

Kris Chvatal
8 Ryan's Way
Oak Bluffs, MA 02557

Martha's Vineyard Commission
c/o Mark Foley

Re: Alliance Nova Vida modification application (Reasons to deny)

December 15, 2013

Commission members:

There are clear, defensible reasons to deny the application for modification of the Alliance/Nova Vida DRI. While some of this material was shared with the Commission in June and July of this year, other portions are new or amended.

Land Development and Use Issues

To approve, the Commission must agree that the modification:

- is consistent with the land development objectives of the commission (Chapter 831 of the Acts of 1977, section 14b);
- is consistent with DCPC regulations [such as Island Roads] (14d)
- will aid the ability of the municipality to achieve the objectives set forth in the municipal general plan (15g);
- will advance land development objectives and policies developed by regional or state agencies (15h).

Reason #1: The apartment/office/school/worship complex is in direct conflict with the land use objectives and policies established by the Commission and the Town of Oak Bluffs in terms of scale and siting.

The apartment/office/school/worship complex is an unusually large building both in respect to the neighboring structures on Ryan's Way and comparable structures along the Ice arena-County Rd. corridor (and further east, as well). Concessions made by the applicant to date have only reduced the size of the basement, which has no impact on the facility's appearance in relation to the neighborhood nor its appearance from both roads. The same bulk of the structure is above ground, including a non-conforming shed of approximately 400 sq. ft. And while there is the possibility sometime in the future that the complex may share a driveway with a potential church on the "Mormon property," no commitment is forthcoming. Specifically:

- The complex is more than three times the median size of Ryan's Way homes;
- At approximately 10,000 sq. ft. of gross living area, the complex is five times the mean gross living area of residences on Ryan's Way (2,047);
- It has twice the gross living area of comparable buildings on Edgartown-Vineyard Haven Rd.: the Masonic Lodge (4,960), MVTV (<4,000), and Assembleia de Deus Church (5,464);

- It has more than three times the mean gross living area of all buildings in the Ice Arena-County Rd. corridor (3,056);
- It will be highly visible from the Edgartown-Vineyard Haven Rd., despite the addition of foliage (as is the Assembleia de Deus Church);
- All traffic must enter and exit on Ryan’s Way, a narrow-paved, residential cul-de-sac with little traffic;
- Its design and multiple use are incongruous with the remaining “rural area” of Oak Bluffs.

The objectives and policies with which the modification is in conflict include:

- The Island Plan: Overall Goals, #11: **“Ensure that new building is compatible in its scale, siting, and design with its surroundings.”**
- The Island Plan, Section 4.2: Community character : **“Buildings should generally harmonize with their neighborhoods or natural settings, and minimize any negative impacts on Island character and on abutters. This is especially important as seen from major public roads and vistas... Also of great concern is the construction of new buildings that are so large that they overwhelm their neighborhood.”**
- The Island Plan (Chapter 6): **“In retrospect, much of our zoning has many important flaws, forcing development to sprawl into rural areas and prohibiting traditional settlement patterns by banning small lot sizes in town while allowing new buildings that are out of scale with their neighborhoods.”**
- The Island Plan, Section 1.2, Challenge 2: **“The Island’s visual character – a combination of scenic roads, exquisitely beautiful natural areas, and small town New England architecture – is both at the core of our sense of ourselves and the key to attracting visitors. The addition of many small changes – a large new house here, a roadside stockade fence there – continues to undermine this character.”**
- Oak Bluffs Master Plan, Goals for Residential Growth (1998): **“To manage growth in the R-1, R-2 and R-3 Residential Districts in order to stabilize spending for services and to maintain the rural character of the neighborhoods in those districts.”**
- Oak Bluffs Zoning Bylaws, Island Roads District (XVIII.1.B.1): **“[The purpose is] to protect the visual character, diversity of landscape and historic features of the journey along the roads.”**

It is our contention that the original application, approved in 2008, more adequately meets these regional and local land use and planning policies and objectives.

Impact on abutters and benefits vs. detriments

To approve, the Commission must agree that the modification:

- is essential or especially appropriate in view of the available alternatives (15a);
- will have an equal or more favorable effect on other persons and property (15c);
- the probable benefits of the modification outweigh the detriments (14a).

Reason #2: The applicant has not demonstrated that the addition of a rentable apartment is essential, nor that the congregation has undergone any growth that requires relocating classrooms and offices, nor that additional storage space is essential. In fact, since the applicant will no longer host a day care facility on the first floor of the existing building, additional space is available now under the approved application.

The chief differences between the original DRI application and the modification are that it will allow the applicant to move its 150-seat worship center from the existing building to an addition, creating a rentable apartment on the second floor of the existing building; and to move non-worship related space (office, classrooms, community center) from the basement to the first floor in the existing space, freeing up the basement for storage or other uses. The number of seats remains the same, as does the ability of the applicant to provide classroom and office space. Since the applicant will no longer host day care, it has space in the original building for expansion of classrooms and offices.

In addition, it has been said before the Commission that the size of the congregation is equal to or smaller than it was when the application was approved in 2008. It is for this reason that community members have referred to this proposal as a "spec church."

Reason #3: The addition of a steel frame worship hall, the addition of a rentable apartment, the additional clearing of land and other changes proposed in the modification will have a LESS favorable effect on persons and property.

In its original decision, the Commission stated that the development has "a negative impact...with respect to noise and traffic" on its abutters (MVC Decision 10/2/08). The modification moves the source of the noise to ground level and closer to Ryan's Way, as well as its neighbors across the street. While the attorney for the applicant has written that "the noise situation was addressed by an acoustical engineer," it is the statements of the acoustical engineer that have led abutters and other members of the community to continue to recognize that "the noise situation" is a worse problem in the modification than in the original application. Specifically, the engineer said that the building could not reliably shield the abutters from low-frequency noise such as amplified bass guitar and drums, particularly in the quieter evening hours. There is also no requirement in the modification for the applicant to install anything but residential-grade windows, which offer a poor sound barrier. Enthusiastic religious music is NOT ambient noise.

The modification also eases the language and/or limits on special events, use of the community center, and noise generation. In addition, the modification will allow the applicant to hold larger special events. These changes will have a more deleterious effect on traffic and noise in respect to the original application.

Reason #4. The sum of the benefits to the applicant is greatly outweighed by the detriment to the neighborhood.

The relocation of a 150-seat worship hall, creation of a rentable apartment, and additional storage space – none of which the applicant has demonstrated a need for – is not sufficient reason to create a 13,000 sq. ft. multi-use worship complex on a cul-de-sac, and burden the neighborhood with additional traffic and noise. On a regional level, the creation of such a structure does nothing to advance the land use objectives of the region, but instead subjugates them, hastening the creation of unplanned, unwanted second town center and altering the character of the neighborhood.

In addition, the applicant has not addressed the inadequate parking plan present in the original application. It does not meet the 1:3 space-to-seat ratio for churches common in municipalities throughout the country, and is the worst among other recent related DRIs such as World Revival (1:2.7), Jehovah's Witness (1:2.4), and Vineyard Assembly of God (1:2.6). I don't believe that any of the churches also include a three-bedroom apartment as well. Since the applicant cannot park on local roads, nor share parking with another facility, there is no adequate remedy.

Thanks you for the consideration.

Sincerely,

Kris Chvatal