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## Minutes of the Commission Meeting Held on December 1, 2016 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

### IN ATTENDANCE

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

P Tripp Barnes (E-Tisbury)	- James Joyce (A-Edgartown)
- Yvonne Boyle (A-Governor)	P Joan Malkin (A-Chilmark)
P John Breckenridge (A-Oak Bluffs)	P Katherine Newman (A-Aquinnah)
- Christina Brown (E-Edgartown)	P Ben Robinson (A-Tisbury)
- Peter Connell (A-Governor; non-voting)	P Doug Sederholm (E-West Tisbury)
- Robert Doyle (E-Chilmark)	P Abe Seiman (E-Oak Bluffs)
P Josh Goldstein (E-Tisbury)	P Linda Sibley (E-West Tisbury)
P Fred Hancock (E-Oak Bluffs)	P Ernie Thomas (A-West Tisbury)
P Leonard Jason (A-County)	P James Vercruysse (E-Aquinnah)

Staff: Adam Turner (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner), Christine Flynn (Economic Development and Affordable Housing Planner), Priscilla Leclerc (Senior Transportation Planner).

**Chairman James Vercruysse** called the meeting to order at 7:00 p.m.

### 1. NEW BUSINESS

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Commissioners Present: T. Barnes, J. Breckenridge, J. Goldstein, F. Hancock, L. Jason, J. Malkin, K. Newman, B. Robinson, D. Sederholm, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse.

#### 1.1 Executive Director Report

**Adam Turner** presented the following.

- The final series on housing is being held in all of the towns; 12/12 Aquinnah, 12/14 Chilmark, 12/13 Edgartown, 12/14 Oak Bluffs, 12/15 Tisbury and 12/12 West Tisbury. These meetings will be the third in the series.
  - The first meetings were introductory, the second was on development and vision and the third is what are we going to do and effective vision.
  - If you look at the goals and policies they are not much different than what we did in the past but now we need to know the affect and the outcome. He stressed the need to determine "What are we going to do?"
  - All of the information is available on the MVC web site.
- Per the State the DRI Checklist might be back within the next week and he will notify everyone.

#### Capital Expenditure Proposal

- He has been asked to prepare a 5 year proposal to be put into the budget.
- \$100,000 has been allocated for the 5 year capital budget for the MVC building

- The projected actions include painting, replacement of the carpets, repair of the ceilings upstairs and to put in an efficient HVAC system upstairs.
- There is also a computer replacement schedule.
- The MVC also needs to purchase a map plotter as well as purchase conference room tables.
- We are prepared to take out a \$100,000 loan at 3.75% over 5 year repayment.
  - **Leonard Jason** asked how much money is in the capital improvement account.
  - **Adam Turner** said right now \$20,000 is put in each year.
  - **John Breckenridge** said after the recent HVAC expenditure there is a couple of thousand as a balance.
  - **Fred Hancock** added that the money was appropriated and then it was used.
  - **Leonard Jason** noted that the MVC used the money, appropriated more and then added back and it was used as well.
- **Fred Hancock** said that is correct and \$20,000 is appropriated each year.

***Fred Hancock moved and it was duly seconded to approve the capital expenditure plan.***

- **Josh Goldstein** thinks the contingency is too low at \$2,000 and should be \$5,000 to \$7,000.
- **Leonard Jason** noted that the MVC is approving the bottom line.
- **Fred Hancock** added we are giving the Executive Director the authority to borrow the money.

***Voice vote. In favor: 12. Opposed: 0. Abstentions: 1. The motion passed.***

## **1.2 Reports from Chairman, Committees and/or Staff**

### Demolition Committee

**Joan Malkin**, Committee Chairman said the next meeting is on December 7, 2016 at 8:30 a.m. and soon the document will be available for the Commission's approval.

### Nominating Committee

**Joan Malkin**, Committee Chairman said the purpose of the Nominating Committee is to nominate for the positions of Chairman, Vice Chairman and Treasurer. The slate was unanimously approved. The nominations are James Vercruyse, Chairman; Robert Doyle, Vice Chairman; Ernie Thomas, Clerk/Treasurer.

**Fred Hancock** reminded the appointed members that they need to renew their appointments and be sworn in before January 5, 2017 meeting for elected and appointed members.

**Christine Flynn** said the State of State Economy as a great presentation. She thanked John Breckenridge and Doug Sederholm for attending. The presentation will be posted on the MVC website.

## **2. LAMPPOST CONVERSION-OAK BLUFFS DRI 670 PUBLIC HEARING**

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*Commissioners Present: T. Barnes, J. Breckenridge, J. Goldstein, F. Hancock, L. Jason, J. Malkin, K. Newman, B. Robinson, D. Sederholm, A. Seiman, L. Sibley, E. Thomas, J. Vercruyse.*

*For the Applicant: Adam Cummings, Maurice O'Connor Architect), Geoghan Coogan (Attorney)*

**Fred Hancock**, Public Hearing Officer opened the Public Hearing and read the public hearing notice. The location is 6 Circuit Avenue, Oak Bluffs and the proposal is to convert the top three floors of a five story nightclub/restaurant to workforce housing in two phases. The public hearing process was reviewed.

### **2.1 Staff Report**

**Paul Foley** presented the following.

- The packet on information contains the applicant's narrative, Design Notes from the architect and the elevations and floor plans.

- The proposal is to convert the top three floors of a five story nightclub/restaurant to workforce housing in two phases.
- The third and fourth floors are currently a dance club and the fifth floor is storage.
- Phase one includes moving the entrance to the sports bar and converting the third floor dance club to 14 employee bedrooms with shared bathrooms, kitchen and living area.
- Phase two includes converting the fourth floor to an additional 7 employee bedrooms with shared bathrooms, kitchen and living area and the fifth floor to a 4 bedroom apartment. Phase two would also include an elevator. Bedrooms are double occupancy.
- The applicants plan to ask the Wastewater Commission to convert their nightclub capacity of the top floors from 445 people to residences for 48 seasonal employees. They estimate that the change will result in wastewater flows going from 15,000 gallons per day (gpd) to 2,800 gpd.
- Exterior changes to the existing building include moving the front door to the sports bar, dormers and decks on the upper floor in phase two and an elevator encasement.
- In 2015 the Lamppost employed 42 seasonal staff. They expect that to drop to 30.
- Key issues include.
  - Construction; during construction where will building materials and equipment be stored and staged and how will noise, dust and traffic impacts be mitigated?
  - Accommodations; four of the proposed rooms on the third floor have no windows.
  - Traffic; where will the tenants park?
  - Wastewater; wastewater should be decreased with this proposal.
- The perspectives and elevations were reviewed.
- The site was reviewed.
- Existing and proposed drawings were shown as well as the elevator tower and the floor plans.
- The proposal is to convert a nightclub to workforce housing presumably resulting in significantly less noise.

**Doug Sederholm** asked how this project is distinguished from Phillips Hardware. **Paul Foley** said this building is existing and the applicant is remodeling, it is a conversion. Phillips Hardware is being demolished, rebuilt and expanding.

**Linda Sibley** added that this project fits under current zoning.

**Katherine Newman** asked in terms of height if this is similar in proportion to Phillips Hardware. **Paul Foley** said the elevator shaft will go higher but you can get a Special Permit if it is in the historical style. The building already exists.

**Katherine Newman** noted if you look at the streetscape it is a flow down the road in bulk and height.

## **2.2 Applicants' Presentation**

**Geoghan Coogan** said the idea is to convert and provide some workforce housing. It is not multiple apartments. It is 3 units with shared kitchen facilities and for workforce housing.

## **2.3 Commissioners' Questions**

**Fred Hancock** asked if the applicant is asking for seasonal housing or building dormitories and will decide later if it is seasonal. **Geoghan Coogan** said it will be workforce housing and the bulk of the use will be seasonal but will be used year round.

**Joan Malkin** said the communal kitchen suggests workforce housing but do we know what workforce housing is. **Christine Flynn** said workforce housing is defined as seasonal and year round and is desperately needed. There is no specific standard or Federal definition. When you talk to people

regarding workforce housing it is up to 50-120% of median income and both seasonal and year round. This is an opportunity to address both. The project does not trigger the MVC Affordable Housing Policy.

**Katherine Newman** asked how it is determined that a percentage of income is actually used to determine occupancy. **Christine Flynn** said the Commission has no means of enforcing that. In the past when it has been offered to provide workforce housing it has been seen as a benefit.

**Geoghan Coogan** said with 20 bedrooms without baths or kitchens, the way the project is proposed it could only be workforce housing.

**Joan Malkin** suggested that the applicant could limit the tenancy to prevent rentals to tourists.

**Trip Barnes, Josh Goldstein** and **Joan Malkin** all agreed that this is a blessing that the applicant is doing this.

**Linda Sibley** suggested that the applicant might be willing to say that the rooms may not be rented on a transient basis.

**Leonard Jason** asked where unit A is on the plan. **Geoghan Coogan** said the whole floor is unit A.

**Leonard Jason** asked if there is concern about no egress windows in the bedrooms. **Maurice O'Connor** said it will be sprinklered so it resolves the egress issue.

**Ben Robinson** questioned the hostel/Air B&B issue. If we are unable to understand what workforce housing is there could be a concern about weekend and daily rentals. **Fred Hancock** said the MVC could put a condition on the project regarding that.

There was a discussion about the bathrooms.

- **Doug Sederholm** wondered how one determines a bathroom facility is needed for a certain occupancy. The proposal has 28 people using 2 bathrooms and 2 sinks.
- **Maurice O'Connor** said they did look at the fixture count for a dormitory as reference and it is close to what is required for a boarding house.
- **Linda Sibley** also noted the bathrooms will be co-ed use.
- **Adam Turner** said it seems tight to have 28 people for 2 bathrooms and asked if that could be improved.
- **Maurice O'Connor** said there we are close for the requirements for the plumbing code for a boarding house/dormitory within 1 fixture of each; shower, sink, toilet.

**Christine Flynn** noted that change in use to a Hostel or Hotel requires licensing from the Board of Selectmen. **Josh Goldstein** added that Air B&B does not require licensing.

**Linda Sibley** said the applicant testified at LUPC that it is specified somewhere that the bedrooms will only be double occupancy. **Geoghan Coogan** said the size of the room limits it to double occupancy and we will continue to do that.

## **2.4 Public Testimony**

**Laurine Riley** is representing the Madison Inn and they have concerns of the timeline for the construction. Last time it was done early and very late and the Inn had complaining guests. If the applicant is supplying occupancy for 48 but the workforce is going down to 30 what will the applicant be doing with the extra rooms.

- **Doug Sederholm** said the applicant may have or know of related businesses and if there is excess here it may be offered to those related businesses.
- **Geoghan Coogan** confirmed that is what will be done.
- **Katherine Newman** felt there needs to be an effort by the applicant that we would be assured it will be used for workforce housing.

## **2.5 Applicants' Closing Statement**

**Geoghan Coogan** said with regards to the timeline the last time was foundation work. This time work will be inside.

**Adam Cummings** said the timeline was that we wanted to do the work this winter. We have done 2 major renovations in 3 years. The first was redoing the porch and the second was gutting the basement. Based on the permits required we will not be starting next week.

**Joan Malkin** asked how long construction will take. **Adam Cummings** said phase one is 1-3 months, 90-120 days. For this to work we have to be done by May 15, 2017 when the staff arrives. And we will probably close October 15, 2017 so we will be done by May 2018 for the entire project.

**Fred Hancock** said the last time the sidewalk was blocked off and will that happen again. **Adam Cummings** said we will have to do that again and we will work with the Town. The staging of materials will be in the parking lot in the back.

**John Breckenridge** said the only construction on the backside facing Kennebec is the elevator tower but the units need to be rentable. **Adam Cummings** said that is correct and the elevator is phase 2. We have three years to put the elevator in. We have been in contact with the Access Board since we started the plans. Right now we only need a lift to the second floor and then eventually an elevator to access all of the units. Everything is to code.

**James Vercruyse** clarified that there is no onsite parking for residents and that lighting is down lights in front but he didn't see any lights for the access to the apartments. **Maurice O'Connor** said they have not focused too much on lighting in the back as it is just not done yet. The front was done due to the historic architectural element.

**Fred Hancock** said the MVC could ask for the final lighting plan to be submitted to LUPC and ask that it be to code and downward shielded with fixtures that are appropriate to the building.

**Adam Turner** asked if the applicant feels they can rent all of the units. **Geoghan Coogan** said the Lamppost is downsizing but there are numerous businesses on the Island that need workforce housing.

**Doug Sederholm** commented that not many businesses have space to do this. **Geoghan Coogan** said that is what drove the project.

**Leonard Jason** asked how many rooms there are now. **Adam Cummings** said there are 6 rooms.

**Trip Barnes** said he gets calls almost every day in the summer looking for extra rooms. Across the board they charge \$150 week if it is financially good. This is a great thing and should be done.

**Laurine Riley** noted that we are losing another dance floor on the Island with this project.

**Fred Hancock**, Public Hearing Officer closed the Public Hearing and public testimony remains open until 5:00 p.m. on December 8, 2016 with Post Public Hearing LUPC on December 12, 2016 and Deliberation and Decision on December 15, 2016.

## **3. SYDNEY HOTEL EXPANSION-EDGATOWN DRI 669 PUBLIC HEARING**

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*Commissioners Present: T. Barnes, J. Breckenridge, J. Goldstein, F. Hancock, L. Jason, J. Malkin, K. Newman, B. Robinson, D. Sederholm, A. Seiman, L. Sibley, E. Thomas, J. Vercruyse.*

*For the Applicant: Sean Murphy (Attorney), Patrick Ahearn (Architect)*

**Fred Hancock**, Public Hearing officer opened the Public Hearing and read the public hearing notice. The location is 22 Winter Street, Edgartown Map 20D Lot 214.1. The proposal is the construction of a new 10,149 gsf (3,426 sf footprint) two story building with a full basement on a vacant lot in downtown Edgartown with 14 hotel rooms, 5 employee housing units in the basement (double occupancy), a small retail shop, a small bakery serving the public and the Sydney Hotel, 7 parking spaces and public space.

### **3.1 Staff Report**

**Paul Foley** presented the following.

- Included are the applicant's narrative and the plans for the project.
- The site plan was reviewed and the site photos presented.
- The property has long been a vacant lot that has been used in the last few years for private parking.
- The proposal is to construct a new approximately 10,000 gsf (3,426 sf footprint) two story building with a full basement on a vacant lot in downtown Edgartown with 14 hotel rooms, 5 employee housing units in the basement (double occupancy), a small retail shop, a small bakery serving the public and the Sydney Hotel, 7 parking spaces and public space.
- The first and second floors with the hotel and retail space would be a total of 6,766 sf.
- The basement would be a total of 3,383 sf with the baking kitchen (396 sf), retail storage (396 sf), employee housing (1,716 sf) and mechanical/storage space (875 sf).
- The Sydney Hotel currently operates in an existing building next door with L'etoile Restaurant with 8 hotel rooms. This would be an extension of the Sydney Hotel but operated under a separate company.
- The Sydney Hotel operates seasonally from May to December but might expand to a year round operation if there is demand. The proposed bakery/café, retail space and additional hotel rooms will also operate seasonally as part of the Sydney Hotel.
- The goal of the project is a small walk-able, upscale boutique hotel. Ultimately they hope to be open year round. The applicant noted that Edgartown has lost 54 hotel rooms in 10 years.
- Key issues include;
  - Construction; how will the proposal be constructed without adversely impacting other downtown businesses.
  - Intensity of Use; the project is mixed use infill development in a "Smart Growth" location. However, the proposed development includes a small boutique hotel, employee housing, retail and public space in one tiny 0.157 acre lot. Is this too much intensity of use for this small lot?
  - Parking; some have expressed concern with parking in the downtown during the summer.
- The applicant estimates that only 10-20% of their hotel guests bring cars.
- Lark Hotels require guests to make a reservation for a parking space when they book a room if they plan on bringing a car in order to control the parking situation.
- The applicant has offered to provide on-site employee housing for 5 seasonal employees. The proposed offer is consistent with the MVC's Affordable Housing Policy.

### **3.2 Applicants' Presentation**

**Sean Murphy** presented the following.

- The applicant also owns the Christopher Inn (formerly the Victorian Inn).
- The goal is to help revitalize part of downtown.
- They have extended the lease with L'etoile.
- It is operated by Lark Hotels and they are experienced operators and they know their market.

- The parking lot has only been such for two years and it has generally been vacant.
- From 2014-2015 Edgartown lost 94 rooms as seven different inns have closed and been converted to private residences.
- The project will tie in with the rest of the downtown.

**Patrick Ahearn** presented the following.

- We have gone to the Edgartown Historic Commission prior to the application to the MVC and it was unanimously approved by the Historic Commission.
- It was felt that the project was important from an urban design point of view.
- There is a sidewalk on one side of Winter Street and the other side has parking.
- From a community activity point of view Winter Street is a lost street.
- We see tenants come and go on this street as we don't have the dynamic of two sides of the street.
- Enlivening both sides of the street is important from an urban perspective and in revitalizing the downtown.
- When Vineyard Vines moved from Nevin Square it was a kiss of death for the square. This project has the support of those tenants.
- Part of the design idea is to link new open space to part of the park system and to encourage pedestrian activity and link community activity.
- What is unique is that we are creating public sidewalks on private land.
- We are continuing with the use of Edgartown street lights that are found in the Town and made by the Lamplighter Corner.
- The architecture of the building is materials form within the village; white cedar shingles, wooden store fronts and brick veneer on the foundation.
- The building is modest on the streetscape being only 43 feet wide.
- We queued the architecture from the existing hotel and pick up other architectural details from the Christina Gallery building. We took elements that are around the town.
- Having hotel rooms above the retail helps to animate the streetscape and the Historic Commission says this as a win win.
- The project is very much supported by the Edgartown Board of Trade.
- Employee housing will be provided on the site.
- The architecture is consistent with what you see in Edgartown.

### **3.3 Commissioners' Questions**

**Doug Sederholm** asked if the hedges are being removed on the parking side of Winter Street. **Patrick Ahearn** said yes and they are adding trees. We are looking at the dialogue between the two sides of the street, the tone and character is set on the north side of the street and now it will also be on the south side of the street. We are suggesting creating lines across the road to suggest where pedestrians should cross.

**Ben Robinson** noted that the colored rendering doesn't show the sidewalks wrapping around and asked if the black and white rendering should be followed. **Patrick Ahearn** confirmed to use the black and white rendering.

**Ben Robinson** said there are windows in the basement and asked if they are window wells and are they for egress from the sleeping rooms. **Patrick Ahearn** said they are window wells and are not for egress. They are for light and air and are not needed for egress.

**Leonard Jason** noted that if you have enough from the sprinkler system it does away with the window egress.

**Joan Malkin** questioned the gates that are shown on the rendering. **Patrick Ahearn** said it is the area for deliveries and on the other side for two retail services. Pedestrians would come through the arcade to Winter Street.

**Bill Veno** asked what the purpose of the three gates is on the walkway. **Patrick Ahearn** said one exists on the property line and the other two don't need to be there and probably will be eliminated.

**Fred Hancock** noted that in the courtyard/common space a stone wall with a fountain is to be built. **Patrick Ahearn** said it is for a water element to create animation in a positive way.

**James Vercruyse** asked the applicant to review the parking. **Sean Murphy** said the parking shows 7 new spaces and the Sydney has 6. He reviewed the revised plan. Based on their experience on average 10-20% of guests bring cars. They have a policy that when a reservation is made you are asked if you are bringing a car and once 7 cars is reached no additional cars are allowed. They have not had an issue with this policy. They will give a bus pass to any employee that does not live on the premises. The garden level is for workforce housing. It can be double occupancy with occupancy of 5-10. The applicant wants to provide their own workforce housing. We believe the project will not have any effect on traffic because it is in downtown. Every delivery truck is in Edgartown between 7:00 a.m. and 9:00 a.m., so there won't be any additional delivery trucks.

**Ben Robinson** noted that the site plan is showing 6 parking spaces and a bike rack taking up some of those spaces. There is a conflict between the site plan and the first floor proposed plan. Which plan should we be using? **Patrick Ahern** said the bike rack is in the green space and the parking is on the outside. The entrance to the hotel is in the courtyard and the emergency egress has parking in front. Use the black and white plan. **Fred Hancock** reiterated that the proposed first floor plan is inaccurate for the parking and the bike rack.

**Ben Robinson** asked if there is an agreement to use the easements. **Sean Murphy** and **Patrick Ahearn** said there are agreements to use each and to pass through each.

### **3.4 Applicants' Closing Statement**

**Sean Murphy** presented the following.

- A list of written offers was submitted for the record.
- The project is in compliance with the MVC polices. It is Smart Growth, downtown construction, adding trees and creating a sidewalk on public property.
- The applicant will submit a stormwater plan and they are in compliance with the energy plan.
- They will restrict the use of the employee housing rooms to the operation of the hotel and will be two per room.
- Construction will be from October 15<sup>th</sup> to May 15<sup>th</sup>.
- The applicant will provide a VTA bus pass to their employees and reservations will be required for guest parking spaces.
- There will be a bike rack on the property.
- The project will comply with the MVC energy policy.
- The applicant still has to go to the Edgartown Zoning Board of Appeals.

**Fred Hancock** said it would be good if the applicant could clarify the area where deliveries will take place and the location of the bike rack. **Sean Murphy** said the clarification would be submitted.

**Fred Hancock**, Public Hearing Officer closed the public hearing and left the written record open until December 8, 2016 with Post Public Hearing LUPC on December 12, 2016 and Deliberation and Decision on December 15, 2016.

#### **4. VINEYARD DECORATORS EXPANSION-EDGARTOWN DRI 369-M3 PUBLIC HEARING**

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*Commissioners Present: T. Barnes, J. Breckenridge, J. Goldstein, F. Hancock, L. Jason, J. Malkin, K. Newman, B. Robinson, D. Sederholm, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse.*

*For the Applicant: Whitney Brush*

**Fred Hancock**, Public Hearing Office opened the Public Hearing and read the Public Hearing Notice. The location is 35 Airport Road, Edgartown Map 24 Lot 1.6. The proposal is to add a 4,518 sf addition to an existing 12,504 sf metal building for furniture storage, loading docks and a processing area at a home furnishings store. The trucks on the loading dock side appear to extend over the property line.

##### **4.1 Staff Report**

**Paul Foley** presented the following.

- The site plan was reviewed.
- The main original building was built in 1978.
- The first DRI 197 was for John Parker in 1985 for the construction of an addition to a commercial structure. In 1988 it returned as DRI 266 for an additional 1,200 sf expansion to an existing 6,760 sf building. In 1993 it returned as DRI 369 for an additional building behind the main building for storage and a workshop for the upholstery and decorator business. This building is a one story 3,600 sf building with a 3,600 sf basement. The property returned in 1998 as DRI 457 an additional 4,800 sf.
- The proposal is to add a 29 ft tall 4,518 sf warehouse addition to an existing 12,504 sf building that houses a home furnishing store.
- The metal additions would have 7 loading bays and would include a mezzanine level.
- The applicant expects no new employees will be added.
- Currently they have 5 delivery trucks (3 box trucks and 2 vans) which will be parked outside the proposed loading docks. They usually have one to two 18 wheeler deliveries a week.
- The building is connected to the Airport Wastewater Facility. The building will have sprinklers.
- The expansion plans and elevations were reviewed.
- Key issues include;
  - Incremental growth; this is the fifth addition to the building.
  - Drainage; how does the applicant plan to handle additional stormwater.
- The applicant is installing solar panels on the existing building that are estimated to provide about two thirds of the existing electrical need. The applicant is also proposing to install solar panels on the proposed building.
- The applicant has asked to submit a stormwater plan.
- According to the MVC Affordable Housing Policy the recommended monetary mitigation for a project of 4,518 sf is \$2,518.

##### **4.2 Applicants' Presentation**

**Whitney Brush** said Paul Foley covered everything. We are consolidating the storage space to be more efficient.

##### **4.3 Commissioners' Questions**

**Fred Hancock** said the trucks on the loading dock side appear to extend. **Whitney Brush** said the 18 wheelers will use 27 Airport Road and we will put an easement in. We will connect the pavement to the loading dock and up to the end of the building.

**Whitney Brush** said that Schofield, Barbini and Hoehn are completing the stormwater plan and John Folino has provided a temporary plan until the full engineered plan is completed. **Doug Sederholm** and **Fred Hancock** said the MVC could condition that the plan comes back to LUPC.

**John Breckenridge** asked if there is FAA approval for the solar panels. **John Folino** and **Whitney Brush** said they are approved as well as for the height.

**James Vercruysse** asked if there is a proposed basement. **John Folino** said no it is slab on grade.

**Josh Goldstein** hopes the MVC will support the applicant with the project. He fills a need for the Island and is successful to be able to expand.

**Fred Hancock**, Public Hearing Officer closed the Public Hearing and left the written record open until 5:00 p.m. on December 8, 2016 with Post Public Hearing LUPC on December 12, 2016 and Deliberation and Decision on December 15, 2016.

**Fred Hancock** recessed the meeting at 8:45 p.m. and reconvened at 8:55 p.m.

#### **5. 4 BERYL WAY HISTORIC DEMOLITION-OAK BLUFFS DRI 671 PUBLIC HEARING**

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*James Vercruysse recused himself, the owner is his client.*

*Commissioners Present: T. Barnes, J. Breckenridge, J. Goldstein, F. Hancock, L. Jason, J. Malkin, K. Newman, B. Robinson, D. Sederholm, A. Seiman, L. Sibley, E. Thomas.*

*For the Applicant: George Sourati (Agent), Keith McGuire (Architect)*

**Fred Hancock**, Public Hearing Officer opened the Public Hearing and read the Public Hearing Notice. The location is 4 Beryl Way, Oak Bluffs Map 11 Lot 290. The proposal is to demolish a 650 sf single family residence built in 1875.

##### **5.1 Staff Report**

**Paul Foley** presented the following.

- The packet of information contains the Massachusetts Cultural Resource Information System (MACRIS) report, the Oak Bluffs Historical Commission minutes of July 1, 2016 and photos of the house.
- The proposal is to demolish a 650 sf single family residence built in 1875.
- According to MACRIS the building was built in the 1870's and is described as "one and a one-half stories; shed dormers; gingerbread bargeboard rim; rear addition; rounded gothic windows".
- In terms of historical significance the 1979 report states: "this house is significant architecturally because it is of the Campground Cottage construction, although it is presently (1979) abandoned. The house is located in an area known as Elysian Heights, a development which was started in 1890. The cottage is significant as an example of the continuing expansion of Cottage City (Oak Bluffs) as a resort community."
- The applicant said that they originally wanted to move the building on the property but were told that once you move a building you must bring it up to the latest building codes. They maintain that bringing the building up to code would add significant cost to the project so the applicant opted to demolish it instead.
- No plans for redevelopment have been submitted.

- MVC Staff has checked with the Massachusetts Historical Commission and the Oak Bluffs Building Inspector to review the building code exceptions and alternatives for historic structures.
- The Oak Bluffs Building Inspector has said that if the building is designated as historic by a National, State or local Commission as being historic there are alternatives allowed. For example, if they wanted to move it on the property to a new foundation the new foundation and anything new would have to be brought up to code. The building could potentially be a guest house.
- The applicant went before the Oak Bluffs Historical Commission in August at a meeting with only 4 Commissioners present and having recently lost 2 members and one absent had a quorum with only 4 present. The vote on whether the building had historic significance was tied at 2-2.
- The 1979 study by MACRIS should be enough for the exceptions and alternatives to the building code.
- The project was referred as a Concurrence Review but the LUPC determined based on the MACRIS determination that it was architecturally significant that the project triggers 8.2i which is a mandatory DRI Review.
- Key issues include;
  - Historic Character; the 140+ year old building appears to be relatively intact historically.
  - Building Code; if a building is historic moving it does not in itself trigger modern building codes. If the building is designated as historic by a National, State or local Commission as being historic there are alternatives allowed.
- The existing floor plan was reviewed.
- Photos of the existing house were shown with details of the window and fretwork. Interior photos were also shown.
- The house is currently rented and the owner owns the connecting property.

## **5.2 Applicants' Presentation**

**George Sourati** presented the following.

- The house is 600 sf and sits in the middle of the property.
- It is in the wrong location and the owner wants to move it to the northeast corner of the property.
- The owner wanted to renovate it and looked into the building code requirements and also met with the Builder Inspector. The answer was that it could not be moved unless it was brought up to code unless it was on the National Register of Historic Homes or has some similar designation in the Commonwealth of Massachusetts.
- The home is so small there is no practical way to do the work to bring it up to code.
- Financially they would be spending tremendous amounts of money as an exercise for a house that has changed over the years, i.e. windows that have been added on.
- Therefore, the owner would like to tear it down.

## **5.3 Commissioners' Questions**

**Doug Sederholm** said it seemed to indicate that the MACRIS designation might allow the applicant to move the house without bringing up to code. It might be viable to move and have you explored that with the Building Inspector. **George Sourati** said the Building Inspector would not accept that.

**Trip Barnes** asked if it is on slab or piling. **Keith McGuire** said it is on cinder blocks and rented in the summer.

There was a discussion about the Building Inspectors decision.

- **Linda Sibley** said at LUPC and again here the applicant has told us what the Building Inspector said and MVC Staff has told us something else. We need clarification.
- **Keith McGuire** said they met with the Building Inspector two months ago and he was adamant that it had to fully be brought up to code and this is the first time that he has heard that the MACRIS historic designation would be accepted.
- **Paul Foley** said the Building Inspector did not say MACRIS would count but the local historic board could perhaps count that designation.
- **Keith McGuire** noted as a point of procedure if the board says there is a quorum and makes a decision with that quorum that decision should count so he objects to framing the Historical Commission decision with a lot of caveat around it.
- **Adam Turner** asked if the building official said put it on a slab and move it and only the slab has to be permitted would that be acceptable to the applicant.
- **Keith McGuire** said we are being caught between two parties and he would have to talk with his client.

There was a discussion about alternatives.

- **Fred Hancock** said as was noted at LUPC because you don't have a replacement plan it might be best to explore other alternatives or offer to another body. If feasible it would be a more desirable outcome and has been done a lot with the campground cottages.
- **Katherine Newman** asked if this is about demolition why are we asking for alternatives.
- **Fred Hancock** said because of the historic nature perhaps there is an alternative.
- **Katherine Newman** said it sounds like it would be hard to do because of the size and age.
- **Fred Hancock** said that is what we are trying to determine if it can be done.
- **Doug Sederholm** said the bottom line is that we don't know what can be done.
- **Josh Goldstein** asked if the house is put on a slab and the slab is to code does the plumbing and the electrical then have to be brought up to code.
- **Linda Sibley** said that is the piece of information we are lacking.
- **Leonard Jason** said we don't know what condition anything is in.
- **Doug Sederholm** said we need a clear detailed letter from the Building Inspector.

**Joan Malkin** asked if there is a demolition delay bylaw. **Paul Foley** said the Historical Commission tied at the meeting.

**Joan Malkin** asked what happens with regards to significance. **Leonard Jason** said they didn't vote it was significant so it isn't.

**Linda Sibley** said the MVC can make decisions but for purposes of zoning issues we can't.

#### **5.4 Public Testimony**

**Doug Ulwick** is a licensed architect and lives in Oak Bluffs and does a lot of work for the campground. He advocates for the building and recognizes the shapes and features of the building. It may be hard for the public to see it as architecturally significant. It was recognized in 1979 as significant. It is unfortunate that the current Historical Commission didn't enforce the Demolition Delay Bylaw. By the photos of the inside it is in great shape. It is typical of the campground cottages; built two rooms up and two rooms down. With no baths and kitchen they would add on a back wing. Traditionally a third bedroom could have been added to the back wing. He worked on 8 Cottage Park and showed photos of before and after the restoration. He believes the cottage is salvageable and deals with code issues every day. He has worked with Mark Barbadoro and that if you touch it you have to bring it up to code. These are all things we deal with in the campground every day. As a historian he would hate to see this building disappear.

**Barbara Baskin** is a new appointee to the Historical Commission but is not representing them and was not a member when the vote was taken. She has been a member of the Architectural Review Committee for the campground for 12 years. This cottage could be in the campground today. The cottage is a little tired but is nowhere near some of the cottages in the campground that are worse. If it was in the campground today it would not be allowed to be demolished. In 1964 a cottage in East Chop was moved and the owners renovated it to a year round home and this could happen for this cottage and maintain its identity. She showed photos of the cottage that was moved and it is up to code in every inch of it and it was not a particularly financial burden to do it. She advocates to save the cottage.

- **Trip Barnes** asked if the campground would be open to move this cottage to one of their vacant lots.
- **Barbara Baskin** said the owner should ask them and agrees with everything that Doug Sederholm has said. She thinks the owner should think of options.

### **5.5 Commissioners' Discussion**

**Joan Malkin** said we need to understand the old designation before we can make a decision. If it stays in the same location you wouldn't have these issues.

**George Sourati** said if the house was in the campground we would not be here as they have a historic home designation and this building does not.

**Joan Malkin** said if you did not make changes you would not have to bring it up to code. **George Sourati** said this is a summer home and if you wanted to insulate and add heat you would have to bring it up to code.

There was a discussion about what the Building Inspector was asked.

- **Leonard Jason** asked how the applicant approached the Building Inspector.
- **Keith McGuire** said we told him we wanted to move the house and he said once moved it triggers it to bring up to code. I called him two days ago and he has no information for me.
- **George Sourati** added we asked to winterize it.
- **Keith McGuire** said he thought the owner only wanted to move it.
- **George Sourati** said just to move it to a new foundation.
- **Keith McGuire** said if the Building Inspector would write a letter with something clear it would help a lot.
- **Fred Hancock** agreed that further information is needed.

**Linda Sibley** said the purpose of the Checklist that brought this here is to protect buildings that are not in the Historic District, buildings that might be isolated. We need to find out about the designations. The MVC feels a building can be just as important even when outside a Historic District. She would also like a statement from the owner about what he prefers regarding this project and then we need a response to that from the Building Inspector.

**Joan Malkin** asked when the owner acquired the land. **George Sourati** said two years ago.

**John Breckenridge** said the MVC needs information and we need to continue this hearing. Perhaps the owner would like an invitation to my home. What Barbara Baskin showed is my home and the owner of this cottage is welcome to visit. We invite them to see what can be done on a modest budget.

**Doug Sederholm** said we have heard conflicting hearsay about what the Building Inspector has said and either we should have him testify or have him send it in writing. The applicant should describe what he proposed to do in writing what is to be done and have the Building Inspector reply to that. We need clarification.

**Paul Foley** said the details have evolved and they did receive the information they stated from the Building Inspector.

**Katherine Newman** said we need to know what the owner's goal is and what they want to do with this property. They want to demolish and then what?

**Fred Hancock** said this is one of those things that the MVC has talked about when someone wants to demolish with no additional plans.

**Trip Barnes** said he is all for saving the building however more research needs to be done, what is the cost to move the building and would the campground accept it.

**Ernie Thomas** said the MACRIS certificate says it is registered in the State House so that designates it as historical. **Doug Sederholm** said we need to know if the Building Inspector will accept that.

**Fred Hancock**, Public Hearing Officer continued the Public Hearing until January 5, 2017.

The meeting was adjourned at 9:45 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Martha's Vineyard Commission DRI # 670 Lampost Conversion to Workforce Housing MVC Staff Report – 2016-1-08
- Letter from Maurice O'Connor Architect, Design Notes for Lampost Apartment Renovation, Dated November 30, 2016
- Lampost Apartments elevations and floor plans 10-7-16
- Martha's Vineyard Commission DRI # 669 Sydney Hotel New Building MVC Staff Report – 2016-12-01
- Letter from Sean E. Murphy RE: Sydney Hotel, Edgartown, MA DRI # 669, Dated November 9, 2016
- Floor plans and Elevations Sydney Hotel from Patrick Ahearn, Dated August 2, 2016
- Martha's Vineyard Commission DRI # 369-M3 Vineyard Decorators Expansion MVC Staff Report 2016-12-01
- Letter from Whitney Brush, Re: Vineyard Decorators 35 Airport Rd Vineyard Haven, Ma 02568
- Martha's Vineyard Commission DRI # 667 Beryl Way Historic Demolition MVC Staff Report – 2016-12-01
- Massachusetts Cultural Resource Information System Scanned Record Cover Page Inventory No: Oak.763 4 Beryl Way, Oak Bluffs
- Oak Bluffs Historical Commission Minutes of August 17, 2016
- Photos of 4 Beryl Way Oak Bluffs

  
Chairman

1-19-17  
Date

  
Clerk-Treasurer

1-19-2017  
Date