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Minutes of the Commission Meeting Held on February 6, 2014 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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

P Tripp Barnes (E-Tisbury)	P Joan Malkin (A-Chilmark)
P John Breckenridge (E-Oak Bluffs)	- W. Karl McLaurin (A-Governor)
P Christina Brown (E-Edgartown)	P K. Newman (A-Aquinnah)
P Madeline Fisher (E-Edgartown)	- Ned Orleans (A-Tisbury)
P Josh Goldstein (E-Tisbury)	- Doug Sederholm (E-Chilmark)
- Erik Hammarlund (E-West Tisbury)	P Linda Sibley (E-West Tisbury)
P Fred Hancock (A-Oak Bluffs)	P Brian Smith (A-West Tisbury)
P Leonard Jason (A-County)	
P James Joyce (A-Edgartown)	

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner), Priscilla Leclerc (Transportation Planner), Sheri Caseau (Water Resource Planner).

Chairman Fred Hancock called the meeting to order at 7:00 p.m.

1. MINUTES

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, L. Sibley, B. Smith.

James Joyce moved and it was duly seconded to approve the minutes of January 23, 2014 with corrections as noted, the vote for the budget should be In favor 13, Opposed 1 and Abstentions 1, Leonard Jason asked to revise the language on line 317 to "besides" rather than "such as" and Joan Malkin's name has a typo on line 238. In favor: 11. Opposed: 0. Abstentions: 1. The motion passed.

Fred Hancock announced that the Commission has received the resignation of Camille Rose as the Aquinnah elected representative to the Commission and the Aquinnah Planning Board will be appointing a new member.

2. GINIEWICZ EXPANSION OAK BLUFFS (C.R. 1-2014) CONCURRENCE REVIEW

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, L. Sibley, B. Smith.

For the Applicant: William Giniewicz, Doug Ulwick (Architect)

Fred Hancock, Chairman reminded the Commissioners what a Concurrence Review is. For an item with concurrence, after a preliminary discussion of the project, the Commission decides if the MVC concurs with the referral from the Town and the project needs to go to a public hearing.

2.1 Staff Report

Paul Foley presented the following:

- The staff report contains the LUPC notes from January 27, 2014, a letter from Kaplan & Nichols on behalf of Stephanie Phillipps and George Murray, referral letter from Oak Bluffs Department of Building and Zoning, a Motion to Intervene, a letter from Stephanie Phillipps and the plans and elevations. Three additional letters have been submitted to the MVC that are not contained in the Staff Report.
- The applicant is William Giniewicz and the project location is 47 East Chop Drive, Oak Bluffs Map 3 Lot 1 (.029 acres).
- The proposal is to expand a rental house on Oak Bluffs Harbor and add one unit for the owner to an existing five unit rental property with a commercial pier and to demolish the garage/shed and build a two story (1,201 s.f.) expansion of the house over that area. The Agent said at LUPC that this is a renovation not a demolition because they will be re-using some of the existing materials.
- The DRI referral was from the Oak Bluffs Building Inspector. The DRI trigger is 3.1d (Intensity of Use) a Concurrence Review and the project also triggers 3.1d (Commercial Development of addition or auxiliary building of 1,000 s.f. or more resulting in 2,000 s.f. or more) also a Concurrence Review.
- The zoning is R-2 Residential in the Oak Bluffs Harbor District DCPC. The existing use of the house as a five unit rental property is a pre-existing non-conforming use.
- Local permits needed are a building permit, site plan review for the Oak Bluffs Harbor DCPC, ZBA for Increase to Pre-existing Non-conforming Use and the Conservation Commission.
- Issues with the Oak Bluffs Harbor DCPC include "To the degree reasonably possible, structures shall be sited so as to preserve views between Oak Bluffs Harbor and the nearest public way. Scale, bulk and proportions of structures shall be compatible with the surrounding area and consistent with the Oak Bluffs Harbor District Design Guidelines". The Oak Bluffs Zoning By-laws also state "...except the following uses which are prohibited: boat yards and boat services, conservation of a one-family house to accommodate more than two families, hotels, rooming and boarding houses, semi-detached tow family dwellings".
- Project History: The main building was apparently originally the trolley barn for rail cars that carried visitors from one of two Oak Bluffs ferry terminals to the Campground.
- Key issues include;
 - The applicant is seeking to expand a pre-existing non-conforming use by increasing the number of units, square feet of the building and lot coverage.
 - The proposal does not appear to meet the goals, standards or intention of the Oak Bluffs Harbor District.
 - Is the expansion of a rental property on the Oak Bluffs Harbor a regional impact?

- Currently there is a single paved off-street parking spot in front of the garage and the applicant proposes to replace this with two gravel spaces.
- Four on street parking spaces are two thirds on the private property and one third on public property.
- Historical photographs of the property were reviewed showing the trolley garage and the area.
- The current and proposed site plans and elevations were reviewed.

2.2 Applicant's Presentation

Doug Ulwick presented the following:

- There is a lengthy permitting process.
- Correspondence has been submitted from abutters opposed to the project and those in support of the project.
- The project has been through the Conservation Commission.
- William Giniewicz was instrumental in bringing sewage down East Chop Drive.
- The project was referred to the MVC when it was at the Zoning Board of Appeals (ZBA).
- The project was reviewed at LUPC.
- Oak Bluffs has in place through the ZBA the mechanism to approve or disapprove the project.
- The LUPC on January 27, 2014 voted to recommend to the full Commission not to concur that this proposal has regional impact because the town has sufficient authority to adjudicate the issues involved here and there will be a public hearing at the ZBA.
- The applicant hopes the Commission agrees with LUPC that the project is not a regional impact.

William Giniewicz presented the following:

- He has owned the property for twenty years and has return clientele.
- He has personally gone to almost every abutter on East Chop Drive and 80% readily approve of the work.
- He would like to retire to this location and make it his home.

2.3 Commissioners' Questions

Fred Hancock asked for clarification that there is no change in the pier that comes off of the property. **William Giniewicz** said there will be no change to the pier and he has reviewed it with Todd Alexander, the Oak Bluffs Harbor Master and Todd Alexander has signed a letter indicating his approval.

Leonard Jason asked under what trigger this project was referred to the MVC. **Fred Hancock** said it was referred under intensity of use.

James Joyce asked if the applicant was removing the overhead wires. **William Giniewicz** said yes and the utilities would be underground.

John Breckenridge moved and it was duly seconded that the Martha's Vineyard Commission does not concur with the referral that this project has regional impact and the Town of Oak Bluffs has sufficient authority and capability to

adjudicate the issues involved. Roll call vote. In favor: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, L. Sibley, B. Smith. Opposed: none. Abstentions: none. The motion passed.

Christina Brown noted that perhaps the applicant could contact those who have written regarding the project about the ZBA review.

3. COTTAGE CITY BOWLING – OAK BLUFFS (DRI-646) PUBLIC HEARING

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, L. Sibley, B. Smith.

For the Applicant: Sam Dunn (Agent)

Linda Sibley, Public Hearing Officer explained the public hearing process. There will be a Staff Report, a presentation by the applicant, then testimony will be heard from public officials and the public and questions from the Commissioners. The Commissioners may ask questions of clarification at any time.

Linda Sibley, Public Hearing Officer opened the Public Hearing at 7:30 p.m. and read the public hearing notice. The applicants are Larkin Reeves and Sam Dunn. The location is 7, 13 and 19 Uncas Avenue, Oak Bluffs Map 11 Lots 150.1, 153, 154 and 155. The proposal is to demolish several buildings on four lots and build a 13,500 s.f. bowling alley with ten lanes, a 44 seat restaurant, 18 seat bar, game room, event room, two affordable apartments and a 32 car parking lot.

3.1 Staff Report

Paul Foley presented the following:

- The packet of information contains the staff report, LUPC notes of January 27, 2014, the applicant's offers and the plans and elevations. Correspondence in favor and opposed to the project are separate.
- The applicant is Larkin Reeves and Sam Dunn and the project is located at 7, 13 and 19 Uncas Avenue, Oak Bluffs, Map 11 Lots 150.1, 153, 154 and 155 and also included is 6 Hiawatha Lane, Oak Bluffs.
- The proposal is to demolish several buildings on four lots and build a 13,500 s.f. bowling alley with ten lanes, a 44 seat restaurant, an 18 seat bar, game room, event room, two affordable apartments and a 32 car parking lot.
- Zoning is B-1 Commercial with five-foot setbacks. There is also residential zoning in the neighborhood and at one time property owners were allowed to remain as residential or commercial.
- Local permits: building permit, Cottage City Historic Commission and Copeland District Commission, site plan review by the Oak Bluffs Planning Board, approval by the Oak Bluffs Selectmen for the liquor license and the Board of Health.
- Surrounding land uses are commercial, residential, recreational and light industrial.
- Project History: DRI 145 (Roger Wey Construction) was a proposal to convert an existing town building (2,275 s.f.) into a retail building with 7,800 s.f. was denied in 1982. DRI

448 (Cottage City Studios) a proposal to convert a vacant commercial building into studio apartments was denied in 1997.

- The DRI referral was from the Oak Bluffs Department of Building and Zoning.
- A site visit was done on January 30, 2014.
- Key issues include:
 - Noise/Abutters: The site is zoned B-1 Commercial but abuts a residential zone. What mitigation will be employed to lessen the impact both from the bowling within and the new commercial parking lot?
 - Nitrogen: The site is mostly in the Oak Bluffs Harbor watershed which is nitrogen impaired/compromised. How will the project handle its wastewater?
 - Traffic: How will a ten lane bowling alley with a 62 seat bar/restaurant impact traffic and parking in thus neighborhood?
 - Are there any issues with the site with regards to the former gas station use? Is there a 21E (Mass GL 21E – Oil & Hazardous Material Release Prevention and Response Act) report for the property?
- The site is already developed and has little existing vegetation.
- The property is not in a National Heritage Endangered Species Program designated habitat.
- The plans show an approximately five-foot wide vegetative buffer around most of the property including the parking lot and the back of the building.
- The applicant narrative says that they will rely on existing street lamps to light the parking lot.
- Noise is always an issue where business districts abut residential neighborhoods.
- The agent has said they will pursue a third party contractor for solar photovoltaic panels on the roof.
- Environmental Remediation: The applicant submitted a Phase II Environmental Site Assessment for 6 Hiawatha Lane (former Laundromat). Staff is still reviewing this and Site Assessments for the former Graves Texaco site (13 Uncas Avenue) that were on the Massachusetts Department of Environmental Affairs website.
- Wastewater:
 - The nitrogen loading limit for this property (based on the grandfathered uses) is 21.60 kg/year.
 - The nitrogen loading for the proposed uses using only Title 5, after application of the credits provided for in the MVC Water Quality Policy for smart growth and affordable housing is 50.29 kg/yr.
 - Since this exceeds the permissible loading level, the applicant proposes to install a de-nitrification system, namely an Enhanced FAST System (bio-Microbics MicroFAST 9.0 and NitriFAST 4.5 systems). This reduces the nitrogen by 65.7% (35 mg/l. to 12 mg/l.), resulting in total nitrogen loading from the project after de-nitrification of 14.72 kg/yr.
 - Nitrogen calculations are in the appendix to the Staff Report.
 - Additional recommendations related to wastewater:
 - Grease traps should be installed and maintained regularly.
 - Landscaping should be restricted to limited use of slow release, water soluble nitrogen type fertilizer.

- o Stormwater should be directed to vegetated areas to avoid runoff.
- Charlie Crevo of C3 Consulting did a traffic study. The preliminary conclusions are that existing traffic volumes and speeds are low. It is estimated that the project would add 82 vehicles in the peak hour. As a result the Level of Service (LOS) is expected to remain at A or B and there are no apparent traffic issues.

There was a discussion about traffic.

- **Brian Smith** asked what the peak hour is.
- **Paul Foley** said between 4:00 p.m. and 6:00 p.m.
- **Brian Smith** questioned if that would be the average hours for use of a bowling alley.
- **Christina Brown** asked if the 82 cars during the peak hours was two ways coming and going or one way.
- **Priscilla Leclerc** said 82 cars is a combined number in and out.
- **Joan Malkin** asked if the 82 cars is incremental or a total number.
- **Paul Foley** said it is the total number of cars for one hour.
- **Christina Brown** asked for an explanation of LOS A.
- **Paul Foley** said the LOS is the amount of wait time.
- **Priscilla Leclerc** added the scale goes from A to F. LOS A and B is a very little delay, less than 10 seconds.

Paul Foley continued the Staff Report.

- The recommended monetary mitigation for new commercial development of a total 13,500 s.f. is \$18,000. The applicant has not made an offer regarding the monetary mitigation at this time. The applicant has offered to provide rent-free use of the facility for fundraising efforts for affordable housing.
- The applicant has offered to provide two on-site affordable apartments that will be rented to an income-qualified recipient at 80% or less than the Area Median Income on a year-round basis. The applicant has offered to work with the Duke County Regional Housing Authority to monitor the two apartments.
- The two affordable apartments, one 800 s.f. two bedroom apartment and one 480 s.f. one bedroom apartment, share the second floor with an event room (approximately 1,400 s.f.), an office (approximately 225 s.f.) and two golf simulators (600s.f.).
- The applicant statement says the center will employ 20-25 people, "at least half of whom will be full time workers".
- The applicant statement says no drinks, food or bowling activity will be sold after 10:30 p.m. Sunday through Thursday and 11:30 p.m. Friday and Saturday.
- Architectural detailing: Elevations indicate the building will be clad in wood shingles and "vertical siding" with a galvanized metal roof.
- **Paul Foley** asked the applicant if the building will be steel. **Sam Dunn** said the building will be but it will not be recognizable as a steel building.
- 94 emails and letters were received by February 6, 2014 and are included in separate packets. A petition signed by approximately 400 to 500 people in support was submitted by the applicant.
- The site plan was reviewed.
- There is a four unit condominium directly behind the proposed bowling alley, which is in a commercial zone.

- The land use is still largely residential in this area.
- The Oak Bluffs Planning Board approved the project but it will need to be revisited since the project is before the MVC.
- The applicant met with the neighbors and as a result, flipped the project so the parking is less imposing on the neighbors.
- Photos of the neighborhood were shown as well as photos of the existing building to be demolished. The abutting condominium and the residential area were shown. Views of the proposed project from Hiawatha Park were shown.
- The elevations of January 21, 2014 were reviewed. The original and revised plans were shown.
- The maximum height in a commercial district is 35 feet but with a request can ask to be permitted to 50 feet.

James Joyce asked if the parking lot will be accessed from both streets. **Paul Foley** said the access would be from Uncas Avenue only.

Linda Sibley asked which plan the Oak Bluffs Planning Board had reviewed and approved.

Paul Foley said it was the second plan.

3.2 Applicant's Presentation

Sam Dunn presented the following.

- The floor plans were shown and reviewed. The building is entered from Uncas Avenue. The locations for the restaurant, bar, kitchen and the control desk for the bowling alley were reviewed.
- The restaurant is raised so patrons can view the bowling alley.

Leonard Jason asked if the bowling alley was ten pin. **Sam Dunn** confirmed it is.

Sam Dunn continued.

- The second floor plan was reviewed.
- The two golf simulators will provide a realistic experience for the golfer.
- The event room is 1,000 s.f. to be used for events such as office and birthday parties and limited to an average of twice per week.

John Breckenridge asked what the capacity of the room is. **Sam Dunn** said 40 to 50 with tables and chairs buffet style. There is not the capacity for a seated dinner.

Sam Dunn continued.

- The apartments will be accessed from Hiawatha.
- Bowling has a long history on the Island but has pretty much been a failure. The reason it hasn't worked out is because there has not been an entertainment experience to go with the activity, such as food and drink.
- The concept for the project is a fun wholesome place to eat and drink before and after bowling, while waiting and to socialize.
- Sam Dunn said he has read all of the letters from the residents and there appears to be a misconception in those against the project by referring to the project as a sports bar with a little bowling. No one would spend one million dollars on a bowling alley in order to have a sports bar. A sports bar is not a viable business opportunity on the Island. Sam Dunn said he is a restaurateur and understands that.

- The project will encourage bowling leagues during the week and office and birthday parties. It will be a place that high school kids can bring a date to and not break the bank.
- An amenity to the bowling is the bar where you can watch a game but that is not the intended purpose. The hours will be limited for the bar and are not appropriate for a sports bar. It would violate their business plan to have a bar scene. they are trying to discourage that idea.
- The project concept is reinforced starting with the architecture of the building. The attempt is to be a rustic Victorian light industrial farm building, no glitz. Inside the concept is what a Vineyard bowling alley should be.
- The wall at the end of the alley lanes would be sixty feet wide with a panorama of Vineyard scenes. In the industry it is called a masking screen. There will be drop down TV screens to be used for special occasions such as a Red Sox game in the summer so the patrons can watch it while they bowl. The masking screen will be scenes of local interest.
- The facility will be a family atmosphere and it will carry over to the food as well, finger food and Vineyard seafood such as lobster rolls and chowder. The food will be reasonably priced without breaking the bank.
- Bowling will cost about \$5.00. A hamburger will be about \$8.50.
- The project is to provide a wholesome activity that is good for everyone. There will be no arcade or video games.
- There is a tremendous amount of support for the project. The Oak Bluffs Planning Board has approved the project and the MV Times wrote an article encouraging the MVC to approve the project. There have been many letters received in support of the project.
- There is also a petition of 500 plus signatures in support. The petition was like a grassroots phenomenon. People starting asking if they could circulate the petition. 500 people who live on the Island have signed the petition wanting this activity.
- Those who have written in opposition are in favor of this activity but not in this location. This conflict will arise in areas where property is purchased next to or near commercial property.
- The building has been derelict and Sam Dunn said he understands the response that those in opposition may not want this project next to them.
- As a developer his job is to meet with the neighbors and review the issues. The abutters were invited to a meeting last month with the developer and the parking lot was brought up as an issue due to the headlights and the noise. It was a heartfelt and reasonable response from the neighbors so it was decided to flip the building and remove that worry. With the proposed change the neighbors would face a larger but lower building and it is devoid of openings to generate light and noise. The neighbors would be looking at a shingle wall that would be fully landscaped. This change reduced the project and two bowling lanes were lost, but this was done to meet the neighbors halfway.
- The hours have also been limited so the project would not be a late night facility.
- Sam Dunn said he applauds the neighbor's efforts to marshal this support. As far as he can tell there is only one full time resident on the list of abutters and he does not believe a letter from an occasional visitor should be as strong as a full time resident. This is not said to diminish the concerns of the neighbors but is said to show where the weight should go.

- It is easy to talk as a developer but he asked the MVC to reflect on the projects he has brought to the MVC before such as the Tisbury Marketplace, Saltwater Restaurant and Woodland Center. They are well maintained projects and he has also brought cultural projects such as the MV Film Center. Projects to enrich the lives of the people who live here.
- Sam Dunn said he would not hurt his reputation as a developer by bringing a project that is a ruse for a sports bar.

Katherine Newman said she loved the family concept and asked how do you keep it a family place with a bar and how would it be maintained and controlled if the bar scene gets popular.

Sam Dunn said it is the way the facility is presented. The hours have a lot to do with it. If stricter measures are needed they will be taken.

John Breckenridge questioned the capacity of the second floor. If the second floor is 1,000 s.f. and regulations permit 7 square feet per person with chairs and 15 square feet per person with tables the potential occupancy could be 80 people. He asked the applicant to provide clarification since the applicant said the occupancy would be 40 people. **Lenny Jason** said the capacity for a standing event is 3 square feet per person, which would mean over 300 people.

John Breckenridge also noted that perhaps the applicant should consider planning for the potential use of solar and have the conduit in place as part of the building. **Sam Dunn** said he would work with the MVC staff on that.

Fred Hancock asked where the air conditioner location is. **Sam Dunn** said there will be mini split units and the AC will be located on the ground next to the parking lot or other B-1 property.

3.3 Testimony from Public Officials

Christine Todd is the Executive Director for the Oak Bluffs Association. She said Sam Dunn did come to the Association and did a presentation to the Board. The Board was satisfied with the answers they received and unanimously the Board thought the project would bring an entity to the town that people have been looking for. Sam Dunn has been sensitive to the neighbor's concerns and working with them.

3.4 Public Testimony

Byron Barnett, a direct abutter on 12 Hiawatha Lane, had the following comments.

- He has written to the MVC several times regarding this project.
- He is not against this project as a bowling alley but he is vehemently opposed to a 62 seat full liquor bar that is being planned five feet away from his home.
- The neighborhood is a quaint quiet neighborhood around Hiawatha Park. The project as proposed will diminish the neighborhood with loud rowdy people leaving the establishment in the early evening and late at night. No one is against a bowling alley but not in this location.
- If it is a family establishment why is a 62 seat full liquor bar needed? How is it known that this project will be big enough to support this planned business? What happens if the project doesn't work and then the building is left there with a bar?
- The MVC has denied other projects in this location.
- It is his wife's and his opinion that this development would be disruptive to the neighborhood with a 62 seat full liquor bar. On January 7, 2014 the developer invited

the neighbors to a half hour meeting. This meeting was in the middle of the week at a time of year when most residents are not here. Only three people attended the meeting.

- We feel like we are being run over by a freight train.
- Byron Barnett said he has been coming to the Island for thirty years and a few years ago purchased a run-down property and renovated it.
- Right now the developer is proposing last call at 10:30 p.m. and 11:30 p.m. Rather than focusing on last call the developer should be setting a closing time.
- His suggestion is to hire a police officer detail for the parking lot to discourage hanging out.
- He would like a fence to minimize the impact to his property that is aesthetically pleasing such as a green barrier all along Hiawatha Avenue similar to the thick hedge in front of the Sweet Life Café.
- The cooking odors need to be prevented from permeating the neighborhood and the building should be 100% sound proof.
- He thanked Sam Dunn for reversing the plan for the parking lot and suggested the path to the apartments be closed off from the parking lot so patrons cannot access it.
- With regards to visitors having a voice, seasonal residents provide to the economy and the well-being of the town and the Island.
- Oak Bluffs is a special town that he loves and asked that the MVC not approve the project.

Kathleen Barnett said she was at the meeting with Sam Dunn and he said at that meeting the bar would be closing at the times mentioned; this would not be a last call situation. At that time the focus was the parking. If a petition was taken around town asking if a bar was wanted on Uncas Avenue there would be a different signature process. She and her husband have found a sound engineer and would like to reserve the right to have another consultant look at the sound issue. She and her husband have gone to other bowling alleys to see if the noise could be heard from outside and it could.

James Joyce asked if currently there is parking on Hiawatha Avenue. **Byron Barnett** and **Kathleen Barnett** said there is and it gets tight. There are no driveways and people park on Hiawatha for Circuit Avenue and also guests from the Tivoli Inn. Byron Barnett said he would like to have the parking restricted as much as possible. In addition he would also like access from Hiawatha to the bowling alley controlled so the project parking and the access does not spill out onto Hiawatha.

John Breckenridge asked the applicant if the access path to the bowling entrance from Hiawatha was required from a zoning perspective. **Sam Dunn** said no, it was thought to be a nice access for the apartments and he did not feel strongly about it. **John Breckenridge** stated he could understand the Barnett's objection to the path.

Paul Foley noted that the Martha's Vineyard Savings Bank also has a concern about the parking because their employees park on Uncas Avenue and Hiawatha Lane.

There was a discussion about the green barrier.

- **Joan Malkin** asked the Barnett's if they were asking for the green barrier around the parking lot to also be on the Hiawatha Lane side of the project.
- **Kathleen Barnett** said she would like full screening.

- **Sam Dunn** showed the tree plan that was asked for by the Oak Bluffs Planning Board.
- **Paul Foley** showed the five foot buffer on Uncas Avenue and noted the sidewalks are on the project's property.

There was a discussion about the project's parameters.

- **Fred Hancock** mentioned to the public that the MVC does not issue liquor licenses.
- **Byron Barnett** said he understood that but perhaps the MVC could set the parameters.
- **Leonard Jason** suggested the Commission clarify the project for the Barnett's.
- **Linda Sibley** said if the MVC approves the project and if a substantial change to the project is proposed, the project comes back to the MVC. The applicant would be approved for the project that is being presented.
- **Kathleen Barnett** asked what would happen if the hours were extended.
- **Josh Goldstein** said the project would have to come back to the MVC.

Alison Stewart said she is the executor of the family estate and they are the forgotten abutters. Their family property is Lot 156 and she said they are grateful to be at the meeting tonight.

- Up until last week none of the family's legal representatives received any notification about the project. They did receive correspondence that was forwarded from an old family address.
- She said their property is a four bedroom cottage and they were blind-sided that the parking lot and the air conditioning units are now five feet from their back porch.
- Her family is very concerned about the statement that all of the abutters are okay and have been consulted, since that is not the case. She and her sister cancelled their plans so they could be at the meeting tonight to address the concerns themselves.
- This is an enormous project sandwiched between residential properties. She had discussions on the phone last week with Sam Dunn and he said to her that he thought their house was commercial property and unoccupied and did not know it was residential.
- For the past fifty years in the summer, there has always been someone living at the house. Sam Dunn had told her that they were sent a letter and he had not heard from them so he assumed the property owners did not care. She said they never received the invitation to the meeting on January 7, 2014 therefore they were not able to make any comments regarding the project.
- Mr. Dunn's partner, Mr. Reeves and his representative Mr. Sawyer approached their real estate agent about buying our property on October 31, 2013. On October 31, 2013 their real estate agent responded and on November 6, 2013, Mr. Sawyer said he and Mr. Reeves would contact them. That was the last they heard from them.
- The proposed project is a business project, a venture and not a philanthropic project. It is a bowling alley and a bar to make money. They and the neighborhood stand to lose a lot with this project. The developers have built good projects and are in the business to make money. This project compromises their quality of life and impacts the neighborhood's property values.
- Her parents bought their house in 1963 and are buried on the Island. Her family is regularly on Island in the summer and her family will be on the Island forever.
- She is not sure why her neighborhood has to bend to this project. There will be two commercial driveways on Uncas Avenue, the bank and the bowling alley. Uncas Avenue will become a parking lot in the summer especially with this added traffic.

- She understood the parking lot was a big concession on the part of the developer and understands the other neighbors' concerns not wanting it next to them but her family doesn't want it next to their property either. The parking lot will be five feet from their screened-in back porch that they use all the time in the summer.
- With regards to Sam Dunn's comment about residents knowing there is commercial property in their neighborhood, not all commercial properties are equal. People will be at the bowling alley as well as the bar for several hours.
- She reiterated an article about the art gallery that was on Uncas Avenue in 2011 and how the article said it would be a positive to the town, but there was drinking, noise and loud music and the Oak Bluffs police were regularly there in the evening.
- The neighborhood would have to live with the details resulting from this project.
- On the recommendation of their counsel, she requested the MVC conduct a parking and traffic study, an independent noise abatement study, and an independent study regarding privacy issues.

Don Lambert said he owns the office building at the end of Uncas Avenue and couldn't agree more with Alison Stewart.

- All of the commercial abutters have a wonderful working relationship. During the day customers come and go and in the evening the parking lots are left open for Circuit Avenue visitors to enjoy the town.
- If you look at the numbers how do 32 parking spaces handle 82 vehicles going back and forth between 7:00 p.m. to 8:00 p.m. He wondered where the rest of the parking will come from to accommodate the project. The patrons would use his parking lot and if they became inebriated and were unable to drive home, his lot would be occupied in the morning by the cars that were left overnight.
- He suggested the applicant adjust his parking and traffic responsibilities so all the commercial abutters can live together with this situation. If the adjacent parking lots are occupied in the morning from the bowling alley and our customers and workers cannot get in he would close his lot in the evening so it could not be used, what choice would he have.
- He strongly advised that the liquor should be limited to beer and wine only, as a full liquor license will create problems. There are other bars such as the Ritz that patrons can go to in the town. There is a lot of parking between the Ritz and his parking lot so it currently is not an issue. He is for bowling but it is different having beer and wine versus a full liquor license.

John Breckenridge agreed that patrons going to the other bars in town are not going for beer and wine.

Christine Todd spoke as a resident of Oak Bluffs. There are very few family activities that encompass every age group and she supports the bowling alley for that reason. The location is good as it is in town and a lot of people can walk to it. Bowling is a great activity for teenagers. From someone who has lived in the center of Oak Bluffs for fourteen years, living in town is a blessing and a curse. You can walk to everything. She lives near the Catholic Church and sometimes she gets mad because of all of the cars and the noise from all the doors opening and closing and the conversations that can be heard from people standing in the parking lot on a Sunday morning, but that is part of living in town. The bowling alley is a business that will bring

people to town and there will be activity in the location. She understands the concerns of the neighbors.

Lisa Stewart Crisp said with respect to what Christine Todd said, the bowling alley will be seven days a week and not just on Sunday and people will be coming from all over the Island not just people from in town. Uncas Avenue is a tiny street and the project will be a convergence point. She can't imagine where all of the cars will go. The density of the project will be a problem in the summer.

There was a discussion about the Stewart's property privacy.

- **James Joyce** addressed Lisa Stewart Crisp noting he listened to what her sister said (Alison Stewart) and asked what she would like to see between their property and the project as a buffer.
- **Lisa Stewart Crisp** said the Great Wall of China; something that is beautiful and blocks out everything. They would also like to see security in the parking lot as traffic will be everywhere.
- **John Breckenridge** said he understood wanting a buffer but noted that the Stewart's property is facing Circuit Avenue which is the gateway into the town.
- **Lisa Stewart Crisp** said that is why their back porch and the privacy for the back porch is so important to her family.
- **Alison Stewart** said she and her sister understood and they hear the noise now that comes from Circuit Avenue and their point is that will increase as a result of the bar that is being proposed.
- **John Breckenridge** noted that people usually bowl in the fall and winter and not necessarily in the summer.
- **Joan Malkin** asked the Stewart's what they meant by security.
- **Alison Stewart** and **Lisa Stewart Crisp** said perhaps security cameras and patrolling of the parking lot to ensure people do not hang out.
- **Alison Stewart** said fights are taken outside and loitering can happen. She said her sister worked at Chucky Cheese and they had a bouncer because of the drinking and that facility is for families. She would like to see protection against loitering and drunken behavior.

Kathryn Sullivan said she is an attorney and is speaking on behalf of her clients that are abutters on Hiawatha Lane. Her clients are vehemently against the project. There are issues with the parking situation and there are far more people in a bowling alley and bar than 32 parking spaces allow. She noted that proposing to limit street parking to two hours would burden those using the Senior Center. The proposed project area is very dark at night and it seems that a dark location, alcohol and loitering could possibly contribute to crime in the area. She questioned how the smells from the kitchen would be controlled so it would not impact the neighborhood. The noise mitigation has not been fully explained to her clients. Her clients feel the project would be an intrusion to their neighborhood.

3.5 Commissioners' Questions

Josh Goldstein said he remembers when he was a kid there was a bowling alley and asked Sam Dunn why that operation failed. **Sam Dunn** said bowling goes with socializing and the prior bowling alley was not a complete experience.

Josh Goldstein noted that his mother and Sam Dunn were instrumental in bringing beer and wine to Tisbury and it has been successful for the town businesses. He noted that Sweet Life has a bar and it has not caused any disturbance. He asked Sam Dunn if he has had to throw out anyone from his Saltwater restaurant and felt that having a bar in Oak Bluffs is not the end of the world. **Sam Dunn** said he has not had any issues with drinking at Saltwater.

There was a discussion about parking.

- **Amy Billings** said Oak Bluffs has a huge parking issue now. The Road and Byways Committee and the selectmen are who the public should be talked to about parking. The town of Oak Bluffs needs to handle the parking issues first.
- **Linda Sibley** asked Priscilla Leclerc about the traffic study and what does it predict about the number of cars for a bowling activity.
- **Priscilla Leclerc** said Charlie Crevo put the numbers in the traffic report based on the town zoning requirement and 28 to 32 parking spaces was adequate. She will get the answer to Linda Sibley's question.
- **Joan Malkin** said the fact is a bowling alley is an extremely important factor for the traffic numbers. It is not just about the square footage of the facility, the activity drives a different number for traffic.
- **Linda Sibley** said a traffic expert could say it is adequate based on industry standards but the use does dictate the need for parking.
- **Priscilla Leclerc** said parking generation is based on ITE numbers and the traffic report builds in the fact that there would be parking spaces on the street.
- **Linda Sibley** said she would like to see the numbers for parked cars using the facility.

Linda Sibley said she would like the applicant to be specific on the number of events that would be held at the facility, the maximum number of events per a specified time period rather than an average. As an example; define the number of people and the number of times an event would be held per week. She noted that other applicants have been asked for this same kind of information regarding events.

Fred Hancock asked if the traffic estimates were done based on the fact that everyone would drive to the facility. **Priscilla Leclerc** said it was based on the ITE traffic studies. **Joan Malkin** said if the Commissioners knew the traffic numbers and the assumptions they would be better able to evaluate the project.

Trip Barnes said he did not see a problem in the summer as there is too much competition with other activities. In the winter, it should not be a problem either since there is a smaller population. He was upset about the applicant being asked about the number of events.

Linda Sibley said it is up to the applicant to decide the number of events that would be held. It is a point that the MVC makes over and over again with applicants. The wastewater nitrogen calculations are based on the use of the facility and the MVC analyzes the impacts based on the information provided by the applicant.

Amy Billings asked how the other businesses are incorporated into the traffic study. **Linda Sibley** said it is for peak periods. **Amy Billings** said every business has different peak periods.

There was a discussion about lighting.

- **Linda Sibley** asked if the MVC has received any information on lighting.

- **Sam Dunn** said there is street lighting across from the parking lot and another street light on Hiawatha Lane.
- **Don Lambert** said the neighborhood is dark.
- **Sam Dunn** said he did not want to impose light on the neighborhood by having a brightly lit parking lot. There will be ambient light from the building.
- **Byron Barnett** said lighting is a delicate issue, you want safety but the neighbors don't want it in their yard.
- **Linda Sibley** noted the MVC policy requires downward lighting and security lights to be on sensors so they only come on with movement.
- **Christina Brown** asked if there was any lighting in the application.
- **Sam Dunn** said there is no lighting proposed in the parking lot. There is ambient light from the proposed building and the existing street lights.
- **Don Lambert** said the lights are on all night in his parking lot and focused on the lot and not the neighbors. He felt it was dangerous there at night.
- **John Breckenridge** said he is just mentioning that people use Don Lambert's lot to enjoy Circuit Avenue at night.

James Joyce said the plan does not show any basement and asked where the trash will be located. **Sam Dunn** said the trash will be in a storage area facing the parking lot.

There was a discussion about continuing the public hearing.

- **Sam Dunn** asked the MVC why the public hearing might be continued.
- **Linda Sibley** said there are unanswered questions.
- **John Breckenridge** suggested that there are topics that the applicant may have heard tonight and the applicant may want to review those topics and consider them with the offers.
- **Fred Hancock** suggested it may be valuable for the applicant to continue interaction with the Commissioners. To close the public hearing would make that process harder to do.
- **Leonard Jason** thought the public hearing should be continued. Two abutters just said they had just heard about the project.

Joan Malkin asked if early morning deliveries are an issue. **Sam Dunn** said the deliveries are generally in the morning around 11:00 a.m. at the end of the route not the beginning of the route which is 7:00 a.m. There is also an unloading area and he did not think deliveries would be a disturbance.

Joan Malkin said she would like the applicant to carefully think about noise abatement as well as kitchen odors and then get back to the MVC on these issues.

There was a discussion about noise.

- **Fred Hancock** noted as a point of information for the applicant that the MVTV studio has had some noise issues through the steel building.
- **Sam Dunn** said he will have a sound engineer do a proposal.
- **Kathleen Barnett** said her goal is: when sitting in her backyard the noise would not be heard from the building. The consultant that she spoke with said there are things that can

be done to mitigate the noise such as bowling pins that make less noise than other types of pins.

- **Byron Barnett** said he and his wife have been to other bowling alleys to see what the noise levels are like and where there is a door, the sound leaks out more.

Linda Sibley asked Paul Foley to obtain clarification on the zoning change where properties in the neighborhood were able to choose be either residential or commercial.

There was a discussion about affordable housing.

- **Joan Malkin** asked for clarification about the affordable housing and how did the project go to two units from three.
- **Sam Dunn** said he would be building two brand new units that are far superior units from what are there now, yet they would be rented for the same amount of money.
- **Linda Sibley** said the dollar value of the offer has to be quantified as opposed to the cash contribution such as the fund raisers.
- **Ewell Hopkins** is the Chairman of the Oak Bluffs Affordable Housing Committee and said fund raisers are not the answer in a lot of ways and rarely are a viable solution. There are other costs involved in doing fund raisers other than the space cost.

Mark London asked the Commissioners to submit any additional questions they may have to him by the end of the day Tuesday February 11, 2014

Linda Sibley, Public Hearing Officer continued the public hearing to February 20, 2014.

4. NEW BUSINESS

Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, M. Fisher, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, L. Sibley, B. Smith.

4.1 Gosnold Letter of Support

Fred Hancock said a request was received from Gosnold for a letter of support from the Commission for their block grant application.

Leonard Jason moved and it was duly seconded for the MVC to send a letter of support for the Gosnold block grant application. Voice vote. In favor: 12.

Opposed: 0. Abstentions: 0. The motion passed.

Josh Goldstein recused himself from the meeting.

4.2 Stop & Shop Public Hearing

Fred Hancock said the MVC received a request from Stop & Shop to postpone the February 20, 2014 public hearing and the Commission is working with them for a new date.

Mark London said Stop & Shop feels they cannot finalize the offers until the Town of Tisbury has said what they plan for the parking lot.

There was a discussion about the MVC response about postponing the Stop & Shop hearing.

- **Leonard Jason** said the MVC could declare the application incomplete and move to close the hearing.

- **Trip Barnes** said with regards to the town parking lot Stop & Shop is going nowhere fast and have not responded with regards to the truck issue.
- **Fred Hancock** said Stop & Shop has indicated that if they pay for a full redo of the parking lot, there will be less money available for other project mitigation, such as preserving the Caleb Pouty house.
- **Leonard Jason** asked how the MVC can discuss offers if the Commission does not know what the final plan is.
- **Christina Brown** asked for clarification on how the application is incomplete.
- **Leonard Jason** noted that Stop & Shop will disrupt the businesses in the area during construction and the MVC does not have anything on how staging will be done for construction.
- **Linda Sibley** said the MVC can hear from the applicant soon or wait until the applicant is really through with a completed plan.
- **Joan Malkin** said it would be nice if the public knew it was not the MVC that is delaying the process.

Leonard Jason moved and it was duly seconded to continue the meeting for ten minutes. Voice vote. In favor: 9. Opposed: 1. Abstentions: 1. The motion passed.

- **Christina Brown** asked what the drawback is of waiting to hear from Stop & Shop.
- **Linda Sibley** said the MVC could have quorum issues.
- **Brian Smith** said Stop & Shop has asked to delay the public hearing until March 20, 2014 and he is okay with that as long as Stop & Shop gives the MVC their final plans. The Town of Tisbury doesn't have to have final plans for the parking lot. As long as they have a general plan, Stop & Shop can make a decision on what their final offers are.
- **Fred Hancock** said the MVC could continue the public hearing until March 20, 2014 or continue the public hearing without a date and re-advertise when Stop & Shop has a date, which potentially takes the public hearing into April 2014.

Christina Brown moved and it was duly seconded to move the Stop & Shop public hearing to March 20, 2014 at the request of Stop & Shop.

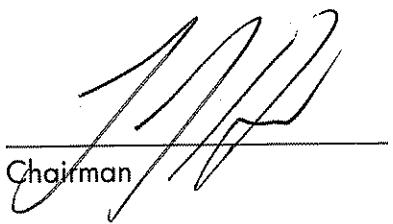
- **Brian Smith** asked to amend the motion by adding with Stop & Shop's final offers.
- **Trip Barnes** asked if the MVC has to wait for the Town of Tisbury to vote on the use of the parking lot.
- **Brian Smith** said the use of the parking lot is not before the MVC it has to be dealt with by Stop & Shop and the Town of Tisbury.
- **Fred Hancock** said Stop & Shop came back to the MVC and said the town parking lot has nothing to do with them since the building is now on Stop & Shop property.
- **Linda Sibley** said in principle, Stop & Shop cannot access their building without the use of the parking lot, so the parking lot affects the project.
- **Brian Smith** said the parking lot is never going to change without approval of Stop & Shop as Stop & Shop is paying for the parking lot changes.
- **Mark London** said there are a few aspects about the parking lot that need to be tied down regarding to allow the MVC to review the project.
- **Christina Brown** amended her offer.

Christina Brown moved and it was duly seconded with the consensus of the Commission, at the request of Stop & Shop to continue the next session of the public hearing to March 20, 2014 at which time a final draft of offers will be presented to the MVC. Voice vote. In favor: 6. Opposed: 5. The motion passed.

The meeting was adjourned at 10:15 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Martha's Vineyard Commission Meeting – Draft, Held on January 23, 2014
- Martha's Vineyard Commission – DRI # C.R. 1-2014 Giniewicz Expansion, MVC Staff Report – 2014-02-06
- Martha's Vineyard Commission Land Use Planning Committee, Notes of the Meeting of January 27, 2014
- Letter from Kaplan & Nichols Dated February 6, 2014, Re: Proposed Giniewicz Expansion of Non-conforming Use and Non-conforming Structure in Oak Bluffs Harbor DCPC (C.R. 1-2014) 43-47 East Chop Drive, Oak Bluffs, MA
- Referral letter from the Oak Bluffs Department of Building and Zoning Dated July 29, 2013
- Commonwealth of Massachusetts, Martha's Vineyard Commission, DRI # C.R. 1-2014, Motion to Intervene, Dated February 6, 2014
- Letter to the Land Use Planning Committee, Martha's Vineyard Commission from Stephanie Phillipps Dated January 27, 2014
- Existing and Proposed Site Plans, Landscape Plan, Proposed Additions and Renovations Plan and Street Front Elevations Comparison 47 East Chop Drive, Oak Bluffs, Dated October 1, 2011
- Correspondence to the Martha's Vineyard Commission regarding the Giniewicz Expansion
- Martha's Vineyard Commission DRI #645 Cottage City Bowling on Uncas Avenue, MVC Staff Report – 2014-02-06
- Appendix 1: Wastewater Treatment Calculation Sheet, DRI #645
- LUPC Notes January 27, 2014, 2. DRI 645 – Bowling on Uncas Ave. – 3rd Pre-Public Hearing Review
- Applicant Offers DRI 645 Uncas Bowling, Dated February 6, 2014
- O.B. Bowling Center Narrative
- Uncas Avenue Elevations, Floor Plans and Site Plans for the Proposed Bowling Center
- DRI 645 – Bowling & Bar on Uncas Avenue Correspondence List – Received by February 6, 2014, Opposed to the Proposal
- DRI 645 – Bowling & Bar on Uncas Avenue Correspondence List – Received by February 6, 2014, In Favor of the Proposal



Chairman

3-6-14

Date



Clerk-Treasurer

3-27-14

Date