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## **Martha's Vineyard Commission**

### **Land Use Planning Committee**

# **Notes of the Meeting of February 8, 2010**

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

*Commissioners Present: Linda Sibley; Chris Murphy, Christina Brown; Ned Orleans; Fred Hancock; John Breckenridge, Kathy Newman; Pete Cabana.*

*MVC Staff Present: Mark London; Paul Foley; Bill Wilcox; Mark Mauro, Chris Flynn*

*Audience: Bob Starks and Mike McCourt (Edgartown Planning Board)*

### **1. DRI 623 Wavelengths – Pre-Hearing Review**

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**Applicant:** Jayne Steide and Melissa Montession; Chuck Sullivan (architect); Doug Hoehn (engineer)

**Project Location:** 223 Upper Main Street, Edgartown Map 20-A Lot 95 (0.29 acres)

**Proposal:** To remove an existing one-story building on Upper Main Street and replace it with a three-story 5,106 sf (1,672 sf footprint) mixed-use building and build a new three-story 6,104 sf (2,024 sf footprint) building with four 2-bedroom residential units in the back of the property.

#### **Staff Report:**

- Paul Foley showed a slide show of the property and added some more details. The replacement building would have two offices and one 2-bedroom apartment.
- The new residential building would have garages on the ground floor.
- They would be removing a cesspool and connecting to the sewer.

#### **Presentation:**

- Doug Hoehn said they have been working on it for a year or so. They have been working with the Planning Board. This is a mixed-use proposal. It is infill development. Though it is a tight fit this is in the B-2 commercial district. They went to the Planning Board informally and then went back to show them the advanced plans. It seemed to the applicants that the Planning Board liked it as an infill development. It will be tied into the sewer. After some negotiation they were allowed to tie in.
- Chuck Sullivan said that the office building in front will have two office spaces. One will be the current hair salon (Wavelengths) and the other is likely to be a physical therapist. There will be an apartment on the third floor. There will also be a four unit apartment building in the back.
- Christina Brown said that Edgartown has a Master Plan for Upper Main Street which makes projects like this subject to a Special Permit from the Planning Board.
- Bob Starks of the Edgartown Planning Board said the Planning Board looked at housing and traffic. They looked at the old Kronke property. They think of the B-2 as the entrance to town. It has been good working with these people. Edgartown needs housing in the downtown area near services. The Planning Board did several site visits. They encourage more input into what the issues will be. He said the applicants had adjusted to the Planning Boards concerns. They heartily endorse the project.

#### **Commissioner Questions:**

- Ned Orleans asked what would happen if the proposed tenant does not work out. What type of tenants could go in there?
- Mark London added that the traffic study may depend on that answer. Unless you limit the uses in there the study will have to consider them to be the highest traffic use. You might want to commit to not have those.
- Linda Sibley asked how big the retail spaces are.
- Chuck Sullivan said about 1400 sf on two floors.
- Chris Murphy asked if they see this as four separate office units.
- Chuck Sullivan answered no, they see it as two units, and each would have space on the second floor.
- Doug Hoehn said that it is a high visibility area. They probably don't want to limit themselves to what they can put in there.
- Fred Hancock said that they have it laid out with a reception area on two floors, so it could be four units.
- Chuck Sullivan said that was his mistake, the reception areas should not be on the second floor. They wanted some rooms where people could have privacy, such as for the physical therapist.
- Chris Murphy asked what if they wanted to change.
- Chuck Sullivan said that then they would have to come back to the MVC.
- Christina Brown added that there would likely be limits set by the Special Permit.
- Linda Sibley said that unless you stipulate that it will not be high traffic the traffic study will have to presume it is a high traffic generator. If they wanted a high traffic generator in there they would have to come back to the MVC.
- Chuck Sullivan said that it is likely to be a professional office use. The Applicant agreed.
- Doug Hoehn added that they probably couldn't do most high traffic uses because they would not have enough parking for them.
- Christina Brown added that the other safeguard in the B-2 Master Plan is that it says they would have to come back to the Planning Board as well for any change. She said that the applicant should explain how this site plan and building meet the Upper Main Street Plan. They should address the open space and landscaping and parking.
- Kathy Newman asked if they could do a streetscape elevation. It would be good to see a 3D image of how the buildings fit in their setting.
- Mark London said that one concern he has is the massing of the proposal. If we were sure that the lawn next door was always going to be there it would be good. They have a big building. What happens if next year we get an application for exactly the same building on the next property over? The part that faces the neighbor is a long sheer wall. It will be visible from the street across that lawn. What happens if the neighbor does the same thing? The setbacks that are set for commercial purposes are one thing, but when you have residential units five feet apart it is another thing. In some communities when you get into residential uses the setbacks are bigger.
- Doug Hoehn said they looked at putting it on different sides. It is a tight site. There are some large trees in front that they did not want to disturb.
- Mark London said that the proposal pushes the impacts on the abutters. One of the things the MVC does is look at the impacts on the abutters. Sometimes we require setbacks and buffers. We have lots of projects where we try to buffer the impact of a proposal. We realize that they do not have much flexibility. They haven't articulated the side that faces the abutter.
- Fred Hancock asked if the reason they have the garages on the first floor is that they do not have enough parking space otherwise. Chuck Sullivan answered yes. There are two parking spots in

each of the four garages. That is the only parking for the apartments. The rest of the parking is for the commercial spots in front.

- Mark London asked if there will be signage. Doug Hoehn said that they will work on that.
- Linda Sibley asked what color the buildings will be.
- Chuck Sullivan said he imagines they will be white cedar shingles with trim. They haven't gotten into a lot of the details yet.
- Chris Murphy asked if they were showing plans here for five apartments with no handicapped access. How does that work?
- Chuck Sullivan said that as far as he knows the four units are townhouses and therefore do not have to provide access. The other building is separate.
- Chris Murphy asked if it would be much more expensive to run the elevator up to the third floor.
- Chuck Sullivan said that they have a tenant in mind that does not need that.
- Chris Murphy said that things change. They might need it someday.
- Chuck Sullivan said that they can look into running the elevator up there.
- Kathy Newman said that the affordable mitigation offer is nice but asked if they would think about making one of the units affordable.
- Chuck Sullivan said that the owners probably need to talk to Christine about affordable housing options. He thinks making one of the units affordable may mean the numbers may not work but they will look into that. They have talked about it.
- Mark London asked if there are other examples of five units without an affordable unit.
- Doug Hoehn said across the road.
- Kathy Newman asked if one of the four apartments could be bigger and one smaller for an affordable unit.
- Chuck Sullivan said it's pretty tight with the stairways. It's possible to make one larger
- Linda Sibley said it looks to me like people enter their apartment either through the garage or the side.
- Chuck Sullivan said that is really the secondary means of access. You could get in or out either way. Through the garage two units would share an entry. They would have separate doors on the second floor.
- Fred Hancock said that looking at the plans he thought that the window marked B would be a door. He suggested that they might think about that if the first two townhouses did not have a garage underneath them it would break up the massing. The south elevation is the least attractive.
- Chuck Sullivan said they would be happy to cut down on the number of garages and parking if the Planning Board would give them a waiver on parking.
- Linda Sibley said she sees two key issues. First of all from the north elevation it is going to be largely invisible from the street. The south elevation is going to be more attractive than the hotel next door. She would argue that since the lot next door is so large that it would be odd if they were to build next to the lot line. The concern she has is what the south elevation will look like to the public at large.
- Mark London said it would be useful to have a perspective looking across the lawn from the street.
- Mike McCourt of the Edgartown Planning Board added that would be a good argument in their favor.
- Chris Murphy asked if they could raise that tower at the Planning Board.
- Bob Starks said that they wanted a taller tower but the Planning Board told them no. They felt it didn't look nice. He asked if an elevator was put in would they have to raise the tower.

- Chuck Sullivan said that the elevator is not in that spot so they would not have to raise the tower. It would be between the tower and the shed dormer. It would change the look but not the tower.
- Peter Cabana said that they should address energy and sustainability. You should make these buildings as energy efficient as possible. The more you can put into it now will make it an easier sale. Mark London added that they should tell us at the public hearing how much they will exceed requirements for energy in the building code.
- Pete Cabana said that they should check out geothermal.
- Linda Sibley asked if these will be rental units or condominiums.
- Chuck Sullivan said that they will be condos.
- Linda Sibley noted that if they are going to be sold you can add some expense for sustainability that is mortgaged over time to make it a minimal outlay.
- Pete Cabana added that he saw some South Mountain buildings recently that were double walled and it boggled his mind how much energy savings there was.
- Chris Murphy said that when we talked to the YMCA they said they would add conduits for some day and now they are doing it. You might want to consider putting conduits in at the very least.
- The Applicants added that they want to make it as green as possible.

### **Traffic:**

- Chris Murphy made a Motion that we approve the use of the staff traffic planner provided that the applicant abides by our no high traffic generating use.
- Mark London said that the Staff suggestion was not that they use the staff planner but that they use an outside consultant. They can either hire one or they can hire the MVC Traffic Consultant. If they do that they pay him but he works for the MVC.
- Chuck Sullivan asked if they could get a ball park estimate of how much it would cost.
- Chris Murphy said he would like two possibilities; one heavy use and one not so heavy use.
- **Chris Murphy made a Motion to approve the scope as presented by staff (in the Traffic Memo from Mike Mauro on February 8, 2010) which was duly Seconded by John Breckenridge and approved unanimously.**
- Christina Brown added that there is a lot of traffic data on upper Main Street.

## **2. DRI 311-M3 Rickard Retail**

**Applicant:** Kathryn and Michael Rickard

**Project Location:** 114 Cook Street, Tisbury, Map 22-C, Lot 5 (0.61 acres)

**Proposal:** To provide a 200 sf retail section in a 3,200 sf bakery. The original DRI Decision for DRI 311 said that the ... "building shall be restricted to wholesale business".

**Project History:** The property was a DRI in 1989 when James Rogers applied to build the 2-unit 6,400 square foot building. The MVC approved the proposal with conditions including that the building be restricted to wholesale business.

- Paul Foley gave the staff report and showed slides of the site. One concern is that you cannot really estimate traffic based on square footage or employees because this is so small. Estimating by square foot or employees would not take into account what the traffic on this one-lane windy road would be like if this suddenly became the new hot spot. He used the old Humphrey's up-island as an example.
- Linda Sibley asked if they are planning on selling sandwiches

- Gates Rickard said that they are just doing bread right now. They would like to do sandwiches or soups if they could, but right now it is just breads. The majority of their space is for bread production. They have packaging in there too. The retail is in the front third of the building on one side. They are only allowed to produce food in two of the spaces as determined by the Board of Health. If they were going to do sandwiches they would have to sacrifice some other part of the business.
- John Breckenridge pointed out that when the MVC approved this originally there was not supposed to be any retail.
- Gates Rickard said that the traffic is very minimal. They went to the Board of Health and Building Inspector and tried to figure out if we were allowed to have retail. He couldn't remember and the Building Inspector said it would be fine.
- John Breckenridge said that then they didn't reference the decision.
- Gates Rickard answered no they did not.
- John Breckenridge said that even though it is only 200 square feet it could be bigger. The advertisement was a half page ad obviously in expectation of building a popular spot. Here is an expectation and hope by the applicant for busy business. I think we should look at some of the possibilities.
- Gates Rickard said their main intention is not to have a booming retail so much as branding. They tend to sell high end pastries and breads. They hope to expand out wards to another space with more visibility some day. They got a good deal for half page ad in the Times during the holiday season.
- Ned Orleans asked if their pricing is the same as the stores they supply.
- Gates Rickard said no because they did not want to undersell their clients. However they do offer more variety than they do to their clients.
- Mark London said that when we talked to Mrs. Rickard there was no indication of a bigger operation. If you are saying it is going to be a sandwich place that is different. If it is a factory outlet with a small retail area that is 10% of floor area for products manufactured there is one thing. Opening it up to other products is another.
- Linda Sibley said that if all they are selling is the breads and pastries they make on site and sell elsewhere then it is no big deal. If you were to start making sandwiches then you could start getting serious business. We have to decide whether this is a significant change.
- **Chris Murphy made a Motion to recommend to the full Commission that this is a significant change. This was duly seconded by Christina Brown.**
- Linda Sibley told them that they can still make the argument of why you expect it will not generate a lot of traffic.
- Kathy Newman wondered if this is a test case. Would this be through the summer? Is there a plan to have a retail space elsewhere?
- Gates Rickard said they have thought about a retail space in downtown Edgartown or Vineyard Haven.
- Fred Hancock suggested they might consider making it a seasonal condition.
- Kathy Newman said she heard the applicant say this is not an ideal location for retail.
- Linda Sibley said that still doesn't answer the question of whether there will be a lot of traffic.
- Chris Murphy suggested that if we agree that this has to go to a hearing maybe we could generate a traffic scope. If it is really successful then there could be a problem.

- Linda Sibley added that we are not asking them to cease and desist. Chris is asking us to recommend a public hearing as a DRI. We should look at the ITE (Institute of Traffic Engineers) trip estimates and see what they say. Maybe they are only going to have 25 trips a day.
- Christina Brown said it would be good to hear from the community because it is a changing neighborhood. We owe it to the town to hold a hearing.
- Linda Sibley said that personally she would be open that this is not a significant change if they were to promise not to sell sandwiches and coffee.
- Gates Rickard said that they are not allowed to have seating.
- Bill Wilcox said that the property is partly in the Tashmoo watershed. The proposal probably wouldn't increase the nitrogen loading at all.
- Linda Sibley said that if we have a public hearing it gives us an opportunity to nail down exactly what will be in there. She reminded the applicant that he will have another possibility to convince the full Commission that this is not a substantial change.
- **The LUPC Voted 6 to 1 in favor of the Motion to recommend the full commission that this is a significant change requiring a public hearing as a DRI (LS was one vote against). There was one abstention (KN)**

### 3. DRI 574 Causeway Road

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**Applicant:** Martha Sullivan

**Location:** 4 Causeway Road, Tisbury

**Proposal:** To remove Condition number 5 and modify Condition 2 in the MVC DRI 574-2 Decision. Condition 5 requires the trim to be off-white.

- Martha Sullivan has requested two changes to the MVC DRI 574-2 Decision
- Since the approval of the above plan was made in 12/27/04, significant changes have occurred. In accordance with the conditions outlined, a commercial structure has been built and the existing structure has been rented, at a reasonable rate, to a municipal employee on a year-round basis.
- The changes that have occurred include a change in status of the municipal employee/tenant, financial needs of the owners and the death of the designer of the development plan. At this point, sale of the existing, residential unit is necessary. With this in mind, the conditions of the development plan are cumbersome, confusing and restrictive.
- She would like to request a modification of two of the conditions, i.e. condition #2 and #5.
- She said she doesn't know what she is going to do with it. Her husband, Gerry, spent a lot of time and money on designs and traffic studies. He's gone now and she needs the money. She would like to have some options of either selling it or making it easier to rent. It would be easier if she didn't have to go looking for municipal employees. She was going to develop the third unit as approved but that would involve expanding the septic system and she can't do that right now so she is looking at selling the unit
- Ned Orleans explained that there were a lot of people who were up in arms at the time so we kind of tiptoed through the tulips.
- **Ned Orleans made a Motion to recommend to the full commission that this is an insignificant change and does not require a public hearing and that we get rid of these conditions. The Motion was duly seconded by Pete Cabana.**
- Chris Murphy asked if she was saying that they are not going to build the third building.

- Martha Sullivan said that they have maintained that one building will always be an affordable year round residence, which is fine with her. The conditions say that a substantial start on the project had to be made and one of the buildings was built so therefore she believes they have the right to build the third building when and if they want to.
- Chris Murphy asked what about selling it to affordable housing.
- Martha Sibley noted that just after they did the project the town put the sewer just below them.
- Linda Sibley asked if she is proposing to sell the property.
- Martha Sullivan said she wants to sell the existing house. The rental agent told her that it would not be as marketable if the apartment had to be to a municipal employee.
- Chris Murphy noted that in the Decision the Condition was only for ten years.
- Linda Sibley suggested we take this one step at a time. The motion was to take out the line in Condition 2 that the affordable apartment should be rented to a municipal employee and to take out all of Condition 5 that requires the trim to be off-white.
- ***The LUPC Voted the Motion unanimously.***

Adjourned 7:00