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Martha's Vineyard Commission

Land Use Planning Committee

Minutes of the Meeting of September 11, 2006

Held in the Stone Building, New York Avenue, Oak Bluffs.

Commissioners Present: Christina Brown (Chair), Ned Orleans, John Breckenridge, Chris Murphy, Paul Strauss, Deborah Pigeon

MVC Staff Present: Mark London, Paul Foley,

The meeting opened at 5:34 p.m.

1. MV Hospital Scheduling

- Early November looks like the time period when the Hospital Risk Assessment and Traffic Study should be done and all Commissioners are available.
- LUPC agreed to recommend that we schedule the Hospital for two nights on two consecutive weeks if necessary - November 1 and 2 and November 8 and 9.
- It was noted that we should compile questions early so that the Hospital is able to provide complete information once the hearing starts.

2. 21 Kennebec Avenue (DRI 595) Post-Public Hearing Review

Present for the Applicant: Alan Schweikert, Gene Erez

Project Location: 21 Kennebec Avenue, Oak Bluffs, MA Map 9 Lot 20.1

Proposal: To complete a 3-story, 6-unit, 5,629 square foot mixed-use building at 21 Kennebec Avenue. The two ground floor units of 888 square feet are intended for tourist-based retail and the four units on the second and third floor are intended for residential. The second floor apartments will have two-bedrooms within 963 square feet each. The third floor apartments will have one-bedroom within 963 square feet each with cathedral ceilings.

Traffic

- It was noted that the Oak Bluffs Planning Board is supportive of the traffic and parking aspect of this project.
- The Applicant asserts that they are favorably affecting traffic because there will be fewer vehicles coming to and leaving the property and because of the improvement to the parking lot circulation including the adjacent town lots.
- There was a discussion of the desirability of encouraging the Town to move ahead with implementing alternative parking strategies, using the parking mitigation fund, without holding this applicant hostage. It was suggested that the MVC send a letter to the Board of Selectmen offering our services to help address the parking issue.

Affordable Housing:

- The Applicant has made an offer to contribute \$3,629 to an affordable housing entity, provided there are no other housing restrictions placed on the property. This is the recommended monetary mitigation for a commercial structure of 5,629 sq. ft., namely the entire building including the residential portion, calculated according to the MVC's Affordable Housing Policy.
- There was a discussion of the desirability of further restricting the use of one or more units, for example by limiting short-term rentals. There was also a discussion of whether the policy was out of date, and whether it is necessary or reasonable in this case to impose a condition that goes beyond the policy, in the absence of an offer.
- It was noted that this case is different from other recent cases where the applicants offered to restrict one out of three or four units in that they were all rental projects whereas in this case, all these units will be sold to individuals. Also, unlike the other cases, the applicant has not made an offer in this sense.
- Simply the fact that this was a downtown infill building was positive in that the housing cost would be relatively moderate. There was a concern that if the Commission pushes the affordable housing restrictions too far and this type of project is not viable, then people will stop putting housing above retail projects.
- The Applicant clarified that he is going to have some wording in the condo purchase documents so that the condominium association has control over the rentals. This will give the people most affected control over the types of rental. The condo association owners can adjust the agreements as they see fit. It was noted that the owners of the units should have the right to rent out their units for a couple of weeks in the summer to help pay off the mortgage, as other Vineyarders commonly do.
- One Commissioner said it was too late in the whole process to start trying to come up with a new proposal for how to handle this. There is no obvious solution.
- ***Ned Orleans moved and it was duly seconded to recommend acceptance of the affordable housing offer as it now stands, with the clarification that the condominium association will control the terms of rental. Approved unanimously.***

Energy

- It was clarified that the building exceeds the requirements of Chapter 13 "Energy Conservation" of the Massachusetts Building Code by 28% due mainly to the shape of the building, its volume to surface area ratio, and the limited number and high efficiency of the windows. These figures are in a report on file at the building department and distributed at the LUPC and are determined by completing and passing the COMcheck software test for building envelopes.
- It was further clarified that the building will have all gas appliances, all appliances will be Energy Star, they will use front-loading washers, they will have fans in the cathedral ceilings, they are using the maximum insulation that fits in the available space, all interior partitions will be insulated as well as between floors, and the building's common spaces will be lit with fluorescent light bulbs

Recommendation

- ***It was moved and duly seconded that LUPC recommend approval of the project with the offers as stated and conditioning the landscaping and energy plan to return to and be subject to the approval of LUPC. Approved unanimously.***

After the vote, a staff member commented that this seems to be the type of project that the MVC encourages, namely a downtown mixed-use infill building connected to the sewer, on a site that used to be a private parking lot, which voluntarily subjected itself to Historic Committee Review.

3. LUPC Working Advisory Groups

- The MVC needs 3-4 commissioners to be on several different subcommittees of the LUPC to deal with specific subjects such as Landscaping, Lighting, Energy, etc...
- Paul Strauss and Chris Murphy volunteered to be on the Energy Committee.
- John Breckenridge volunteered to be on the Landscaping Committee.
- The possibility was raised of creating a Neighborhood Study Group to address the issues raised during the Mullen Way DCPC Public Hearing. Ned Orleans expressed interest.

Adjourned at 6:59 pm