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Martha's Vineyard Commission

Land Use Planning Committee

Draft Minutes of the Meeting of June 6, 2007

Held in the Stone Building, New York Avenue, Oak Bluffs. 5:30 P.M.

Commissioners Present: Christina Brown, Ned Orleans, John Breckenridge, Susan Shea, Mimi Davisson, Pete Cabana, Chris Murphy, Kathy Newman

MVC Staff Present: Paul Foley, Bill Wilcox

1. Oyster Bar (DRI 596) Traffic Study Review

Present for the Applicant: Michael Gillespie and Wyman Shaw (applicants), Maurice O'Conner (architect), Andy Grant (traffic engineer).

Project Location: 57 Circuit Avenue Oak Bluffs, MA Map 11 Lot 35 (0.11 acre)

Proposal: To demolish most of the existing Oyster Bar building and build a three-story building plus a basement.

Commissioner Discussion

- Christina Brown noted that the LUPC task is to see whether LUPC recommends the project and if so with what conditions. We should go through the offers and consider them first.

Energy

- The applicants' architect explained what they mean by double stud construction and how this process stops sound and vibration. The geo-thermal system was explained by Nelson at the first hearing. They said they would drill extra tubes to provide extra capacity.
- One of the reasons they have explored geo-thermal energy is to get rid of the capacitors on the outside of the building and make it much more quiet for the neighbors. The plan and specifications are part of the plan.

Building Mass

- Commissioner Ned Orleans said he is wrestling with a much more basic issue. The issue is whether the MVC should play a role in changing significantly the physicality of a neighborhood. It does not seem to him that the community around it is satisfied. All you have to do is read some of the letters.
- On the other hand, commissioner Kathy Newman thought that the existing building that is their now is out of character, an odd anomaly. The buildings on the street used to be larger.
- Everyone in the Campground knows that they live on the edge of the business district. How do we balance that? Can we stop businesses from renewing themselves?

- Ned responded that we should judge whether proposals are in proportion to the neighborhood. The more he thinks about this, the more he sees a very large building overpowering the neighborhood around it.
- Chairman Brown noted that physicality of the neighborhood does not show up in any of our literature. Directly across the street is a large pink building that morphed from a private home to an Inn. It has a tower. It is more in keeping with the building that is there now.
- Commissioner Davisson said her concern is the character of the neighborhood, the massive size. The new version seems even more bulky and larger than the original proposal.
- It was noted that the plan before us was the result of the applicant working with the MVCMA and moving the tower with the elevator and stairwell to the front, halving the size of the function room, and making the roof mansard style. The MVCMA submitted a letter acknowledging these changes were at their request.
- The MVCMA letter also noted that there had been verbal agreements that were not evident in the plan such as a six to eight foot alleyway between the Oyster Bar and the MVCMA, a gate to be installed in the alleyway, and that windows in the rear of the building would be translucent and inoperable.
- The MVCMA letter stated two important areas where they had not yet come to agreement. One was the issue of a proper survey plan, which is being done by the MVCMA. Leaving the one major issue the MVCMA would like to see incorporated into the plan (in addition to the 6-8 foot alleyway) that each subsequent upper level be set back somewhat from the floor below it to allow more air and light into the Campground properties.

Architectural Details

- One of the offers is that the final architectural details would come back to OB Historic District. John Breckenridge would like to suggest that the final details would go to the Cottage City Historic District (CCHD). If this project were to pass as a three-story structure, then there are still ways to make the building less massive. He said that we cannot empower the CCHD but we can request their recommendations and leave it up to the LUPC or full Commission.
- There was a question of whether the CCHD should look at the scale and massing as well as the details. But several commissioners said that they do not think that we can delegate to a local commission the decision about the mass of the building. We need to deal with the mass and scale up front and we should give the applicants some guidance on the scale.
- We did discuss this at the hearings. The applicant felt that this design was not finished but they were hesitant to keep redesigning until they had some indication of whether the basic project would be acceptable.
- A discussion about whether or not to re-open the hearing followed but a motion to re-open was defeated.
- In addition to the issues of the mass of the building, and the design details, there are other issues such as parking and affordable housing.

- A commissioner said they are not going to base their decision on the smaller issues that can be fixed with conditions.

Transportation

- At the Public Hearing the concerns of the people seemed to be the size of the function hall.
- Commissioner Murphy said that he feels like he could not vote for this proposal, even if he agreed with the other parts, based on the parking. They are going to add functions, 5 units of housing, and more staff who will need parking. We have heard from the various neighbors. He doesn't think this is an adequate proposal for parking.
- Asked if he could see conditioning this project he replied maybe if the applicant had an off-site location. If they had deeded spaces for the apartments and some kind of definite site for parking.
- MVC Traffic Planner Jim Miller said that for 165 capacity function hall, they need 41 parking spaces. He said that this is proportional to offer that Balance made with the exception that Balance had an agreement for an off-site location.
- There was some discussion about the comparison of the Oyster Bar to Balance and Jim was asked to put together a table comparing the two.
- They have a restaurant today so we don't have to deal with that. We have to deal with the function hall, the apartments, and the increase in staff.
- Another commissioner noted that the location of Balance is not the same dynamic as this one in terms of the impact on residential.
- Commissioner Susan Shea said the way it is now, she would vote against the project. When asked what would make it acceptable she said that if they had a deeded parking lot that was closer to the site.
- Ned Orleans said that even if they were to secure spots for this, we could not alleviate for others.
- Kathy Newman noted that in Vineyard Haven, they don't even require parking. It was noted that Tisbury doesn't have as many restaurants. They might have some of those issues when they allow liquor licenses.
- John Breckenridge said a potential answer to parking could be, similar to Balance, they offered off-site parking for employees, an equal ratio would be one off-site parking space for every 15 capacity. So they would need 11 spaces. The big difference is that they are taking 15 spaces for employees and functions. He said that the off-site should separate the employee parking and the function hall.

Affordable Housing

- A commissioner questioned whether the offers include affordable housing per se.
- They have offered that two will be for staff and the other will be offered to staff first. There is no AMI rate but offering two to staff satisfies the MVC policy.

The Post-Public-Hearing LUPC was continued to June 18 at 5:30 pm.

2. 44 North Water Street (DRI 604) Pre-Public Hearing Review

Present for the Applicant: Tim O'Connell (Manager of Seaport LLC), Kevin Kerr (lawyer)

Project Location: Simpson's Lane, Map 20D Lots 220 & 221, Edgartown, MA

Proposal: Subdivision of Lots 220 & 221 into seven ANR (Approval Not Required) lots.

Applicant Presentation

- Behind the Shiretown inn there were a series of annexes to the Shiretown that included some houses, a bar and restaurant, and some rooms in an old garage. The bar and restaurant and long one-story building were demolished. All of the historic buildings on the street are still there.
- There is no construction being proposed. It is simply an ANR re-division of the land.
- There is nothing to study because there is nothing proposed.
- We might be able to help by suggesting some of the things that might not take place.

Discussion

- A commissioner asked if each of the seven lots become a DRI? The answer is yes.
- The difference is that usually in a subdivision it is implicit that there are going to be single-family houses. In this one we might want to make it explicit because it is different.
- What questions do we think the Applicant should be ready to address at PH?
- They were asked to tell the Commission what the possibilities might be for the seven properties.
 - Kevin Kerr replied that they don't have anything planned. It is once a DRI always a DRI so the Commission will get virtually anything that is planned by whoever buys the lots.
 - This comes back to the market. There are only a few people who could potentially buy the whole property. As seven standard lots, it opens up the universe of possible buyers.
- They were asked to explain what happens with the property line that goes through a house.
 - The building inspector said you can draw a line through a building and it only matters if two different people buy it, at which time you would deal with it.

Traffic

- Jim Miller said that we have to approve a traffic scope. They are requesting a waiver from the traffic study. Jim will look at what was there, what is there now, and maximum development.

Site Visit Thursday morning at 8:30 am on June 14.

Adjourned 7:11