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**Minutes of the Commission Meeting
Held on October 18, 2008
In the Stone Building
33 New York Avenue, Oak Bluffs, MA**

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8 **IN ATTENDANCE**

9 Commissioners: (P = Present; A = Appointed; E = Elected)

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- | | |
|--|---|
| 11 P James Athearn (E – Edgartown) | 20 P Katherine Newman (A –Aquinnah) |
| 12 P John Breckenridge (A – Oak Bluffs) | 21 P Ned Orleans (A – Tisbury) |
| 13 P Christina Brown (E - Edgartown) | 22 P Jim Powell (A – West Tisbury) |
| 14 P Peter Cabana (A – Tisbury) | 23 P Doug Sederholm (E – Chilmark) |
| 15 - Martin Crane (A – Governor Appointee) | 24 P Susan Shea (A – Aquinnah) |
| 16 P Mimi Davisson (E – Oak Bluffs) | 25 P Linda Sibley (E – West Tisbury) |
| 17 P Carlene Gating (County Comm. Rep.) | 26 P Richard Toole (E – Oak Bluffs) |
| 18 - Mark Morris (A – Edgartown) | 27 - Andrew Woodruff (E – West Tisbury) |
| 19 P Chris Murphy (A – Chilmark) | |

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29 **2. IGREJA EVANGALICA ASSEMBLIA DEUS: DRI NO. 619 – PUBLIC HEARING**

30 Commissioners present: J. Athearn, J. Breckenridge, C. Brown, P. Cabana, M. Davisson, C.
31 Gating, C. Murphy, K. Newman, N. Orleans, J. Powell, D. Sederholm, S. Shea, L. Sibley, R.
32 Toole

33 For the Applicant: Darci Peres (Pastor), Jamie Weisman and Darran Reubens (Terrain Associates,
34 architects)

35 **Richard Toole** opened the public hearing and read the haring notice. The proposal is to
36 renovate an industrial building at 60 Pacific Avenue, Oak Bluffs and convert it into a church.

37 **2.1 Staff Report**

38 **Paul Foley** gave the staff report.

- 39 • Zoning:
- 40 - The zoning is R-1 residential. The previous use was for truck storage and repair
 - 41 for BFI.
 - 42 - It has been unused for several years so it reverts back to its residential use.
 - 43 Churches are allowed in a residential area.
- 44 • Town Approvals:

- 45 - The applicants may be looking for Wastewater Commission approval, but they've
- 46 been told they can't tie in at this time because the sewage treatment facility has
- 47 limited leaching capacity.
- 48 • The building was built in 1950 by Rogers Trucking.
- 49 • The building is presently 4669 square feet. There is a loading platform and canopy that
- 50 will be incorporated into the interior, resulting in a 5515 square foot building.
- 51 • BFI took over the transfer station and used this area for truck service repair and storage.
- 52 • The neighbors won a lawsuit that truck repair and storage was an inappropriate use.
- 53 • The footprint will not be changed except that the loading dock area will be incorporated
- 54 into the building.
- 55 • The first phase will be planting and screening.
- 56 • There are four regular church activities a week. The church's attendance is about 115
- 57 people. The applicants are planning 125 seats in the church.
- 58 • The project was referred by the Oak Bluffs building inspector.
- 59 • Key issues are:
 - 60 - Noise, in that services occur mainly at night and incorporate amplified music.
 - 61 - Traffic, especially before and after services.
- 62 • Landscaping:
 - 63 - The landscaping plan softens the site considerably.
 - 64 - There is now a lot of Russian Olive on the outside edge of the property.
 - 65 - They plan to put 10 street trees along Pacific Avenue and plant a mix of shrubs
 - 66 and trees around the rest of the property.
 - 67 - There will be a four-foot-high fence around the front except on the front which will
 - 68 be set back five feet with plantings on either side to screen the parking.
- 69 • Lighting will be downward-shielded as required by code, in addition to downward-
- 70 shielded bollard lights.
- 71 • Noise will be one of the major issues. The hours of operation are 9:00 a.m. to 10:00
- 72 p.m.; church services are 7:00 p.m. to 10:00 p.m.
- 73 • Signage will be according to regulations, with a light that will be turned off after services.
- 74 • For energy sustainability:
 - 75 - They will use Energy Star appliances.
 - 76 - Conduits will be roughed for solar hot water in the future.
 - 77 - Insulation will be sprayed into the walls.
 - 78 - They will put windows in the south side for solar gain.
- 79 • Wastewater and stormwater:
 - 80 - The project is in the Oak Bluffs Harbor Watershed, which is a sensitive watershed.
 - 81 - The nitrogen allocation for this site is 5.6 kilograms per year.
 - 82 - Using World Revival Church numbers as a basis, Bill Wilcox calculated that the
 - 83 facility will likely exceed the nitrogen loading limit. It would behoove the
 - 84 applicant if they could get hooked up the wastewater treatment facility, but they
 - 85 were told that the Wastewater Commission couldn't make a determination at this
 - 86 time.
 - 87 - If necessary, they will put in a Title 5 septic with denitrification.

- 88 - They've proposed leeching basins in paved area for stormwater. They will remove
- 89 the old cesspool or fill it with sand, whatever is recommended.
- 90 - They will put grade the gravel parking area to discharge the water to vegetation.
- 91 - Roof runoff should be kept on site and should be directed to drywells or a
- 92 vegetative swale.
- 93 • Traffic
- 94 - The traffic study was done by Terrain Associates.
- 95 - Currently the parking area is all visually open. They propose to fence off the area.
- 96 - There will be two vehicular entrances.
- 97 - They did some manual car counts at the current location and at other churches,
- 98 resulting in a calculation of one car per three parishioners.
- 99 - Traffic will be impacted especially around the time they hold services.
- 100 - Parking shows 32 spaces on site. Oak Bluffs zoning requires 25.
- 101 - The church's parking demand is slightly higher than the number of spaces they're
- 102 asking for. But in the general area there are approximately 70 spots. And there
- 103 is overflow parking space on their lawn.
- 104 - They are on the VTA bus route.
- 105 - They will institute a parking pass program for parishioners, carpooling and
- 106 educate them that there's no parking in neighborhoods.
- 107 • It's general policy that the Commission does not charge religious organizations for
- 108 affordable housing.
- 109 • An economic impact is that religious organizations are exempt from paying property
- 110 taxes.
- 111 • Landscaping will improve the streetscape.
- 112 • Building massing is the same. It is a little bit larger since they are enclosing the covered
- 113 loading dock but they would be using the same footprint.
- 114 • Impacts on abutters include noise and crowds during evening services.
- 115 • The Commission hasn't received any correspondence yet.
- 116 • There is a single-family home on the abutting property, which has been abandoned for
- 117 thirty-two years.
- 118 • Stormwater floods the area. This is an existing issue because of the slope of the
- 119 pavement.
- 120 • They want to direct traffic onto Pacific and away from the smaller residential streets.
- 121 • Paul Foley showed a slideshow of photos of the site and areas.

122 **2.2 Applicant's Presentation**

123 **Jamie Weisman**, architect, presented information for the applicant.

- 124 • He said the ex-BFI site in this community is a good place for a church. It is in town and a
- 125 complementary usage to other buildings in the area such as the library and town hall.
- 126 • This congregation is not large. The building is more than adequate for their needs. Their
- 127 sanctuary, activity area, and offices all fit within the building. He explained the interior
- 128 layout.
- 129 • It is not the intention of the church to use the commercial kitchen for purposes other than
- 130 church activities.

- 131 • There will be a stairway to the basement but the basement won't be usable space.
- 132 • The applicants asked for doors in the front of the church that lead into the sanctuary. The
- 133 sanctuary has a minimal amount of windows. There will be mechanical ventilation and
- 134 deck lights.
- 135 • The space doesn't have a lot of windows. Most activity takes place at night and they
- 136 don't want to have a problem with sound.
- 137 • They don't amplify, except in the sanctuary.
- 138 • The loading dock is where the crèche is, the pastor's office, and is an ideal place for
- 139 passive solar gain.
- 140 • The vegetation will shield the view of the building from the street. Carlos Montoya helped
- 141 develop the landscape plan.
- 142 • As far as septic is concerned, they did investigate with town sewerage. George Sourati
- 143 looked at the property and it's not difficult to create a septic and leeching field. There is
- 144 also room to do a Bioclere system.
- 145 • They offer the Bioclere system if it's Bill Wilcox's recommendation that they do it.
- 146 • Staff and Bill Wilcox aren't exactly sure of the flow
- 147 • The church doesn't load the aquifer more than two moderate sized houses.

148 **Darran Reubens** said he met with George Sourati who said the site is out of Zone 2 and didn't
149 need additional wastewater treatment. Doug Sederholm responded that the issue is not the Zone
150 2 requirements, but the MVC's Water Quality Policy, with respect to nitrogen loading in the Oak
151 Bluffs Watershed. **Mark London** said that it appears that the project will be slightly over the
152 nitrogen loading limit so the applicants should meet Bill Wilcox to review the options.

153 **Jamie Weisman** explained that the lighting plan includes downward lit lights that will be
154 turned off after business hours, including the sign light.

155 **2.3 Commissioners' Questions**

156 There was a discussion of noise.

- 157 • **John Breckenridge** asked if there would be a second set of doors at the second
- 158 wall for further noise reduction.
- 159 • **Richard Toole** asked where the compressors for the air conditioner would be
- 160 placed.
- 161 • **Ned Orleans** asked whether the music amplification is part of the religious tradition.
- 162 • **Jamie Weisman** and **Darci Peres** explained that the music is amplified but not
- 163 loud. The reason for doing the blown in insulation is to save heat and to create a
- 164 noise buffer. Basically they don't want to bother anybody. The amplification is an
- 165 inherent part of the religious tradition.
- 166 • **Jamie Weisman** clarified that the sanctuary is 1400 sq. ft.
- 167 • **Susan Shea** commented that music should be heard easily in the church; she asked
- 168 whatever happened to having windows in a building and letting the breeze flow
- 169 through.
- 170 • **Richard Toole** said that, in this case, the point is to keep the noise and activity
- 171 within the building, which requires compromise about energy conservation.

172 • **Linda Sibley** said that a tremendous amount of heat can be created by a large
173 group of people.

174 **Jamie Weisman** said passive solar energy is great, economical and efficient.

175 **Jamie Weisman** talked about parking.

- 176 • They know that 32 spaces is a few spaces less than what is required.
- 177 • They went to the library and the town hall and discovered that there are three lots that
178 have 70 public parking spaces. It seems that it's one of the few places on the Island that
179 has parking spaces.

180 **Peter Cabana** suggested they contact Cape Light Contact for energy grants and then talk to
181 Kate Song from Cape Light Compact.

182 **John Breckenridge** asked whether services had to go to 10:00 p.m. **Darci Peres** explained
183 that services go to about 9:15 p.m. and usually the parking lot is cleared by 9:30. 10:00 p.m.
184 This allows people to clean up and leave.

185 There was a discussion of weddings, special events, and other activities.

- 186 • **Carlene Gating** asked whether there would be wedding celebrations at the site.
- 187 • **Darci Peres** explained that there haven't been weddings at the church. The community
188 area is for people to gather. Their plan is not to have large wedding celebrations.
- 189 • **Christina Brown** said the size of gatherings is limited to the capacity to the church.
- 190 • **Darci Peres** confirmed that the child care area is for children during services, not a
191 daily daycare.
- 192 • **Mimi Davisson** asked about the number of special events per year.
- 193 • **Darci Peres** explained that the special events are usually events like prayer services
194 with a visiting pastor, or the annual church anniversary celebration. The offer is one
195 special event per month plus four per year. The church is three years old and they haven't
196 had a wedding yet.

197 **Jamie Weisman** said it is difficult to get the wording exact. He would be happy to work with
198 the Commission on the offers. He understands the neighbors' concerns but he thinks the size of the
199 congregation fits into the community.

200 **Carlene Gating** raised the neighbors' concern about the potential of the congregation
201 growing over the next few years. **Darci Peres** explained that if they ever get too big, they
202 would have to find a different location. One of their offers is to not park in the street. At services,
203 three or four people check that congregants don't park in the street.

204 **Mark London** explained that the conditions have to be written precisely to clarify use by any
205 group of people.

206 **Jamie Weisman** suggested that fixed seats could be possible, to physically limit the number of
207 seats.

208 **Doug Sederholm** reiterated that the capacity is for 125 people, including the choir, pastor,
209 etc. There will be 125 people maximum. He added that the neighbors are concerned that this

210 will be a community center, not a church. The smaller group uses are outlined. The offers specify
211 what the uses will be.

212 **2.4 Public Comment**

213 A neighbor explained that his concern is that there is a 1500 sq. ft. community center. The
214 discussion regarding restrictions is appropriate; the concerns are legitimate. The center can be
215 misused and can get out of hand. Attendance goes from 35 people to 125 people.

216 **Doug Sederholm** said the concerns are justified and the neighbors haven't raised anything that
217 isn't valid.

218 **Jamie Weisman** said they've moved the entrances to Pacific Avenue to help mitigate the traffic
219 impact.

220 **Claudio** said, in translation:

- 221 • Right now their community has 80 members. 125 members is their maximum goal.
- 222 • Sometimes they have visitors.
- 223 • Services and activities range from 35 to 125.

224 **Mimi Davisson** asked whether they had considered having a curb cut on Seaview Street.

225 **Jamie Weisman** said it seems more logical to have it on Pacific.

226 **Jamie Weisman** explained that they are not going to have a steeple.

227 **Richard Toole** explained that at the next meeting, the applicant will explain wastewater,
228 landscaping and trees, and will clarify offers.

229 **Jamie Weisman** explained that the loft area will be removed so it shouldn't be considered in
230 the square footage.

231 **Chris Murphy** said at some point he would like to make a motion to prohibit amplification of
232 music and he wondered if that were legal. He asked if staff could check with the attorney
233 whether the Commission has the right to regulate music if it is an integral part of the service.

234 **Peter Cabana** said it would be to the applicant's advantage to contact Cape Light Compact.

235
236 The Public Hearing was continued to November 6, 2008.

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238 **REMAINING PORTION TO BE COMPLETED**