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Minutes of the Commission Meeting Held on July 21, 2005 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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

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|---|---------------------------------------|
| - James Athearn (E – Edgartown) | P Ned Orleans (A – Tisbury) |
| P John Best (E – Tisbury) | - Megan Ottens-Sargent (E – Aquinnah) |
| P John Breckenridge (A – Oak Bluffs) | P Deborah Pigeon (E – Oak Bluffs) |
| P Christina Brown (E - Edgartown) | - Jim Powell (A – West Tisbury) |
| - Carlene Condon (A – Edgartown) | P Doug Sederholm (E – Chilmark) |
| P Mimi Davisson (E – Oak Bluffs) | P Linda Sibley (E – West Tisbury) |
| - Martin Crane (A – Governor Appointee) | P Paul Strauss (County Comm. Rep.) |
| P Chris Murphy (A – Chilmark) | - Andrew Woodruff (E – West Tisbury) |
| - Katherine Newman (A – Aquinnah) | |

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Coordinator), Jo-Ann Taylor (Coastal Planner/DCPC Coordinator), Christine Flynn (Affordable Housing and Economic Planner), Srinivas Sattoor (Transportation Planner)

1. ALLEN MOORE FARM – DRI NO. 503: EXTENSION REQUEST

Commissioners present: J. Best, J. Breckenridge, C. Brown, M. Davisson, C. Murphy, N. Orleans, D. Pigeon, D. Sederholm, L. Sibley, P. Strauss

Paul Foley presented a letter from the applicant with a letter from the Trustees of Reservation. Mr. Rodstrom, from the Trustees, wrote that they are in the final stages of the project but the previous extension will run out before the legal paperwork is complete. They are requesting an additional 1-year extension.

John Best moved, and it was duly seconded, that the project be granted a one-year extension.

- **Christina Brown** explained that she was on the Commission when the original proposal was approved; she commented that the applicants are creating a large piece of conservation land on Tisbury Great Pond and it is a good thing.

A voice vote was taken. In favor: 9. Opposed: 0. Abstentions: 1. The motion passed.

2. 45 CIRCUIT AVENUE - DRI NO. 585: MODIFICATION

Commissioners present: J. Best, J. Breckenridge, C. Brown, M. Davisson, C. Murphy, N. Orleans, D. Pigeon, D. Sederholm, L. Sibley, P. Strauss

Paul Foley reported that the new building inspector for Oak Bluffs, Jerry Weiner, pointed out to the owner that a three-unit building would require an elevator. The applicant wants to reduce the number of units from the three that were originally approved to two units but keep the same number of bedrooms. The change in the plan would be to remove a kitchen.

Mimi Davisson asked about the decision on affordable housing. **Paul Foley** explained that the applicant was to arrange for long-term affordability of one of the units or make the mitigation contribution. **Paul Foley** believed that with the change to two units, the applicant would probably make the monetary contribution rather than arrange for affordability of any unit.

Paul Foley noted that he and Mark London have talked with Jerry Weiner and they will be doing a complete review of all Oak Bluffs' businesses and their accessibility compliance.

Paul Foley reported that the architect for the project talked to an ADA engineer about the possibility of a chairlift on an interior staircase, but a redesign would cost at least \$50,000.

John Best said he believed that a staircase lift would have to be able to carry a wheelchair.

John Breckenridge clarified that the original application was for one 1-bedroom and two 2-bedroom units. The applicant is now proposing one 2-bedroom unit and one 3-bedroom.

Christine Brown asked why a 3-bedroom would be less affordable. **John Breckenridge** said 'affordable' might be the wrong word; a 1-bedroom might have a lower rent. **Christina Brown** said that a 3-bedroom could also be considered more affordable because the rent could be split 3 ways.

Linda Sibley said she assumes the apartments would be rented year round.

Paul Strauss moved and it was duly seconded that this is not a sufficient change to warrant a public hearing. A voice vote was taken. In favor: 10. Opposed: 0. Abstentions: 0. The motion passed.

Christina Brown moved and it was duly seconded that the Commission accept the modification from three units to two as proposed by the applicant. A roll call vote was taken. In favor: J. Best, J. Breckenridge, C. Brown, M. Davisson, C. Murphy, N. Orleans, D. Pigeon, D. Sederholm, L. Sibley, L. Sibley. Opposed: None. Abstentions: None. The motion passed.

2. MARTHA'S VINEYARD HOTEL AND RESORT – DRI NO. 335M-3: DECISION

Commissioners present: J. Best, C. Brown, M. Davisson, C. Murphy, N. Orleans, D. Pigeon, D. Sederholm, L. Sibley, P. Strauss

John Breckenridge recused himself and left the meeting.

Christina Brown summarized the minutes of the LUPC meeting:

- LUPC focused on what is on the site now and what Mr. Robinson is proposing.
- The existing building is a bed and breakfast and racquet club with 5 guestrooms in the main building and 2 guestrooms in the attached side building (“chicken coop”) for a total of 7 bedrooms.
- The applicant is proposing an expansion to 15 guestrooms and 2 staff rooms.
- There are some issues as to what permits were given by the town and what was previously authorized by the Commission.
- LUPC focused on the proposal and the plans that were submitted with the understanding that the plans were draft plans.
- LUPC talked about 5 possible recommendations:
 1. Deny without prejudice and request the applicant come back with clearer architectural plans; the Commission could give him an indication of how many bedrooms might be acceptable.
 2. The applicant could withdraw the plan and submit clearer architectural plans; again, the Commission could give him an idea if how many bedrooms might be acceptable.
 3. Reopen the hearing to allow revised plans to be submitted.
 4. Approve the plan with the condition that the applicant submit a clearer plan.
 5. Deny the proposal with reasons.
- LUPC unanimously voted that the proposal be denied and that there be no expansion of commercial rooms. Some of the reasons were.
 - New York Avenue is primarily a residential area outside of town with a mixture of low-impact businesses and buildings that have been and could be converted back to residences.
 - The Oak Bluffs Master Plan states a policy to restrict business growth to locations within the business district. LUPC agreed that businesses should stay in the town center, any out of the town center should stay small in feel and activity.

Chris Murphy moved and it was duly seconded to approve the recommendation of LUPC to deny the proposal.

- **Linda Sibley** explained that the discussion would be about the motion to deny, including the possible reasons.
- **John Best** asked that staff inform Commissioners who weren't at LUPC of Jerry Weiner's conversation in which he pointed out discrepancies in the drawings.
- **Linda Sibley** said she felt that communication from the building inspector might be considered new information, but that John Best could make a statement about the buildability of the plans.
- **John Best** said ceiling height was an issue.
- **Paul Foley** said that the majority of the ceiling heights have to be 7'-6": The question was raised about the windows in the existing rooms having legal egress.
- **Mark London** explained that the windows of the existing bed and breakfast would be blocked by the addition and they have to provide egress.
- **Linda Sibley** asked that the discussion tie to the benefits and detriments of the project.

- **John Best** said the proposal as shown to the Commission cannot be constructed while maintaining the appearance of the structure as proposed.
 - The applicant would have to find egress for all the rooms by sinking the addition, raising it, or separating it.
 - The plan doesn't work for a number of reasons including that it doesn't show a staircase off the roof, which should be the second egress for that building. It doesn't meet ADA requirements. The dining room is in the basement. There is no elevator. There is no second exit from the basement.
 - He has never looked at a plan at the Commission that is so unworkable that has been approved. The idea and principle aren't necessarily bad, but what will be built will not look like the plan.
- **Christina Brown** said that the LUPC voted to recommend denial on the basis of the principle that there should be no expansion of commercial uses at this location, which is in a residential area.
 - Chapter 831 asks the Commission to find that the probable benefits exceed the probable detriments. In this location, the probable detriments in fact exceed the benefits.
 - LUPC questioned whether this development at the proposed location is essential or appropriate given the alternatives. It can be argued that there is a demand for more guestrooms on the Island, but she was not convinced that having expansion at the existing location is essential or appropriate given the alternatives. The Island has commercial locations that are appropriate.
 - Chapter 831 asks the Commission to look at whether the proposed development affects the neighbors. It is a residential mixed neighborhood with small businesses in buildings that have been houses. An expanded 15-room inn exceeds what is expected in that residential area in terms of cars, traffic, noise and general activity.
 - Chapter 831 asks the Commission to look at whether the proposed development aids or interferes with the ability of the municipality to achieve the objectives set forth in the general Master Plan. The Oak Bluffs Master Plan encourages commercial growth in the village and discourages development outside of town. The survey done for the Master Plan indicates that New York Avenue should not accommodate further development.
 - The B&B as it exists fits into the neighborhood and has been a good neighbor. An expansion to 15 guestrooms that more than doubles the activity becomes a commercial activity and not a benefit.
- **Doug Sederholm** said the architectural plans are woefully inadequate and can't be built as presented. The Commission can't be in the position of approving projects that can't be built.
 - The proposal is a 133% increase in rentable units from 6 units to 14 units, 7 guestrooms to 15 guestrooms. The "chicken coop" may be a separate building, but the only access is through the lobby of the bed and breakfast. As a practical matter, the chicken coop is part of the B&B.

- Although this proposal is substantially scaled down from the original proposal, it is still almost doubling the building, which he believes is too much for the character of the neighborhood.
- He is concerned that the applicant has not complied with the 1991 conditions on parking and lighting.
- He thinks the proposal doesn't enhance the streetscape on New York Avenue nor add to the character of the neighborhood.
- **Paul Strauss** said that the proposed addition was moved from the location in the original plans to reduce its impact on the streetscape. The number of rooms has now been reduced, but the massing is similar to that of the original plan.
- **Doug Sederholm** clarified that the gross square footage of the original proposal of existing and proposed was 21,714 square feet; this proposal is for 12,114 square feet.
- **Linda Sibley** asked the Commissioners speak to the benefits and detriments of the proposal.
- **Christina Brown** said the legislation asks the Commission to look at its own regional plan, which reiterates the Oak Bluffs Master Plan discouraging commercial growth outside of commercial areas.
 - Policy 122 states the goal of keeping business districts vital and workable, avoiding new commercial development that creates sprawl and strip development.
 - She thinks this is not sprawl development but it is her feeling that further commercial development on New York Avenue could lead to the street becoming more of a commercial strip which the Commission does not want.

A voice vote was taken. In favor: J. Best, C. Brown, M. Davisson, C. Murphy, N. Orleans, D. Pigeon, D. Sederholm, L. Sibley, P. Strauss. The motion passed.

Christina Brown noted that what Mr. Robinson has there now is an asset to the town and entirely appropriate.

Jack Robinson said he has revised the plan numerous times; each time he complies with the Commission's wishes, additional things are requested from him. With this kind of attitude, it would be absolutely impossible for him to finish this process. Even now as the proposal is rejected, the Commission doesn't tell him what he can and can't do. The Commission has said no in a subjective manner. He thanked those who have supported him and he will wait for the final written decision from the Commission.

3. OTHER

3.1 Planning Effort

Mark London explained that the proposed list for the steering committee for creation of the Comprehensive Island Plan is being finalized and will be followed by the formation of the advisory committee.

3.2 Paradise Lost Forum

Mark London reported that 125 people attended the forum for a lively discussion on a somewhat academic subject. The proceedings will be distributed and DVDs will be available.

Linda Sibley said the Far Barn at Polly Hill is a wonderful place, but as the forums are more successful, attendees won't fit in the Far Barn.

Ned Orleans expressed his gratitude to the chairman for taking the bull by the horns and getting the discussion going. The panel had a hard time starting, but Linda Sibley got them going.

Commissioners engaged in an informal discussion on growth and sustainability.

Mark London said a point that Stephen Keller made is that in discussing sustainability, people often emphasize minimizing the energy or other environmental impacts; but sense of place and relation to nature need to be emphasized, too. Mark suggested that we should not just try to solve water and traffic problems, but also to maintain the spirit and sense of place. He wondered whether the Martha's Vineyard community could make the decision ours would be a sustainable island, and that this shared principle of being a sustainable island would then guide thinking about many decisions. For instance, when presented with alternatives for solving a solid waste problem, the more sustainable solution should be pursued rather than the least expensive. Tisbury buying a Prius for its off-island car is another example.

Linda Sibley said we can make a lot of technical decisions, but unless the ultimate carrying capacity of the Island is addressed and unless Islanders plan for growth, the Island is going to be loved to death. Realistically, building will just continue until the Island is ruined. The carrying capacity is not unlimited. The economy will be destroyed because people won't want to come here.

Paul Strauss commented that he understood that one of Keller's points was that as places get bigger, the essence of quality of life decreases. He asked what should be sustained: the Island as it is today?

Ned Orleans asked whether sustainability is a strategy. If it is, then we put the cart before the horse. What's the end that we want to apply it to? Where are we? We have to define where we want to go.

Chris Murphy said it's not difficult to splice Mark's comments and Ned's, but it's painful. What's the build-out? Setting the numbers is painful. When builders can't get permits, there will be objections.

Doug Sederholm said we may not know where we want to go, but we know where we don't want to go. We don't want to be built out with 50,000 people year-round. We're talking about putting a hard cap on growth; when you do that, there are dramatic economic repercussions with one quarter of the population in the building trade. How can the Island transition to a balanced economy? If we don't put a cap on growth, we'll become a place where people don't want to be.

Linda Sibley said that as the quality of life drops due to crowding, people at the top move out. Then a different crowd builds out and property values and the tax base drop.

Mark London said the counter argument to losing jobs for construction workers is that many people are now coming from off-island to work here. If we slow growth, we may not need so

many people from off-island, but we'd have jobs for people on-island. If we plan for a reasonable rate of growth, then we can sustain that growth with our own workers.

Doug Sederholm said that even if we know where we don't want to go, if we slow growth then we have time to plan for where we want to go.

Paul Foley mentioned organizations that are preserving land and marginal areas like Upper State Road can be re-zoned for higher density and developers can be charged for that increased density to put money toward purchasing more conservation land.

Ned Orleans said in the natural order of things, no one is going to stop the world from going round while we figure out where we want to be. No one is going to sit around and wait for us. Education of people who live on and come to the Island is important; there are very few people who understand sustainability. It's the same people who come to the forums and meetings. A young man said, "Don't talk about controls – the younger crowd doesn't like it." There are people we should be trying to reach. We're missing segments of the population on the steering committee.

Linda Sibley said we may not need young people on the steering committee but we need them in the planning process.

Deborah Pigeon said the young people are very stretched with jobs and families and homes. It's difficult to get them involved outside their immediate life.

Linda Sibley said young people do think about these things.

Chris Murphy said they're very involved but they're not willing to sit in a meeting

Linda Sibley said it's her feeling that people's sense of place and sense of the Vineyard is not shaped by Land Bank properties and conservation land but by their everyday life. If you lose the rural road character, or deal with terrible traffic every day, or there are more places you're not allowed to go, you enjoy the community less.

Ned Orleans mentioned cul-de-sacs as inhibiting the sense of community on the Island.

Linda Sibley said the built community has a huge impact on people's sense of place.

Christina Brown said quality of life is also the number of people who live here year round; it's the sense of small New England community and of knowing people. If we get to 50,000 year-round people, we will not have the same quality of life. She asked how we would know at what size we'd lose the sense of community.

Paul Strauss said it's not been possible to get agreement on where we want to go. We haven't defined "there" in any meaningful way. The Commission has the best chance of creating a vision and promoting it or educating people. He said that one thing Island people don't like is being told what their future ought to be. Determining the factors of quality of life is foremost. 'Sustainability' may not be the right word because it's so difficult to define. People aren't going to rally around the word 'sustainability'.

Linda Sibley said that people have a different threshold for change. She'd like to see a survey of people who have left; where did they go and why? People are going to Maine, Vermont, and Nova Scotia.

3.1 Personnel Policy

Mark London explained that the draft of the personnel policy, which includes a final review by Jennie Greene, would be sent to counsel.

Christina Brown commented on jury duty requirements; it was the consensus of Commissioners that staff should be paid for the duration of jury duty; what had been included in the personnel policy was the state requirement.

3.2 Energy Plan

Bill Veno distributed a summary of the energy plan being prepared for the Island that was presented at the previous month's Forum.

3.3 DRI Tour

Christina Brown reported that the DRI tour is Saturday, May 14th, 9:30 to 12:30. **Linda Sibley** said she was impressed by the extent of the itinerary and suggested that a microphone be used on the bus if possible.

The meeting adjourned at 10:10 p.m.

Linda B. Sibley
Chairman

2/2/2006
Date

William J. Deans
Clerk-Treasurer

Feb. 2, 2006
Date