

BOX 1447, OAK BLUFFS, MASSACHUSETTS, 02557, 508-693-3453
FAX 508-693-7894 INFO@MVCOMMISSION.ORG WWW.MVCOMMISSION.ORG

Minutes of the Commission Meeting Held on March 15, 2007 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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

P James Athearn (E – Edgartown)	P Ned Orleans (A – Tisbury)
P John Breckenridge (A – Oak Bluffs)	P Jim Powell (A – West Tisbury)
P Christina Brown (E - Edgartown)	P Doug Sederholm (E – Chilmark)
P Peter Cabana (A – Tisbury)	P Susan Shea (A – Aquinnah)
P Martin Crane (A – Governor Appointee)	P Linda Sibley (E – West Tisbury)
P Mimi Davisson (E – Oak Bluffs)	P Paul Strauss (County Comm. Rep.)
P Mark Morris (A – Edgartown)	P Richard Toole (E – Oak Bluffs)
P Chris Murphy (A – Chilmark)	P Andrew Woodruff (E – West Tisbury)
P Katherine Newman (A – Aquinnah)	

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Coordinator), Jim Miller (Traffic Analyst), Bill Wilcox (Water Planner)

The meeting was called to order at 7:15 p.m.

1. COMMISSION COUNSEL

Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Crane, M. Davisson, M. Morris, C. Murphy, K. Newman, N. Orleans, J. Powell, D. Sederholm, L. Sibley, P. Strauss, R. Toole, A. Woodruff

Doug Sederholm reported that Eric Wodlinger, attorney for the Commission, is moving from Choate, Hall to Rackemann, Sawyer & Brewster. The Commission needs to decide whether it will stay with Choate, Hall, which is focusing on large corporate clients and less on municipal and land use law.

Mark London recommended that the Commission stay with Eric Wodlinger.

- He has been with the Commission a long time, has served the Commission well, and land use law is his area of expertise.
- Rackemann, Sawyer's rates will probably be lower.
- Choate, Hall has been very supportive in extending payment without charging interest. He's unsure whether the same payment policy would apply at the new firm.

Doug Sederholm said that the firm he's moving to has a strong presence in land use law.

Kathy Newman said there isn't a reason to stay with Choate, Hall if they're shifting to a corporate focus.

Jim Powell said Rackemann, Sawyer has been very professional and the resumes of their staff are impressive.

Mimi Davisson asked whether Choate, Hall would require immediate full payment. **Mark London** reported that Eric Wodlinger said he didn't feel that would happen.

Ned Orleans asked whether the Commission should search locally for an attorney. **Doug Sederholm** said that Ron Rappaport is used occasionally but he often has conflicts. **Christina Brown** added that Ron and Eric often work together.

Andrew Woodruff asked whether further conversation about any transition with Choate, Hall would be appropriate. **Doug Sederholm** said the letter sent from Eric was copied to the managing partner of the firm so communication about the transition has been open.

Linda Sibley is interested in the fact that the firm he's going to is interested in land use law.

Mark Morris asked what Doug Sederholm would recommend. **Doug Sederholm** said his own feeling is that the Commission should stay with Eric Wodlinger and move to the new firm.

Mark Morris moved, and it was duly seconded, to keep Eric Wodlinger as Commission Counsel. In favor: 16. Opposed: 0. Abstentions: 0. The motion passed.

Christina Brown added Eric Wodlinger has done terrific advocacy for the Commission.

2. ISLAND PLAN UPDATE

Jim Athearn said the Steering Committee met on the issue of development and reviewed the work of work groups, including short-term objectives and longer-term bold ideas. The Steering Committee is looking forward to getting into the meat of the Work Groups' work. The next step will be analyzing the Island in terms of setting priorities and how to manage growth in terms of the priorities.

Mark London gave further detail.

- The Work Groups are identifying short-term and long-term actions. There is some commonality between the Work Groups' actions.
- Small Core groups of the Work Groups meet regularly. The Work Groups are currently holding a series of meetings on specific topics. For instance, the Natural Environment had a meeting on Biodiversity. The Housing Group has a series on different topics such as affordable rental housing, affordable housing ownership, work force housing, and elderly housing.
- The second half of last Saturday's Steering Committee meeting was focused on development. A small study group is focusing on identifying where the Island needs to be especially careful with development, namely with respect to natural environments, historic areas, and neighborhoods. The idea is to move from general feelings to working out concrete criteria. The third category was neighborhoods: how do they fit into the process and what are the social, economic, and land use concerns. The goal is to identify the special characteristics of neighborhoods that people hold most dear and figure out how to protect those characteristics.

- The second big step is to identify where development is needed or desired. The idea is to marry the ideas of protection and development into an overall scenario. A projection of current trends will also be developed to compare with this alternative vision.
- The aim is to pull together as much as possible by the end of the spring. This summer they will do a new brochure and posters, and hold a limited number of bigger outreach activities.
- The Committee is meeting with boards of selectmen to give them a status report. It will also be meeting planning boards.

Linda Sibley said the meetings of the Steering Committee are being videotaped and will be aired on MVTV's Channel 13. They are being edited so they are not gavel-to-gavel. This last meeting was exciting and discussion was animated.

Jim Athearn said he doesn't feel the Committee has kept the Commission and planning boards as well informed as it could have and it will be a doing a better job of that.

The Commission took a 15-minute recess to review documents.

2. OYSTER BAR & GRILLE: DRI NO. 596 – PUBLIC HEARING

1 *Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Crane, M.*
2 *Davisson, M. Morris, C. Murphy, K. Newman, N. Orleans, J. Powell, D. Sederholm, S. Shea, L.*
3 *Sibley, P. Strauss, R. Toole, A. Woodruff*

4 *For the applicant: Michael Gillespie and Wyman Shaw, applicants (Mad Corp. LLC); Maurice*
5 *O'Connor, architect*

6 **Christina Brown** opened the public hearing and read the hearing notice. The application is a
7 proposal to demolish most of the building and replace it with a 3-story building, with restaurant,
8 function room, and apartments. The Oyster Bar & Grille is located at 57 Circuit Avenue, Oak
9 Bluffs.

10 **Richard Toole** disclosed that he and his family are leaseholders in another part of the
11 Campground. The State Ethics Commission said he doesn't have a conflict. However, if anyone
12 has an issue, he could step aside.

13 No one including the applicants had any problem with Mr. Toole sitting on the review.

2.1 Staff Report

15 **Paul Foley** gave the staff report.

- 16 • The proposal is to demolish most of the existing Oyster Bar building and build a three-
17 story building plus basement.
- 18 • Required permits are a building permit, wastewater, special permit from the ZBA on the
19 height of the tower; the project will have to go before the Planning Board for parking and
20 site plan review.
- 21 • The building has been a restaurant since at least 1967.
- 22 • According to a historical survey done in 1986, the building may have been moved to the
23 site in 1885 or built or remodeled in 1896.

- 24 • The project is to build a restaurant on the 1st floor, a 220-person capacity function hall on
- 25 the 2nd floor (2,950 sq. ft.), four apartments on the 3rd floor, and a 390 sq. ft. roof deck.
- 26 • The roof tower has been lowered to 38.6 feet.
- 27 • The project was referred by Jerry Weiner under a number of DRI triggers.
- 28 • The site abuts the Campgrounds, a National Historic Landmark.
- 29 • Key issues are:
 - 30 - Traffic (particularly where function hall guests will park and how will they be
 - 31 accommodated).
 - 32 - Noise.
 - 33 - Impact on abutters.
- 34 • There will be no exterior lighting beyond that required by code.
- 35 • The applicants have made offers to accommodate noise:
 - 36 - Putting bathrooms and stairwells along the rear wall,
 - 37 - Using laminated glass windows and double thick sheetrock in back,
 - 38 - Making the only entrance at the front with alarmed fire exits on the sides,
 - 39 - Installing motion lights and removing public phones in alleys.
- 40 • The applicant's goal is to create a green building and be off the grid in ten years. They
- 41 are installing a geothermal loop system to generate heat, hot water, and air-conditioning
- 42 in the basement. All mechanical equipment will be in the basement. There will a roof
- 43 deck garden.
- 44 • The existing building is on sewer and is approved for four two-bedroom apartments. The
- 45 increased flow for the function facility has been approved but needs a town meeting vote
- 46 to fund upgraded equipment.
- 47 • The applicants will be putting in Clivus composting toilets with a 3 oz flush
- 48 • The applicants have submitted general offers for parking; however the details for supplying
- 49 parking spaces aren't firm. The Commission might consider a possible condition that if
- 50 the project were approved, the applicant would come back with a detailed parking plan.
- 51 • At least two of the apartments would be dedicated to staff; the other two apartments
- 52 would be used for staff or rented only on a year-round basis.
- 53 • Demolition would begin in November or December 2007.
- 54 • The Commission received the following letters.
 - 55 ○ Two letters from the Oak Bluffs Historical Commission. The applicants voluntarily
 - 56 went to the Commission to work on the design of the building. The Commission
 - 57 felt the design fits in historically. When the applicants decided to demolish the
 - 58 building, the Historical Commission then reviewed the project to determine
 - 59 whether or not the existing building is historic. They had a split vote on the
 - 60 building's historical significance and thus it was not designated historically
 - 61 significant.
 - 62 ○ The Martha's Vineyard Campground Meeting Association.
 - 63 ○ Alan Schweikert
 - 64 ○ Kristine Hanna
 - 65 ○ Eric Harris
 - 66 ○ Christine Todd
 - 67 ○ Russell Dagnall

- 68 ○ A group of abutters: Burnhams, Flors, Gallants, Greenups, Ferriells, Howes and
- 69 Whitney
- 70 ○ Walter Gallant
- 71 ○ David & Alice Howe
- 72 ○ Glenn Ickler
- 73 ○ Dorothy & Richmond Greene
- 74 ○ Barbara Baskin
- 75 ○ Jeff Ferriell and Cheryl Hacker
- 76 ○ Janet Barker
- 77 ○ Judy Micoleau
- 78 ○ Dan Larkosh
- 79 ○ Marianne and Norm Whitney
- 80 ○ Ray and Rena Greenup
- 81 ○ Gerard, Sauter and Hoyt families
- 82 ○ Dorothy Burnham
- 83 ○ Deborah Palmer
- 84 ○ Alex & Toney Loftis
- 85 ○ Hazel & Robert Allen
- 86 ○ Kristen Anderson-Walters
- 87 ○ Josh Flor
- 88 ○ Stephanie Flor
- 89 ● A historical survey was done in 1978.
- 90 ● The staff report ended with a PowerPoint slide show of the context showing abutters’
- 91 cottages, backyards, before and after perspectives, and elevations of the existing and
- 92 proposed building.

93 **2.2 Applicants’ Presentation**

94 **Michael Gillespie**, co-owner of the Oyster Bar & Grille, described the project.

- 95 ● The idea for the expansion came out of need and looking at the best way to create a year-
- 96 round operation that would attract high quality help.
- 97 ● The applicants looked at the priority issues of promoting smart growth development and
- 98 local economy and their personal goal of being people who want to work hard and be
- 99 part of the community.
- 100 ● They have experience in Oak Bluffs in the restaurant business.
- 101 ● They want to support and encourage the wedding industry and restaurant business in Oak
- 102 Bluffs.
- 103 ● The applicant discussed the history of Oak Bluffs and Circuit Avenue.
- 104 ● They want to rebuild the building to address issues of noise, a sprinkler system, new
- 105 plumbing, roof, and storage. The restaurant and function hall are a way to fund what
- 106 they want to do.
- 107 ● The project isn’t out of scale with Circuit Avenue where historically buildings are or have
- 108 been three or four stories high. He thought that the building might have been three stories
- 109 at one time but he could not find definitive proof of that and has since found out that it
- 110 probably was not. However, there was a long history of three and four story buildings

111 along Circuit Avenue that either burned or were dismantled for tax purposes during slower
112 times.

- 113 • The building area includes taller buildings. The Campground does abut Circuit Avenue
114 and always has.

115 **Maurice O'Connor**, architect, said Paul Foley did a great job describing the project.

- 116 • Some changes have been made to the previously submitted proposal. The tower was
117 lowered by three feet, narrowed by almost four feet and they pushed it away from the
118 Greenup's by three feet. The building is now 35 feet.
- 119 • The windows on the sides and back will be laminated glass, which provides better
120 soundproofing than triple-paned windows. Back windows on all three floors will be frosted
121 for privacy.
- 122 • The insulation will be blown-in cellulose, which provides better noise protection than foam
123 or batt insulation.
- 124 • The floor plan of the building creates the back space as a buffer from noise.
- 125 • The best place for the elevator seems to be at the back of the building because it acts as a
126 buffer and because if it were in front it would disrupt the main restaurant space.
- 127 • All circulation for the restaurant and function hall would go through the front door. The
128 side exits are alarmed fire doors.
- 129 • The residents' entrance will be at the back and down the side of the building.
- 130 • The applicants and architect have tried to be responsive to concerns of abutters.
- 131 • Overall, this building will be much quieter than the existing one. Once the shingles fade
132 and people don't notice it as much, they'll be happier with it.
- 133 • Sun studies show that the increased elevation does affect back abutters after 10:00 or
134 11:00 a.m.

135 **Maurice O'Connor added several clarifications.**

- 136 • The entrance for all patrons is on Circuit Avenue.
- 137 • The fire door at the back right of the building will be alarmed.
- 138 • The main access door for the third floor apartments is at the rear of the building.
- 139 • The second floor access door to the resident stairwell will also be alarmed.
- 140 • There will a shed for bikes in the resident access alleyway.
- 141 • The roof deck is about 35 feet.
- 142 • He hasn't made a decision about stairtreads.
- 143 • The laminated windows are quieter because they're heavier; the windows are also good
144 for energy efficiency.

145 **Brian Nelson**, mechanical engineer, described the geothermal system.

- 146 • Commercial project code requires air exchange, which dictates the kind of low energy
147 system that can be used, in this case geothermal.
- 148 • The geothermal loop system ties into the noise issue; there are no outside condensers and
149 everything is water-cooled through basement equipment.
- 150 • The system will pay for itself in five years.
- 151 • The system is a totally self-contained system and will require no supplemental heating and
152 air-conditioning.
- 153 • There is no combustion and no use of fossil fuels.

- 154 • Preliminarily, he estimates they will bore twenty-five 100-foot deep holes. It is a closed
155 loop system. Mass DEP determines, based on where the holes are dug, that the system
156 will make no aquifer contamination.
- 157 • The building envelope is more 36% energy efficient than the Mass Energy Code. The
158 state building code sets a bottom line minimum requirement on windows and insulation.
159 36% is actually very high arising out of the extra insulation. 36% efficiency doesn't
160 include the heating system.
- 161 • Copper is very high on the nobility scale; copper very quickly develops a protective coat.
162 However, they are adding a sacrificial anode; the pipes will also have impressed voltage.
- 163 • The pipes could be replaced but, in forty years, there have been no tubing failures.
- 164 • In terms of solar there will be conduits to the roof and the building will be solar ready, but
165 they won't be installing solar right away.
- 166 • The 100-foot holes will be 2" in diameter.
- 167 • A bobcat size machine on tracks would bore the holes at a shallow diagonal angle. The
168 process is minimally invasive and would be done after the site is cleared.

169 **Peter Cabana** commented that the Commission is currently developing energy guidelines. He
170 recommended that the applicant check out a website that might give them tax benefits. He asked
171 whether extra holes would be drilled and whether other materials are used for the pipes. **Brian**
172 **Nelson** said that the system is not new; Swiss geothermals are done within the foundation. He
173 also said they could consider drilling extra holes for the future.

174 **Michael Gillespie** explained that the roof deck is specifically for residents not for patrons. It
175 will be shut down one hour after sunset. Renters abusing the roof deck will be evicted.

176 **2.3 Comment from Town Boards**

177 **David Wilson**, Oak Bluffs Historical Commission, said there originally was no demolition
178 attached to the proposal when it was presented to the Historical Commission. Subsequently a
179 request to demolish the building came forward.

- 180 • At the time the Historical Commission received the request for demolition, he believes that
181 because there had already been a public hearing, some members felt a 2nd hearing might
182 be redundant. The tie vote represented no action on designating the building historically
183 significant.
- 184 • He gave the history of the building and the history of the businessmen who had offices in
185 the building
- 186 • Seven buildings in Oak Bluffs have been lost from demolition or fire.
- 187 • They have no evidence or testimony that this building was ever three stories; the tall
188 buildings in Oak Bluffs were in the center and toward the water. The area of the Oyster
189 Bar building has historically been one and two-story and mixed residential.
- 190 • The applicants are preserving the columns, but the columns were put in when the building
191 became a restaurant. The bar is not original. The perimeter, the directional facades,
192 corbels and dentils could be preserved.
- 193 • He likes the first floor details but thinks more preservation could be done.

194 **Members of the Public**

195 **Roger Wey**, Selectman, speaking as an individual, is in favor of the project.

- 196 • Over the years the owners have been responsive; any problems that arose with the town
197 have always been resolved.
- 198 • This is a good proposal for the town and the applicants will do a good job.
- 199 • The applicants would need a liquor license and an entertainment license. They have a
200 liquor license, but the area would have to be redefined.

201 **Norm Whitney** of the Camp Meeting Association Board spoke on behalf of the Board.

- 202 • He's been coming to the Island for 50 years and has been a year-round resident for three.
- 203 • The Camp Meeting Association goes back to 1835. Standards of the Methodists who
204 had acquired Wesleyan Grove often conflicted with the town.
- 205 • 315 cottages are still in existence and are the best set of Carpenter Gothic Cottages.
- 206 • In 1978, the Wesleyan Grove was registered as part of the National Historic Registry and
207 designated a National Historic Landmark. It is an Island treasure.
- 208 • About 10 or 15 years ago the relationship between the Campground and the town started
209 to change. Restaurants started to become bars and entertainment locations, bringing
210 noise and agitation to a small section of the Campground.
- 211 • Then activity moved down to the pier, which affected harbor cottages with noise and
212 behavioral issues.
- 213 • More recently there has been more movement to Montgomery Square, which brought
214 more noise, littering, trespassing, and behavior problems.
- 215 • Last year the Oyster Bar opened under current leadership. The applicants worked very
216 hard to build an agreement with the immediate neighborhood.
- 217 • The location is not at the center of town but at the nexus of two residential areas.
- 218 • The issue is the behavior of people when they leave the building.
- 219 • Referencing John Flor's letter, he fears any expansion will only exacerbate the problem of
220 lewd behavior and the bravado of intoxicated patrons.
- 221 • The Board of the Camp Meeting Association voted unanimously to oppose the building as
222 proposed because they think that the building is significantly detrimental as a potential
223 continuation of the deterioration that they've seen. This year, they will have to pay a full
224 time policeman to patrol entrances to Cottage Park

225 **Doug Sederholm** said the building has been occupied by working restaurants for quite some
226 time; he asked if there has been a qualitative or quantitative difference in problems that
227 Campground residents have experienced in recent times. **Norm Whitney** said that by the
228 second half of last summer, it was worse, with more bass oriented music and more late-night
229 crowds.

230 **Doug Sederholm** asked if the primary objection is that this proposal has a second floor
231 function area with 220-person capacity as opposed to rebuilding the same size restaurant.

232 **Norm Whitney** said there are two issues. One is the magnitude and scale of the building. The
233 other is what happens at 12:30 at night and where patrons go and how they behave. The
234 owners can do everything they can to fix the building but they'll have a hard time fixing the
235 behavior of the extra 150 people once they leave the premises.

236 **Doug Ulwick**, architectural consultant, was retained by the Camp Meeting Association to
237 address some of their more challenging issues.

- 238 • The project is a new building next to a national landmark, one of 2500 in the country.

- 239 • The scale of the project is critical. He presented a scale model of the building, before and
- 240 after the rebuilding (based on the previous plan).
- 241 • He expressed his concern over height, scale, and mass in relation to abutters.
- 242 • The area has not historically been three to five story buildings. It is a dangerous
- 243 precedent to start putting tall buildings at that location.
- 244 • The front of the building has an articulated form and is well detailed; however the sides
- 245 and rear don't have the same attention to detail.
- 246 • He fears the building is overbuilt.
- 247 • He recommends reducing the mass of the building and moving the tower to the front
- 248 where it could be part of the facade and cause less impact on the abutters.
- 249 • A photograph shows the small scale that originally made Oak Bluffs unique.

250 **Russ Dagnall**, president of the Camp Meeting Association, expressed concern with the mass
251 and number of people. They will be doing a survey to firmly establish the property lines between
252 the Oyster Bar and their cottage. Anything built should have proper distance.

253 **Glenn Ickler** has owned 3 Cottage Park for 20 years. He is speaking on behalf of abutters.

- 254 • When the electric power went out last summer, he was happy because restaurant blowers
- 255 were off and the silence was golden.
- 256 • When they bought their cottage 20 years ago, the neighboring buildings were residences
- 257 and the only noises were from occasional late night parties. Then there came the noise
- 258 and smells from Sweet Life and Thai Restaurant. The creep of commercial buildings is
- 259 gradually taking away the peacefulness and ambiance of the community.
- 260 • The Oyster Bar proposal wants to take a big bite out of the ambiance in terms of noise,
- 261 air, light, people, parking, and voices. The proposal multiplies the current problem 20 or
- 262 30 or 40 times.
- 263 • The sides of the building flanking the community are downright ugly and don't look like
- 264 the historical community flanking it.
- 265 • If the business changes hands, what will the next neighbor want to do with the building?
- 266 • They are not a knee jerk NIMBY group. They are the residents. This massive building
- 267 and its problems don't belong cheek-to-cheek with a tiny historic area.

268 **John Newsome**, resident of the Campground, is concerned about the 100-foot holes at a
269 location that is 12 feet above sea level.

270 **JB Blount**, Old Blue Seals Condo Trust, across the street from the Oyster Bar building, is
271 supporting the project. Their building has five units, three residential and two commercial retail
272 stores. Their perspective is that the project will help enhance their end of the street.

273 **Margaret Burnham**, leaseholder, said the Campground's point of view has been well-
274 represented.

- 275 • Her mother is a 75-year resident of the Vineyard; she is a 50-year resident.
- 276 • They moved from New York Avenue to the Campground to get away from traffic.
- 277 • They are woken up by bottles being dumped at 4:00 or 5:00 in the morning.
- 278 • A half a block from Circuit Avenue has been serene. Change is inevitable but it doesn't
- 279 have to intrude on their peace and serenity.

280 **Brenda Mastromonica** said she is speaking for her father who is 88.

- 281 • He is concerned about the passageway between her father’s building and the Oyster Bar.
282 Ever since her father built a smaller shed built for Primo, there’s been a problem with stuff
283 being left in the alley.
284 • They’re concerned with four apartment residents using the passageway and they have
285 questions about the lot bounds.

286 **Alex King** owns Skinny’s Fat Sandwiches, a small business on Circuit Avenue.

- 287 • Business-wise, July and August are the money makers. He welcomes 220 people coming
288 to town in spring and fall; they will bring in business, extending the shoulder season.
289 • The model that Mr. Ulwick made is great but it does not show the larger buildings that
290 exist and those that are being built.
291 • Also missing is the fact that the Oyster Bar is in a commercial zone.

292 **Rena Greenup**, owner of the cottage right behind the Oyster Bar, is three feet away. Their
293 bedroom looks over the roof of the restaurant. The will lose sun and air.

- 294 • They have had this cottage for over 30 years.
295 • Nick’s Lighthouse never had a liquor license, supposedly because it was too near a
296 church.
297 • Primo got a liquor license because he was a golden boy.
298 • Balance would ask the neighbors about having bands on the 4th of July and other special
299 occasions.
300 • The Greenups rights and joie de vivre is diminished every year. She asked why they can’t
301 enjoy life and why they can’t pass on what they think is so special.

302 **Anne Margetson** lives several blocks away.

- 303 • The project will change her neighborhood.
304 • Thirty years ago there were discussions about additional restaurants coming, but
305 Selectmen didn’t issue licenses because of the problems. She is sympathetic to people
306 who want to earn a living, but she doesn’t owe them the right to earn their living by
307 altering the neighborhood.
308 • Every restaurant adds not only patron traffic, but also delivery traffic.
309 • This proposal expands to the maximum possible use of the site; it’s greed of the site.
310 • She spoke against the expansion of the building and pleaded with the Commission to
311 think of anything they can do.
312 • History must be thought of. Since the Selectmen said no more restaurants the Town has
313 had 15 more restaurants with liquor licenses.

314 **Kerry Scott**, owner of Good Dog Goods, said she bought a Victorian building and successfully
315 put a store in it without renovating.

- 316 • She is concerned about the appearance of the proposed building. Nothing about the
317 building says Oak Bluffs. She hopes the town could do it in a way that says Oak Bluffs.
318 • She asked that Selectmen strictly enforce noise by-laws and regulate entertainment
319 licenses. She hopes the Commission can help the Selectmen do their job and make it
320 easier to live near a restaurant.

321 **Kathy Newman** would be interested in hearing what changes have occurred in Oak Bluffs in
322 terms of liquor and entertainment licenses.

323 **Mark Morris moved, and it was duly seconded, to suspend the rules until 10:45**
324 **p.m. A voice vote was taken. In favor: 15. Opposed: 2. Abstentions: 0. The**
325 **motion passed.**

326 **John Cummings**, 49 Pequot Ave., said the traffic impact study is two years old. The point is
327 that half of the circle pictured has no public parking. Where are 450 dinner guest and function
328 guests going to park?

329 **Max Durn** asked what happens if the project is approved and the applicant no longer wishes to
330 comply with offers. **Doug Sederholm** said the approved offers and conditions are included in
331 a written decision. The written conditions are the rules of the game and it's the Commissions job
332 to enforce the rules.

333 **Adam Wilson** explained that he is an Oyster Bar employee on hiatus.

- 334 • He spoke on behalf of the applicants. They are creating a plan so they can succeed in
335 running a year-round operation.
- 336 • They want to improve the building so they can enjoy being year-round residents and
337 provide year-round entertainment.

338 **John Flor**, 8 Fisk Avenue, spoke in opposition to the proposed expansion as detrimental to the
339 surrounding neighborhoods and the larger community.

- 340 • Thirty years ago, voters gave the Commission a mandate to protect the values of the
341 community.
- 342 • The proposed project presents a series of problems.
- 343 • It is detrimental to the Campground and Island and will begin to erode the fabric of
344 tranquility.

345 **Susan Shea** asked whether smoking would be allowed on the roof deck. **Michael Gillespie**
346 said smoking wouldn't be allowed.

347 **Richard Ogden**, Vineyard resident since 1989, spoke in favor of the project.

- 348 • He's known the applicants since they worked for him catering many years ago.
- 349 • The Commission's mandate is to keep the community and business in balance.
- 350 • He wonders if the neighbors realize that the applicants are bringing all of the noise-
351 producing mechanicals inside and are trying to get as much noise insulation as possible
352 on the back. This proposal is going to be much quieter than what exists now.
- 353 • He recognizes that there are concerns with people coming out of the building smoking
354 and drinking, but they don't all come from just one establishment.
- 355 • The second floor capacity won't happen every night. Functions and weddings are a
356 benefit to the community. The applicants are trying to create a balance.

357 **Beth Blankenship**, an Oak Bluffs resident, is in favor of the project.

- 358 • People who come for weddings don't need to bring cars. Cabs and bus transportation are
359 available and bringing cars is expensive.
- 360 • She helps her sister at Mocha Motts and they have to deal with picking up after parties,
361 but they accept that as part of doing business on Circuit Avenue.
- 362 • She's happy to be able to tell her 92-year-old aunt that Circuit Avenue is busy and active.

363 **Christina Brown** thanked everyone for speaking.

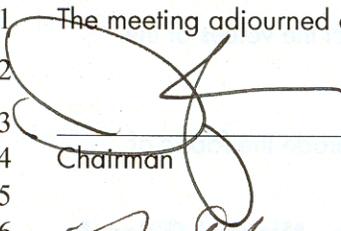
364 **2.4 Traffic and Parking**

365 **Michael Gillespie** explained the parking proposal

- 366 • He noted that Renee Balter, in relation to the Balance proposal, spoke about not limiting
- 367 growth because of a parking problem.
- 368 • The Oak Bluffs School Principal is in favor of having an agreement with the applicants for
- 369 satellite parking.
- 370 • The applicants have bought a passenger van to pick people up at hotels and B&Bs and
- 371 the school parking lot.
- 372 • They are also working on valet parking.
- 373 • They are offering a \$50 a month credit to the residents who don't have a car on the
- 374 Island.
- 375 • They'll have transportation incentives for employees.
- 376 • Apartment residents will have to buy VTA passes.
- 377 • Most functions will occur before July and after August.
- 378 • Functions will be limited to two functions a week during July and August
- 379 • They'll pay into the parking mitigation fund.

380 **Christina Brown** continued the hearing to April 5th at 7:30 p.m.

381 The meeting adjourned at 10:48 p.m.

382 
 383 _____
 384 Chairman

4-26-07

 Date

385
 386 
 387 _____
 388 Clerk-Treasurer

4-26-07

 Date