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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

The LUPC reviewed three projects on January 9, 2012. These notes are only for DRI 485-M7.

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. They 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).***