



BOX 1447, OAK BLUFFS, MASSACHUSETTS, 02557, 508-693-3453,  
FAX 508-693-7894 INFO@MVCOMMISSION.ORG WWW.MVCOMMISSION.ORG

# Martha's Vineyard Commission

## Land Use Planning Committee

### Notes of the Meeting of July 7, 2008

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

Commissioners Present: Richard Toole; John Breckenridge; Susan Shea; Ned Orleans; & Christina Brown.  
MVC Staff Present: Paul Foley; Bill Wilcox

#### 1. Nova Vida (DRI 603) Post-P.H. Review

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Applicant: Darran Reubens and Jaime Weisman (Terrain Architects)

**Applicant:** Assembleia De Deus Nova Vida, Valci Carvalho (Pastor)

**Project Location:** Edgartown-Vineyard Haven Road, Oak Bluffs Map 56 Lot 15.8 (1.44 acres)

**Proposal:** Proposal to locate a 150-seat church on the second floor of an existing building with a footprint of 2560 sq. ft. that would also house a Community Center in the basement as well as the existing Hospital 28-child Day Care on the First Floor.

#### **Commissioner Discussion**

- Commissioner Murphy noted that a proposal presented by one of the abutters has yet to be addressed, namely to scale this project back in terms of the number of seats in the sanctuary from 150 to 100 or 75.
- Commissioner Breckenridge noted that others have said we should just vote up or down.
- Commissioner Orleans asked on what basis we would set the new number.
- A commissioner asked for a comparison of other churches.

	World Revival Church	Jehovah's Witnesses	Vyd Assembly of God
Acres	1.5 acres	2.2 acres	1.57 acres
Bldg. Footprint s.f.	5,500 s.f.	4,180 s.f.	2,480 s.f.
Seats	200	150	185
Parking Spaces	74	62	70

- The Nova Vida Church site has 1.44 acres and an existing building footprint of 2560 sq. ft. that is being expanded to 3040 sq. ft. (+ 480 sq. ft.). They are asking for 150 seats, and want 34 permanent parking spaces with an overflow up to 50.
- Commissioner Orleans raised concerns about the MVC setting a limit on the size of a church, and wondered on what basis this could be done.
- Chairman Toole said that the issue here is the cumulative impact on the neighborhood.
- Commissioner Breckenridge said he would not use these comparison numbers to say we did this with them, so we should do this here.

- Commissioner Orleans said he could see getting to a point where the Commission could say that the community cannot take any more and in that case he would simply vote no; but he doesn't think we are there yet.
- Commissioner Murphy said that the neighbors have worked hard to present a lot of information documenting the impacts. This could provide the basis for the Commission scaling things back based on traffic flow, noise, or septic loading. There is an issue of economics, but it is no different than someone saying they cannot make a go of it if a restaurant has less than 150 seats.
- Commissioner Orleans countered that there is a difference between a church and an office building. The Commission has some constraints with churches that it doesn't have with an office or a shop.
- Commissioner Breckenridge noted that the World Revival Church was set back further from the neighbors whereas this building is almost abutting some of the neighbors. Neighbors might consider 10:00 pm is kind of late. Instead of limiting the number of people, he thought that the Commission should limit the hours.
- Commissioner Murphy said he thinks the Commission can do both, scaling it back and allowing it to be phased in if necessary.
- Commissioner Toole asked if this is the straw that breaks the camels back. At some point in time the Commission is going to have to say no.

## **Review of Applicant Offers**

### **Hours of Operation:**

***Commissioner Breckenridge moved and it was duly seconded that LUPC recommend that summer activity be limited from 9am to 9 pm.***

- Commissioner Brown said she believes they said that the reason they have their hours until 10:00 pm in summer was because they have a lot of parishioners who work until sundown. She was not disposed to cut back their summer hours to 9.

***The LUPC took a voice vote that did not pass.***

***Commissioner Murphy moved and it was duly seconded that LUPC recommend that services end by 8 pm and that the premises are vacated by 8:30 pm year-round.***

- Commissioner Murphy suggested that this would protect the residents of the neighborhood.
- Commissioner Orleans asked how this will affect the church as a church.
- Commissioner Murphy asked what about the working people that live around there.
- Commissioner Brown said she doesn't think that limiting them to 8 or 8:30 pm is fair. Other private clubs don't have to stop at 8:30.
- Commissioner Orleans said that there has to be some balance here. Churches are allowed in residential neighborhoods. We should be concerned about conditions that we place and whether they might adversely affect the operation of the church.
- Architect Jaime Weisman clarified that the church will be on the second floor and air-conditioned.

***LUPC voted on the motion. In favor: Commissioners Shea, Murphy, and Toole. Opposed: Commissioners Brown and Orleans. Abstention: Commissioner Breckenridge. The Motion passed.***

- Darran Reubens said that if the hours are reduced then he thinks the pastor would like to be here.

### **Daycare:**

- Commissioner Breckenridge pointed out that the World Revival Church offered to only have daycare for the church. This is being proposed on an on-going basis. He read from a memo from Adam Wilson (O.B. Zoning Administrator) saying that daycare is allowed in any district. They need a Special Permit and must own the property.
- Staff should check with the OB Zoning to specify what is allowed in terms of daycare.
- Commissioner Orleans said that it seems that there are two parts to this: the hospital daycare and the future Nova Vida Daycare. We could approve the hospital daycare and not go any further than that. We could make them come back to us or the town when the hospital daycare moves back to the hospital.
- Commissioner Brown said that she has not heard that the daycare is a problem.
- Commissioner Breckenridge said that there are wastewater implications related to daycare.

### **Commercial Kitchen:**

- Commissioner Breckenridge suggested a condition, unless the applicant would like to accept it as an offer.
  - The commercial kitchen will not be used or rented for producing food products available for commercial sale or carry out and will be used only in conjunction with church-related activities.
- Jaime Weisman (Agent and Architect) read the condition about the commercial kitchen and accepted it as an offer.

### **Energy Saving Measures:**

- The Applicant's agent said that they are providing connections for future solar hookup.
- The Draft DRI Energy Policy is to surpass the Mass Building Code by 20%. Staff should talk to the applicant about previous wording.
- Commissioner Brown said that we should keep in mind that this is a renovation, which is different.

### **Landscaping**

- Regarding the offer on fencing, a commissioner said that the church should "provide and maintain". The Applicant's agent accepted adding the words "and maintain" to the offer.
- We should note that we have not defined the size of the plant material.
- They are bringing the plan back to LUPC.
- Commissioner Murphy suggested that they should eliminate the five parking spaces that are closest to the building and then if they moved the parking along the border with the abutter back, they could then create an 8 foot vegetated buffer as well as a fence. This would help mitigate the impacts of a big project on a residential neighborhood. There was no Motion.

### **Noise**

- Commissioner Orleans said he wants to take out the words "will endeavor to" in offer number 1 under noise control.
- Jaime Weisman said they were okay with that.

***Commissioner Murphy moved and it was duly seconded that the windows should be closed when the church is used by more than 25 people. The Motion was defeated.***

### **Renovation:**

- Commissioner Brown asked why the Applicants offered "Construction Documents shall be completed in three month" and from what date?
- Jaime Weisman clarified that it was because Jerry Wiener wanted them. It's within six months of the MVC approval.
- Russ Wendt, an abutter, asked how a major renovation can go on in this building when you have a daycare operating there.
- Jaime Weisman said that it's just a part of the characteristic of development.

### **Traffic, Parking, and Access:**

- Commissioner Brown asked how to deal with a major traffic flow for a specific project onto a subdivision road? This project will have occasional bursts of trip generation.
- Commissioner Breckenridge suggested that the Commission say that when and if the LDS comes here, they need to change the access to a shared access with LDS. If they want to solve the problem of traffic on a small road, this is one way.
- Russ Wendt, a spokesperson for the Ryan's Way neighbors said he cannot attend the Deliberation scheduled for Thursday July 17 and requested that it be moved to July 24.
- Commissioner Murphy said he would like to include a condition that cuts the parking to 29 parking spots.
- Darran Reubens (Architect and agent) said that they have 34 full time spaces but need 30 parking spaces by code based on 150 parishioners.
- Commissioner Murphy said that if we cut the number of seats then we could do it.

***Commissioner Murphy moved and it was duly seconded that LUPC recommend reducing the number of permanent parking spaces to 30. The Motion passed 5-1.***

### **Wastewater:**

- Commissioner Breckenridge said that the project as proposed will exceed the nitrogen limit by three fold. The MVC policy says that they can maintain their previously approved flow, but cannot exceed it. He proposes pushing beyond the policy because by keeping things as is, we are not going to win the war against nitrogen loading.

***Commissioner Breckenridge moved and it was duly seconded that LUPC recommend that there be a condition requiring the applicant to implement a nitrogen reduction program with options such as connecting to the high school (see "note on wastewater" July 8, 2008 memo possible condition #2).***

- Commissioner Brown said they she doesn't think one church building is going to make or break the watershed. It should be tied into whether they use more water than they have in the past.

***LUPC voted on the motion as amended to be within three years of occupancy. In favor: Chris Murphy, John Breckenridge, and Richard Toole. Opposed: Ned Orleans, Christina Brown, and Susan Shea. The Motion did not pass.***

***Commissioner Brown moved and it was duly seconded that LUPC recommend that if the water use exceeds the current limit, then within 6 months they must have an approved plan to reduce the nitrogen loading (listing the possible techniques) and within 1 year it must be implemented. The Motion did not pass with a tie 3-3 vote.***

- Russ Wendt said that this board should be aware that this is being based on water usage. Right down the street, the World Revival Church dug a well two weeks ago either to circumvent water usage or because the water pressure was too low.
- Bill Wilcox, MVC Water Resource Planner, said we don't want to allow a well on site.

***Commissioner Murphy moved and it was duly seconded that LUPC recommend adoption of a condition that there shall be no wells on site. The motion passed unanimously.***

**Recommendation:**

- Commissioner Toole said that since they were not finished with the review and it was already well past 7:00 pm that LUPC did not have time to make a recommendation. It will go to the full commission without a recommendation.