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Martha's Vineyard Commission

Land Use Planning Committee

Draft Notes of the Meeting of November 17, 2008

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

*Commissioners Present: Richard Toole (Chair); John Breckenridge; Christina Brown; and
MVC Staff Present: Mark London; Paul Foley; and Bill Wilcox.*

1. Igreja Evangelica (DRI 619) Post-Public Hearing Review

Applicant: Carlos Ribeiro (Church); Jamie Weisman and Darran Reubens (Terrain Associates).

The commissioners had two documents to review:

- The Applicant's Offers (2008-11-05)
- Staff Notes on additional Offers and possible Conditions

The three Commissioners in attendance began by noting that they generally favored recommending approval with the offers and conditions to be discussed.

Possible Conditions:

- Commissioner Brown asked the applicant to clarify if the additional offers and possible conditions are clear and acceptable.
- Commissioner Breckenridge raised the subject of consistency with the several other churches recently approved by the MVC and wanted to make sure that any differences are warranted.
- **Gates:** Carlos Ribeiro and Jamie Weisman clarified that they would be favorable to adding a gate or gates, with latches, in the in the fence surrounding the perimeter of the property so that parishioners in the neighborhood could come in through the back, and so the property in general was not an obstacle to pedestrian movement in the neighborhood.
- **Parking on the Lawn:** It was noted that at the public hearing someone asked if there would be parking on the lawn and that the answer was no. There was some discussion that it could be used for overflow. Paul Foley advised against this and said that once people start parking on a lawn then it becomes a parking lot. Chairman Toole said that if in the future they feel they need it for parking they can come back and ask for a change. So, for now, there shall be no parking on the lawn.
- **Stormwater:** It was agreed that Condition 1b should read:
A plan for the paved parking area and adjacent stormwater bio-retention swale for stormwater indicating soil (sand, loam, and compost) and plant materials, designed with the goal of retaining on the site all stormwater runoff generated in a 10-year storm.
Bill said the swale looks adequate, but should be checked by the engineer. It was noted that there will be a small berm across the fronts of the parking lots to keep stormwater from the street from entering the property.
- **Noise:** It was agreed that Condition should read:

- *The architect or an acoustic engineer shall certify that the building was designed so that it can be operated in a way that respects Commonwealth of Massachusetts Department of Environmental Protection's Noise Control Regulation 310 CMR 7.10 at all boundaries of the property.*
 - *The Church shall operate the building so that this Noise Control Regulation is not exceeded.*
- This means, for example, that they will add sound absorbtive materials, but if someone turns the volume way up you may still hear it. The Church will have to keep the volume turned down so the noise standard is not exceeded.

Applicant Offers

- **Hours and Activity:** Commissioner Breckenridge noted that the offers on hours and events differ in that in Nova Vida they offered 3 events with 35 people or more whereas this is 4 events with 25 people or more. They both have one special activity. Commissioners were comfortable that this was equivalent and was an appropriate offer for this neighborhood.
- **Energy:** Since commercial stoves are not necessarily energy rated, it was agreed that the requirement should be:
 - The Church shall use Energy Star rated appliances when available .*
- **Kitchen:** It was agreed that the offer on the Kitchen should read:
 - The Kitchen shall not be rented for commercial activities.*

The aim is that it would not be used for commercial preparation of food to be sold on or off-site, but would not prohibit Church-related activities such as Meals-on-Wheels or having a bake sale. They have a commercial kitchen to satisfy the Board of Health.
- **Sidewalks:** It was agreed that the offer should read:
 - If the Town creates a sidewalk or walkway on either or both sides of the Church on Pacific Avenue, the Church shall build a pedestrian connection across their property along Pacific Avenue.*
- **Renovation:** It was agreed to take out the draft offers related to the deadline for preparation of construction documents, and the need to obtain a building permit as they are unnecessary.
- The applicant agreed with the clarification of offers, and also agreed that the three possible conditions be added as offers. Paul will edit this as one clean, numbered list for Commission consideration.
- Chairman Toole explained to the applicant that if they make any changes they have to come back to the MVC and ask for permission. Carlos Ribeiro said that he understood and had no plans to make any changes.

Overall Recommendation

John Breckenridge made a motion that we recommend to the full Commission to approve the proposal with the offers and conditions as noted and amended in the LUPC Meeting to be incorporated by staff. Christina Brown Seconded the Motion.

Benefits and Detriments

Location

- The proposal is appropriate for this location and this is an appropriate location for this use.
- This is a mixed-use neighborhood with several institutional uses on Pacific Avenue including the Library, Town Hall, and the Catholic Diocese which generate meetings and traffic.
- It is located in town, potentially minimizing the need to drive.

- This changes the use from no activity to an active site in a residential neighborhood but that this is mitigated with the offers and conditions.

Wastewater/Stormwater:

- This is a major improvement to the existing situation. With the bio-swale and detention swale they are addressing an issue that is now a problem.
- With the de-nitrification they are mitigating their impact.

Landscape:

- They have submitted a complete and appropriate landscaping plan, identifying species and locations, and will submit a plan of the parking lot and bio-swale.
- They are going to remove asphalt and add plantings to what is now a vast expanse of asphalt.

Lighting and Noise:

- The lighting will be limited and low. The noise impacts are being mitigated with an appropriate offer on building design and operation.

Scenic Values:

- The proposal will be an improvement over what is there now.

Character and Identity:

- It is a mixed use neighborhood already.
- This project will take away the industrial feel of the building.
- This will add a year-round activity to this partially seasonal area.

Impact on the Abutters:

- The Applicant has made significant efforts to mitigate the impacts on the neighboring community, as a result of communicating effectively with abutters and working on solutions.

Burden on Municipal Services and Taxpayers:

- They are offering to let the nearby public buildings use their parking if necessary.
- This will not unduly burden services.
- This is a tax-exempt facility. (Carlos Ribeiro said that they did pay taxes for the first year because they did not have their religious organization status yet.)
- Chairman Toole said he is disappointed that this piece of property is being taken off the tax rolls but that is not their fault. He lamented that affordable housing would probably have been a better use for this piece of property but the Town and affordable housing groups did not buy it. If it had been housing that would have created more of an impact on services than this use.

Vote

The LUPC voted unanimously to recommend to the full commission to approve the proposal with the offers and conditions discussed (RT, CB, JB).