



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 September 20, 2010

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

Commissioners Present: Linda Sibley; Christina Brown; Chris Murphy; Ned Orleans; and Kathy Newman.
MVC Staff Present: Paul Foley; Mark London; Mark Mauro

1. Ocean Club (DRI 309-M2) Concurrence Review

Applicant: Mark and Mike Wallace

Project Location: 9 Oak Bluffs Avenue, Oak Bluffs, MA Map 9 Lot 43

Proposal: To expand an existing 90-seat, 3,200 square foot restaurant to incorporate the entire upstairs (+ 6,400 sf) for functions and a night club in downtown Oak Bluffs with a capacity of 500.

Motion:

- ***Chris Murphy made a Motion that the LUPC should recommend to the Full Commission that we concur that this project is a development of regional impact. Ned Orleans duly seconded the Motion which passed unanimously (5-0).***

Discussion:

- Chris Murphy said that at the Commission concurrence review he will want to hear how well the restaurant complied with the offers they made in 2006 upon which the Commission based its vote to not concur.
- Mark London and Christina Brown asked what the capacity of the nearby movie theaters and other places of assembly are.
- Linda Sibley asked that a copy of the Oak Bluffs Noise Bylaw and the zoning map be presented at the concurrence review.

2. Tisbury Market Place New Building (DRI 485-M5)

Applicant: Reid (Sam) Dunn

Project Location: Tisbury Marketplace, Beach Road, Tisbury Map 9-B Lot 19.18 and 19.19

Proposal: To build a new two-story, 5,700 (formerly 7,050) square foot building with one or two retail units, one office, one apartment, on the lawn at the Tisbury Market Place with a 3,780 (originally 4,000) square foot footprint including decks.

Discussion:

- Paul Foley summarized the staff report.
- Chris Murphy asked if Sam Dunn was forswearing any further development.
- Sam Dunn clarified that he was giving up his rights in the area between Saltwater Restaurant and the water, the area between the currently proposed site and the water, and the rest of the open

space. He is retaining future development rights in the back parking lot corner between Rocco's and the dentist and along the water for piers, docks, and a marina.

- LUPC requested that staff present a map of the development areas for the next LUPC.
- Ned Orleans asked about the offers that Sam had made that have asterisks which mean that Sam cannot enact these offers without the agreement of the Condominium Association. He noted that if we approve with these conditions there is no guarantee that they will be done.
- Linda Sibley noted that it depends how we word them in the Decision. If there is a condition that cannot be accomplished, then he cannot do the project. If the MVC feels the benefits don't outweigh the detriments without these conditions, then that would become his problem.
- Kathy Newman asked what the affordable housing offer is. Paul Foley noted that Mr. Dunn had made an affordable housing offer earlier in the process that apparently had not made it to the offer sheet. Mr. Dunn has offered to provide Habitat for Humanity the recommended monetary mitigation of \$7,900. The applicant has also offered to restrict the residential condominium unit from being rented for less than a month. Mr. Dunn will revise his sheet of offers to include the affordable housing offer.
- Christina Brown asked that the wording regarding future development be very clear. If Mr. Dunn intends to keep his development rights to docks and piers he should make sure he retains their connection to the land.
- John Breckenridge said he felt that since the building is within the flood plain, it should be put on pilings instead of a slab. The state statute says that development in the flood plain should not impact flow. By building on a slab you do not allow water to flow under the building which exacerbates flooding. He also noted that the bottom of the first floor joist must be at elevation 9 feet. John thinks the MVC should require the building to be on pilings.
- Sam Dunn said the problem was probably solvable but raises a few issues for him. First he would have to make the floor heights a bit lower. The other buildings are built on pilings and they have created problems such as accumulating junk and critters underneath, pipes freezing, and heat loss. He said that if the building was on piles, he could probably do an enclosure around the foundation that could be breakaway, or could be installed only after hurricane season.
- Staff was asked to prepare an analysis of whether there is a net additional benefit gained if the building is on pilings allowing flow in a catastrophic flood event versus the detriments of heat loss, pipes freezing and accumulation of junk.
- Ned Orleans noted that if the MVC approved the project and conditioned it to require a reverse in the traffic flow there would have to be additional signage.
- Sam Dunn said he would clarify his offers to include details of how the asterisked items would be done as well as add the affordable housing offer and the dock development. He added that he hoped it could be couched in such a way that the other Condominium holders were not in a position to hold his project up.
- Ned Orleans asked what the chances were that he could sit down with the Condo. Association and agree on these issues. Sam thought it might be possible with the Trustees of the Condominium Association. They would probably have the right to reverse the flow of the parking lot. He despairs whether they would actually assist him in any way. He agrees that reversing the flow and having the bike path would improve the overall Market Place.
- Linda Sibley reiterated that she wants to look at the property as a whole.

Adjourned 7:00 p.m.