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Martha's Vineyard Commission Land Use Planning Committee

Notes of the Meeting of January 9, 2012

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

MVC Commissioners Present:; Doug Sederholm; Chris Murphy; Linda Sibley; Fred Hancock; John Breckenridge; Christina Brown; Kathy Newman; Pete Cabana and Ned Orleans.

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

Documents referred to during the meeting

- LUPC Agenda of January 9, 2012
- Offers from Sam Dunn dated December 5, 2011 for the Tisbury Marketplace Theater
- MVC Minutes from the meetings of November 17, 2011 and December 9, 2011.
- Tisbury Farm Market Staff Report 2012-01-09
- Big Sky Tents (DRI 618-M) Conditions from MVC Decision.
- Big Sky Tents proposed architectural plans.

1. Tisbury Marketplace Theater (DRI 485-M7) Post-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 190-seat all purpose theater 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 project, discuss possible conditions and decide whether or not to make a recommendation to the full Commission to deny, approve, or approve with conditions.

Doug Sederholm excused himself because he has done legal work for Richard Paradise in the past. Linda Sibley took his place as the acting Chair of LUPC for this portion of the meeting.

Discussion:

- John Breckenridge said that he had asked at the public hearing to make the offer of having a parking attendant changed to be two parking attendants. He also wanted to reiterate the issues with parking were the containers, the leasing of parking spaces, and scofflaws.
- Ned Orleans said the parking problem is caused by people dropping off in front of the Net Result which would be solved if the traffic flow were reversed.
- Chris Murphy asked if the Condo. Association agreed to remove part or the entire center island and the reversing of the traffic flow, who would pay for it?
- Linda Sibley asked Mike Mauro what he thought of removing the center island and reversing flow.
- Mike Mauro said that he thought they would improve pedestrian safety.
- Bill Veno noted that without the island people would not have to walk all the way around.
- Linda Sibley said this leads to a fundamental question when dealing with the Association. The MVC can't order the Condo. Association to act. If we make Sam do something that relies upon a third

party they have an effective veto over his plans. She asked commissioners if they thought we can do that.

- Christina Brown said yes. If the project demands it to make it a benefit that is necessary. We should examine if changing the walkway or the direction of traffic is so important.
- Ned Orleans said it also depends upon whether there are other options.
- Sam Dunn clarified that he has the right to build in certain areas and modify the parking to accommodate that development. He added that the parking situation at 7:30 at night is really not such a big issue.
- Ned Orleans countered that people come early for shows.
- Fred Hancock added that not everyone comes early and that every show is not a sellout.
- Richard Paradise noted that a lot of people come at the last minute for a movie. He added that the site is only two blocks from downtown.
- Linda Sibley summarized that we agree that there is an issue with people stopping in front of the Net Result. So if the Applicant has a parking attendant there early enough does that solve it?
- Kathy Newman asked how early.
- Linda Sibley thought maybe 6:15 to 6:30 pm.
- John Breckenridge suggested that the offer should be altered to have two parking attendants at 6:00 pm for a 7:30 pm showing.
- Chris Murphy said the problem will be that the theater patrons probably won't park in the back if there are spaces available in the front.
- Kathy Newman suggested that maybe the most desirable spots in front should be short term parking.
- Sam Dunn informed the commissioners that in reality there are only two retail stores in the whole complex. He asked for a little latitude and said they would begin with two attendants starting at 6:30.
- John Breckenridge said Sam should work with the Tisbury Marketplace Condo. Association to eliminate the leased parking, day parking, and storage containers.
- Sam agreed and said he would talk to Gannon and Benjamin to not have boats there in the summer time so that it could be used for overflow parking.
- Chris Murphy asked how long this would last.
- Sam Dunn said he would come back to the MVC if and when he feels the parking attendants are no longer necessary.
- Fred Hancock addressed the suggestion that this should be postponed to the future by noting that this is a different type of operation that takes place during the off-peak hours.
- John Breckenridge expressed his worry that if you build it they will come.
- Linda Sibley asked if the venue would be used every night during the summer.
- Richard paradise said that is his hope. It may not always be a film screening. They have had talks with the Chamber Society for a few concerts a year.
- A few commissioners suddenly had a concern that the Chamber Society may not be an educational organization.
- Sam Dunn said that they will either sublease to only educational non-profit or let the town deal with it. The will not do anything illegal.

Benefits and Detriments:

Alternatives

- Pete Cabana noted that in terms of alternatives they could have used the Capawock.

- Chris Murphy said that Mr. Paradise has demonstrated that there are alternatives but they are not ideal.
- John Breckenridge said that his site utilizes existing parking.
- Fred Hancock said that for the growth and sustainability of this important resource they need a permanent home of their own.

Open Space:

- This does not impact the view and it is an infill development.

Energy/Sustainability:

- Sam Dunn noted that there is a whole new standard called the stretch code that they will meet.

Traffic:

- There could be some issues but the offers should mitigate them.
- They will have more dedicated parking than the other movie theaters.

Scenic Values:

- The site is tucked away; the building fits in and would be an improvement.

Abutters:

- This could increase business to the restaurants in the complex.

Affordable Housing:

- Sam Dunn said that he made the point that since money is being raised by this non-profit to build their home it didn't make sense to transfer it to another non-profit.
- John Breckenridge said he thought the affordable housing offers should not be waived.
- Ned Orleans seconded that as a Motion.
- Sam Dunn said it is not a fatal problem but that it does not make sense to him.
- Richard Paradise asked if he could do a film screening benefit for island housing.
- There was some discussion about whether to waive the affordable housing mitigation or not.
- Sam Dunn offered to pay the recommended \$4,000 to an island affordable housing group.
- Christina Brown said he should specify. Paul Foley said he did not have to specify at this time.
- Sam Dunn said he would give the money to Habitat for Humanity because he likes the sound of it.
- ***John Breckenridge made a Motion to recommend to the full Commission to approve the proposal with the offers as clarified at LUPC. Fred Hancock seconded the Motion which passed unanimously (8-0).***

2. Tisbury Farm Market (DRI 631-M) Modification Review

Applicant: Elio Silva, d/b/a Tisbury Farm Market

Project Location: 412 State Road Map 22-A Lot 9 (1.01 acres)

Proposal: To modify a 2011 MVC DRI Decision to now include the demolition of the concrete-block building in the back (5,360 sf) to be reconstructed as a two-story, 35 foot tall building with a basement .

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.

Presentation:

- Elio Silva said his engineer, George Sourati, said the red concrete block building should be replaced. Elio was going to do it someday but George has convinced him it should be now.

- He said the retail space is actually being reduced by about 300 square feet. The footprint is about the same. There would be a basement and second floor for storage.
- Doug Sederholm summarized the differences between what the MVC approved and this proposal:
 - The concrete block building being replaced does not have a basement or second floor.
 - So the overall net increase is about 8,000 sf.
 - The second floor will be storage so there will be no customers, office, or storage there.
- Sheri Caseau said that with composting toilets the nitrogen loading is not an issue but she would like to see a storm water plan.
- Paul Foley said that the DRI 631 Decision says that they must produce a storm water plan able to handle a 25-year storm event but that no deadline is given.
- Doug Sederholm said that it is implied that the plan would be submitted before the building is built.
- John Breckenridge said that by adding a second floor it increases the visibility.
- Elio Silva said he is inclined to do a steel seamed roof because the energy efficiency is higher. He said the siding will most likely be cedar shingles unless he can convince the LUPC to accept concrete shingles. The back side of the building facing the gravel pit will be steel siding.
- Christina Brown said we need a clear plan in writing form the applicant. She also asked whether the increase in square footage requires an increase in affordable units.
- **Chris Murphy made a Motion to recommend to the full Commission that this is a significant change to the approved DRI and rises to the level of requiring a public hearing review as a DRI. The Motion was duly seconded by Ned Orleans.**
- Christina Brown said she disagrees.
- Chris Murphy said that there is a perception out there that Elio got away with something the first time around. He said he also thinks that adding 8,000 square feet triggers a mandatory DRI review.
- Christina Brown said that the MVC is often seen as overdoing reviews sometimes.
- Doug Sederholm said the issue is whether replacing the existing building with a bigger building requires DRI review.
- Pete Cabana said he thinks a new big building with a visual impact should go to public hearing.
- Kathy Newman asked what Elio's timing is and if we decided it needs a DRI review can we do it quickly.
- Elio Silva said that he has been in negotiations. He needs to get out of where he is now and he doesn't have much time. He can't get a price and a bid until he knows he can go forward.
- ***The LUPC had a split vote (4-4) on the Motion so no recommendation was made either way.***
- Staff was directed to go ahead and advertise a public hearing for the earliest date in case the full Commission decides to send it to a public hearing.

3. Big Sky Tents Building (DRI 618-M) Architectural Plans Review

Applicant: Jim Eddy of Big Sky Tents; Reid Silva (Engineer/Agent)

Project Location: 90 Dr. Fisher Road, West Tisbury Map 21 Lot 12 (1.01 acres). The property was the subject of a Form A that divided Lot 12 into 3 one-acre parcels.

Proposal: Was approved to build a 9,600 sf (footprint) building on Dr. Fisher Way in the West Tisbury Light-Industrial District to house a tent and party rental business.

Purpose: To review the architectural plans to see if they comply with the DRI 618-M Decision which stipulates that the plans should include: architectural details such as a cupola, doors, windows, trim work and other details resembling a typical West Tisbury barn, in order to promote a rural/barn façade and to minimize the building's visual impact on the neighborhood.

Discussion:

- Chris Murphy said the proposal is not shingled as called for in the Decision.
- Fred Hancock noted that it is board and baton which looks sufficiently barny.
- Chris Murphy said the question is does it meet the DRI 618-M requirement. He thinks it does not.
- Reid Silva said that the consensus was that it had to look like a barn. The siding is wood. Board and baton are more common on barns than shingles would be. It's up to the LUPC to decide if this is sufficiently barn like.
- Linda Sibley said she thinks this looks more like a barn than shingles would.
- Doug Sederholm asked if there were some way to get more natural light in the building.
- Reid Silva said the intent was to bring some natural light into the building so that they would not have to use electric lights as much.
- Doug Sederholm asked the LUPC if there was consensus that there should be more natural light. There was.
- Doug Sederholm asked if the drawings look sufficiently like a barn. LUPC voted 7-1 that it did indeed look like a barn.
- John Breckenridge asked tow questions on behalf of Brian Smith how could not be there.
 - Are they going forward?
 - Has Big Sky discussed the easement issue with Bizarro?
- Reid Silva said that there are now issues with access to Dr. fisher Road for Big Sky since Williams sold the third lot to Dan Larkosh. Jim Eddy just wants to get to the point where he has done what he had to do to get the permit. He is just crossing his T's.
- John Breckenridge noted that Big Sky was conditioned to start no earlier than 7:00 am whereas Bizarro can start at 6:00 am.
- Reid Silva said he would come back with something that shows more natural light.
- A commissioner asked if the change to board & baton siding instead of shingles required the decision to go before the full Commission.

Adjourned 7:10 p.m.