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Martha's Vineyard Commission

Land Use Planning Committee

Notes of the Meeting of September 8, 2014

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

Commissioners Present: Linda Sibley; Trip Barnes; Fred Hancock and Christina Brown

MVC Staff Present: Paul Foley; Sheri Caseau

Audience: Kris Chvatal

Documents referred to during the meeting:

- DRI 603-M4 Nova Vida Alliance Offers July 8, 2014 (Attached)
- Revised Acoustics Memo and Offers from Lawrence G. Copley dated September 8, 2014
- Email and letter from Kris Chvatal dated September 8, 2014
- Power Point Slide Show of DRI 603-M4 site and area.
- DRI 603-M4 Staff Report and packet from last public hearing 2014-09-04
- DRI 603 Written Decision 2008

1. DRI 603-M4 Nova Vida/Alliance Church Expansion – Post Public Hearing Review

Present for the Applicant: Valci Carvalho (Pastor); John Folino (Builder); Rosemarie Haigaizian (Lawyer); Valci Carvalho Jr.

Applicant: Alliance Church; Valci Carvalho (Pastor)

Proposal: To build a 3,920 s.f. footprint addition to a property that currently has a three-story building with a 2,768 s.f. footprint (7,888 g.s.f.) and was approved for a 150-seat church and daycare in the existing building. The total gross square footage as proposed would be 11,808 g.s.f.

Location: 1 Ryan's Way, Oak Bluffs Map 56 Lot 15.8 (1.44 acres)

Purpose: To review the project, discuss the offers and possible conditions and decide whether or not to make a recommendation to the full Commission to deny, approve, or approve with conditions.

Linda Sibley noted that at the Deliberation and Decision the MVC has to consider the Applicant's request for a waiver from the DRI Fee. She added that there is no provision for a waiver from the DRI Fee unless the Applicant is a governmental body. There is a precedent from many years ago where for a repeat applicant we estimated what the cost for staff time would be and offered to charge that instead but it was very high in that instance (it was Down Island Golf). Linda said that Paul told her in this case the cost of staff time would likely be more than the \$3,025 DRI Fee. LUPC then turned its attention to the offers the Applicant submitted on July 8, 2014 and the revised acoustics memo and offers submitted by the Applicants acoustical expert Lawrence G. Copley.

Discussion of Offers:

Landscaping:

- Paul Foley pointed out that Landscaping Offer 1.11 said that "*The Applicant shall recreate a 50-foot vegetated buffer along Edgartown-Vineyard Haven Road by re-planting the area with native*

species." He noted that 20-25' of that 50' is currently lawn that the applicant is proposing to use for overflow parking.

- Offer 1.II was discussed and clarified to read:
"The Applicant shall **maintain a 30-foot** vegetated buffer along Edgartown-Vineyard Haven Road by planting the area with native species. Once replanted, the area shall be maintained as a no-cut vegetated buffer. **The 20 feet between the planted berm and parking area shall remain as lawn for overflow parking"**
- There was a typo in Offer III that said plants would be planted 1-2 feet on center that should be 12 feet on center.
- Offer 1.IV and 1.VII were combined, edited, and pared down in clarification.
Offer IV read:
IV. As offered by the applicant, the Church shall install and maintain a 6'-0" high cedar fence along the south edge of the property to screen the parking area from the neighbor. This fence shall be shown on the landscaping plan to be submitted to and approved by LUPC.
- Offer VII read:
VII. As offered by the Applicant, the Applicant shall create an 8-foot high, vegetated buffer along the southern property line, adjusting the parking layout as needed. The 6'-high cedar fence shall be located within this buffer in a way to screen it with vegetation from the abutter's property. This buffer and fence treatment shall be included in the landscaping plan to be submitted to LUPC.
- The new combined (IV and VII) Offer IV reads:
*IV. As offered by the applicant, the Church shall maintain **the existing 6'-0" high cedar fence (approximately 50 feet long)** along the south edge of the property to screen the parking area from the neighbor. **The Applicant shall create a minimum 8-foot high, vegetated buffer along said fence** along the southern property line, adjusting the parking layout as needed. This buffer and fence treatment shall be included in the landscaping plan to be submitted to LUPC **for review and approval.***
- Offer V was altered from having no overflow parking to describing the overflow parking. The original Offer V read:
V. As offered by the applicant, the primary 43-space parking area shall be graveled. There will be no overflow parking.
- The clarified Offer V reads:
V. As offered by the applicant, the primary 43-space parking area shall be graveled. There will be ~~no~~ overflow parking **on the grass (to be identified on the plan). The driveway and parking areas are to be gravel except the apron, handicapped spots, and drop-off area.**

Equipment and Commercial Kitchen:

- Offer 2.III was changed from requiring the grease trap to be pumped out twice a year to be pumped out "**as needed**".

Noise:

- Offer 3.I was clarified to say there would be no formal or informal "**church**" related activities on the property before 7 am and after 9 pm.
- Valci Carvalho asked if he could make one exception to this offer on New Year's Eve. He said that once a year on New Year's Eve the Church has attendants until 15 minutes after midnight.
- Linda Sibley said she understood that but thought that would not be a clarification but would in fact be a substantive change and something that should have been discussed during the public hearing.

- Valci said he could be quiet and let it go but if it happens that they meet late on New Year's Eve and someone complains it's only once a year, what can they do?
- Trip Barnes said we should let it go; it's only one night a year.
- Christina Brown wondered if we could make it a condition.
- Valci Carvalho Jr. noted that at his wedding at the Chilmark Community Center the music had to stop at 10:00 pm but they did not have to leave right away.
- Fred Hancock said the problem with making it a condition is that it could make it less strict than what is offered which is not what we normally do.
- Linda Sibley thought it was outside of the scope of what was discussed at the public hearing.
- Valci said he could solve the problem, he has a big house and they only have about 25 people in the church. He will hold New Years Eve service at his house.
- Christina Brown suggested that they could come back for a modification in the future if they want to hold the New Year's Eve at the church.
- Offer 3.II says that the Church shall implement the recommendations of the acoustical engineer it had hired. LUPC thought it should cite and attach the experts' memos, testimony, and offers.
- Offer 3.II should now read: As offered by the Applicant, the Church shall implement the recommendations of the acoustical engineer it had hired **and abide by his memos dated August 14, 2014 and September 8, 2014, his testimony at the public hearing on September 4, 2014 and the offers made in the Memo of September 8, 2014.**
- The LUPC then discussed a condition relative to amplification in the existing building. At the public hearing on September 8, 2014 Valci Carvalho had said that there would be no amplification in the existing house structure. He would like to amend that.
- Rosemarie Haigaizian said they will treat the existing building up to the STC standard laid out in the Copley memo of September 8.
- Linda Sibley said that it could be written as a condition since it was not admitted during the public hearing.
- Fred Hancock suggested the following possible wording: **There shall be no amplified music in the community room (in the existing building) unless that area of the building has been upgraded to the same standards as Offer II above (STC 30 windows and STC 40 walls).**
- Rosemarie Haigaizian said that Mr. Copley will do the testing.
- Linda Sibley noted that it will be a decision for the full Commission. Fred Hancock added that they cannot change an offer that they have already submitted so the Commission can write it as a condition.
- Offer 3.III says that the "Church shall keep building doors and windows closed during services and when amplifying. The church shall install air conditioning." Fred Hancock added that this might also be a good place to add that both main entrances shall be vestibules with double doors. There was a discussion as to whether this should be an offer or a condition or whether it was necessary since it will be described in the description of the plan. LUPC decided it was best to have a belt with suspenders and add it at this point in the Noise offers which talks about the doors and windows being closed during services and amplification.
- Offer 3.III should now read: "As offered by the Applicant, the Church shall keep building doors and windows closed during services and when amplifying. **Both main entrances shall be vestibules with double doors as shown on the plans (cite specific plan).** The church shall install air conditioning.

Energy:

- There was a discussion about Offer 4.I. The offers still said “will beat the Massachusetts energy code requirements for energy by 20%” but that at the public hearing on September 4 John Folino said that they would meet the “Stretch Code”. LUPC was not sure if Oak Bluffs had adopted the Stretch Code yet as Vineyard Haven has done. The reason the MVC had previously conditioned projects to be 20% above the building code is that was what was believed the Stretch code was going to be. Staff was asked to look into whether Oak Bluffs has adopted the Stretch Code and which would make be better: meeting the Stretch Code or beating the Massachusetts Building Energy Code by 20%.
- Offer II. There was some discussion of this offer and whether to take out the whole first sentence but in the end only the part that reads “if economically feasible” was taken out.

Church Services:

- As noted at the public hearing on September 4, 2014 for the purposes of clarity the seasons mentioned in this offer should be defined. Summertime is to be **(June 15 to September 30)** and wintertime is to be **(October 1 to June 14)**.

Community room and Other Spaces:

- Offer 6.I was clarified to read: *“As offered by the applicant, the Community Room shall only be used for church-related activities, which may include: gatherings after a sanctuary activity, learning functions and classes for parishioners, and social interaction as overseen by the church These activities **for 35 people or more** shall not exceed 35 hours weekly...”*

Exterior Lighting:

- LUPC felt that though the intent was there but the language needs to be re-worked so that the minimal lighting necessary and required by code is the end result.

LUPC ran out of time and continued the post public hearing review of Nova Vida Alliance Church Expansion (DRI 603-M4) to next Monday September 15, 2014 at 5:30 pm.

The meeting was adjourned at 7:15 pm.