

# Re: Response to 7/13 text

Don Muckerheide <jostnick@gmail.com>

Wed 7/21/2021 8:43 PM

To: Don Muckerheide <jostnick@gmail.com>; Alex Elvin <elvin@mvcommission.org>;

I think the wastewater number required for restaurants is 15 GPD per seat last I knew. This and parking regulations the voter voted for have been ignored for all of these restaurants.

The Lookout is not even in the B-1 commercial zone and in fact that area was always residential and it's exact zoning is something I would have to look up. The house next door has been denied several times for commercial use. They have expanded well beyond a 100 seat capacity without referral apparently. They also have no on site parking, they use the public parking on the waterfront. Good deal. Pays to be a selectman. Santoro until last year but they were already over 100 with the 1st addition of the outdoor seats, more added this season.

Winstons was a tackle shop so a change of use would be an issue but also the wastewater commission used to have a wastewater minimum for take out restaurants. The wastewater commission has always been politically selective about who gets flow. Very corrupt.

Sea Smoke has gone well beyond 100 capacity, 80 seats outdoors and 64 seats inside for starters. No increased parking and no additional wastewater flow. Ugly building and a gravel lot covered in picnic tables where the house used to be. Beautiful.

The idea that the MVC wants a traffic study for a residential house in a B-1 zone and a site visit like there is something to see that everyone is unaware of is ludicrous. They don't know about Tony's market? Then you think there needs to be design oversight in this neighborhood? Anything Ryan will build is a major improvement. A historic building is what will be out of place, you can put lipstick on a pig but it is still a pig. This area has been light industrial/ heavy commercial forever.

. Consider the properties around 112 DCA. This is going to make the MVC look real irrational, corrupt or just plain stupid in the eyes of the public.

You have the Packish motel complex that was allowed and is capable of 30 to 40 tourists on the site with no on site parking, Tony's market, not exactly historic or pretty and with inadequate parking and major traffic. 114 and 116 DCA was a quick lube, auto repair and tire shop from 89 to 2001 as well as several other retail businesses during the years that I owned it from 1978 to 2020, including an entertainment club with a capacity of "286" signed by the building inspector, most of these businesses had major traffic compared to the proposed new workshop. Then 110 DCA next door, Candy Nichols, is just a house that is a duplex. She was not allowed to turn it commercial because of inadequate parking while Packish covered his lot with motel units, permitted as 1 bedroom units that are actually 2 bedroom units because of the sleeping loft and that are advertised on airbnb as suitable for 4 adults and grossly violated OB parking regulations. I don't know why people even vote since the regulations are selectively enforced, in fact many have given up because of the corruption and don't bother. Which is how our politicians like it. The parking you see on the side road is on town land, is numbered dedicated parking for corresponding numbered units, has no parking and tow away zone signs on town land and violates ADA and town sidewalk regulations by blocking the use of town sidewalk land for pedestrians as well as being covered with gravel. Wheelchairs can't do gravel and gravel is a violation of OB sidewalk regulations. People have to walk in the street and eventually someone is going to drive around the corner and kill someone. Packish buildings are 5' to 7' from the road. It pays to be a selectman. Then we have Fish Smoke that is ugly and just created 80 seats outdoors on a gravel flat spot where the house used to be. Beautiful huh? This restaurant also has almost no parking and violates OB parking regulations, but more than doubling capacity is OK for the well connected. Then there is Will's auto workshop next to Candy. .

112 DCA is surrounded by ugly, get out of the way and let a craftsman build a year round island business that supports the island residents, contributes to the community and supports job training for island youth and jobs for kids right out of high school. Any sane community would bend over backwards with support to have such a rare opportunity for the island residents, especially students. But residents don't really count, now do they. Insert housing letter.

I can provide a complete history of the 114 and 116 property uses, it is in my file somewhere.

The wastewater commission and the MVC holding up legitimate businesses does more harm than good, always has. You should have seen the original Sea View Hotel plans before the MVC got ahold of the project, it was beautiful. MVC ran them out of money and what is there is what we got. VH Stop and Shop could have been great and was beautiful before the MVC got a hold of it. Still there, ugly as hell and at today's prices will likely never be as nice as the original design. The original plan actually added about 50 parking spaces in the process, good job.

I would like the MACRIS definition or explanation. Not that it makes any sense in this neighborhood.

I look forward to exposing this absurdity to the public in the near future. Eliminating the MVC should be on every ballot from now on.

Thank You, Donald Muckerheide 7-21-

2021.

On Wed, Jul 21, 2021 at 6:16 PM Don Muckerheide <[jostnick@gmail.com](mailto:jostnick@gmail.com)> wrote:

----- Forwarded message -----

From: **Alex Elvin** <[elvin@mvcommission.org](mailto:elvin@mvcommission.org)>  
Date: Wed, Jul 21, 2021 at 4:35 PM  
Subject: Response to 7/13 text  
To: [jostnick@gmail.com](mailto:jostnick@gmail.com) <[jostnick@gmail.com](mailto:jostnick@gmail.com)>

Hi Don,

Thanks for your text. In regard to increased restaurant seating in general, the following DRI Checklist items would apply:

*d. a restaurant or food establishment in a business or commercial zoned district that is designed for, or proposes to expand to, 50-99 seats, whether indoor or outdoor, if the establishment is not connected to a municipal sewer system.*

*–Mandatory Referral Requiring MVC Concurrence*

*e. a restaurant or food establishment in a business or commercial zoned district that is designed for, or proposes to expand to, 80-99 indoor/outdoor seats*

*–Mandatory Referral Requiring MVC Concurrence*

*f. a restaurant or food establishment in a business or commercial zoned district that is designed for, or proposes to expand to 100 or more indoor/outdoor seats*

*–Mandatory Referral and MVC Review*

I'm not aware of any proposals to increase the seating capacity of Sea Smoke or the Lookout, which you mentioned, but I will check the archive to see if anything has come through. I'm not aware of Winston's being referred, but I can look into that as well.

112 Dukes County Ave. is being reviewed because the previous house was more than 100 years old and listed in MACRIS. Demolition of buildings listed in MACRIS triggers mandatory review, unless they are located in a historic district with the ability to approve or deny the demolition. The town demo permit was issued in error, since it should have been referred to the MVC first. Our process in this case is to review the project retroactively, with a focus on what will replace the building.

Once a project is referred, the commission has purview over planning concerns such as traffic, character, energy, etc. In this case, the commission may consider the development of workforce housing to be a benefit, but that is up to them. The commission is not requiring a traffic study for 112 Dukes County Ave., part from the usual analysis done by MVC staff. If you have other comments on the proposal, please submit them to me in writing (email or letter) so that we can include them in the record.

Here is a link to the recording of the LUPC meeting on July 12:

Topic: Remote LUPC

Date: Jul 12, 2021 05:16 PM Eastern Time (US and Canada)

Meeting Recording:

[https://us02web.zoom.us/rec/share/sW5rCFRjjYGcvOYHTy4BD8YY2yYW1byNxxwIEknYqgP9ci6TyLISHNjgoJqSrhiAy.Fg2\\_BXcU5uEvVJQO](https://us02web.zoom.us/rec/share/sW5rCFRjjYGcvOYHTy4BD8YY2yYW1byNxxwIEknYqgP9ci6TyLISHNjgoJqSrhiAy.Fg2_BXcU5uEvVJQO)

Access Passcode: Gfv&?HY5

Best,

Alex

Alex Elvin  
Development of Regional Impact (DRI) Coordinator  
Martha's Vineyard Commission  
The Olde Stone Building  
33 New York Avenue  
Oak Bluffs, MA 02557  
(774) 563-5363