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Martha's Vineyard Commission Land Use Planning Committee

Notes of the Meeting of October 24, 2011

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

MVC Commissioners Present: Chris Murphy; Fred Hancock; John Breckenridge; Brian Smith; and Linda Sibley (Acting Chair).

MVC Staff Present: Paul Foley; Bill Veno; Mike Mauro; and Sheri Caseau.

Audience: Ken Barwick (Tisbury Building Inspector)

Documents referred to during the meeting

- LUPC Agenda of October 24, 2011
- DRI 485-M5 Tisbury Marketplace Theater Staff Report 2011-10-19
- DRI 582 Vineyard House Conditions from the DRI 582 Decision
- DRI 582-M Vineyard House proposed modified Site Plan

1. Tisbury Marketplace Theater (DRI 485-M7) Pre-Public Hearing Review

Applicant: Reid A. (Sam) Dunn of the Ferryboat Village Partnership (FVP)

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

Proposal: To build a 200-seat all purpose theater and a 30-seat café in the corner of Tisbury Marketplace. The Theater would be a two-story building with an approximately 3,000 sf footprint.

Purpose: To review the proposal and the scope of the traffic study.

Introduction:

Paul Foley gave the staff report:

- The proposal is to build a 200-seat all purpose theater and a 30-seat café in the corner of Tisbury Marketplace. The Theater would be a two-story building with an approximately 3,000 sf footprint.
- The project is to be located in the last vacant space the applicant holds development rights to in the corner of the "L" of the two existing buildings next to Rocco's Pizza.
- The café will be accessory to the theater and will not be open to the public.
- The theater will be leased to the Martha's Vineyard Film Society for 15 years. It would be an "Art House" featuring documentaries, foreign films, old movies, as well as MVFS films and could be used for lectures, conferences, and small plays. The stage would be 15 feet by 40 feet.
- The theater would host other programs such as chamber music, comedy, lectures and symposia.
- The theater would utilize the existing parking at the marketplace. In July and August the programming would be restricted to evening hours after 7:00 pm.
- Sam Dunn added that a 200 seat theater requires 50 parking spots according to the ITE. He said the rear parking lot is almost all empty at night. He would direct theater patrons to park back there. If it proves to be a problem they could use the boatyard in the summer for temporary parking because the boats are mostly in the water then.

Discussion:

- Linda Sibley said 50 spots for 200 seats assume there are 4 people per car.
- Sam Dunn replied that some may be walking or coming from one of the three restaurants.
- Chris Murphy noted that in the back lot there are a bunch of trailers and containers and trucks. He asked if they were renting spaces and how would Sam deal with those.
- Sam Dun said that the Marketplace rents 12 spaces to non-tenants.
- Ken Barwick said that parking spots are not allowed to be rented in any zoning district. He added that it is not acceptable because it would be accessory to nothing.
- Chris Murphy asked whether it was ok to park in the Boatyard because it may be in the shore zone.
- Sam Dunn said that the back lot is supposed to be for employee parking. They have too much parking as it is since according to zoning you are only supposed to cover 10% of the lot (Note: this business complex predates that section of the zoning). That is why Sam is not adding any more parking. He added that Gannon and Benjamin may be moving in the not too distant future. IF they want to renew their lease the Condo. Association may ask that the boatyard area allow some parking during the summer months.
- Chris Murphy noted that the Tisbury Marketplace parking lot is pretty full at 4:00 pm even in the off-season. If there were a movie today there would not be room for 50 cars.
- Sam Dunn said he would respectfully disagree. There are cars parked there who do not belong. It is haphazard right now.
- Linda Sibley asked how he would remedy that.
- Sam Dunn said that he would enforce the existing laws and move to get the scofflaws out. He noted that Louis Larsen has stickers that go on cars that do not belong.
- Linda Sibley asked if he would do that or the Condominium Association?
- Sam Dunn said he had a meeting with the Condominium Association and they agreed that this was a good project. This is a bit like the tail wagging the dog if you deny a year-round arts project based on summer traffic.
- Linda said that it would be best if he could produce a letter from the Condominium Association saying that not only is this a good idea but that they want the parking in the back and boatyard.
- Sam Dunn said he already has an agreement with the Condo. Association stating that this is a good project but it does not refer to the Gannon and Benjamin parking.
- John Breckenridge said he thought that when the new building was before the commission the plan showed some parking spaces in the place where the theater is now proposed.
- Sam Dunn said that there were about 8 or 9 parking spots in that area. Three will be kept under the building and the others will be made up by organizing the corner.
- John Breckenridge asked about Rocco's outdoor dining area.
- Sam Dunn said that is an easement that will be extinguished with this development.
- John Breckenridge asked what the rationale was for a 7:00 pm start.
- Sam Dunn replied that the stores are closed by then and the office workers are gone. The reality is that they are not that many stores in the complex, it's mostly offices.
- John Breckenridge said that Sam should produce a list of the stores and there hours of operation.
- John Breckenridge asked why Sam did not consider using one of the three existing theaters that are underutilized.
- Sam said he and Richard Paradise have tried to work with the existing theaters but it did not work out. The MV Film Society wants a permanent home. This project would not be in competition with the three existing theaters. This is going to be art films.

- Linda Sibley asked why only constrain the hours to after 7:00 pm in the July and August because the traffic doesn't really fade in there until Columbus Day. She said she went down there just last week to get a fish dinner and it was still busy at 6:30 pm.
- Brian Smith noted that the entire complex is empty during the weekends after 4:00 pm.
- Linda Sibley added that it is empty after 7:00 pm all year round.
- Sam Dunn said he thought there were certain things that could be done on Sunday afternoons such as opera.
- Chris Murphy asked Mike Mauro to run the trip generation numbers of the three restaurants in the complex and estimate the number of parking spaces that would be required.
- Mike Mauro noted that the traffic study that had been done by Charles Crevo had said that the restaurants required 39 parking spaces.
- Fred Hancock noted that even during the summer the traffic in the complex drops off dramatically after 6:30. He added that matinees would be difficult during the summer.
- John Breckenridge said that a 7:00 pm start assumes that people may start arriving at 5:30 pm to eat before the show.
- Sam Dunn said Richard Paradise thinks that a 7:00 pm and a 9:30 pm showing would work well. They see the possibility of a real synergy between the theater and restaurants.
- Bill Veno asked how much access there would be between the theater and the rear parking lot.
- Sam Dunn said that there will be an entrance to the rear lot between Rocco's and the restaurant. He noted that Richard Paradise has done so much over the years without anything and he has never accepted a nickel for his efforts. He is so enthusiastic he is a great resource for the island. He added that they want to locate a gem in the broken tooth of the complex that can be the new focus of the Marketplace.
- In regards to the café Sam said that art houses have them as an amenity. It would be simple food featuring items from the restaurants at the Marketplace. He thinks they could get a beer or wine.
- Linda Sibley asked how sure he was that the food would come from the Marketplace.
- Sam said that the Saltwater restaurant (which he owns) would have the concession for the café. There would be no cooking or dishwashing on site.
- Brian Smith said he thought you had to have a full menu and table service to be allowed beer and wine in Tisbury.
- Sam said he thought it would be allowed with appetizers under the Saltwater license.

Traffic Scope/Parking:

- Chris Murphy asked how the effort to reverse the direction of traffic flow in the Marketplace parking lot was coming.
- Sam said that it had been tabled until December by the Condominium Association.
- Fred Hancock asked the other LUPC members if they thought a traffic study was necessary given that the hours of operation for this will be limited to the evenings.
- Mark Mauro said he did not think we would need a consultant to perform the traffic study based on the hours of operation.
- John Breckenridge said he would like an analysis of existing and future parking demand and requirements.
- Fred Hancock said it seems to him that the evening hours are a whole different animal than the daytime situation. It doesn't seem fair to make a project that is intended only in the evening and occasional weekend days to meet the same standard as a day time use.

- John Breckenridge said he thought if shows started at 7:00 pm then some people might start showing up at 5:00 pm.
- Fred Hancock said he thought opening the doors at 6:00 pm sounded reasonable.
- Paul Foley asked if the shows start at 7:00 pm what time would the café open.
- Sam Dunn, after some discussion, said he thought the café could open at 6:30 for a 7:00 show.
- Linda Sibley said the critical thing is the overlap time between the parking lot clearing out and the people start arriving for a 7:00 pm show. Everything else in the Marketplace slows down after 6:00 pm or so. The traffic report needs to focus on that overlap period and determine if the uses are sufficiently separated.
- Fred Hancock noted that the Condominium Association will put pressure on the theater if a problem arises.
- Sam Dunn added that too much traffic is a double-edged sword. On the one hand some people are worried that there won't be any parking spaces. On the other hand those are customers.
- ***John Breckenridge made a Motion to accept the proposed scope of the traffic study as clarified at LUPC to include a list of the stores in the complex with their hours and an analysis of the parking situation in the overlap hour between 6:00 pm and 7:00 pm. Fred Hancock seconded the Motion which was approved unanimously.***
- The public hearing was tentatively scheduled for November 17, 2011.

2. Vineyard House (DRI 582-M2) Modification Review

Applicant: Vineyard House Inc., Brian Mackey (Treasurer); John Early (Building Committee); Mark Jenkins (President of the Board)

Project Location: Short Hill Road off of Holmes Hole Road. A subdivision of Map 22 Lot 6 (4.43 acres) Tisbury, MA

Proposal: The Vineyard House would like to modify the MVC DRI 582 Decision of 2005 to scale the project back from 40 beds to 24 beds.

Purpose: To review the project and decide whether or not to make a recommendation to the full Commission as to whether this is a significant change to the approved DRI requiring a public hearing review as a Development of Regional Impact.

Introduction:

Paul Foley gave the staff report:

- The Vineyard House would like to modify the MVC DRI 582 Decision of 2005 to scale the project back from 40 beds to 24 beds.
- The Vineyard House has granted a 10-foot easement to the Town for the Connector Road and would thus like to move the buildings further from the proposed road for screening purposes.
- The MVC DRI 582 approval was for three buildings (13,000 sf) with 40 beds on a 4.43 acre piece of land. This proposal is for five smaller buildings (three would be connected) with 11,000 sf and 24 beds.
- They presently have three separate houses but would like to move in order to have one site with a larger capacity and lower maintenance.

- The Vineyard House has agreed to abide by all of the Conditions contained in the DRI 582 Decision relative to Energy, Wastewater, Lighting, Landscaping, and Parking. Some of these will need some tweaking to conform to the new plan.
- He noted that the nitrogen loading limit for the Tashmoo watershed has changed since the original approval from 12.9 kilograms per acre per year to 5.6. On the other hand they did not get the 50% reduction credit under the MVC Water Policy that they would now get since they are an affordable housing non-profit.

Discussion:

- Linda Sibley asked if the MVC really wanted to involve ourselves with the nitrogen loading details at this time since we have already approved the Vineyard House for a development and here they are scaling that already approved plan down.
- Sheri Caseau, MVC Water Resource Planner, said the new plan has less s.f. and less parking.
- John Breckenridge was concerned that the perspective sketch seems to show more grassy areas.
- Sheri said that they had said they would plant some grasses to facilitate nitrogen uptake.
- Paul Foley pulled out a clearing plan that was submitted with the original DRI that showed a bit less than half of the main property (not including the two acres of land bought from Goodale for nitrogen loading credits) being cleared for development and about a quarter that was called the "grassy area" and was going to be brush cut and thinned of 25%-50% of the trees. The remaining quarter of the property would be brush cut and about 10% of the trees would be removed.
- Linda Sibley asked John Breckenridge if he was concerned that there would be more cutting than previously approved.
- Brian Mackey said that was not their intent. They no longer plan to cut and cull any of the trees outside of the development area.
- Fred Hancock asked if they should submit a landscape plan.
- Brian Mackey said that they had submitted language describing the screening they plan on doing.
- Mark Jenkins pointed out that the town will be taking down trees in the easement that the Vineyard House granted them for the Connector Road which is why they plan on moving the buildings back and planting the screening described in the letter Brian Mackey mentioned.
- John Breckenridge asked that the applicants work with staff to develop some language that would ensure the preservation of as many trees as possible and sufficient screening.
- It was also discussed that they should minimize as much as possible the amount of land cleared for bringing in the modular units.
- Mark Jenkins added that the town has offered to pay for the vegetative screening in exchange for the ten foot easement.
- John Early said they have no interest in clearing and maintaining any more trees that they have to.
- Fred Hancock asked that they add the ten-foot buffer to the plan.
- Chris Murphy asked Ken Barwick if there were any issues he saw with this proposal.
- Ken Barwick, the Tisbury Building and Zoning Officer, said that the Planning Board could hold two hearings if they wanted to that would cover all aspects of the site.
- ***Chris Murphy made a Motion to recommend to the full Commission that this modification is not significant enough to require a public hearing review as a DRI as long as the landscape clearing and parking conditions contained in the DRI 582 Decision are modified to conform to the new plan. John Breckenridge seconded the Motion which passed unanimously.***

Adjourned 7:00 p.m.