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Martha's Vineyard Commission Land Use Planning Committee Minutes of the Meeting of February 14, 2011

Held in the Stone Building, New York Avenue, Oak Bluffs. 5:30 p.m.

Commissioners Present: Doug Sederholm (Chairman of LUPC); Chris Murphy; Christina Brown; Ned Orleans; Fred Hancock; John Breckenridge; and Linda Sibley.

MVC Staff Present: Mark London; Paul Foley; and Mike Mauro.

Note: The LUPC reviewed three projects on February 14, 2011: M.V. Hospital Parking (DRI 324-M3) Post Public Hearing Review; Ocean Club (DRI 309-M2) Traffic Scope Review; & Muckerheide (DRI 615-M) Modification.

1. M.V. Hospital Parking (DRI 324-M3) Post Public Hearing Review

Applicant: Martha's Vineyard Hospital, Tim Walsh (CEO), Connie Bulman (Project Manager)

Project Location: 82 Eastville Avenue, Oak Bluffs Map 7 Lot 2 (0.56 acres) and part of Map 7 Lot 1 (9.8 acres). The Hospital is 12.99 acres total not including Map 7 Lot 2.

Proposal: To create two new parking lots: one off of Eastville Avenue with 47 parking spaces and one near the helipad with 24 parking spaces.

Present for the Applicant: Connie Bulman and John Murray.

Documents:

The LUPC had the following documents before them for this project:

- MVC Staff document on possible conditions for consideration
- Letter from David Gross dated February 11, 2011
- E-mail addendum from David Gross dated February 14, 2011

Discussion:

- Doug Sederholm noted the documents that staff had distributed including the additional letters and possible conditions.

Fence Height and Plantings:

- Christina Brown noted that Mr. Gross had asked for a high fence along Eastville Avenue. He said at the public hearing that the berm in front of the old emergency room parking lot helps block the view of that parking lot.
- Staff noted that the Oak Bluffs Zoning By-law 30 inch restriction on fence heights within 20 feet of corners does not technically apply to this lot since neither of the parking lot corners along Eastville Avenue are corners of public road intersections. However, the principle could be applied, at least near the Hospital access road, because there are a lot of trips in and out.
- Linda Sibley said that a high fence along Eastville Avenue might be a benefit to Mr. Gross but it would not be a public benefit. The MVC should not require that the fence be so high as to ensure that Mr. Gross does not see the parking lot at all; dealing with the impact on this public

road by making sure the lot is appropriately screened and as attractive as it can be will accommodate him to some extent. She would prefer a 6' fence at the sides and the back, stepping down towards the public way. They should plant more bushes in the front. Other Commissioners concurred that a high fence along Eastville Avenue would be inappropriate.

- John Breckenridge pointed out that there is an existing 8' high fence between the Hospital and the neighbors behind this lot running towards the Helipad.
- Doug Sederholm summarized that he was hearing that it is not unreasonable to have an 8' high fence in the back to protect the abutter from noise and lights, but it should be a low fence along and close to Eastville Avenue, and no more than 30 inches high at the corners.
- Fred Hancock said he thought that continuing the 8' height in back was good because it helps block noise as well as light from the light poles for the abutters, but suggested that as you get toward the public way the fence should taper down so that within 30 feet of the intersection it should be no higher than 4 feet. That would be a good compromise between blocking lights and noise and not making the place look like a fortified camp. Before the Deliberation and Decision MVC Staff will look into fence heights in relation to automobile headlights.

Possible Conditions/Offers

- Connie Bulman said he had talked to Tim Walsh and they are very comfortable with the draft offers prepared by staff, including the offer to put the lights on motion sensors. He noted that the lot will be for employee parking so there will not be that much activity at night in there. Linda Sibley noted that if you plan motion sensors in advance it is not a big expense. Connie Bulman said he was fine with that but added that there are code requirements for candle power and those types of things.
- Christina Brown asked about one of the possible conditions that says they will plant "xx shrubs on the berm" and asked them to clarify the offer. Connie said that they are going to come up with a plan for that.
- Linda Sibley said she had heard that there was wiring in the berm and wondered if that would present any problems. Connie said that there was only one wire in a conduit that should not be a problem.
- Christina Brown asked if they were okay with the possible condition that states they will try to contain their existing lighting. Linda Sibley said they should look at what the Woodland Business Complex on Upper State Road in Tisbury did.

Stormwater:

- John Breckenridge suggested that after the discussion at the Public Hearing that we do not need to include the item about oil absorbent filters in the storm water leaching pits.
- Chris Murphy thought they are a cheap and easy way to minimize hydrocarbons getting into our waters. Every bit that we can pull out of a drain does not go into the ponds.
- Bill Wilcox said he agreed in principle but that the filters don't work that well if the parking lot is unpaved, as this one will be. Unless the lot is paved, debris will accumulate and clog the drains. He said that oil will bond with the fine particulates. If it was paved it would be different.
- Chris said he would defer to Bill's expert opinion but also asked about oil absorbent pillows.
- Bill said he did not know about the pillows.

Lighting:

- Connie Bulman said the plan for lighting the Helipad lot was a few additional 42 inch high bollards.

Benefits and Detriments:

- John Breckenridge said that, in terms of location, this combination of parking lots is much better than if they were putting most of the new parking across the street where everyone would have to cross the road.
- Commissioners noted that the fence, plantings, and motion sensors will mitigate noise and visual impacts.
- In terms of scenic values the mature trees along the periphery that are being saved and the vegetative buffer that is being added to these lots and the old emergency room lot will help retain the scenic character of the area and mitigates the impacts.
- Chris Murphy said that we should note that the creep of the hospital into the surround residential neighborhoods and that moving parking into the shore zone is a minor detriment.
- Linda Sibley noted that moving the emergency room to the other side of the hospital has relieved the neighbors on this side in any case.

Recommendation:

Linda Sibley made a motion to recommend to the full Commission that it approve the two parking lots with the offers as discussed and with the height and location of the fencing as discussed. John Breckenridge seconded the Motion. He added that he thought we should mention that this approval would supplant the previous approval allowing the parking at the Portuguese-American (PA) Club. **The Motion passed unanimously.**

Connie Bulman thanked the Commission and added that between himself and John Murray they know what to do.

2. Ocean Club Expansion (DRI 309-M2) - Traffic Scope

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 with a capacity of 500, located in downtown Oak Bluffs.

Present for the Applicant: Mark and Mike Wallace

Commissioners Present: Doug Sederholm (Chairman of LUPC); Chris Murphy; Christina Brown; Ned Orleans; Fred Hancock; and Linda Sibley. Note: John Breckenridge recused himself.

Documents:

The LUPC had the following documents before them for this project:

- MVC Staff recommended Traffic Scope for DRI 309-M2 dated February 11, 2011.

Staff Report:

- Mike Mauro went over the proposed traffic scope. It is similar to other traffic scopes. The MVC can provide a lot of the information such as traffic counts, accident data, and the number of parking spaces required by zoning. He recommends that a professional traffic consultant be hired.

Applicant's Presentation:

- Mark Wallace said we need to be able to accommodate functions downtown. They have permits for 500 people, they have a liquor license. They are only here because they need an entertainment license.

- This is B-1 property; this is where this type of activity belongs. The Atlantic Connection was night club and they never came as a DRI. The Game Room wasn't a DRI.
- The neighborhood handles 6 or 7 different ferries with multiple landings and all those cars every day during the summer. He would offer that if they did an event they would schedule it around the ferries. Weddings basically only happen on Saturdays. 90% of events would be at night time when the ferries stop running.
- The building was built 100 years ago for this type of use. This is what Oak Bluffs does; this is what it was built for. This pales in comparison to the types of buildings and uses that Oak Bluffs used to have.
- He lives in the neighborhood and never has a problem getting home. He worries more about going to Edgartown and finding parking than Oak Bluffs.
- Oak Bluffs is one street – Circuit Avenue. The only businesses that do well are on Circuit Avenue. If you put a Dunkin' Donuts in this neighborhood it would probably fail because everyone goes to Circuit Ave.
- He does not think it needs a big traffic study. He acknowledged that he needs to address handling the arrival of guests for large functions. If he were building a new building he could understand being reviewed as a DRI, but this building was built as a place of assembly a long time ago.

Discussion:

- Linda Sibley said she tends to agree with a lot of the points Mr. Wallace made. She suggested that he not have to do new counts, the MVC can supply those. A key thing is to figure out how to accommodate the arrival of guests for large functions.
- Mark London said there are two issues. The first is the question of whether they are "grandfathered" to use the space as a place of assembly. The second is to clarify what the proposed use is.
 - The fact that the building has been around a long time does not make a function hall an existing use. It may be considered a place of assembly in terms of the building code requirements for exiting, but the proposed use appears to be quite different from a game room where much smaller numbers of people would drift in and out during the course of the day, not show up by the hundreds at the same time. Generally in zoning by-laws if a use has ceased for two years then it loses its grandfathered rights. In this case, the Commission should consider whether the total impact of the function hall should be considered, or only the increased impact due to increasing the use from a game room to a function hall.
 - The proposed use has not been well defined We do not know how many functions or shows they are going to have. What if they have two shows a night? That's a lot different than one wedding a week. The applicant should clarify the proposal. In the absence of clarification, the Commission would have to consider the worst-case scenario, and assume the maximum is what could happen.
- Doug Sederholm said that the grandfather issue should be dealt with at the public hearing. The second issue is the specifics of the proposal which is something we need to know.
- Fred Hancock said the real issue is events where people show up at the same time. A restaurant expansion would be one thing but when there is a function or act going on at 7:00 pm and everyone is arriving around the same time, it can create congestion.
- Mark Wallace noted that the upstairs was a separate condominium owned by someone else. Their intention is to enhance their restaurant in any way they can. They do not want to limit the use of it. If the Boy Scouts want to meet that's great. If a school needs a location for the prom or the fisherman want to hold the derby all the better. He said that Farm Neck used to just sell sandwiches and now they have a restaurant and a big tent that is up all summer hosting events. If Oak Bluffs can handle 27 ferries arriving every day in the summer this use would be a blip.

- The only other option for this space would be to break it up into condominiums. They are not looking for a Special Permit. The use they are proposing is allowed by right in the B-1.
- When Ryan bought it he used it as a teenage ballroom before he put the game room in there. The neighbor didn't like it so the Wallaces purchased an option on it and proposed the Dreamland expansion which is what brought the property to the MVC in the first place.
- Mike Wallace said he wanted to add that similar to the businesses on Circuit Avenue, they do not have their own parking. He feels that 500 people are not going to be arriving at the same time. The people that are going to use this space will be the same as used the Atlantic Connection. People will know that they have to get to Oak Bluffs at a certain time if they are going to find a place to park.
- He feels that their property would have much less impact than the Steamship changing its schedule. He also noted that they have two movie theaters within 100 feet that accommodate 400 people each.
- Linda Sibley said the Applicants had just made some reasonable arguments. If they simply put them onto paper they would have a good chunk of their study done. Doug Sederholm reiterated that the Wallaces provided a well articulated discussion with plenty of anecdotal evidence that could be incorporated into a traffic study.
- Mark Wallace said he would like to provide staff with documentation, and then see if they still have questions that can only be answered by a professional traffic consultant.
- Christina Brown agreed that much of their presentation would be useful to a professional traffic consultant. She suggested that the study not require additional traffic counts and that they could just work with the existing counts the MVC has.
- ***Linda Sibley made a Motion to approve the traffic scope with the requirement for additional counts removed and to rely on staff to determine whether the Applicant's submittal is sufficient or whether more information will be required by a professional traffic consultant. Chris Murphy duly seconded the Motion which passed unanimously.***

3. Muckerheide Modification (DRI 615-M) Modification Review

Applicant: Violet Realty Trust, Donald N. Muckerheide Trustee

Project Location: 114 and 116 Dukes County Ave. Oak Bluffs, MA Map 17 lots 22 and 24.1 (0.15 + 0.12 = 0.27 acres total)

Proposal: To remove eight of the nine conditions on housing in the DRI 615 Decision and modify the other.

Present for the Applicant: Don Muckerheide

Commissioners Present: Doug Sederholm (Chairman of LUPC); Chris Murphy; Christina Brown; Ned Orleans; Fred Hancock; and Linda Sibley.

Documents:

The LUPC had the following documents before them for this project:

- Applicant narrative explaining the proposed modifications to housing conditions on DRI 615.
- Page 8 of DRI 615 Decision listing the 9 conditions on housing

Discussion:

- The Commissioners reviewed the documents explaining the proposal.

- Doug Sederholm explained that the only question before the LUPC at this point is whether the proposal is a significant change to the originally approved DRI requiring a public hearing review as a Development of Regional Impact.

Chris Murphy made a Motion to recommend to the full Commission that this is a significant change to the originally approved DRI requiring a public hearing review as a Development of Regional Impact. Ned Orleans duly seconded the Motion.

- Doug Sederholm asked Mr. Muckerheide if he wanted to say anything.
- Mr. Muckerheide said he would rather wait to speak in front of the cameras.

The LUPC voted unanimously that this is a significant change to the originally approved DRI requiring a public hearing review as a Development of Regional Impact.

Adjourned 7:00 p.m.