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## **Martha's Vineyard Commission**

### **Land Use Planning Committee**

# **Draft Notes of the Meeting of June 23, 2008**

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

Commissioners Present: Chris Murphy (Chairman); John Breckenridge; Mimi Davisson.

MVC Staff Present: Mark London and Paul Foley.

## **1. Moujabber Addition (DRI 607) Post-P.H. Review**

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*Present for the Applicant: Matt Iverson, Peter Pometti, Joseph Moujabber*

Documents received before the closing of the written record were distributed.

### **1.1 Process**

- Mark London clarified that the Town sent this project as a Discretionary DRI Referral and also asked the Commission to comment on some of the DCPC regulations for the Copeland District. These are two separate issues.
- The Commission's review as a DRI should be based mainly on its normal weighing of benefits and detriments, and not on the DCPC regulations or the Cottage City Historic District Commission's guidelines. It is up to those boards to do their review based on their regulations and criteria.
- However, the Commission also has to find that a proposal meets DCPC regulations, but if there are matters for interpretation, it only has to find that the proposal could be approved.
- MVC staff has prepared a note discussing the DCPC regulations (see enclosed).

### **1.2 Offers and Conditions**

- The following offers were submitted by the Applicant and LUPC recommends their approval.
  - Using the lowest level of the addition only as a garage.
  - Limiting the construction period to between Columbus Day weekend and April 30. The Applicant clarified that this applies to demolition as well.
  - Prohibit the use of the Property for employee housing.
  - Architectural details and materials to match the details of the existing house.
  - Carry out the demolition according to the Demolition Plan (Exhibit A).
  - Carry out the drainage according to the Drainage Plan (Exhibit B).
- The Applicant clarified that they also offer the standard MVC conditions, namely:
  - They will submit a landscaping plan for the approval of LUPC. It should identify plant species and screen cars from neighbors.
  - Limitation on pesticides etc.
  - Limitation on exterior lighting.
- LUPC recommends the following conditions:
  - Design modifications required and approved by local boards are acceptable provided the addition is no larger than the version approved by the MVC and architectural details are

approved by the Cottage City Historic District Commission, and provided they are submitted to and approved by LUPC.

- Standard wording about no Certificate of Occupancy shall be issued until a Certificate of Compliance is issued by the MVC.
- There was a question as to whether the proposal meets Oak Bluffs Zoning By-law 4.2.5 which limits new dwellings to no more than 1/3 lot coverage. There was a discrepancy of the size of the property between the Assessor's records and the mortgage survey. The Applicants employed Dick Barbini to survey the property and he found the property to be 8,180 +/- s.f. (Exhibit D). On this basis, the new footprint of 2,577 s.f. is 31.5% of the lot.
- A commissioner asked whether the "construction staging area" would allow things to be stored indefinitely. The Applicants clarified that it was only intended for the construction process and that all items would be removed from the site when the building was complete.

### **1.3 Benefits and Detriments**

#### **Wastewater**

##### Benefit

- It will be on Town sewer and water.

##### Detriment

- There will be more hard surfaces so there will slightly more runoff, but they have mitigated that with drains and drywells.

#### **Open Space**

##### Benefit

##### Detriment

- There will be a marginal reduction in open space.

#### **Night Lighting and Noise**

##### Benefit

- Exterior lights will be downward shielded.
- This project may buffer some of the neighbors from noise emanating from the Lookout Tavern.

##### Detriment

- The outside deck will marginally increase the possibility of noise.

#### **Traffic and Transportation**

- Neutral.

#### **Scenic Values**

##### Benefit

##### Detriment

- It will have a minimal impact on public views.
- It will be visible from several windows in some neighbors' houses, slightly impacting scenic views, but also screening the view of the Surfside parking lot.

#### **Character and Identity**

### Benefit

- The proposal is within keeping of the neighborhood in terms of design, roof pitch, and details.

### Detriment

- The scale, though larger, appears to fit.

## **Abutters**

### Benefit

### Detriment

- There will be some loss of “psychological” open space from back yards, though this is offset somewhat by blocking views of the rear of the hotel and parking lots.

## **Supply of Low Income Housing**

- Neutral

## **Burden on Town Services and Taxpayers**

### Benefit

- The addition will add to the tax base and not require additional services.

### Detriment

- We could note that we this project has already been a significant burden on the taxpayer.

## **Regional Plans**

- It does not clearly conflict with the DCPC regulations with the exception of the Copeland District guidance that states that private views as well as public views should not be blocked.
- LUPC directed Staff to make the comments on zoning and DCPC’s.

## **1.4 Motion**

- Commissioner Davisson moved to send this to the full Commission with no recommendation. There was no second to the Motion.
- **Commissioner Breckenridge made a motion to approve with the offers and conditions discussed earlier. Commissioner Murphy wanted to stay neutral as the Chairman but since there are only three commissioners present he seconded the Motion. The Motion passed 2-0 with one abstention (Commissioner Davisson).**
- Commissioner Breckenridge commented that we have worked through this with the local boards and the applicant has made adjustments several times along the way. He thinks the conditions will be critical to ensure that it is done. Commissioner Davisson said that the deliberation and decision has to be very clear on that.
- Commissioner Murphy asked staff to give the Commission a clarification of the relation between DRI review and DCPC regulations, and of the question of site coverage.

**Staff Note:****Moujabber Addition - Discussion of the Copeland District DCPC Regulations**

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In its letter referring the Moujabber project for DRI review, the Board of Selectmen also asked for the Commission assistance in helping to interpret the regulations of the Copeland District, as requested by Judge Richard T. Moses in his Superior Court ruling. Note that the wording of the regulations adopted by the Town differs in some cases from that of the MVC guidelines. MVC staff has prepared the following observations; however, it is ultimately up to the Town and its boards to interpret its bylaws.

**1. Design in a Style to Match the Area**

The Oak Bluffs by-law says that "Any change to the exterior of an existing structure, addition to an existing structure or new construction shall be limited to the Victorian style architecture prevalent with the district at the turn of the century." The addition of the words "at the turn of the century"(not in the MVC's DCPC guidelines) was presumably an attempt to clarifying the description of the original District, but are not as relevant to the North Bluff since those buildings were built in the first few decades of the 20<sup>th</sup> century.

It should be noted, however, that, even though the North Bluff area of the Copeland District was built after the height of the Victorian era, the style of architecture is still Victorian. Unlike a term such as "Gothic" that refers to a very specific style with strict design rules, the term "Victorian" is a broad term that encompasses the wide range of architectural styles that came into use in the second half of the 19<sup>th</sup> century, and continue to be used even today. The buildings around Ocean Park are primarily the High Victorian styles such as Queen Anne and Second Empire. The North Bluff is a Late Victorian style, namely American Craftsman. Enclosed are relevant quotes from Wikipedia.

**2. Relation to the Park**

This criterion may have referred primarily to the buildings closer to Ocean Park, though it could also be taken in reference to the open space across the road from this property.

**3. Protecting the Skyline**

Because of its prominent location along the coast, the skyline formed by the buildings along the ocean frontage is a distinctive feature of the Copeland District. The roofscape around Ocean Park is marked by steep roofs, towers, and turrets; that of the North Bluff by low, gable roofs.

**4. Preserving Views**

The Commission generally focuses primarily on the impact of a proposal on public views. In this case, it involves considering the impact of a new building on the views from the main public spaces –the ocean, the ferry dock, the harbor, Sea View Avenue, other streets – by minimizing the intrusion into the skyscape and by considering the visual qualities of the new structure from these locations.

As for the Town's regulation calling for preservation of views from abutting properties, this is presumably to be considered in a relative rather than absolute way. As Judge Moses pointed out, if this were to be applied in an absolute way, it would mean that virtually nothing could be built anywhere. However, as used in a relative way, it could help prioritize between two solutions that are similar in other ways, but one of which has a lesser impact on private views.

Prepared by: Mark London, Executive Director, Martha's Vineyard Commission  
June 24, 2008

## **Architectural References - Wikipedia**

**Victorian Architecture:** *The term Victorian architecture can refer to one of a number of architectural styles predominantly in the Victorian era. As with the latter, the period of building that it covers may slightly overlap the actual reign of Queen Victoria after whom it is named.*

- **American Craftsman**
- Bristol Byzantine
- Butterfly plan
- Gothic Revival architecture
- Greek Revival architecture
- Indo-Saracenic
- Italianate architecture
- Jacobethan
- Neo-Renaissance
- Neoclassicism
- Painted Ladies
- Queen Anne Style architecture
- Richardsonian Romanesque
- Romanesque Revival architecture
- Second Empire
- Venetian Gothic architecture
- Victorian Gothic
- Victorian house

**American Craftsman Style:** *The American Craftsman Style, or the American Arts and Crafts Movement, is an American domestic architectural, interior design, and decorative arts style popular from the last years of the 19th century through the early years of the 20th century. As a design movement, its popularity remained strong until the 1930s, although in the decorative arts it continues to experience numerous revivals until the present day.*

*Common architectural design features*

- Low-pitched roof lines, gabled or hipped roof
- Deeply overhanging eaves,
- Exposed rafters or decorative brackets under eaves
- Front porch beneath extension of main roof
- Tapered, square columns supporting roof
- 4-over-1 or 6-over-1 double-hung windows
- Frank Lloyd Wright design motifs
- Hand-crafted stone or woodwork
- Mixed materials throughout structure