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## **Martha's Vineyard Commission**

### **Land Use Planning Committee**

# **Notes of the Meeting of December 15, 2008 *Draft***

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

Commissioners Present: Richard Toole (Chair); John Breckenridge; Pete Cabana; Chris Murphy; Mimi Davisson

MVC Staff Present: Paul Foley; Mark London; Christine Flynn;

## **1. Bradley Square Modification (DRI 612-M) Modification Review**

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Applicant: Bob Wheeler; Philippe Jordi; Richard Leonard; and Matt Cramer.

Audience: Ron DiOrio

### **Staff Report:**

- Paul Foley, DRI Coordinator, gave a brief staff report outlining the differences between the approved Bradley Square Plan and the Modified proposal in front of the MVC now and some of the key issues to consider.
  - The Denniston Building will now stay in its existing location, though they will lift the building in order to build a basement.
  - The Bradley Two building will now go where the Denniston was going to be moved to.
  - Bradley One and Two are both now 28 feet tall instead of 32 feet tall.
  - Bradley One now has an approximately 1,000 square foot larger footprint and a market rate commercial space.
  - The service road has been eliminated and replaced by two parking lots with separate curb cuts 60 feet apart accommodating 20 parking spaces where the open space used to be.
  - 22 of the 27 mature oak trees would be cut. The trees to be saved are largely on the back property boundary.
- Some Key Issues
  - Is the Modification of the project a major change that requires a new public hearing?
  - Does the new arrangement, with two curb cuts on Masonic Avenue and 20 on-site parking spaces, require a new traffic study?
  - How does the benefit of reducing the height of Bradley One by four feet compare to the impact of expanding the footprint by approximately 1,000 square feet?
  - Can more trees, especially street trees, be saved?

### **Applicant Presentation:**

- Bob Wheeler (Martha's Vineyard Savings Bank) said that this project had 10-15 hours of public hearings at the MVC in June and July. They've had another 20-25 hours of meetings with the ZBA. There has been another 15 hours of meetings with the Oak Bluffs Concerned Citizens. They have tried to minimize the impact as much as they could and reduce the detrimental issues. They have reduced the total building size by about 10%, largely by reducing the height from three stories to two stories. They think that everything that could be said has been said and that further public

hearings will not shed any more light. The process is costing them about \$5,000 a month in carrying costs.

- Philippe Jordi said that the MVC Staff had made some suggestions that have been incorporated into a revised site plan. The letter asking the MVC to accept the modifications without a public hearing reflects their feelings.
- He clarified that there are no “artist” live work spaces at this point. They are two market live-work spaces that are not restricted to artists. The entire Bradley 2 will be 4 affordable units. The commercial will all be in the Bradley One building fronting on to Dukes County Avenue in the B-1 District. There will be one 846 square foot market rate commercial unit with two market rate live/work spaces on either side of it in Bradley One.
- He displayed the first floor plan of Bradley One. There are residential units accessed from the back of the first floor. The overall square footage is smaller even though the footprint is bigger because the building is two, rather than three stories high. The Bradley 2 is significantly smaller since they eliminated the third floor and a staircase. Overall the buildings are about 10% smaller in total square footage.
- Matt Cramer (Hutker Architects) added that one of the other benefits of removing the third floor of the two Bradley buildings is that they were able to remove the large exterior stairways at the back, which helped to reduce the massing of the back of the buildings.
- Commissioner Mimi Davisson asked for clarification that Bradley One now has a 846 sf solely commercial unit that did not exist before. The answer was yes.
- Philippe Jordi said that there is a slight increase of about 286 sf in commercial space.<sup>1</sup> Philippe continued that what they are saying on balance is that the project is less or similar than the previous proposal. There is one fewer residential unit, one fewer bedroom than before (from 14 to 13), and one less affordable unit but one more affordable bedroom. They have reduced the height from 32 feet high to 28 feet. They have the same amount of local preference.
- They have added 9 parking spaces. Obviously this is the big change in terms of the site plan. We are going from trying to retain 8 trees to 6 trees. The planting has not been specified.
- Commissioner Breckenridge asked that they show the trees. It seemed to him that they were retaining a street tree near the corner of Dukes County Avenue and Masonic. However, after checking, it was clarified that this tree was not in the original approved plan.
- Philippe Jordi continued that they are not going to have any live/work space outside of the B-1 District.<sup>2</sup> **{Staff Note:** The previously approved plan already had two live-work spaces in the B-1 district, one unit was in the 30-foot extension of the B-1, and a very small portion (10-20 sf) of the fourth unit in the R1 district after they moved the buildings back to save one street tree on Dukes County Ave. Parts of the Bradley Two building are in the required 20-foot setbacks from the street .

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<sup>1</sup> *Staff Note:* If you add the “work” area of the four live/work spaces of the previous proposals there was a total of 548 sf assigned to “gallery” space (137 sf each), not 788 as stated in their letter; the Applicant that this was not “commercial” space, but rather incidental to the residential space. According to the Modified First Floor Plans submitted by the Architect there is one 928 sf commercial space and two 125 sf “work” spaces for a total of 1,178 square feet of commercial space in Bradley One. This is a difference of 630 square feet more of commercial space (not 286). The main difference is that now there is a stand-alone market rate 928 sf commercial space.

<sup>2</sup> *Staff Note:* The previously approved plan already had two live-work spaces in the B-1 district, one unit was in the 30-foot extension of the B-1, and a very small portion (10-20 sf) of the fourth unit ended up in the R1 district after they moved the buildings back to save one street tree on Dukes County Ave.

The budget is the same in terms of total development costs and what they need for gap funding. Since their meeting with MVC staff there was discussion of narrowing the curb cut from 21 feet to 18 feet. That has allowed them to move Bradley One back one foot and added two feet between the parking lots and buildings.

- Matt Cramer added that the parking lots are being reduced by three feet each.
- Mark London commented that with this plan, there is relatively little space for buffering the parking from the street. The width of the curb cut is very wide. Furthermore, there are three units in Bradley One for which the parking lot is the front door. They might want to think about a path between the building and parking lot so people can walk from the sidewalk to their front doors without going through the parking lot. It should be possible to narrow the entry down to a single lane; if that were necked down to 12 feet it would create more space for vegetative buffering. Finally, if the two parking spaces closest to the street were removed, it would provide more room to screen the lot and would avoid having the parking lots projecting forward from the front façade line of the Denniston building. We could consider doing here what we have done with other cases, which is to leave out these spots for now, allowing them to come back and reinstate them later if the need is demonstrated.
- Chairman Toole asked how many parking spots will be assigned.
- Philippe Jordi answered that each residential unit will have one spot (10). Thus leaving the other 10 parking spots for the commercial space, office, and meeting room.
- Bob Wheeler said that was the big issue at the local level, they wanted to keep traffic out of the road.

### **Commissioner Discussion:**

- Commissioner Murphy said that, first of all, he is thrilled that the Oak Bluffs Boards are dealing with this. He would hesitate to fine tune this any further. It seems however that there are a few obvious tweaks. One would be to connect the parking lots with a narrow drive at the back of the Denniston so there would be one-way circulation.
- Commissioner Davisson asked if it is necessary to have two accesses/curb cuts.
- Bob Wheeler said that then cars would have to go all the way in and all the way back. The calculated number of required parking spaces according to Oak Bluffs is 17. If they removed the two parking spaces along the road as Mark suggested, they would be down to 18. Connecting along the back would eliminate at least two, and maybe four spaces.
- Paul Foley noted that the Traffic Study for the original proposal estimated the project required 44 parking spaces.
- Matt Cramer said that one of the other issues the community had was the service road going through the whole site. The neighbors were objecting to the cars going along the whole back border as well as the impact of the car lights.
- Commissioner Toole asked what happened to the dumpster. Matt Cramer said that they are designating three areas, one next to each building.
- Commissioner Cabana said that what he is hearing is that they have gone through a long process and he doesn't see one plan being any better or worse than the other. He doesn't think the Commission should tweak it any more.
- Commissioner Murphy suggested that on the space closest to the street they could put some gravel down and seed it with grass so that it can be green and useable. The Commission did something similar with a bank recently.

- Mark London commented that the Commission will have to deal with another project down the street and might want to treat them all the same.
- Commissioner Breckenridge said it would be helpful if we could see where the previous buildings were in relation to the proposed. He said he thinks they have made some significant progress and have addressed some of his concerns. He is still trying to fight for one more thing which is maintaining the umbrella of trees over the streetscape of Dukes County Avenue. Why can't Bradley One be backed up further to save those street trees?
- Matt Cramer said it could be if they decreased the size of the parking lot. They would have to shift everything down. It is conceivable to strive to save tree number 52. They would have to take special measures and they cannot guarantee that it would survive. On North Summer Street they did a project where they did save a tree very close to the project.
- Commissioner Breckenridge suggested that they work a little harder to save tree 52 before they come to us on Thursday.
- Commissioner Toole said that we should not sacrifice the project for a few trees.
- Commissioner Davisson added that we cannot save all of the trees and the streetscape along Dukes County Avenue. She said that Building One is slightly lower but it has a much larger footprint and appearance and the parking was also on her mind.
- Matt Cramer said he wanted to get back to this idea of a pass through behind the Denniston. There was also concern that, if the two lots were connected, the Denniston would be surrounded by a sea of parking. Someone commented that it already is.
- Commissioner Davisson asked if they looked at parking between the buildings with the old plan.
- Commissioner Breckenridge asked how tall the PicNic building is. Matt Cramer said it is taller, at about 35 feet high.
- Commissioner Murphy asked if it was appropriate to hear from Ron DiOrio from the perspective of the OB Selectmen.
- Ron DiOrio said he was reluctant to speak on it since he is personally in favor of this project. The Selectmen are a policy making Board. The Selectmen gave permission 15 months ago for this to go through the regulatory process. He is chagrined at how long it has taken. It puts a damper on development. We have allowed a small minority to push the majority around. The leader of this minority is not even a resident or taxpayer in this town. One of the leaders of the minority is the partner of an architect who was not chosen. The MVC works very hard on the issue of affordable housing, on the other hand it is incredibly cumbersome for the applicant to come through the process.
- Commissioner Davisson said one of her concerns is the expansion of the parking. The location of this suggests that there should not be cars. To bastardize this thing and turn it into a parking lot is troubling to her. When is the Town going to get its act together and plan the B-1 District?
- Ron DiOrio said he was afraid that it would not be in his lifetime. He is concerned that a small minority is holding up the majority, that two parties entering into a negotiation, came to an agreement, and then one side publicly put down the mediated agreement.
- Mark London asked the Applicants whether it was their intention limit the commercial space on Dukes County Avenue to exclude w high traffic generating uses; this is often done for areas where traffic and parking are problematic. Richard Leonard said that it is not something that they offered but it might be something that they would think about.
- Chairman Toole asked if the commercial unit can be subdivided or used for residential purposes. Richard Leonard said the intention is that the commercial unit cannot be subdivided, and that the

commercial unit and the work parts of the live-work units could be used for housing. This would be in the condo documents.

- Commissioner Davisson asked if, on Thursday night, if the MVC says we don't think it needs a new public hearing can we still impose conditions.
- Commissioner Murphy said that there are other ways you can handle that issue. We could say that this does not require further review on the grounds that the MVC had its say on the project and came to its decision as long as they are not asking for more, and the MVC could send a letter to the ZBA with any additional concerns..
- Commissioner Davisson pointed out that they are asking for more parking.
- Commissioner Murphy said that the locals decided that the parking is the big issue and we should get out of the way.
- Mark London said that the Commission must not only decide whether or not to hold a hearing, it must also approve the modified project.
  - This means approving the new plan, and possibly modifying some of the Conditions. Staff will double check the original decision to see what needs to be changed. He sees no reason why the Commission couldn't add conditions even if it doesn't hold a public hearing, provided they deal with issues discussed at the previous hearing; however, he will check with Counsel.
  - The Commission could say that it does not require another public hearing, provided they do not have high traffic-generating uses and add more buffering. The Commission has standard language for this type of thing.
  - Also, the Commission might want to word the approval in a way that gives them some flexibility, in case the design changes slightly between these concept plans and the final construction drawings.
- Commissioner Cabana said it sounds like the high traffic generation point is critical.
- Chairman Toole said he wants to support Mimi in that he was appalled when he first saw the new plan. He does not want to jeopardize the project, but he thinks the new plan is not as good as the original. He is disappointed when it boils down to the car. You can bet it will be a full parking lot.
- Commissioner Breckenridge said he wants staff to come up with language to protect the street trees, particularly tree 52.
- Commissioner Davisson asked if the larger commercial space, which is new, is that driven by financial needs. Bob Wheeler said that the Oak Bluffs Concerned Citizens were the ones who made that request.
- Commissioner Davisson asked how many of the parking spaces were there for the new commercial space. Commissioner Breckenridge recalled that there was worry about all of the parking spilling out into the rest of the neighborhood. Commissioner Murphy said that the people that came to the hearing were all concerned about the cars. This may not be the most beautiful result but it addresses the issue that people were concerned with. He predicts that residents in most units will have more than one car. Commissioner Davisson asked why, in that case, are we subsidizing people who have more than one car.
- Richard Leonard said that when they were at the ZBA they took a time out and sat down with neighborhood committee. The process was well handled in terms of setting up some ground rules. People went back to their constituencies. They looked at this as a compromise. The main concerns they heard was massing, they wanted more onsite parking, and the use of the Denniston Building, which is now down to a maximum of 30 people two nights a week. Every one of those concerns was addressed.

- Philippe Jordi reiterated that the distinction between the B-1 and the R-1 is important. They decreased the Bradley Two and the Denniston in the R-1 District.
- Mark London asked them to clarify the possible residential use of commercial spaces. We should have wording that makes it clear.
- Richard Leonard suggested "Commercial or less use".

**Commissioner Murphy made a motion and it was duly seconded that we recommend to the full Commission that the proposed modification is not a significant change and that the issues raises have been adequately aired in the previous hearings.**

- Chris Murphy said that the Commission could make recommendations to the ZBA about the parking.
- Mark London suggested that the MVC could require, or suggest, that there should be no parking forward of the Denniston building and that there be adequate buffering.
- Richard Leonard said that there was some interest on the part of some of the ZBA Board on fewer parking spaces.
- Commissioner Murphy asked why we can't leave that to the ZBA.
- Bob Wheeler said that as a suggestion from the MVC, this would be helpful but he didn't favor it being a requirement.

**The LUPC voted unanimously to recommend to the full Commission that the modified proposal does not require a public hearing.**

**Commissioner Murphy moved and it was duly seconded that LUPC recommend to the Commission that the new plan be approved, that the original conditions be modified as necessary, and that the MVC make recommendations to the ZBA about restricting high-traffic-generating uses, buffering the parking by eliminating the two spaces closest to the sidewalk, adding screening, and narrowing the curb cuts, and trying to save the additional tree on Dukes County Avenue.**

- Chairman Toole asked whether the Commission should say that it thinks that the original plan is better. There was reluctance to do so on the part of the other Commissioners.

**The LUPC voted 4 to 0, with one abstention (Mimi Davisson) to recommend to the full Commission to approve the modified plan.**

*Notes prepared by Paul Foley. Revised by Mark London.*