Minutes of the Commission Meeting  
Held on April 5, 2018  
In the Stone Building  
33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

Commissioners:  (P= Present; A= Appointed; E= Elected)
P  Gail Barmakian (A-Oak Bluffs)  
- Michael Kim (A-Governor; non-voting)  
P  Trip Barnes (E-Tisbury)  
P  Leon Brathwaite (A-County)  
- Christina Brown (E-Edgartown)  
- Peter Connell (A-Governor; non-voting)  
P  Robert Doyle (E-Chilmark)  
P  Linda Sibley (E-West Tisbury)  
P  Josh Goldstein (E-Tisbury)  
- Ernie Thomas (A-West Tisbury)  
P  Fred Hancock (E-Oak Bluffs)  
P  Richard Toole (E-Oak Bluffs)  
P  James Joyce (A-Edgartown)  
P  James Vercruysse (E-Aquinnah)  

Staff: Adam Turner (Executive Director), Bill Veno (Senior Planner), Christine Flynn (Economic Development and Affordable Housing Planner), Dan Doyle (Transportation Planner).

Chairman James Vercruysse called the meeting to order at 6:55 p.m.

1. MINUTES


Leon Brathwaite moved and it was duly seconded to approve the minutes of January 11, 2018 as written, noting that Joan Malkin was present but had not yet been re-appointed. Voice vote. In favor: 8. Opposed: 0. Abstentions: 5. The motion passed.

Leon Brathwaite moved and it was duly seconded to approve the minutes of January 25, 2018 as written. Voice vote. In favor: 7. Opposed: 0. Abstentions: 6. The motion passed.

2. DOCKSIDE INN-OAK BLUFFS DRI 271-M PUBLIC HEARING


For the Applicant: Jay Theise (Attorney), Caleb Caldwell, John Tiernan

James Vercruysse, Public Hearing Officer, opened the Public Hearing and read the Public Hearing Notice. The applicant is Dockside Inn, a.k.a. Oak Bluffs Land and Wharf Company, Oak Bluffs Land and Wharf Tours, and Madison Griffin LLC. The location is 9 Circuit Avenue Extension, Oak Bluffs, Map 8 Lot 289. The proposal is to modify the original 1988 DRI 271 Decision of an 18 guest room hotel with a manager’s apartment, four staff rooms and nine parking spaces to permit the existing 22 guest room hotel with a managers apartment and six on-site parking spaces.
2.1 Applicants’ Presentation

Jay Theise presented the following:

- He is counsel for the applicant and with him tonight are Caleb Caldwell and John Tiernan.
- The number of rooms in the hotel has not changed. The original 22 rooms and the manager’s apartment still exist.
- Staff was previously housed on the premises and the modification is for those rooms to be available for rental. Staff will be housed off-site, except for the manager’s apartment.
- The impact on the number of rooms being used has no negative impact; it has a positive impact economically for the Island.
- The number of parking spots is being reduced. The applicant made the judgement that on the Pasque Avenue side of the building there was a danger due to the high traffic volume, so it was eliminated. There are now six parking spaces rather than nine. They are not frequently used. The owners discourage bringing vehicles to the Inn. The area could be restored to parking if the MVC or the Town decides it is needed.
- The tour buses are 15 passenger vans and an issue is whether or not they can be parked there. The tour company is the only tour company on the Island that includes the cost of the admission to the Martha’s Vineyard Museum and the Gay Head Lighthouse.
- In the six years that the two rooms have been used for paying guests, the room tax is approximately $50,000. There are no kitchens and the room’s occupancy accommodates seven, and those seven individuals are eating out and spending on the Island, generating approximately $700.00 to $800.00 in commerce per day. The estimated projection to the economy is approximately $250,000.00 in additional commerce generated by the two rooms due to meals, shopping and spending on the Island.
  - James Vercreyssse, Public Hearing Officer, said the MVC is concerned if the modification is appropriate, more so than the economic impact.
- The DRI should be modified to what is presently there, inclusive of the parking.

2.2 Staff Report

Dan Doyle presented the following:

- The site was reviewed and the locations of the parking spaces were shown. The front of the Inn has limited parking for commercial use, drop-offs and pick-ups. North Bluff Lane has some parking.
- The 1988 Decision had nine off-street parking spaces, of which four existed and five were to be created.
- In 2012, there were three additional angled parking spaces with pea-stone on the south side of the building on Pasque Avenue partially in the public Right of Way. The applicant subsequently landscaped over these three parking spots and the Town added granite curbing to define the roadway.
- The applicants now own a rental house in Oak Bluffs and have indicated that they use it to house their employees.
- The Oak Bluffs Land and Wharf Company Tours was approved by the Oak Bluffs Board of Selectmen for a municipal street license that included operation of four fifteen-passenger vans in 2017.
- Planning concerns include:
  - How much on-site parking is appropriate for a hotel with 22 guest rooms in this location?
  - Do the island tours have adequate parking for vans?
— Is the off-site affordable housing sufficient for its employees, and what guarantees are there that it will remain designated for The Oak Bluffs Land and Wharf Company?

- Guests generate limited vehicular traffic, given many of them arrive on foot, by ferry or receive a ride from Dockside staff upon their arrival or departure. This is a similar model to the recently approved project in Edgartown, The Sydney.
- The four vans which operate from the Dockside Inn frequently board their passengers from the Inn's parking area on North Bluff Lane.
- There is no explicit language in the Oak Bluffs Zoning By-laws for the number of parking spaces required in the B-2 District.

2.3 Commissioners’ Questions

Gail Barmakian asked if there are numbers that show that less parking is needed than 30 years ago. Dan Doyle said we do not have those exact numbers, but there is less of a need to bring vehicles to the Island now because of the public transit.

Joan Malkin asked if the van service was solely for hotel patrons, and where do they pickup. Dan Doyle said it is not just for patrons and they pick up on North Bluff Lane. North Bluff Lane is a one way road and is unpaved.

Doug Sederholm asked when the pick-ups occur and if the road is blocked during that time. Dan Doyle said it is a 10 minute operation to pick-up and dismount, and it is a squeeze to get by. The driver would move out of the way if needed. A photo of the parking area on North Bluff Lane was shown.

Gail Barmakian asked where the van is parked when not in use. Dan Doyle said it is parked on the property in between tours and overnight at the owner’s residence.

Adam Turner reviewed the 1988 Decision which included nine off-street parking spaces; 4 existing and 5 to be created. The proposal was for the demolition of an existing 18 room Inn and construction of a new Inn with 18 guest rooms, 4 employee rooms with shared bathroom and kitchen and a manager’s apartment. The modification before the MVC is to reflect the current capacity and use. The 4 employee rooms have become guest rooms.

Doug Sederholm said there is nothing in the 1988 Decision about the tour buses. Dan Doyle said the site was purchased in 2012, and the tour buses were added after that.

Adam Turner said this is the first modification.

Joan Malkin said there are clearly six parking spaces on North Bluff Lane, and asked if they are marked for patrons of the Dockside Inn only. Caleb Caldwell said there is signage attached to the building that says guest parking only. However, he has seen it used by others on occasion. There is a red brick delineation between the spaces.

James Joyce asked if there was handicap parking. Caleb Coldwell said there is a Town-owned handicap space in front.

Doug Sederholm asked if all four spaces are used all summer for the tour buses. Caleb Caldwell said no, they didn’t generate enough capacity to use them.

Doug Sederholm said the majority of use for the tour busses is not from guests of the hotel. Caleb Caldwell said that is correct, they are day trippers. Doug Sederholm said it is a standalone operation also used by hotel guests. Caleb Caldwell confirmed.

Trip Barnes said this is where the Gay Head site-seeing line ran out of and Mr. Bergeron’s garage. So what is this conversation about the busses? That is the history of the street.
Gail Barmakian asked how many employees there are for the bus company. Caleb Caldwell said there are four drivers. The logistics are handled by the front desk person, so there is no additional person for that. All four vans are not used all of the time.

2.4 Public Testimony

June Manning is on the board of the Martha’s Vineyard Museum and has known Caleb and John for many years. They have run a great service for the hotel and the tour company as well. Both are very reputable men. They run an excellent job and she wholeheartedly supports them. There were tour buses all up and down that street in the past. Martha’s Vineyard Sight Seeing was there and another company as well that went on for years. She was totally supportive of what they are trying to do.

Mark Morris said he lives down the street and has never had a problem getting up the street or road. It was previously always busses.

Scott Dario questions that the applicant wasn’t previously aware of the DRI. He finds it hard to know they were not aware when they purchased the property. When they obtained the property five years ago, they changed it however they liked. How is the increase not equated to the proper way of doing business? If it was not brought to the attention of the MVC how much longer would it have gone on?

- James Vercruysse said the MVC triggers are used when a permit needs to be taken and there has been no modification to the structure.

Doug Abdelnour lives at 10 North Bluff Lane and has no problem as a resident. The more hotel rooms in town, the better for the business owners. He likes the tour company as an alternative.

Scott Dario said Island Transport was the only exclusive tour company for some time. The applicant is running a great operation as well as the Inn. The vans are gorgeous. But he hopes the MVC does not base their decision solely on the operation and how well it is running. The MVC is here to protect businesses on the Island. He believes that the Town believed that the vans were to be used only for their patrons, but they received approval for street licensing and we were somewhat fooled about that. He wishes John the best, but wants all to be on the same level and playing field. The staging was in public parking spaces for the buses. They weren’t obeying by the same rules as he was. He contested on principle alone. The applicants did not abide by the same rules and shame on them for not knowing there was a DRI. The MVC is the protector and gladiator of the rules.

- Joan Malkin said they are staging vans in public parking spaces, but are there other things you witnessed? Where do you pick up?

Scott Dario said he never had a problem until this season. They go out in the middle of the street, Circuit Avenue and solicit in the middle of the street and go up to Hyline. They did use the Lobster suit, but that was cute. It is an unfair advantage. He would love to co-exist with John and the vans, but they haven’t abided by the same rules. He picks up at the Hyline, the ice cream shop, the Island Queen, and the SSA and is permitted to do that.

Adam Turner said the MVC reviews what is to be modified versus what was approved and what are the benefits and detriments.

Chad Mettel is the co-owner of Martha’s Vineyard Sight Seeing. There is constant beratement of the dirt road area and that we were not use to. They don’t have Commonwealth licensing to do so and they do not have street licensing to go to the Martha’s Vineyard Museum. That road is used heavily by pedestrians and until signage was changed people didn’t know there was a curbed sidewalk so people were walking in the street.

- Gail Barmakian asked if he would describe during a summer day where the boats let off and what the area is like.
There are up to 592 people walking up Circuit Avenue Extension without the delineation of a sidewalk and walking into traffic, and now there are also delivery trucks. There is no designated handicap parking there now. It is an extremely congested area and it is dangerous. He sees 80 year olds and two year olds in strollers not knowing where to go.

**Jordan Wallace** operates a bike shop at 15 Circuit Avenue Extension. More hotel guests in Oak Bluffs is a great thing. When the boats let off it is horrible. To add taxis and tour buses is horrible. There are safety concerns. People are disembarking from the Island Queen and going straight into traffic. That needs to be acknowledged.

**Mike Morris** said the traffic is a cluster. Mr. Wallace rents bikes and they are right in the road and he also causes congestion there. He has never had a problem with the buses. The bikes in the road are an issue.

**Jay Theise** said he thinks this makes a very good case for smaller tour buses.

**Benjamin Deforest** operates the Red Cat restaurant. The pool here is big enough for all of us. He has known Scott, Chad, Caleb and John for a long time. He has never seen or heard of anyone injured on Circuit Avenue Extension. The area has been like that for a long time. We should not pick on each other. We should focus on our own business and not get into the minutia of parking and the DRI. What we had to get together to get the DRI passed for Dreamland took time and effort. We all need to run a good business and not get into collective mudslinging. There is no reward to that. He asks the MVC to be considerate.

**Michael Wallace** said he owns the building next door with Mark Wallace. The fact that the applicant is asking after the fact is a MVC issue. Hotel rooms are needed. There is a base minimum for adding rooms and tour buses. The lot lines in the area are very skewed. Real engineered plans need to be done.

- **Dan Doyle** said the MVC has requested plans but is not sure they exist yet.

**June Manning** said historically people got off the boats and walked up that street. It was like herds of people walking up the street. They went to Island Transport at the boat or to Martha’s Vineyard Sight Seeing. Traditionally the area has been used that way with no signage, no sidewalks and there have been no accidents.

### 2.5 Commissioners’ Discussion

There was a discussion about employee housing.

- **Linda Sibley** asked to confirm that the workers are housed in a separate dwelling owned by the applicant, and part of the application is to continue to do that.
- **Caleb Caldwell** said yes, and it can be memorialized.
- **James Vercruysse** said that adds a benefit to the project.
- **Linda Sibley** said the MVC is concerned that employees of the hotel need a place to stay, and that is an issue the applicant needs to commit to.
- **Caleb Caldwell** said he would have housing available and that is what he does.
- **Joan Malkin** said that could be an offer.
- **Jay Theise** said the applicant would agree to do that.
- **Gail Barmakian** said she is concerned that it needs to be in the form of a deed restriction to make it enforceable.
- **James Joyce** said the Commission is planning for the long term, and the applicant could sell the business, so the housing has to be attached to the hotel.
- **Doug Sederholm** said it can be recorded.
There was a discussion about the tour buses and the road.

- **Katherine Newman** said she was concerned about the busses loading and unloading, and can that be further explained.
- **Caleb Caldwell** said the busses are parked at John Tiernan’s home when not in use. It could be one hour when loading, but unloading is much easier and takes about five minutes. The vans are gone when on tour and not on the property. Another tour happens within 30 minutes. The loading takes time. We never had all four vans in use last year. The potential for four vans could be in use. Van tours are scheduled at 10:00 a.m. and 1:30 p.m. or 2:00 p.m. The time window is 11:00 a.m. to 3:00 p.m. based on check-in and check-out times.
- **Linda Sibley** questions the wear and tear on the dirt road and asked what the maximum number of trips is, and who owns the road.
- **Caleb Caldwell** said it there are eight trips maximum per day. Four vans twice a day.
- **Gail Barmakian** said it is a Town road.
- **Linda Sibley** said the MVC also needs to know how much other traffic is on that road.
- **Caleb Caldwell** said the taxis go up the road, the people who live there, and the abutters. Citizens use it as a short cut. The eight trips a day by the vans is an overstated impact.
- **Trip Barnes** asked if the discussion about traffic on the road could be put to bed. It has been that way for a very long time.

There was a discussion about the occupancy of the employee housing.

- **Adam Turner** asked what the address is for the employee housing.
- **Caleb Caldwell** said it is 25 Franklin Avenue, Oak Bluffs. It is a five bedroom house with 2 people per bedroom. The vans are at 3 Lyme Street, Oak Bluffs.
- **Adam Turner** asked what the cost is stay at the housing.
- **Caleb Caldwell** said it is $170 all inclusive.
- **Scott Mullin** said he lives at the home and the room is huge and the house is very nice and recently redone. The neighbors love the kids staying there and we are respectful of the house.
- **Joan Malkin** said for clarification, 5 to 10 people would live there and you would accommodate not less than four employees.
- **Doug Sederholm** asked if it was single occupancy for the four rooms at the inn.
- **Caleb Caldwell** said four is an easy commitment and it was single occupancy.

There was a discussion about the lot lines.

- **Linda Sibley** said the lot lines need to be determined.
- **Leon Brathwaite** asked if the applicant filed with the Town.
- **Caleb Caldwell** said they were not required to do a new site plan or survey when they bought the building in 2012.
- **Gail Barmakian** said there is a more recent engineering plan for the front of the street.
- **Jay Theise** said they were told by Jim Bishop that the plan exists so they can get that to the MVC.

**James Vercruysse**, Public Hearing Officer, closed the Public Hearing and left the Written Record open for two weeks for submission of the plan and offers.

The meeting was recessed at 8:05 p.m. and reconvened at 8:10 p.m.

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**3. OAK BLUFFS BOWLING KITCHEN ADDITION-OAK BLUFFS DRI 645-M4 MODIFICATION REVIEW**

Doug Sederholm recused himself as his law partner represents one of the owners.

For the Applicant: Robert Sawyer, Mike Sawyer

3.1 Staff Report

Adam Turner presented the following:
- The proposal is to utilize an existing shed for two walk-in coolers. The coolers would be moved into the shed to make more room in the kitchen.
- The applicant also proposes to move the trash shed to a site on the property.
- The site will not lose any parking spaces.
- The take-out window is out of the proposal.
- The applicant proposes no other changes from the existing permitting from the Commission.
- Photos of the open shed and the floor plans were reviewed.
- The MVC has made the finding that the applicant is in compliance with affordable housing, the HVAC and they have moved the fence.

Robert Doyle asked for clarification on how the applicant satisfied the noncompliance issues. Adam Turner said two people occupy the annually leased apartment, and there have been improvements to the HVAC and fencing with regards to the noise. They did as much as they could. They are holding a benefit for the Island Housing Trust to satisfy the affordable housing. The lighting plan was approved by the LUPC.

3.2 Land Use Planning Committee Report

Richard Toole, LUPC Chairman, said that Fred Hancock had noticed the take-out window on the proposal and the applicant agreed to remove it. The lighting issue was brought up, and it was agreed that what was there was okay and the LUPC voted to accept the lighting plan.

Linda Sibley said the take-out window would require a public hearing so the applicant took it out of the proposal.

Richard Toole said the LUPC voted that a public hearing was not required and to recommend to the Commission to approve the modification as requested.

Linda Sibley moved and it was duly seconded that the modification is not significant to rise to the level requiring a public hearing.
- Ben Robinson asked for clarification for the plan that has an arrow indicating a new restaurant entrance.
- Adam Turner said they had to move the entrance but the stairs don’t change.
- Mike Sawyer said it can be accessed by Hiawatha.
- Gail Barmakian asked for clarification on the location of the trash bins.
- Robert Sawyer said it doesn’t abut the fence.
- Bill Veno showed the location of the trash bins on site photos.
- Gail Barmakian asked if there was commercial loading on that side.
- Mike Sawyer said there is a large concrete slab, but there is room for trucks to pull in.


Linda Sibley moved and it was duly seconded to approve the modification as described. Roll call vote.
4. EAST CHOP BLUFF REPAIR-OAK BLUFFS DRI 679 WRITTEN DECISION

Doug Sederholm rejoined the meeting and Josh Goldstein excused himself from the meeting.


Adam Turner said when the MVC reviewed this project, the bluff was in a considerably different state than it is now.

James Vercruysse questioned the language on line 157 “phasing and other factors.” Adam Turner said the word should be financing and not phasing on line 157.

Joan Malkin suggested revising the language on line 216 to “However, the Commission notes...”.

Doug Sederholm said the date on line 261 should be March 15, 2018.

Robert Doyle questioned section 6.3 Length of Validity of Decision. It may be standard procedure, but the project may not be completed in two years. Linda Sibley said if the project is not completed in two years, it can be extended.


5. OLD WEST Tisbury TOWN HALL DEMOLITION- WEST Tisbury DRI 680 WRITTEN DECISION


There was a discussion about line 139 A1: the Commission finds that the proposal at this location is appropriate in view of the available alternatives.

- James Vercruysse said it is a weak sentence.
- Joan Malkin said it was not feasible to retain the building based on the circumstances.
- Joan Malkin suggested revising the language: The Commission found it was not advisable to retain the existing condition given the cost and repair.


6. NEW BUSINESS


6.1 Reports from Committees and/or Staff

Subsidized Housing Inventory

Adam Turner said Christine Flynn put together a listing of the Subsidized Housing Inventory.

Christine Flynn presented the following:

- 85 units will be lost in the next two years.
- The inventory is to make the Towns aware.
- DHCD used to count all of the units with a 15 year restriction and that is now approaching; the State will no longer count those units.
State Zoning Regulations

Bill Veno presented the following:

- MVC Staff are working with the Town Planning Boards on the State zoning regulations.
- The Planning Boards want to forward their opinions to the State for the bills that are in the Conference Committee. They should be ready to send off in two weeks. Adam Turner asked me to write a version for the MVC to send as well.
- Generally, Beacon Hill feels the more housing you build, the more affordable it is. We are making the case that when there is a large secondary home market, it is not always true. Just producing more housing doesn’t mean it will be more affordable, especially when investors buy them up.
- The State is allowing to be owner occupied as a primary but the letter states there needs to be local control, local choice and one size doesn’t fit all.
- The State is trying to dictate what percentage of area has to be provided for local housing and allows localities to enter into agreements with each other that they could partner in financing infrastructure and tax revenues, but the town would have to be contiguous with the other town.
- The State wants to approve the agreements so they are in our best interest.
- Because the Governor has stepped in with a less controversial bill, there is some thought that it is what will get adopted.
- The Massachusetts Chapter of the American Planning Association sent out information as to what four topics should be addressed.
- Zoning reform has been going on for over a decade and there are polar opposites regarding it.

6.2 Executive Director’s Report

Adam Turner presented the following:

- The Senate passed the Airbnb legislation and also the wastewater trust provision to collect an additional 2.75%.
- The MVC needs to weigh in on this.
- There is a 6% tax for transient units, and the Cape and the Island to add 2.75% unless it goes to Town Meeting to opt out.

Joan Malkin asked if the Senate bill provided the wastewater component. Adam Turner said it was in the Senate bill.

Gail Barmakian said the bill may be passed in June.

Adam Turner said we will have a discussion at next week’s meeting.

Gail Barmakian questioned if there would be a conflict with the Town Meetings for the next meeting.

Doug Sederholm asked if the MVC posted the public hearing on the Water Quality Policy for May 3, 2018. Adam Turner said it is on the calendar. We decided after last week to have the public hearing on May 3, 2018 and deliberation after that. There still may be issues that the Commissioners will have, but we need to move ahead.

The meeting was adjourned at 8:55 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on January 11, 2018
- Minutes of the Commission Meeting – Draft, Held on January 25, 2018
- Martha’s Vineyard Commission DRI #271-M Dockside Staff Report, MVC Staff Report 2018-04-05
• Letter from Martha’s Vineyard Transportation Services, RE: Dockside Inn/Oak Bluffs Land and Wharf Company, Dated August 2, 2017
• Letter from Martha’s Vineyard Transportation Services, RE: Dockside Inn DRI non-compliance, Dated September 1, 2017
• Letter from Scott Dario, Dated March 20, 2018
• Decision of the Martha’s Vineyard Commission, Dated March 3, 1988, Development of Regional Impact RE: Demolition/Construction of an Inn
• Martha’s Vineyard Commission DRI # 645M4 Cottage City Bowling on Uncas Avenue, MVC Staff Report 2018-04-05 (including plans and elevations)
• Decision of the Martha’s Vineyard Commission DRI 679 – Fin-East Chop Bluff Repair
• Decision of the Martha’s Vineyard Commission DRI 680-WT Old Town/Fire Hall Hist. Demolition
• Update on the State’s Chapter 40B Subsidized Housing Inventory (SHI) and loss of SHI’s Affordable Housing Units by the ne dog 2019, Dated April 4, 2018
• Potential thrusts being considered statewide to augment Governors housing centric bill, from MA-APA survey
• Legislative Reforms Affecting Local Zoning and Development Regulations, Draft Letter, Dated April 5, 2018

Chairman

Date

Clerk-Treasurer

Date

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