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## **Martha's Vineyard Commission**

### **Land Use Planning Committee**

# **Draft Notes of the Meeting of June 30, 2008**

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

*Commissioners Present: Richard Toole (Chairman); Chris Murphy; John Breckenridge; and Susan Shea.*  
*MVC Staff Present: Mark London, Paul Foley; Christine Flynn*

### **1. Harbor View (DRI 614) Post-P.H. Review**

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Applicant: Sean Murphy, John Murray; John Daly; Thad Heiland

#### **Discussion:**

#### **Construction Scheduling:**

- A couple of cottages will be demolished and replaced. The Mayhew Building and the pool will still be in place and nothing will have been done on the main building until next year.
- There will be no demolition or construction between June 30 and Labor Day.
- Bill Wilcox said that it may make sense to make sure that a drainage plan on Fuller Street come back to LUPC. Sean Murphy said that by the time they are ready for a C.O. they will have that dealt with.

#### **Hotel/Condo Arrangement**

- Mark London suggested the MVC consider a possible condition on the hotel/condo arrangement. The Harbor View is currently a pre-existing non-conforming use in a residential area. They are now going to sell them as condos though encouraging the owners to put the units back into the rental pool. Theoretically they could end up out of the rental pool. The Applicants have said that it is likely that the ZBA will require that a high percentage of them must be in the rental pool.
- Sean Murphy added that due to federal regulations they cannot make any offer to restrict these units otherwise they become securities. But under Federal Law the local zoning board can impose a certain type of condition. We are fine with coming back here if the ZBA does not impose a restriction so that it would then become part of the ZBA Decision.
- A commissioner asked how the building inspector would know who is a guest and who is an owner ten years from now.
- If there is a concern that this thinking has evolved over ten years and it has turned into an apartment building. We need to set the standard.
- Sean Murphy reiterated that they cannot be part of a condition related to this in terms of offering something to that effect. If the ZBA has a conflicting condition they will come back to the MVC.
- Commissioner Murphy suggested that we should let the ZBA make their plan and then let it come back to us.
- Commissioner Toole suggested that the MVC should ensure that at least 85% of the units are in the rental program.
- Possible Condition: In order to ensure that the property remains a hotel the MVC sets the following conditions:

- No unit shall be occupied by any owner or guest for more than ninety (90) consecutive days, nor may the owner or guest re-occupy any unit with thirty (30) days of a continuous ninety (90) day stay, nor may the owner or guest stay more than four (4) months in any calendar year.
- No owner, occupant, or guest may claim residency at this location with the exception of Bob Carroll.
- At least eighty-five percent (85%) of the units must be in the hotel rental pool at any given time.
- Whenever an owner or guest of the owner of a unit is not occupying the unit it must be placed in the hotel rental pool.
- All occupants of a unit, whether an owner, guest, or hotel guest shall not use the unit until they have checked in with the hotel's front desk.

***Chris Murphy made a Motion to recommend to the full commission to approve the project with the offers made and the conditions noted. This was duly seconded by Susan Shea.***

**Benefits and Detriments:**

**Essential:**

It is a historical landmark that has been on this campus for over 100 years.

**Wastewater:**

Will be hooked up to town sewer and dealing with runoff.

**Open space:**

While the amount of open space is decreasing the project is professionally designed and landscaped. The Applicants assisted with the landscaping of the park across the street and Water Street improvements.

**Night lighting and Noise:**

With the plans and offers the lighting and noise impacts should be improved over what exists.

**Energy/ Sustainability:**

The project is a big plus in terms of energy. They are going to seriously reduce the energy consumption.

**Traffic:**

Should not increase traffic in season. It might be able to hold a bigger function but the overall capacity is not increasing. They will have trolleys for large events.

**Scenic Values:**

It is a beautiful building. The Mayhew building is not that nice and is being replaced by smaller more appropriate buildings.

**Character:**

The proposal improves the character of the campus.

**Impact on Abutters:**

There will be short term impacts during construction but they will take place largely when most abutters will not be there.

**Affordable Housing:**

Has been addressed both with a contribution of \$71,000 and by providing housing for staff and paying for 60% of the cost of staff housing.

**Burden on Taxpayers:**

The project should increase the tax base of the town if units are broken down individually. It can also be anticipated that the room's tax will go up since the Hotel is expected to be busier in the shoulder seasons.

**Public Facilities.**

Water usage should decrease with smaller flush toilets.

**Consistent with Town and Regional Plans**

The Hotel is a pre-existing non-conforming use. It is not increasing the non-conforming use.

- Commissioner Murphy suggested that Staff should explain how the project fits with zoning, local, and regional plans, and DCPC's.

***The LUPC voted unanimously (4-0) to recommend to the full Commission to approve the project with conditions. Voting to recommend approval with conditions were Chris Murphy, Susan Shea, John Breckenridge, and Richard Toole.***

Final thoughts:

- Mark London noted that this is probably the least time relative to the amount of money being spent on a project that has ever gone through the MVC. Other projects generally make bigger contributions to benefit the island. They should use this project as a model
- Commissioner Breckenridge noted that the Harbor View is an economic engine. Programs such as the culinary program actually bring the community in. This group has always done these things such as hosting community benefits.
- It might be worth noting the trees that they saved by working around it instead of cutting it down.

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**2. BADD/Field (DRI 551) Post-P.H. Review**

*Applicant: Sean Murphy (Lawyer representing the Field Club); Jane Hathaway (Edgartown Affordable Housing Committee)*

**Applicant Presentation:**

- The proposal is to change the offer from donating three lots in the BADD subdivision for affordable housing to donating \$1,800,000 to the Edgartown Affordable Housing Committee.
- The advantage of this is that the Town might be able to buy 5-6 houses instead of having three empty lots.
- The Edgartown Affordable Housing Committee is favorable to the approach, and has already identified two houses that they can buy with the first \$700,000 payment. Jane Hathaway said they have been looking at new three-bedroom houses that have been on the market for over a year at around \$400,000.

### Discussion and Questions:

- Christine Flynn asked if the affordable lots' membership to the Field Club was included in the valuation, since the Decision says that everyone in the subdivision would get a membership and that the initiation fees would be waived. Sean Murphy said that the arrangement in the original decision was to give everyone with a lot a membership, paying only the initiation fee but not the annual membership fees. They were not anticipating that the owners of the affordable lots would pay these fees.
- Mark London said that there is a trade-off between the goal of not creating ghettos by requiring some social mixing compared to the goal of achieving more affordable housing with the proposed arrangement.
- Christine Flynn said that the real estate agents had estimated the value of Field Club Lots to be \$600,000 to \$750,000. Jane Hathaway replied that is where they got the number (\$600,000 X 3 lots).
- Christine Flynn asked if the applicant had thought about paying in one lump sum. Sean Murphy replied that they are operating under a tight budget and proposed to phase the payments, just as the original decision foresaw phased donation of lots.
- Commissioner Murphy said the question is, if the Town is favorable, does the Commission care?

### Recommendation:

- **Commissioner Murphy made a Motion to recommend to the full Commission that this is an insignificant change that does not require a public hearing as a DRI. This was seconded by Commissioner Shea and voted unanimously.**
- **Commissioner Murphy made a second Motion to recommend to the full Commission that we accept this modification as proposed. This was seconded by Commissioner Shea and voted unanimously.**

## 3. Our Market (DRI 4-M3) Post-P.H. Review

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Applicant: Kim Sears

### Discussion:

- Commissioner Breckenridge noted that this proposal has been in front of the OB Conservation Commission (of which he is a Commissioner).
- Commissioner Toole said our concern would be the view from the harbor.
- Staff gave a brief history of the Our Market (DRI 4) DRI as noted in the Staff Report.
- **Commissioner Breckenridge made a Motion that this deck is an insubstantial change and does not require a public hearing.**
- Commissioner Murphy said that for the sake of argument if you were coming out of the public bathrooms this might be visible.
- The LUPC decided to defer this to the full commission and ask staff to provide a slide show of the site from various angles.