/03
Date