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Martha's Vineyard Commission Land Use Planning Committee Minutes of the Meeting of March 7, 2005

45 Circuit Avenue Realty Trust - DRI # 585, Pre-Hearing Review

Present: LUPC Chairperson Christina Brown, MVC Commissioners Ned Orleans, Doug Sederholm, Kathy Newman, Megan Otten-Sargent, John Breckenridge, Mimi Davisson, John Best, and Linda DeWitt; MVC staff Executive Director Mark London, DRI Coordinator Paul Foley, Transportation Planner Srinivas Satoor, Housing Planner Christine Flynn, and Senior Planner Bill Veno. Present for the Applicants: Gene Erez (Applicant); William "Chuck" Sullivan (Architect); and Maurice O'Connor (Architect).

Project Location: 45 Circuit Avenue, Oak Bluffs, Map 11 Lot 14 (0.05 acres)

Proposal: To construct a new building with elements of the pre-existing structure on a smaller footprint but with more total square footage. The pre-existing building had one retail store and one seasonal four-bedroom apartment. The proposed structure would have two retail stores and three year-round apartments with a total of five bedrooms (two 2-BR units and one 1-BR unit). The original building had a gross area of 2,980 square feet and the proposed building would have 3,566 square feet on a slightly smaller footprint. While retail is expanding from one store to two, the square footage of retail is being reduced from 1,474 square feet to 1,375 square feet. The original structure had two floors and the proposed structure would be three floors. However, because the original second story was 16 feet high, the plans for the three-story replacement building show it as only about 5 feet higher than the original building. The proposal also includes adding a basement for storage and mechanical.

Chairperson Christina Brown opened the meeting at 6:30 P.M. Architect Chuck Sullivan gave a summary of the project explaining that they are working with the Oak Bluffs Historical Committee to ensure that the new building fits in with the streetscape and includes historical elements of the original building (many of which had been lost through renovations over the years). He noted that they would also have to work with the Planning Board and the Board of Health. Presently they are awaiting a permit to pour the foundation.

A commissioner asked if they had a schedule of construction? Applicant Gene Erez said he hopes to start construction immediately. He mentioned that at this point he is in over his head financially since he is now looking at an expanded construction, fines, and DRI fees. He originally only intended to redo the first floor and put in a foundation. They went so far as to jack up the second floor while removing the first floor but once they got in, the structure of the building was worse

than they had imagined and the only remedy seemed to them to be to tear the whole thing down. He noted that workmen on the site refused to work underneath the jacked up building.

Mr. Erez also said that the first floor has to be concrete to meet fire code. He said that once he gets permission he would build the first floor immediately and would frame out the second and third floors. He would return to the project in the autumn (after the summer shopping season) to finish the interior of the second and third floor. In response to another commissioner's question Mr. Erez clarified that the envelope of the building would be finished by summer and that the interiors of the upstairs would be finished in the autumn. He also said that the foundation will take several pours and the timing will depend on the weather.

A commissioner noted that in the MVC DRI Decision relating to Pacific Cotton (DRI 578), a similar project in Tisbury last year, the MVC added a condition that relayed responsibility for scheduling construction activities to the Selectmen.

The applicants then requested a waiver from a traffic study. Commissioners John Best and Doug Sederholm both said that this was an ideal situation in which to waive the traffic study due to the fact that this is the type of mixed-use project that the commission has been advocating for downtowns and business districts. The Commissioners agreed and the traffic study requirement was waived for this project.

There was some interest in workmen's schedules and where they would park. Mr. Erez said that he is working on a number of other projects in the area that have plenty of off-street parking where the workmen from this project can park. Another commissioner suggested that the applicant supply a work and traffic schedule for the building of the structure. Executive Director Mark London also suggested the applicant look at the Pacific Cotton Decision for an idea of what the commission will be looking at. The project will be heard at Public Hearing on Thursday March 17, 2005. Chairperson Christina Brown adjourned the meeting at 7:00 p.m.