

## **DRAFT RESPONSES (MAY 12, 2008)**

### **Bradley Square – Additional Questions**

Martha's Vineyard Commission April 29, 2008

#### **Uses and Spaces**

1. Clarify the use of the studio spaces. Is the intention only to allow the artist living there to open up his or her work space at certain times to the public, who can also buy that artist's work? Or can they be used as full-fledged art galleries featuring the work of other artists? Can they offer classes? This is especially relevant for any spaces outside the present B1 district.

The four proposed residential live/work artist units will be restricted under the ground lease to eleven months per year owner occupancy. Units can only be rental units written permission of the condominium association and the Island Housing Trust for an amount not more than the carrying-costs (i.e. mortgage premium, insurance, taxes, condo & IHT fees). The condominium rules and regulations will require that the home business use of the four artist live/work units be consistent with the surrounding Art District's hours of operations and the Town's by-laws. Under Ch. 40B the secondary commercial use of the primarily residential artist/live units can be allowed outside of the B1 District (see answer to #4 below).

2. Is the intent to keep the multi-use space for a variety of secular and possibly religious activities, or might it be sold to an entity that would use it for a single use, such as a church that would use it only for church activities? How would flexibility of use be ensured if the space is sold?

The non-profit Island Affordable Housing Fund will own and manage the Denniston center for community use until such time as an appropriate non-profit organization steps forward to purchase and managed the space. Any entity purchasing the Denniston center would be required to allow community use of the space when the center is not in use by the owner under the condominium rules and regulation.

#### **Zoning**

3. Clarify what could be built under existing zoning, either as of right or with special permits with regards to uses, building size and setbacks, tree cutting, paved area, and parking.

The 18,705 sq. ft. property consists of six legal lots, three lots located in 12,615 sq. ft. of the residential district and three lots located in 6,090 sq. ft. of the business district. Under the draft proposed changes to the DRI application, the square footage for all three buildings will total 13,741. For reference purpose only, under the Town of Oak Bluffs existing zoning this property could have been purchased and as many as four to five buildings total 28,000 sq. ft., 35 feet in height in the business district and 32 feet in height in the residential district, could have been built under the town's zoning by-law. See description below:

Business District Lots (6,090 sq. ft.): Both of the alternatives below could have resulted in the removal of the 15 existing trees in poor to good condition, other than three street trees along Duke County Avenue in fair condition that the Town could have required to be retained. Whatever portion of the property not built upon could have been paved over for parking or for a drive-way/ drive-through.

Residential Alternative – As many as three three-story 35 foot high 6,000 sq. ft. single or multi family-houses (within three 2,000 sq. ft. building envelopes) set five feet from the

street, with off-street parking provided in attached garages, could have been constructed on each of the three lots located in the B-1 District.

Commercial Alternative – as many as three 1,999 sq. ft. 35 foot high three story commercial buildings set five feet from the street, with off-street parking provided in attached garages, could have been constructed on each of the three lots located in the B-1 District. The third lot that is half in the Business District would need approval from the ZBA to extend the Business District regulations (who has historically approved all B-1 extensions). Businesses could have consisted of anything from more art gallery spaces to a take-out or drive-through prepared food business.

Residential District Lots (12,615 sq. ft.): This alternative could have result in the demolition of the Denniston building and the removal of the 10 existing trees in poor to good condition, other than one street tree along Duke County Avenue in fair condition that the Town could have required to be retained. Whatever portion of the property not built upon could be paved over for parking or a driveway.

Residential Alternative – One large 10,000 sq. ft. 32 foot high two and a half story single-family house (within 4,615 sq. ft. building envelope) with 20 foot setbacks from the lot lines and off-street parking provided in attached garages could have been constructed. Alternatively, two buildings could have been constructed within the 4,615 sq. ft. building envelope, including a single-family house and guesthouse (that could be built with a waiver or within 5-years).

4. Is there any downside to making this a 40B project? Great effort has been made to try to make it fit into present zoning and avoid a 40B. However, using 40B might resolve some still outstanding some zoning issues, might give more flexibility in site design, and could address concerns about the extending of the business district into a residential area.

The Oak Bluffs Board of Selectmen has sponsored an application to the state Department of Housing and Community Development (DHCD) for the project to be permitted under Ch. 40B. DHCD has conducted a site visit and will be issuing a site approval letter within the next two to three weeks. The Town of Oak Bluffs Building Department has stated that the project “should be heard in front of the Board of Appeals utilizing comprehensive guidelines established in MGL 40B.... That under 40B, the Zoning Board of Appeals can approve a project with greater density thereby making it financially feasible to develop affordable housing.” See attached memo.

### **Funding**

5. Are public funds being used to subsidize the artists’ live/work units or other business activities?

Oak Bluffs Community Preservation Act (CPA) funds will only be used to help subsidize the four affordable residential units that Oak Bluffs town residents earning 100% or less of the median income (as required under CPA) will be given preference for through the selection process. The four residential artist live/work units and other residential units serving individuals and couples earning between 100% and 140% of the median income will be subsidized through the Island Affordable Housing Fund’s private fundraising efforts, along with the renovation of the Denniston center and office.

### **Historic Preservation**

6. Describe in detail the changes that will be made in the Dennison house, especially the exterior, and explain how these changes preserve the architectural integrity of the original structure.

Under the draft proposed changes to the DRI application, the footprint of the Denniston house will remain in its existing configuration and the renovation will maintain the architectural integrity of the historic building, including the exterior (porch, siding, trim) and the original first floor sanctuary space (flooring, trim, windows, doors, wainscoting).

7. Comment on the historical importance of restoring the church sanctuary and of maintaining this as a public place of assembly.

Renee Balter and David Wilson from the Oak Bluffs Historic Commission, Lindsey Lee and Keith Gorman from the Martha's Vineyard Museum, Pastor Marcia J. Buckley from The Apostolic House of Prayer of M.V., Inc., and Natalie E. Dickerson from the NAACP of Martha's Vineyard have all spoke and/or written letters on the historic importance of restoring the church sanctuary and maintaining it as a public place of assembly and use.

### **Trees**

8. Clearly indicate which trees are on public property, as well as those which overhang the street and can be considered street trees.

See attached plan that shows which trees are on public property (tree #52) or are street trees (trees #54, 43, and 36) that are in fair condition. Under the draft proposed changes to the DRI application, street tree #52 (fair condition) will be retained by moving the Bradley I building 24 feet back from Dukes County Avenue and tree #34 (good condition) will be retained by removing the addition to Denniston building.

### **Traffic and Parking**

9. How often is it likely that there will be someone working in the NAACP office? Is a designated parking space needed?

The NAACP of Martha's Vineyard projects using the office in the Denniston building approximately 3 days a week from 10:00 to 3:00 initially, however the office hours in the future could be 9AM – 5PM Monday thru Friday along with a monthly board meeting for two hours (1PM – 3PM) on the second Sunday of every month in the Denniston center. The NAACP office will use on of the on-street parking spaces instead of having a designated off-site parking space under the draft proposed changes to the DRI application.

10. What will the project's annual payment into the Parking Mitigation Fund be?

The Parking Mitigation Fund is to mitigate for required off-street parking in the B-1 District under the Town's Zoning By-law. Local zoning by-law requirements, such as parking, can be waived under Ch. 40B. However, if the ZBA conditioned the 40B permit such that the four residential artist live/work unit would have to pay towards the Parking Mitigation Fund, they would have to pay approximately \$100 to \$200 annually per unit based on the 190 sq. ft. of work space in each unit.

11. Would it be possible to move the handicap parking space to the front of the Denniston Building and use the off-street space for resident parking? Would it then be possible to secure three additional off-street parking spaces in the immediate vicinity (e.g. commit to renting spaces), so there would be one off-street space for each residential unit? This would free up the on-street spaces for people visiting the project or the neighborhood.

A request has been made that one on-street parking space in front of the Denniston building be designated handicapped parking space by the Town of Oak Bluffs. Under the draft proposed changes

to the DRI application, 11 off-street parking spaces provide each residential unit with one off-street parking space.

12. Ask the Town to provide as much information about the satellite parking and the shuttle service as possible. How many cars can the various remote facilities accommodate? What are the dates when these facilities will be available? Is there an agreement and/or contract for using the proposed remote parking areas? What are the dates of shuttle service and what will the hours and frequency of service from the Arts District be?

The Oak Bluffs' Parking and Traffic Committee is meeting on May 13<sup>th</sup> to work on the plan for this summer's satellite parking and shuttle service. More information will be made provided when it become available.

13. For activities in the Denniston Center held when the Town shuttle service is not operating, what function size would require the event sponsor to utilize the town's satellite parking facility? When would this service be required (e.g. it would be needed in the summer if the Town stops running the service or for activities outside its hours, and might be needed on spring and fall weekends, but would probably not be needed in the winter)? Who will administer this program? How would members of the public be encouraged to utilize these services and facilities?

The Island Affordable Housing Fund as owner will require any renter of the Denniston center to provide a shuttle bus or taxi service for larger events (30 persons or more) during the summer season if the Town's shuttle bus service is not operating during certain hours.

### **Possible Alternatives**

See attached draft proposed changes to the DRI application.

14. Comment on the possibility of making the ground floor spaces separate galleries, or retail space, to be rented/sold for market rates. (This could involve totally converting some of those units to become commercial, or reconfiguring the ground floors so the parts facing the street were commercial and the parts facing the back remained residential.) Would this provide additional income that would make it possible to reduce the overall density?
15. Would it be possible to reduce the impact on Dukes County Avenue, by pushing the buildings back ten or more feet, preserving all the major street trees except the one in the driveway, and running the sidewalk on the interior of these trees? If 40B is pursued, this could allow slightly narrowing both green spaces between the buildings, instead of drastically reducing just one space as in the previous response to this question. What would the impact be to the trees along Masonic Avenue (specifically #43 and #37)? Can the design be adjusted to save the major street trees on both Dukes County and Masonic?
16. Would it be possible to scale down the project somewhat, especially in the R1 district, either by reducing the number of units or by having smaller units? For example, this could involve leaving the Denniston Building in its existing location, and building a single three or four unit building to the left of it, or building, say, two two-unit houses. What would the pros and cons of such alternatives be?