

## **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 rented with written permission of the condominium association and the Island Housing Trust for no more than their 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, including a provision that only the resident's art can be sold on premises and ability to use the space for small appropriately sized classes. 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 manage 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:

Dukes County Avenuenue 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 35 foot high three-story 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 ground floor garages, could have been constructed on each of the three lots located in the B-1 District.

Commercial Alternative – as many as three 35 foot high three story 1,999 sq. ft. commercial buildings set five feet from the street, with off-street parking provided in ground floor 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 fast food businesses.

Masonic Avenue 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 32 foot high two and a half-story 10,000 sq. ft. single-family house (within 4,615 sq. ft. building envelope) with 20-foot setbacks from the lot lines and off-street parking provided in ground floor 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 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 for households earning 100% or less of the median income (as required under CPA). Oak Bluffs town residents will be given preference in the selection process for these four units. The four residential artist live/work units and other residential units serving individuals and couples earning over 100% to 140% of the median income, along with the renovation of the Denniston center and office, will be subsidized through the Island Affordable Housing Fund’s private fundraising efforts.

### **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, 53, 43, and 36) that are all 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 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 met with the Vineyard Transit Authority (VTA) and have outlined a plan that will provide summer's satellite parking and shuttle servicing Circuit Avenue and Dukes County Avenue 6 hours per day (9AM-12AM and 5PM-8PM) during the months of July and August with satellite parking located near Oak Bluffs Town Hall and the Oak Bluffs Elementary School. The VTA will be providing the committee with a proposal providing program specifics and costs.

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 or the future 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, including:

- Save street tree #52 (fair condition) by moving the Bradley I building 24 feet back from Dukes County Avenue; save street tree #36 (fair condition) on Masonic Avenue; and save tree #34 (good condition) by removing the addition to Denniston building (see below). Two other trees #37 and 43 will have to be removed. Street tree #53 will also be removed as recommended by the Oak Bluffs Tree Warden. A total of eight trees will be retained; one more tree than originally proposed. Seven additional trees will be planted. See attached revised landscaping plan.
- Move the Bradley I building mass 24 feet away from Dukes County Avenue.
- Reduce the density of the project in the R-1 District by eliminating the second floor one-bedroom affordable unit in the Denniston building.
- Reduce the massing of the project in the R-1 District by eliminating a two-story 442 sq. ft. addition to the Denniston building.
- Retain the Denniston building's current foot print and exterior in the R-1 District. 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).

- Increase off-street parking to 11 parking spaces, which provides every residential unit one off-street parking space.
  - Request that one on-street parking space in front of the Denniston building be designated handicapped parking space by the Town of Oak Bluffs.
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?

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

Martha's Vineyard Commission LUPC May 12, 2008

1. What will the reduction in construction cost will be by removing the stairway and affordable unit? John Early stated at the LUPC meeting that there would be approximately \$150,000 in savings. The attached revised project budget has removed the estimated construction costs from the proforma.
2. Clarify what trees will be kept and lost, as well as what new trees will be planted. As described in the revisions to the Bradley Square proposal above, changes will save street tree #52 (fair condition) by moving the Bradley I building 24 feet back from Dukes County Avenue; save street tree #36 (fair condition) on Masonic Avenue; and save tree #34 (good condition) by removing the addition to Denniston building (see below). Two other trees #37 and 43 will have to be removed. Street tree #53 will also be removed as recommended by the Oak Bluffs Tree Warden. A total of eight trees will be retained; one more tree than originally proposed. Seven additional trees will be planted. See attached landscaping plan.
3. How will they move the Denniston building to its new location and preserve the trees in between? John Early stated at the LUPC meeting that the Denniston building would have to be moved out into the street and then move it back onto the lot.

4. Update the affordability, income levels, and local preference. **Nine of the eleven units would be affordable (up to 140% AMI), including:**

**80% or less of median income:**

- 1BR @ \$150,000
- 1BR @ \$150,000
- 2BR @ \$170,000

**100% or less of median income:**

- 1BR @ \$200,000

**120% or less of median income:**

- Studio @\$255,000
- Studio @\$255,000

**140% or less of median income:**

- Studio @ \$305,000
- Studio @ \$305,000

Units will be advertised through the local newspapers and the Dukes County Regional Housing Authorities Homebuyer Clearinghouse database, which totals approximately 58 households in Oak Bluffs and over 300 households island-wide. At least four of the nine affordable units will be given Oak Bluffs preference. The remaining five units will be made available to Martha's Vineyard residents (market area).

5. Has any federal money been used for this project? **No.**
6. How does the applicant plan to deal with having neighbors' yards being backed up to parking (trash, cars, headlights, etc...)? **The proposal is to build a six-foot wooden fence along the property boundary as a visual buffer for cars and headlights, and locating two enclosures for recycle/trash tots that will be collected on a weekly basis to service the three buildings.**
7. Has the applicant considered buying a parking lot to provide more parking off-site? **Yes, Pat Manning stated at the LUPC meeting that the Island Affordable Housing Fund has inquired into six pieces of property in the neighborhood for additional parking, and have made offers on three properties, but have been turned down.**

Does this involve a zoning change to the residentially zoned lot and an expansion of the commercial district, and if so, why is this needed? **No, it is not necessary under a 40B comprehensive permit. The Island Housing Trust has applied, through the Oak Bluffs Board of Selectmen, for the project to be permitted under Ch. 40B. 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.**

8. Why do they not leave the Denniston Building where it is and then build a couple of small residential buildings on the residential side?

An analysis was completed at the request of the MV Commission and presented at the April 17, 2008 MVC public hearing that assessed the feasibility of reducing the project by 3 fewer units, total of 9 residential units, Denniston center, and office, as recommended by an abutter, Mr. Montgomery, including:

- Bradley Square I building (as proposed by applicant).
- Denniston building (as proposed by applicant).
- Two one and a half story single-family houses.
- No off-street parking.
- 12 on-street parking.
- Retention of 15 existing trees (3 of the trees identified are of low quality and are recommended for removal, so for practical purposes 12 trees retained).

The attached project budget proforma for Mr. Montgomery's proposal results in a \$631,330 shortfall, even with the assumption that \$1.7 million can be fundraised with two fewer affordable units.

Additionally, Mr. Montgomery's proposal to construct two single-family residents on a 12,615 square foot residentially zoned lot is not allowed under the town's zoning by-law. Twelve fewer off-street parking spaces would be provided, and increasing the building setback by as much as 32 feet from the road would be inconsistent with the surround neighborhood's building setbacks. See attached Zoning Setback Plan for the area.

9. Where will people park for the cultural center, not only in the summer but throughout the year? The Oak Bluffs summer bus shuttle operated by the Vineyard Transit Authority (VTA) will provide summer's satellite parking and shuttle servicing Circuit Avenue and Dukes County Avenue 6 hours per day (9AM-12AM and 5PM-8PM) during the months of July and August with satellite parking located near Oak Bluffs Town Hall and the Oak Bluffs Elementary School. Between 80 and 180 on-street parking spaces, depending on distance walked, in the surrounding neighborhoods will serve the parking needs of the Denniston Center, as well as other existing residential and commercial properties in the area.
10. Have they considered not building one of the Bradley Buildings, in order to reduce your costs and leave room for parking? The reduction of the project by five units, through the proposed removal one of the two Bradley buildings for parking, would result in \$844,728 shortfall, as fix costs (property, predevelopment, and certain soft costs) would have to be assumed by fewer units and less fundraising would be expected with four fewer affordable units. See attached budget.
11. Is there a possibility that the sanctuary space would be sold to a church and used exclusively as a church? As clarified by Pat Manning at the LUPC meeting there will be no sale of the multi-purpose space to a church. The Island Affordable Housing Fund will continue to own the space and might rent to a church but will not sell to any organization unless the community has full access.

12. Clarify the use of the artist live/work spaces. Pat Manning said, much like Island Housing Trust leases, these spaces would be restricted to living in it for at least 11 months of the year. See answer to question #1 from questions raised from the MVC April 29, 2008 public hearing.

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

Paul Foley - Martha's Vineyard Commission Staff May 19, 2008

1. Did the L.A. and/or Bartlett give a life expectancy (assuming basic care in the future) of the trees in their report?

Kristen Reimann Landscape Architect and Bartlett Tree Experts, who conducted the tree inventory and assessment, both are unwilling/ unable to answer this question other than to say that trees that are considered in “Fair” condition are considered past their prime. Pruning and continued care will help, however the root systems will likely be disturbed during construction.