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**Minutes of the Commission Meeting  
Held on May 17, 2012  
In the Stone Building  
33 New York Avenue, Oak Bluffs, MA**

**IN ATTENDANCE**

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

- Bill Bennett (A-Chilmark) PChris Murphy (E-Chilmark)  
PJohn Breckenridge (E-Oak Bluffs) - Katherine Newman (E-Aquinnah)  
PChristina Brown (E-Edgartown) PNed Orleans (A-Tisbury)  
- Peter Cabana (E-Tisbury) PCamille Rose (A-Aquinnah)  
- Martin Crane (A-Governor) PDoug Sederholm (E-Chilmark)  
PERik Hammarlund (E-West Tisbury) PLinda Sibley (E-West Tisbury)  
P Fred Hancock (A-Oak Bluffs) - Brian Smith (A-West Tisbury)  
P Leonard Jason (A-County) P Holly Stephenson (E-Tisbury)  
P James Joyce (A-Edgartown)

Staff: Bill Veno (Senior Planner), Christine Flynn (Economic Development and Affordable Housing Planner)

**Chairman Chris Murphy** called the meeting to order at 7:00 p.m.

**1. MINUTES**

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Commissioners Present: J. Breckenridge, C. Brown, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, N. Orleans, C. Rose, D. Sederholm, H. Stephenson.

**Fred Hancock moved and it was duly seconded to approve the minutes of May 3, 2012. Voice vote. In Favor: 9. Opposed: 0. Abstentions: 2. The motion passed.**

**2. REPORTS FROM COMMISSIONERS AND STAFF**

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Commissioners Present: J. Breckenridge, C. Brown, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, C. Murphy, N. Orleans, C. Rose, D. Sederholm, H. Stephenson.

**2.1 Housing Needs Assessment Study Committee**

**Christina Brown**, the Commission's representative on the Housing Needs Assessment Study Committee gave an update on the housing needs assessment:

- They met on May 16, 2012 and agreed on the wording of a Request for Proposals to select a consultant to work on the study of what type of housing is needed, what Vineyard efforts have been successful, and how the housing groups can connect into federal and state monies.

- On the Island, families with incomes that range from 100% to 140% of the median income still cannot afford to buy a house.
- The group wants to keep a broad spectrum of the housing needs for the entire community.

## **2.2 LUPC**

**Doug Sederholm**, chair of the Land Use Planning Committee, reported:

- There had been a good discussion at the May 14 LUPC meeting on the DRI Checklist. This is an ongoing process and they will be meeting again on next month.
- On the LUPC's May 21 agenda is a pre-public hearing review for Rymes Propane that wants to place a portable fueling station in the old Goodale pit between Upper State Road and the Park and Ride. Its aim is to test at this leased location if the business is warranted and, if so, to later find a permanent home.

**Bill Veno** noted that staff met with the Rymes applicant earlier in the day, which was under the impression that the LUPC had stated when it appeared before LUPC April 30 to get the traffic study waived, that it would not be required to appear again before the LUPC prior to going to public hearing. **Doug Sederholm** confirmed that the applicant's April 30 LUPC presentation was sufficiently thorough and the proposal so simple, that the LUPC had decided the staff would conduct the traffic analysis and that the applicant did not need to come back to the LUPC prior to proceeding to public hearing. Therefore, there would be no need to hold the May 21 LUPC meeting.

**Chris Murphy** recessed the meeting at 7:12 p.m. and reconvened at 7:15 p.m.

**Erik Hammarlund** recused himself from the next portion of the meeting.

## **3. OYSTER BAR REDEVELOPMENT OAK BLUFFS (DRI 596-M) CONTINUED PUBLIC HEARING**

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*Commissioners Present: J. Breckenridge, C. Brown, F. Hancock, L. Jason, J. Joyce, C. Murphy, N. Orleans, C. Rose, D. Sederholm, H. Stephenson.*

*For the Applicant: William Christopher (Architect), Charlie Hunt (Contractor)*

**Doug Sederholm**, Hearing Officer, opened the Public Hearing at 7:15 p.m. and noted this is a continuation of the Oyster Bar Public Hearing. There was a mid-Public Hearing at the Land Use Planning Committee (LUPC) and they have a revised proposal that the applicant will make today. At the request of the Oak Bluffs Board of Selectmen, the Commission will keep the written record open until June 7, 2012.

### **3.1 Applicants' Presentation**

**William Christopher** noted that bank representatives had a conflict tonight with a charity event so they are unable to be present. He presented a changed proposed from the previous session of the public hearing as follows:

- They have reduced the project to two units on the second floor.
- The first floor remains relatively the same.

- At the request of the abutters, they have relocated the ATM machine to the front of the building.
- The building has been reduced in height and density.
- They are retaining the entrance to the residential units at the back of the building.
- Based on the discussions regarding windows, they now have a combination of windows on the second level. The rear windows are bedroom windows to help reduce the noise level to the abutters.
- Tworooftop decks setback from the building's edge remain but are oriented towards Circuit Avenue and have a solid wall dividing them from the rear of the building and the Campgrounds.
- He reviewed the elevations for the front, side and rear of the building.
- As requested by the MVC, they did elevations of the mass of the building in relationship to the other buildings on Circuit Avenue.
- The elevation design for the front of the building was done in an effort to compliment the architecture of the area.
- They did submit the drawings to the Campground Association and the comments they received were relatively the same as when the building was three stories.
- The bank will be painting the existing building to improve its appearance during the summer season.
- They will look at the tree root structure that may be impacted by the basement when the construction begins. They do not want to endanger the tree.

### **3.2 Commissioners' Questions**

**Doug Sederholm** asked if they are considering the option for the foundation, to move it up toward Circuit Avenue and then angle/cantilever it. **William Christopher** said they will do exploratory digging to identify any possible obstacles and will modify the foundation should obstacles arise.

**Doug Sederholm** asked if they will construct the foundation to address the neighbors and abutters regarding potential danger to the other buildings. **William Christopher** said they previously addressed this; they will not endanger any other buildings. Geo techs and engineers will be employed to determine how to do it. Final construction plans for the foundation do not yet exist.

**Doug Sederholm** asked if they are willing to submit those proposals to the Commission for approval. **William Christopher** noted that if the Commission has qualified engineers to make that approval, then yes, but certainly the information could be shared with the MVC. **Doug Sederholm** said they did have an engineer and the MVC could retain a consultant to review the plans.

**John Breckenridge** noted that some of the abutters have very qualified architectural people and encouraged the applicant to exchange ideas with them. **William Christopher** said that they certainly want the final decisions to be done by the correct people.

**James Joyce** noted that for the Big Dig they froze the earth and asked if that was an option for the foundation. **William Christopher** said They will not use that process for this project. That was a revolutionary process, is cost prohibitive, and the Big Dig is encountering problems from it.

**Leonard Jason** asked what the height of the first floor is. **William Christopher** said it is 14 feet 10 inches and is mimicking what is currently there. It was the bank's idea to emulate the existing building and the architectural detail. **John Breckenridge** asked what is the lowest height they would consider. **William Christopher** said the bank would like to keep as it is designed.

**Chris Murphy** asked about the building setback on the side of the candy store and though that an increase in that alleyway space would made a huge difference. **William Christopher** said it is three feet minimum for emergency egress only.

**Fred Hancock** noted the project is a pretty big footprint and if they gave a little more space to the neighbors in the rear, it would go a long way and be favorable. **William Christopher** noted that there are parts of the current building that are sitting on the neighbor's property. The position of the bank right now, is to try and go forward with the revised plan and they are trying to balance all things. The scaling back to two floors is considerable reduction from the original proposal.

**Fred Hancock** asked if it was their intention to do something more to the top of the building to make it more suitable, such as architectural detailing. **William Christopher** said they tried to keep it invisible as possible and they can add detail if it is required.

**Bill Veno** asked how much of the mechanicals are on the roof. **William Christopher** said that all of it is on the roof and they are not yet designed. They will be three to four feet in height.

**Doug Sederholm** asked what kind of noise will they make. **William Christopher** noted that they will be placed in a sound housing and they become almost silent.

### **3.3 Public Testimony**

**Susan Thurber** represents the old Hilliard Candy building. Their back shed is less than five inches from the boundary line. There are gas tanks on their property that are from the previous Oyster Bar owners.

**Marguerite Cook** owns the candy store and she wonders about the basement and asked if the bank has considered not putting in a full basement. That might relieve abutters' concerns about possible damage to surrounding buildings resulting from the excavation. **William Christopher** noted that the bank plans to use the basement to provide proper storage for the retail stores.

**Charlie Hunt** said a 25x40 foot, six foot deep basement with a cross wall already exists under the current Oyster Bar next to the candy store. They will use any means necessary to protect the neighbor's property. Precautions will be taken during any phase of the construction. In addition the neighbors will have contact information such as email addresses and phone numbers.

**Erik Albert** owns the Oak Bluffs Inn and is concerned about the timing of the construction and the noise. The season goes to Columbus Day. He is concerned about the noise with the equipment and how it may affect his business. In addition, the decks will also create evening noise and worried how that will affect his property. The bank has been good neighbors to clean up the existing building, but why did it take so long for it to happen, it seems coincidental that it is being done right before this meeting.

**Doug Sederholm** reiterated that the bank will prohibit short term rentals of the residential units.

**Craig Lowe** is disappointed that a representative from the bank is not at the meeting. His primary concern is the roof decks. The setbacks seem minimal at best and the bank is still getting the maximum footprint even with the new proposal. From an architectural standpoint, there could be more detail to make it more fitting to Cottage City. He would like to see conditions that the commercial spaces are for retail and not a bar or restaurant and perhaps the residential units could be for employees.

**Douglas Ulwick** said the staff report covers the points very well as did Craig Lowe. He would like the proposal to have front porches rather than roof decks. There are setback issues and he noted that he has personally done step-down foundations to minimize risk issues. This does not look like an Oak Bluffs building above the first floor. He also noted that it has not been mentioned to use historically appropriate materials. **William Christopher** replied that the issue of whether the design is Victorian is subjective. They will use natural wood, wood products and green products, as well as thermal windows with divided lights. **John Breckenridge** said he would like to see a succinct list of materials as part of the written record and included in the offers.

**Rena Greenup** stated that they have had problems with different establishments in that building. It is very difficult to maintain the back of our cottage because there is no room. They have used the roof of our shed to step on to get access and have ruined our property. How will they build it with so little setback? **Charlie Hunt** said the amount of room needed is minimal. He noted that the existing condition of the building gives the abutter no space either. Part of the construction will be done from the inside out.

**Ray Greenup** said they once were sitting on their porch and three buildings down there were three people conversing and they could hear every word. Sound carries better at night and the noise from the roof decks could be a disturbance to people's sleep.

**Rick Huss** was curious about long term effects of the project. Is there some type of protection for the future and can it be part of the conditions.

**David Howe** said that it needs to be clear on how long term versus short term rentals are defined, such as two weeks versus college students for the summer. **Fred Mascolo** said he has been a realtor and short term rental is less than 100 days.

**Fred Mascolo** noted that he has seen it done in large cities that steel interlocking panels are used and placed deep enough so they do not interfere with any transference of energy to the neighbors. This has been done in these types of installations and he believed they used it for Linda's Jeans. **Charlie Hunt** said the person who is doing the excavation is an Islander selected due to his knowledge of the area and his previous work on Circuit Avenue.

**Marguerite Cook** said that due to the way the Campground cottages are built, that during hurricane Bob, her friend's cottage moved off its foundation due to the wind. That is how delicate the situation is.

**Ray Greenup** asked about the noise from the mechanicals on the roof. **William Christopher** said the sound panels will sit over the systems.

**Ray Greenup** asked if steel panels are used, how would they be installed. **Doug Sederholm** said they would not do anything that will cause damage. They are on notice regarding that.

**Alice Howe** would like the Commission to note that once the building is built and they sit on their porch they will be looking at a blank wall and that may also affect other cottages.

**Gordon Long** is a resident and the arborist for the Campground. He is concerned about the large tree and the cutting of the roots. He wishes the building was moved back ten feet to protect the tree. He also asked who is responsible for the removal and the after care of the tree. **William Christopher** said that they plan to dig by hand to not negatively impact the tree. They do not plan to cut the roots; they want to save the tree. **John Breckenridge** suggested that perhaps they could do soil injection to help with the tree root situation.

### **3.4 Commissioners' Questions**

**Chris Murphy** said that one of the questions from the last hearing was parking and noted it was not resolved. **William Christopher** said the use of the first floor has less impact on parking than the previous use. Zoning requires two parking spaces for the residential units. The site cannot support parking and there is no answer for it right now other than that they will have to apply for an abatement.

**Leonard Jason** asked what the lot measurements are. **William Christopher** said 70 feet across at the front, 64 feet deep and 63 feet across the rear.

**William Christopher** summarized that the bank's intention is to try to add to the business development on Circuit Avenue and to provide housing. The parking situation is very real, for which there is no answer at present. The revised proposal is two stories versus three stories.

**Doug Sederholm** said he was going to continue the Public Hearing until June 7, 2012. Any written submissions are to be made by 5:00 p.m. on June 1, 2012. The Applicant is to provide any written offers and any response to the written submissions by 5:00 p.m. June 5, 2012.

**John Breckenridge** said it would be helpful if the overview had a construction timetable to review.

**Christina Brown** said that in the past the Commission has had an informal LUPC meeting and it might be an opportunity for the Commission to formulate more questions.

**Leonard Jason** noted that the Applicant admits that this is the transition building. He feels obligated that the Commission should make it look like a transition building. No one knows if the Edgartown National Bank will always be the owner. Is there a surety bond for construction? There are still a lot of questions.

**William Christopher** said that he is concerned about the level of questions that are now being raised. These questions would be addressed in a construction document. We have heard from the neighbors and the abutters, but not from the Commission and they are doing the approval.

**Leonard Jason** said the neighbors are asking for a little space and isn't there a way to accommodate that. **William Christopher** noted that there was no recognition from the neighbors of the compromises reflected with the new design: one of three stories has been removed, two residential units have been removed, rooftop decks have been set back. We have shown on the plans where we plan to go with respect to the property lines.

**Doug Sederholm** said that perhaps it would help if we knew how far back the other buildings are on Circuit Avenue with regards to the setbacks. **William Christopher** said the project's setbacks are larger than other buildings.

**John Breckenridge** stated that the Applicants have taken some positive steps, but noted that a few more comments have been heard tonight and feels that this project can work well for everyone. Perhaps a few more steps need to be taken.

**Doug Sederholm** continued the Public Hearing to June 7, 2012, noting that the proposal will be discussed at a mid-hearing LUPC meeting June 4, 2012. Any new information people wish to be part of that LUPC discussion should submit it in writing by 5 p.m. June 1, 2012.

**Chris Murphy** recessed the meeting at 8:40 p.m.

**Chris Murphy** and **Doug Sederholm** excused themselves from the meeting. **Linda Sibley** joined the meeting and **Erik Hammarlund** rejoined the meeting.

**Fred Hancock**, Acting Chairman reconvened at 8:45 p.m.

#### **4. LEAF MIXED USE – 284 UPPER MAIN STREET EDGARTOWN (DRI-637) CONTINUED PUBLIC HEARING**

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Commissioners Present: J. Breckenridge, C. Brown, F. Hancock, E. Hammarlund, L. Jason, J. Joyce, N. Orleans, C. Rose, L. Sibley, H. Stephenson.

For the Applicant: Chuck Sullivan (Architect), Colin Jones (Project Manager)

**Linda Sibley**, Acting Hearing Officer opened the Continued Public Hearing at 8:45 p.m.

##### **4.1 Traffic Report**

**Charlie Crevo** presented the following:

- He reviewed the traffic pattern diagrams.
- There is a one-way driveway to reach the parking lot behind the building.
- The level of service (LOS) is an A. Delays will be less than one minute in the AM and PM based on six trips to the property during the morning peak hour and six trips during the afternoon peak hour.
- In the morning there is a 23-second delay going out.
- With a two-way in and out there will be a 17-second delay in the AM and a 19-second delay in the PM.

**Holly Stephenson** asked what a "second delay" means. **Charlie Crevo** said it is how long you would have to wait when you want to pull in or out.

**Arthur Smith** said the traffic on Edgartown-Vineyard Haven Road in the summer can be a 20 minute wait. Once you get through the stop sign, it is a constant flow. You would have trouble coming into the parking area. It is difficult to get someone to allow you to pull in.

**Leonard Jason** asked what time is considered the afternoon. **Charlie Crevo** said it is 5:00 p.m. – 6:00 p.m. in peak summer, the second week of July and he factored the trips through 2014.

**Erik Hammarlund** asked if it is one-tenth of a second to make a left turn. **Charlie Crevo** said it is based on the software that they use, it is an average number with a six second gap.

**Linda Sibley** asked if that means that sometimes there is no delay and other times you could sit there for a while. **Charlie Crevo** confirmed.

**Christina Brown** asked if his estimates are that six cars per hour will try to go into the lot during the summer. **Charlie Crevo** said yes.

**Fred Mascolo** is on the Edgartown Planning Board and the Main Street Traffic Committee. He stated that they have studied Main Street traffic. One of the problems is that between 42-45 days per year most of the traffic was due to the Stop n' Shop. The fix was to put in a nine car loading lane. To make changes to a state road can take a long time. The immediate resolution was for the police to work the Triangle and Chase Road intersections. Both of the traffic engineers agreed that the best fix was the police detail.

**Linda Sibley** said the conclusion is that the proposed project is a low traffic generator.

**Holly Stephenson** said that traffic exiting Edgartown and turning left into the property would block traffic. She asked if left turns are allowed anywhere along that stretch of road. **Christina Brown** replied "yes" and one previous planning alternative to prohibit left turns was put aside as impractical.

## **4.2 Staff Report**

**Bill Veno** gave the Staff Report:

- The applicant has submitted a slightly different plan from the previous session of the hearing, which they will present.
- Correspondence was submitted by abutter Patricia Mahoney.

## **4.3 Applicants' Presentation**

**Chuck Sullivan** presented the following:

- The site plan was reviewed showing the differences from the last proposal.
- They were able to plant an additional tree.
- The farmer's porch was introduced to break up the massing and visual scale of the front of the building.
- The front of the building is about 37 feet from the edge of the pavement.

## **4.4 Testimony from Public Officials**

**Mike McCourt** from the Edgartown Planning Board said the project is similar to the project that was proposed one year ago by the same applicant but on a different piece of property. The nice thing about this property is that there is a back exit, but there is still concern about the traffic and additional slowing of traffic flow. He asked what type of retail was envisioned, as it would affect the amount of traffic. **Chuck Sullivan** responded that the second floor would be office use and



the first floor retail space that could be divided up by as many as four establishments. No limitation has been placed on the type of retail use and the traffic report reflects that. **Mike McCourt** continued that the site is in a mixed residential area zoned Commercial, but has a residential look. He is concerned about the size of the proposal on the lot.

**Bob Sparks** from the Edgartown Planning Board said it is a traffic concern for all of us. He had occupied the neighboring Arthur Smith building for eight years. In the summer, if we have to wait 19 seconds, we did. People are courteous and we don't think it will be a problem. He is pleased to see a rear access. Most of the issues that the Planning Board has raised have been addressed.

**Fred Mascolo** from the Edgartown Planning Board likes that there is a rear entrance and it is a good addition and project for Upper Main Street.

#### **4.5 Public Testimony**

**Arthur Smith** said he did not have a chance to see the changes from the last Public Hearing but he is still concerned about the size of the building and the activity that will be there, as well as the number of employees. He is concerned about the loading area and screening as it affects his property. **Chuck Sullivan** said most of the privet hedge will remain for the screening. Any opening in the screening will be filled in. It is over eight feet in most areas. There will be an elm tree planted in the ten-foot setback.

**Linda Sibley** asked if that section of Main Street has any elm trees. **Chuck Sullivan**, said no, but they will plant a disease resistant elm.

#### **4.6 Commissioners' Questions**

**John Breckenridge** said he needs to understand the Upper Main Street plan and does it address massing. **Mike McCourt** said not that he is aware of. **Fred Mascolo** said that when the plan was written there was not much that was established on Upper Main Street.

**John Breckenridge** asked if the 20% open space related to Upper Main Street. **Fred Mascolo** said it did.

**Leonard Jason** asked how many three story buildings are on Upper Main Street. **Chuck Sullivan** said he did not count but there are several two story buildings with roof access.

**Erik Hammarlund** asked how the applicant reconciles its proposal with the town's intent for commercial properties to have a common access. **Christina Brown** said that the particulars of the zoning will be done by the town and did not feel it was relevant to the MVC discussion. **Linda Sibley** said that for those that do not know the Edgartown master plan, it might be helpful.

**Chuck Sullivan** stated that he did not know what the Selectmen's intent is, but if someone is waiting to get to the Park and Ride you could do so without having to wait at the Triangle by using the access road. The by-law reads "a common access road".

**Camille Rose** noted that she thought this evolved from lot coverage and talking about the massing of the building. Is this relevant or are we back to traffic? We are supposed to be looking to see if this is appropriate from a regional standpoint.

**Fred Hancock** asked who ends up being responsible for maintaining the vegetative screening for the service road. **Chuck Sullivan** said that right now it is the applicants and has to do with the agreement the Selectmen have with the Applicant.

**Linda Sibley** noted that the MVC received a letter from Patricia Mahoney. There are a number of questions raised and I think they should be answered in writing before the close of the Public Record. Patricia Mahoney suggests that Donaroma's Nursery is allowed to use the parking lot for their nursery and as a service road. Why can't this project do the same thing? **James Joyce** noted that Donaroma's is in the back of the parking lot.

**Bill Veno** noted that one of Ms. Mahoney's main concerns is why take out the vegetative buffer since this is her buffer to the parking lot.

**Holly Stephenson** asked if it is being suggested that they don't need that many parking spaces as they could use the parking lot. **Linda Sibley** said it is just stating that another property is using the public lot so why couldn't this project do the same thing. It is the egress that she is most disturbed by as it removes the buffer.

**Tanya Chipperfield**, Ms. Mahoney's granddaughter, said that the buffer that is being proposed is very different than what currently exists.

**Fred Mascolo** noted that the Selectmen chose the access road and the Planning Board likes it because less people will be parking in the front of the building and rather than pull out into traffic it would streamline it better and reduces the impact on the curb cut by half. The fire trucks will have easier access.

**Bill Veno** noted that some other points that Patricia Mahoney is concerned about is the scale of the building as well as the balconies. **Chuck Sullivan** showed the balconies on the elevations and noted that on the second floor they are only four feet wide. The third floor balcony is contained on the sides by the two gables.

**Leonard Jason** asked if they considered repositioning the gables. **Chuck Sullivan** said the major factor in their placement was the storefront and visibility.

**Chuck Sullivan** said that it was his impression that with the B-II zoning, the building should screen the parking in the back.

**Christina Brown** asked if the elevations reflect the building modifications versus the streetscape. **Chuck Sullivan** said yes. The building was reduced by four feet and the building sits parallel to Main Street.

**Linda Sibley**, Acting Hearing Officer closed the Public Hearing at 9:40 p.m. and left the written record open until 12:00 p.m. June 4, 2012 with deliberation at the LUPC meeting on June 11, 2012.

## **5. NEW BUSINESS**

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*Commissioners Present: J. Breckenridge, C. Brown, F. Hancock, E. Hammarlund, L. Jason, J. Joyce, N. Orleans, C. Rose, L. Sibley, H. Stephenson.*

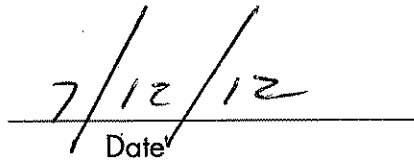
**Christina Brown** proposed that a Treasurer's Report be put on the agenda for the next meeting.

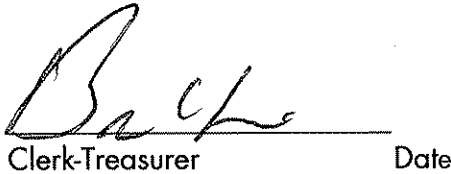
The meeting was adjourned at 9:45 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Draft Minutes of the Commission Meeting held on May 3, 2012
- Martha's Vineyard Commission – DRI 596-M Oyster Bar Redevelopment, MVC Staff Report -2012-05-15
- DRI 596-M Oyster Bar Redevelopment Letters Received as of May 17, 2012, Supplement to Letters Received as of April 26, 2012
- Martha's Vineyard Commission – DRI #637 Leaf Mixed-Use 284 Upper Main Street – MVC Staff Report – 2012-05-17
- Letter from Patricia Mahoney Regarding the Public Hearing on the Leaf Mixed-Use, 284 Upper Main (DRI 637), May 17, 2012 at 7pm; submitted on May 17, 2012
- Packet of photocopied images from Patricia Mahoney showing vegetation and buildings relating to the Leaf Mixed-Use, 284 Upper Main (DRI 637) submitted at the May 17, 2012 hearing.

  
Chairman

  
Date

  
Clerk-Treasurer

  
Date