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## **Minutes of the Commission Meeting Held on March 20, 2008 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 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)
- 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); Paul Foley (DRI Coordinator); Bill Veno (Senior Planner); Christine Flynn (Affordable Housing Planner); Ed O'Connell.

The meeting was called to order at 7:40 p.m.

### **1. SHIRLEY'S: DRI 380 – CONCURRENCE REVIEW**

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

#### **1.1 Staff Report**

**Paul Foley** gave the staff report.

- The DRI was approved in 1994.
- In the back of the store, Shirley's has placed storage containers that are not in compliance with the original DRI decision.
- Recently, Shirley's has done major excavation and built a retaining wall.
- Ken Barwick, Tisbury Building Inspector, referred the project, and stated they needed an engineering plan.
- Issues are: potential for erosion, square footage of seasonal storage space, impact on parking, and magnitude of the topographical change.
- Other issues are: visibility from State Road, legal status of storage units, and whether they are storage or active space

- LUPC recommended that the project be reviewed as a substantial modification and requires a public hearing.
- The neighbor and abutter, Caleb Nicholson, is helping Shirley's with landscaping.
- The purpose of the discussion at this meeting is not to discuss the merits of the proposal, but is simply to determine whether the project is significant enough to require a public hearing.

**Ken Barwick** said he met with Mr. Steere twice and had him fill out an application to the Zoning Board of Appeals for the outside activity that will take place on the property.

**Christina Brown moved that the work that has been done and the proposed work is a substantial enough change from the original plan to warrant a public hearing so that neighbors and town boards have an opportunity to review the work. A voice vote was taken. In favor: 16. Opposed: 0. Abstentions: 0. The motion passed.**

## **2. BRADLEY SQUARE: DRI 612 – PUBLIC HEARING**

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

*For the applicant: Phillipe Jordi (Island Housing Trust); Matt Cramer (Hutker Architects); Kristen Reiman (landscape architect); Patrick Manning (Island Affordable Housing Fund).*

**Richard Toole** opened the public hearing and read the hearing notice.

- The applicant is John Early and the Island Housing Trust Corporation.
- The location is at 97 Dukes County Avenue and 8 Masonic Avenue.
- The proposal is to move and renovate an existing building which will house a cultural center, two residential units and an office, and to build two buildings with five housing units each, with a total of twelve units, ten with permanent resale restrictions.

### **2.1 Staff Report**

**Paul Foley** gave the staff report.

- The proponents are the Island Housing Trust Corporation, Island Affordable Housing Fund, and John Early Contractors and Builders.
- The Form A subdivision has been approved by the Planning Board.
- The original building will house a cultural center, office, and two residential units. The two new buildings will house ten units.
- The proponents have applied for a comprehensive permit from the State, which will require a site eligibility letter from the State that may take up to 6 months.
- If they don't seek a comprehensive permit, they will need permits and variances as listed in the staff report. A lot of zoning issues are involved.
- The project will require a comprehensive permit.
- The project is in harmony with the Master Plan which recommends encouraging rehabilitation of existing dwellings, particularly for affordable housing, and preserving existing cultural and historic resources. The project is at odds with the Master Plan in terms

- of alleviating parking problems, and reducing congestion, and possibly with respect to restricting business growth to business districts, not expanding the business district,
- The site is surrounded by single-family houses and is close to the unofficial Arts District, which is not in the Town Master Plan, Zoning By-Laws, and has never been designated by Town Meeting.
  - The original building was built in 1895 as a mission to help Portuguese immigrants. It became the Bradley Memorial Church, the first primarily African-American church on the Island in the 1920's. The building has been largely abandoned since the 1960s. Last year, the Island Affordable Fund purchased the two lots. They have a purchase and sale agreement with the Island Housing Trust Corporation pending permits.
  - The renovated building will include a 788 sq. ft. cultural center and a 209 sq. ft. office for the NAACP. There will be two residential units upstairs. The building will be moved about 70 feet. The building will have a new foundation with a commercial kitchen in the basement for a total of 5133 sq. ft. including basement.
  - The cultural center will be run by a non-profit municipal entity.
  - The two residential buildings will each house 4,033 sq. ft. of living space (7,175 gross sf including basements). The ground floor of each will be two artist live/work spaces. The master ground lease will have permanent affordability rental restrictions
  - Key issues:
    - Masonic is a busy cut-through street.
    - Impact on parking, traffic and safety.
    - Increase in mass, scale, density, and intensity on a .43-acre lot, compared to neighborhood.
    - Potential activity the cultural center will create.
    - Effect on the local neighborhood.
    - Expanding the business district.
    - Question of use category of the cultural center.
    - Possibility of saving more street trees.
    - Appropriateness of fence.
  - The project is larger in mass and scale than surrounding buildings. The proposal is significantly denser than the rest of the neighborhood. The original layout of the area in 1872 was for six small lots with six small single-family homes. Part of the project is in the B-1, which does not have minimum lot size requirement for residential.
  - Additional questions are: is the project too much intensity of use is; what details on preservation and replacement are available;.
  - Only five of the trees on the lot are rated as good and none are rated as excellent. Twenty out of the twenty-seven trees on the lot are proposed to be removed. The project is not in a Natural Heritage area. A landscaping plan has just been submitted.
  - The lighting is proposed to have as little impact as possible. Path lighting will be low.
  - Noise might have an impact. The proponents plan to install a 6-foot wood fence as a buffer.
  - In terms of energy sustainability, all residential units will achieve 50% more than the Massachusetts Energy Code and the proponents will look into LEED certification.
  - There will be a dumpster on the property.

- Tie-in for town water is approved for 1200 gallons per day. The commercial kitchen requires a grease trap.
- Gutters will be connected to downspouts and dry wells.
- Some of the run-off will go toward Farm Pond and some would go toward Sunset Lake.
- The traffic study is not yet prepared. Counters will be installed March 21<sup>st</sup>. Charlie Crevo will do the traffic study and will be paid by applicant.
- Traffic and parking are major concerns.
- Oak Bluffs Selectmen have approved a Park and Ride town shuttle that would go by this property in the summer months. Selectmen have approved a traffic study for the area.
- Oak Bluffs has apparently approved construction of a sidewalk along Dukes County Avenue though no plans for this have been seen yet.
- The access plan shows an internal driveway. There are eight parking spaces, with one handicapped space and six on the street.
- The units will be sold for between \$150,000 and \$320,000 to income-eligible applicants.
- The Island Housing Trust will ensure that ten of the twelve residential units would be permanently affordable below 140% Average Median Income (AMI).
- Chapter 831 allows the Commission to consider approval affordable housing projects that don't meet zoning requirements.
- Each unit will have a \$150 per month ground lease fee.
- Habitat for Humanity will work on one of the affordable units.
- The property is an appropriate site for some infill development. This hearing process will determine how much.
- Oak Bluffs Community Preservation Committee is recommending \$400,000 for this project.
- All twelve condo units will pay property taxes. It's anticipated the project will generate \$19,310 in real estate taxes, assuming the cultural center is not for profit.
- The potential impact on schools is presumed to be minimal because most of the units are one bedroom.
- The proposed uses for the cultural center are public and private functions for up to 87 people and will be consistent with other venues managed by Martha's Vineyard Preservation Trust. Their hours of operation are generally 8 a.m. to 9:30 p.m., seven days a week and are used 20 to 30 hours per week. Meeting fees are usually \$150 per meeting or \$500 per day.
- The four artists live/work spaces and cultural aspects of the project are anticipated to increase economic activity. They have the potential to be the anchor for the expansion of the "Arts District". The historic church will draw visitors.
- The loss of trees and size and scale of the buildings will have a notable negative effect on the streetscape.
- The project will preserve or historically replicate treatments in the sanctuary. The Applicant has said that the disrepair of the existing building requires major renovation to meet building code. The building will be moved 70 feet and onto a new foundation.
- The project is significantly larger in scale, mass, and size than the neighborhood.

- The project is aligned with several smart growth tenets such as downtown, in-fill development tied to the sewer and within walking distance of services.
- The four artist work/space units will be adapted for ADA accessibility. If they are in commercial space, ADA accessibility will have to extend upstairs. The Denniston Building will have an ADA ramp. The project should be forwarded to the Architectural Access Board for review.
- The direct abutters will be negatively impacted. There's concern about existing parking. The total project will change the character of the neighborhood.
- The Town will have to confirm the boundary of the business district.
- The 87-seat capacity is based on square footage, not on existing approval.

## **2.2 Applicants' Presentation**

**Lindsay Lee**, Martha's Vineyard Museum historian, gave a brief history of the property.

- The Denniston Building was built in 1895 by Susan Bradley who had a mission to help Portuguese immigrants to the Island become naturalized citizens.
- Oscar Denniston worked at the Bethel and then worked with Susan Bradley at the Oakland Mission. Then he named it Bradley Memorial Church, which became the first African-American Church on the Island.
- It was a very active church with constituents from all over the Island. The sanctuary was a very active place. The Denniston family had five or six children and lived in the rest of the building.
- She finds the plan exciting because it carries on the same mission of being a spiritual, economic and social center of the Island. The proposed plan is trying to meet the same kind of needs.

**Philip Jordi** outlined the project.

- The Island Affordable Housing Fund, with the encouragement of NAACP and the Arts District, purchased the property
- They view it as a potential anchor in the heart of the Arts District, providing arts space, and housing, as well as preservation.
- Currently the Dukes County Regional Housing Authority has 179 individuals earning between 60% and 140% AMI on their homebuyer waiting list, including 41 Oak Bluffs residents. Eight pre-applications for space in the proposed project have already been received from artists.
- The Town and the Island Plan have identified the need to provide affordable housing in town centers under the smart growth principles.
- The Oak Bluffs Community Preservation Act Committee has recommended contributing \$400,000 toward the project.
- For the design process, they hired professional island planners and designers. The group met twice a week for the past six months. They met with town departments and boards. All the meetings were posted and open to the public.
- The master plan originally was for a larger development. After several revisions, the program was scaled down to eight residential units and four artist live/work units, cultural

center, office and commercial kitchen. The two new buildings and renovated building were programmed and designed to help decrease the appearance of the mass.

- Much thought was put into protecting the Denniston Building as a cultural center, retaining historic features and protecting the building's future through restrictive covenants.
- Other important elements were:
  - High performance construction for energy efficiency and longer term affordability
  - Sidewalk for pedestrian-friendly access.
  - A green space.
  - On and off-street parking.
  - Handicapped parking.
  - Retention of close to half the trees that are in good or fair condition and planting of additional trees.
  - Installation of a wooden fence to serve as a visual and noise buffer
- There has been an active collaboration with the Town of Oak Bluffs, which resulted in the Town agreeing to install sidewalks along Dukes County Avenue and Masonic Avenue.
- Oak Bluffs will also be looking at options for traffic circulation, as well as creation of on-street parking, and establishment of seasonal parking and shuttle buses.
- Collaboration with the NAACP and the Arts District has been important for planning, management, and fundraising. The Arts District has expressed interest in owning the cultural center.
- With respect to zoning:
  - Planners have submitted a friendly 40B sponsored by Oak Bluffs.
  - Other than a variance to allow the existing Denniston Building to sit within the 20-foot setback, the proposal can be permitted with certain special permit allowances under the Town's by-law.
  - The Town can decide to look at the project either under 40A or 40B.
- With respect to finances:
  - It's a \$5.1 million project.
  - They will need to raise \$1.7 million to make 10 of the 12 units affordable and to create the cultural center in the Denniston Building.
  - Six of the residential units and four of the artist live/work spaces will be sold for between \$150,000 and \$320,000 to income eligible applicants between 80 and 140% AMI, a gross annual income of between \$40,000 and \$90,000.
- Homebuyers' selection process and criteria will be done by the Oak Bluffs Affordable Housing Committee and the Arts District Association for the artist live/work spaces.
- Dukes County Regional Housing Authority will do the income verification process.
- Ground lease restrictions will limit the resale value to no more than 4% annual appreciation.
- The Oak Bluffs assessor estimates \$19,300 in potential tax revenues annually.
- The actual economic impact depends on the number of children, but most of the units are one bedroom or studio. There may be minute increases in water, fire, sewer services, and police.

- The Island Housing Trust will be selling the units as condos and groundleasing land to the condo association. Groundlease restrictions will ensure permanent affordability of ten of the twelve residential units.
- Restrictions on the cultural center and office will limit ownership to either a non-profit or a public organization.
- Commercial operations of the artist live/work studios will be consistent with Arts District commercial hours of operation of about 35-40 hours per week.
- The office space would be owned by NAACP and will typically be open 9 – 5, five days per week.
- Construction will begin in the summer with the move of the Denniston Building followed by the framing and construction of the new buildings, renovation of Denniston, and completion and landscaping in 2009.

**Matt Cramer** said Hutker Architects took an interest in the project because it mixes housing, arts and restoration, and they believed it was an important project to get involved with.

- They solicited a large range of input and studied the neighborhood.
- The committee decided to disperse the program across the site by utilizing the three buildings.
- He explained some of the design concepts.
- They included providing open space between the buildings, plus the community green space.
- Parking is along the back property line and includes the proposed sidewalks in the design concept.
- The Denniston Building will be moved to accommodate a new foundation. The first floor sanctuary will be restored and the parlor will be rehabilitated as the NAACP office. The building will be slightly expanded. The exterior will have the original fenestration, trim and corner boards, beveled siding and cedar shingles. The new rooflines will be lower than the main ridge so the original volume of the building maintains its importance.
- The building was originally 33 feet high. The height will be dropped to 31'9" to make handicapped accessibility easier to establish.
- The Bradley Buildings are the same size, which is economic, but they may be different colors and fenestration. The units are laid out to use natural light and to use stairs and utility space as buffers between the two units.
- The first floor has the two live/work units, the second floor has two residential units, and the third floor is the market rate unit.
- To reduce massing, the façades are stepped back across the three floors. The first floor is similar in scale and detail to the artist studio across the street. The roof lines are broken up, they varied materials to create visual interest, and the first floor is stepped in to create room for landscaping.
- By keeping an eye on the original goal of mixing housing, arts, and restoration, the architects sought to provide well-designed buildings for affordable housing while supporting the growing arts district.

**Kristin Reiman** is the project's landscape architect.

- With respect to trees:

- At the site visit, there was a lot of interest in trees on the property.
  - She and Mark DiBiase of Bartlett Tree experts prepared an inventory of the trees.
  - They inventoried 27 trees and their size, species, and condition.
  - Most are black oak; there's a post oak and a catalpa.
  - No trees were classified as very good or excellent. 41% were classified as poor and are recommended for removal for safety and aesthetic reasons.
  - Seven out of sixteen fair to good trees will be removed for the building footprints. Ten new trees will be planted, so the site will have eighteen trees.
- The porous surface community driveway entering from Dukes County Avenue accesses eight parking spaces along a 6-foot high wood fence.
  - Lighting will be downward-shielded.
  - Trash receptacles will be in two areas; one will be an enclosed recycling and rubbish area; the second will be a smaller area for the Denniston Building.
  - Both of the community lawn spaces will be partially screened by an informal hedge along Masonic Avenue.
  - A public bike rack is included in the overall plan, as is the sidewalk that runs along both Dukes County Avenue and Masonic Avenue.
  - The proposed trees are to provide canopy.
  - The spacing between the buildings is 24 feet. Between Denniston and Bradley is 32 feet. There are no setback requirements.
  - There is a proposed bus stop as a suggestion.
  - The height of the Bradley trash enclosure could be six feet. The second one could be much smaller.

**George Sourati**, engineer, addressed zoning issues.

- The applicant purchased two separate B1 lots and one residential lot. Both B1 lots meet today's zoning for the B1 district.
- He reconfigured the lines of the lots to site one building footprint per lot.
- There's an issue of where the B1 starts and ends because of conflicting maps. It's either 100 feet back from Dukes County Avenue or 118 feet back, the exact location doesn't really affect the project.
- The project will need a special permit from the Zoning Board of Appeals to extend the business use into the residential district. They can apply for an extension of up to 30 feet into the residential district, which will work no matter where the line is.
- The two Bradley buildings are residential use. The artists' live/work spaces are classified as residential, even if the artists have a home business.
- The neighborhood is a pre-existing, non-conforming neighborhood for the most part.
- The secondary use of the live/work spaces could be galleries. The use will have to conform to hours of operation for the arts district.

### **2.3 Public Officials**

**John Bradford**, Planning Board, clarified zoning issues.

- Technically zoning says one dwelling unit per lot. Another part of zoning exempts that requirement in certain situations. Double the lot requirement can accommodate two dwelling units.
- In the B1 area there is no lot requirement except a 5-foot setback from the road. If you could satisfy that you had access and utilities, you could have more than one dwelling unit because there's no defined lot area.
- Because the live/work units would be in the commercial area, they would be considered business use. There would be parking requirements and permitting for a business.
- The 30-foot extension allows the commercial use in the residential district by special permit by the Zoning Board of Appeals. The live/work space would be a permitted use.

The applicant will list the special permits required for the project.

**David Wilson**, member of the Oak Bluffs Historic Commission, explained that many people in Oak Bluffs have been wringing their hands over the fate of the Bradley Building.

- There has been a wellspring of good feeling and gratitude since these groups have stepped in. Historic preservation has always been a priority.
- This project means the building will be restored and maintained and used according to its history. This piece of preservation is tied to the rest of the project.

**Ron DiOrio**, Oak Bluffs Selectmen, said this is the first project in which various groups have come together to save a historic site and make it something that the community will use and enjoy.

- This is a major infusion of economic development dollars.
- Prior proposals talked about demolishing the building.
- The community has come together and has done an outstanding job in public meetings. This is a terrific plan.
- This has the support of the Selectmen, the Community Preservation Committee, and the Affordable Housing Committee.

**Tristan Israel**, Island Housing Trust, said this is a daunting project and has a lot of issues, including trees, neighborhood and traffic.

- This concept is one of the most exciting things he's seen, as it melds housing, historic preservation, and the art community.
- He hopes that the arts community developing in the area will be fostered.
- It's exciting that the building will be restored and reflects the diversity of the Oak Bluffs community.

**Natalie Dickerson**, President of MV NAACP, said this is a very important venture for all of us. There's a diverse group of people working together on a project that benefits the community now and in the future.

**Thad Harshbarger**, member of Parking and Traffic committee, is concerned about traffic situation in the neighborhood.

- The project is providing the stimulus for an engineering survey of the neighborhood.
- As an abutter, he's excited about the project that's taking place across the street from him.

- As chair of the Finance Committee, he reported that the committee voted unanimously to transfer funds to the project. He feels it will have a positive financial impact on the town.
- As Chairman of the Arts District Committee, neighbors have talked about ways to improve the area. This lot is in rough shape.
- He's very much in favor of the project and looks forward to the construction.
- Responding to Linda Sibley's questions, he added that, as a resident, he's concerned about sidewalks and speed and parking. That's why an engineer's report is so important.
- The Highway Committee has approved sidewalks. The Parking and Traffic Committee will be discussing the plan.

**George Sourati** pointed out that the Masonic Avenue layout is 40 feet; the existing road is 20 feet wide.

## **2.4 Public Comment**

**Tammy Deese**, 50 Pocasset, said the property has been abandoned for maybe five years.

- There are people who come for every two weeks.
- The proposal is for a place with 12 units with a meeting space for 87 people. That's a lot of parking.
- There are areas that need some beautification.
- 87 people means a lot of cars. In the Arts District there has already been congestion and parking issues with police ticketing and towing cars.
- This is a large-scale project in a very small area. Traffic and parking in summer are very difficult now.

**Alison Shaw**, gallery owner, walked three minutes in each direction and counted 114 parking spaces.

**Steve Auerbach**, Nashawena:

- Suggested painted lines on parking spaces to help people know where to park and not to park;
- Wondered if egress onto Masonic could be one way only to minimize traffic hazards;
- Observed that all the trees on the property are husks of trees and he'd prefer healthy specimens that have a long bright future.

**Catherine Deese**, 50 Pocasset Avenue, is neither in favor nor opposed.

- She's concerned about parking on the road. It's impossible unless it becomes a one-way street.
- Ron Rappaport told the planners they couldn't move the fences back to accommodate parking.
- Parking has to be addressed for a project of this scope. It's a wonderful project though.

**Phyllis Jampel**, Nashawena, is in favor of the project, but parking is an issue. The project more importantly, though, is bringing together a lot of different issues, including maintaining the historic house.

**Candace Nichols**, Dukes County Avenue, said parking is the issue.

- Saving the church is a must.

- Four galleries with possible showings in the area will require parking. They're not typical retail.
- The gathering hall of 87 people seems like commercial use. Other than the second floors, we're talking about a commercial endeavor.
- It really comes down to parking. Nobody has an optimal situation. The arts people have parking issues and the neighborhood has accommodated them. We need to do the best that we can but more needs to be done for parking.
- This is a major huge project. It will be nice to have the study available. I think they can do more.

**Taylor Montgomery**, abutter, said the service road affects him directly through traffic, activity, and noise.

- The project is great, but density is an issue. It's a big project for a small property.
- He has a suggestion for a scaled-down version, which wouldn't hinder the project in its own right.

**Ned Orleans** asked whether the Commission would have any data on traffic, transportation, and parking before the next meeting.

**Lindsay Lee** added that the existing building is a treasure trove of stuff that will shed light on the history of the family and the African-American community on the Island. The museum can archive some of the contents of the house, which will help people learn and celebrate the traditions of the church and community.

**Don Muckerheide**, across from Tony's Market, said it's the parking. There are other properties on Dukes County Avenue that are B1 commercial properties and they are all forced to stay within their limits.

- If the project requires 60 car spaces, that's equivalent to 1200 feet of parking. Adding 60 cars to this neighborhood without accounting for parking is absurd.
- Even with eliminating one of the buildings, the project doesn't meet the same parking requirements that other B-1 buildings have to meet.
- This is a land grab of the future development of all the other potential B1 uses. You already have an over-capacity of the area without the project.
- The project should have 50% on-site parking as required under the Oak Bluffs zoning laws.

**Moira Fitzgerald**, Circuit Avenue, took issue with the statement that the project matches the scale and mass of the neighborhood. The mass and scale of the project is very large.

- People won't realize the full impact of the project until it is too late. When the trees go down and the buildings go up, the buildings will be very imposing.
- The building height is 32 feet, a substantial increase from what is around it.
- Moving the building seems like an unnecessary expense.
- It doesn't seem fair to everybody else that the project has to be so dense to deal with cost.
- She hopes that there's a plan in place to put sidewalks throughout Oak Bluffs.

**Holly Alaimo**, from Dragonfly Gallery, was on the design committee. The neighborhood is in transition. The buildings are three stories high, not unlike other buildings on the street and projects that are being proposed.

- The neighborhood has been a commercial district since 1900, with bakeries, fish market, and a produce market. It had intense commercial use and was a hustling bustling neighborhood back then.
- She loves that these units are condos. People will buy into the neighborhood because they want to be there.

**Candace Nichols** said this would be a huge project towering over every house in the area.

**Chris Murphy** asked the applicant to comment on Taylor Montgomery's concept.

**Doug Sederholm** said staff would conduct an architectural survey and analysis of the neighborhood. He requested that a pro forma financial analysis be submitted to support the scale of the proposal.

**Linda Sibley** said that the appropriate question may be about the amount of need they're trying to fill. She asked that staff explain why certain kinds of meeting spaces are permissible by right in residential areas.

**Chris Murphy** would like the applicant to discuss off-site parking.

**Michael Hunter**, resident across the street, said this project would benefit the town and neighborhood. He trusts that the obvious issues will get addressed. He looks forward to positive growth.

**Candace Nichols** asked why the planners have to provide business property to affordable housing. She asked why the church needs to be moved.

**Larry Shubert**, Dukes County Avenue, pointed out that the newspaper reported that this proposal saved the church from the wrecking ball, but no one had made a formal proposal for demolition.

- The Island Affordable Housing Fund makes a professional plan. They make wishes based on their assumptions, sometimes versus other people's assumptions about what might be positive.
- He's in favor of the mixed use and saving the church. He would advocate for the Affordable Housing Fund and try to incorporate the concerns we have heard tonight into the plan.

**Sarah Young**, a jeweler, said she's very excited about the project.

- Most of the spaces are for one or two people which make the units affordable for her.
- She spoke about parking for small gallery retail and showings.
- She'd prefer young thriving trees to those that might fall down.

**Matt Dazure**, 96 Dukes County Avenue, said he's not so much opposed, but more troubled by the service road, the six foot fence, and the limited parking which will push cars over on to other streets.

**Catherine Deese** said Oak Bluffs might be remiss for not figuring out which streets should be one way. She doesn't see where George Sourati gets his footage. Maybe the parking committee can do something about creating one way streets.

**Ron DiOrio** said the selectmen have a contract out to do traffic study. Decisions on one way streets will come back with the study.

**Mimi Davisson** said she would like to hear more about the building footprints and heights. She would also like to hear more about whether the Portuguese speaking population has been involved or considered, honoring the original history of the Denniston Building.

**John Breckenridge** said he would like to hear specifics about the commercial kitchen and the kinds of equipment and uses.

**Catherine Deese** asked about regulation of events and whether the space would be rented out. She also asked who regulates the Commission decisions.

**Richard Toole** would like to hear about management of the whole property.

**John Breckenridge** suggested that the applicant work with staff to inventory parking.

**Philippe Jordi** clarified that the basement is designed to accommodate a kitchen but they won't be building it.

**Linda Sibley** clarified that if that if the applicant wants approval for a commercial kitchen, they will have to clarify how it will be used.

**Peter Cabana** suggested that the applicant should submit a fairly explicit schedule of events.

**Richard Toole** continued the public hearing to April 17<sup>th</sup>.

### **3. EDGARTOWN SPECIAL WAYS DCPC – PUBLIC HEARING**

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**Doug Sederholm** continued the public hearing on consideration of Edgartown Special Ways DCPC By-Laws consistency until the meeting of April 3<sup>rd</sup>, without taking any testimony.

### **4. CAPE WIND: MINERALS MANAGEMENT REPORT**

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

**Doug Sederholm** reported that had discussed with Eric Wodlinger, Commission counsel, the possibility that the Commission submit a comment letter to the Minerals Management Service about the Cape Wind project, or that it might intervene on the following process issue.

- The Cape Cod Commission denied a permit for a power line that has to come ashore, on procedural grounds, because the draft Environmental Impact Statement hadn't been released.
- The developer appealed the denial to the Energy Facilities Siting Board. They have asked for a composite permit that would supersede eight local permits that they haven't yet applied for.
- The MVC involvement could be to focus on the procedural issue not on substantive issues. The Energy Facilities Siting Board has the ability to override local permits, but the concern here is that local boards have not even been given the opportunity to do their job. This could have repercussions for the Martha's Vineyard Commission.

**Peter Cabana** said no procedural issue was violated and it's a waste of \$1,000 in attorney's fees.

**Linda Sibley** said that the Commissioners did comment, in a letter of February 23, 2005, that it believed there should be a comprehensive planning and zoning process for the ocean waters.

- The Commission did not take a position on the merits of the project. It took a position on the process as a position of principle.
- The Commission is not qualified to take a position on the project itself and she doesn't want the Commission to take a position on the project.
- Commissioners need to hear directly from the attorney about their function. She doesn't believe Commissioners can decide this without hearing from him.
- She asked whether the attorney's recommendation is based on the fact that there is a threat to the Commission's jurisdiction.

**Doug Sederholm** said Eric Wodlinger pointed out that it has been sufficiently important for Edgartown to plan to intervene only on the procedural issue. It's almost a political issue. Do local boards want to protect their turf?

***Mimi Davisson moved, and it was duly seconded, that the Martha's Vineyard Commission intervene in the legal actions about the Cape Cod Commission's procedural denial of the Cape Wind application, giving Doug Sederholm the authority to discuss the matter further with Commission counsel, based on the principle that the Energy Facilities Siting Board should not be usurping local control.***

- **Peter Cabana** stated for the record that he is for all forms of renewable energy. He pointed out that the Cape Cod Commission has jurisdiction up to three miles offshore. This project is proposed six miles offshore outside Cape Cod Commission's jurisdiction.

***A voice vote was taken. In favor: 11. Opposed: 3. The motion passed.***

**Doug Sederholm** indicated that he will confirm his current understanding and confirm that Eric Wodlinger recommends the intervention.

**Andrew Woodruff** asked to discuss the comment letter to Minerals Management at the next meeting.

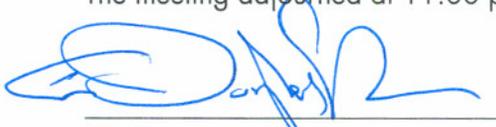
**5. OTHER**

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**Bill Veno** reported that the Vineyard Energy Project is bringing the Aspen building inspector to the Island in May. He asked whether the Commission would like to have a presentation on Monday, May 12<sup>th</sup> at 7:00 p.m. There will be a presentation to Planning Boards on Tuesday at 4:30.

Monday, March 24<sup>th</sup>, LUPC meeting will include a discussion of the DRI checklist.

The meeting adjourned at 11:00 p.m.



Chairman

12-18-08  
Date



Clerk-Treasurer

1-22-08  
Date