

# THE MARTHA'S VINEYARD COMMISSION

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## Minutes of the Meeting of July 15, 2004

Held in the Olde Stone Building,  
33 New York Avenue, Oak Bluffs, MA

### IN ATTENDANCE

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**Commissioners:** James Athearn (Elected – Edgartown), John Best (Elected Tisbury), John Breckenridge (Appointed - Oak Bluffs), Christina Brown (Elected – Edgartown), Linda DeWitt (Appointed - Edgartown), Katherine Newman (Appointed - Aquinnah), Ned Orleans (Appointed - Tisbury), Megan Ottens-Sargent (Elected - Aquinnah), Doug Sederholm (Elected - Chilmark), Linda Sibley (Elected - West Tisbury), Paul Strauss (County Comm. Rep.), Richard Toole (Elected – Oak Bluffs), Andrew Woodruff (Elected – West Tisbury)

Staff: Mark London (Executive Director), Paul Foley (DRI Analyst)

### 1. NOMINATION PAPERS FOR ELECTIONS OF COMMISSIONERS

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*Commissioners present: J. Athearn, J. Breckenridge, J. Best, C. Brown, L. DeWitt, K. Newman, N. Orleans, M. Ottens-Sargent, D. Sederholm, L. Sibley, P. Strauss, R. Toole, A. Woodruff*

**Christina Brown** said that the Edgartown Town Clerk was sent the official nomination forms for all towns; other town clerks may have forms by now as well. **Mark London** noted that the deadline for submission of nomination papers to the Registrar of Voters for certification is July 27th. Nomination papers with certified names must be filed with the Secretary of the Commonwealth by August 24<sup>th</sup>.

**Linda Sibley** and **Christina Brown** explained that, on the Vineyard, Town Clerks certify the nomination forms quickly when the forms are brought into the Town Clerk's Office. Because Commissioners are elected Island- wide, signatures can be obtained from residents of any town, but each town should be listed on a separate piece of paper to facilitate certification by that town.

## 2. PROPOSAL & MOTION ON PLANNING ACTIVITY

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*Commissioners present: J. Athearn, J. Breckenridge, J. Best, C. Brown, L. DeWitt, K. Newman, N. Orleans, M. Ottens-Sargent, D. Sederholm, L. Sibley, P. Strauss, R. Toole, A. Woodruff*

*Ned Orleans moved and it was duly seconded that the Commission ask its Executive Director to design a proposal for the multi-year development of an Island-wide comprehensive planning activity or activities and product or products, said proposal to include recommendations concerning content of a product, processes involved in the activity, a timetable, and a description of resource requirements for each fiscal year involved. The proposal should be submitted to the Commission as soon as possible but no later than October 30<sup>th</sup>, 2004.*

Ned Orleans feels that the Commission needs to be able to present a planning program to the towns, which clearly explains the work it will be doing. This could be used as the basis for obtaining supplementary funding from the towns. He has spoken with most Commissioners and all supported the proposal.

Mark London said that one of the recommendations of each of the town's Community Development Plan's is that the Vineyard communities want to clarify and update the Island-wide vision of where we are heading as a community. The Commission is well placed to think about the form this planning should take

Katherine Newman said the Commission's Island planning effort should have the support of the towns. She observed that other boards' involvement in the Commission's planning efforts seems to be working well.

Ned Orleans agreed, but noted that the motion is for Mark London to tell the Commission what process he believes is most appropriate.

Linda Sibley noted that the previous Island-wide planning effort was not done by the Commission alone, but by representatives from Island towns and boards.

Paul Strauss said Mark London's recommendations should state "including recommendations on at least the following:" He added that this proposal would formalize the planning process which Mark London has wanted to initiate since he arrived.

Linda Sibley said that several towns have said that if the Commission needs more money, towns need to be asked, and the Commission needs to be able to say what it will produce for the money.

Ned Orleans said the proposal is designed to have no restrictions and its purpose is to bring the Commission to a point where it has a proposal with which to work.

Christina Brown said it's exciting to see a proposal that looks at the planning activities the Commission already does and would like to do, and a proposal that will develop a comprehensive proposal for planning.

*A voice vote was taken. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.*

### 3. MINUTES

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*Commissioners present: J. Athearn, J. Breckenridge, J Best, C. Brown, L. DeWitt, K. Newman, N. Orleans, M. Ottens-Sargent, D. Sederholm, L. Sibley, P. Strauss, R. Toole, A. Woodruff*

*Richard Toole moved and it was duly seconded to approve the minutes of April 8, 2004, with the following corrections.*

- Page 2, line 33: "For the applicant: Allen Schweikert."
- Page 2, line 37: "Allen Schweikert explained that Vineyard Youth Tennis"
- Page 9, line 17: "Jim Ward, attorney"

*A voice vote was taken. In favor: 13. Opposed: 0. Abstentions: 1. The motion passed.*

### 4. MEETINGS/FORUMS

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*Commissioners present: J. Athearn, J. Breckenridge, J Best, C. Brown, L. DeWitt, K. Newman, N. Orleans, M. Ottens-Sargent, D. Sederholm, L. Sibley, P. Strauss, R. Toole, A. Woodruff*

Monday, July 19 <sup>th</sup> , 9:00 a.m.	Drawbridge Committee Meeting
Monday, July 19 <sup>th</sup> , 5:30 p.m.	LUPC meeting to discuss benefits and detriments of Pennywise Path Affordable Housing: DRI 577
Wednesday, July 21 <sup>st</sup> , 7:30 p.m.	MVC Forum: Trends in the Trades; Change of venue to Sailing Camp Park; Speaker: Wendy Northcroft, CEO of the Cape Cod Chamber of Commerce

### 5. LUPC REPORT

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*Commissioners present: J. Athearn, J. Breckenridge, J Best, C. Brown, L. DeWitt, K. Newman, N. Orleans, M. Ottens-Sargent, D. Sederholm, L. Sibley, P. Strauss, R. Toole, A. Woodruff*

**Christina Brown** said that in September, she would like LUPC to return to working on the DRI checklist. She asked Commissioners to think about issues in residential and commercial development 25 years after the original checklist was developed. She would also like Commissioners to do a tour of some DRI projects approved over the last 25 years, to see how those projects turned out.

**Linda Sibley** reported that at the Monday, July 12<sup>th</sup> meeting, LUPC worked on clarifying information about the Pennywise Path Affordable Housing project. Staff is drawing up a revised staff report. Commissioners are asked to comment or submit questions by Monday, July 19<sup>th</sup>. She reported that the feeling of the meeting was that Commissioners were generally supportive of the project but a few problems need to be worked on.

## 6. ONE ELEVEN REALTY TRUST: DRI 335M-2 – DELIBERATION & DECISION

*Commissioners present: J. Athearn, J Best, C. Brown, L. DeWitt, N. Orleans, M. Ottens-Sargent, D. Sederholm, P. Strauss, R. Toole, A. Woodruff*

*For the Applicant: Jack E. Robinson, applicant*

**Christina Brown** reported that LUPC met twice and clarified the application and the applicant's offers. LUPC decided not to make a specific recommendation because the group was small. LUPC discussed three alternatives.

- Approve the project as submitted, focusing primarily on the regional impacts, and leave it to the Planning Board to reduce the scale if it wishes to deal with concerns that have been raised about the local impact.
- Approve the project with conditions that reduce the size of the project, notably the volume of the building and the number of rooms.
- Deny the project, focusing on both the regional and local issues. The Commission could then give suggestions as to what kind of plan might be more suitable.

**James Athearn** noted that staff has prepared a draft outline of benefits and detriments for discussion.

**Megan Ottens-Sargent** asked whether a condition could be written to define style and appearance.

**Richard Toole moved and it was duly seconded to approve DRI application 335M-2 with conditions.**

**Christina Brown moved and it was duly seconded to approve the applicant's offers:**

- Affordable Housing Contribution: *The Applicant offers to make a contribution of \$2,968 to the Dukes County Regional Housing Authority [or Affordable Housing Fund] before issuance of a building permit for the project from the Town of Oak Bluffs.*
- Staff Housing: *The Applicant offers to build five rooms to be used exclusively for staff housing. Each of these staff housing rooms are to be either given free to staff members as part of their terms of employment or may be used by members of the owner's family. If no one in either of these categories wishes to use a room, it will be offered for rent at a reasonable rate [define] to other full-time employees working in an establishment in the town of Oak Bluffs with a rental period of not less than two months.*
- Food Service: *The hotel may provide a continental (cold) breakfast to guests and the minimal amount of other food service as may be required by the law, but in no case will serve food after 7 p.m. nor food to non-guests other than staff or people attending an event as described below. The owner/operator will not serve, sell, or advertise alcohol. The owner/operator will not apply for an alcohol or common victuallers license. There shall be no cooking facilities in guest or staff rooms.*

- *Events: The hotel will host no more than one wedding or other event per month involving more than five non-guests and this event and associated activities (such as set up and clean up) shall begin no earlier than 10:00 a.m. and end no later than 6:00 p.m. This exclusion does not include anniversaries, birthdays, etc. of the owner's family.*
- *Exterior Lighting: Only the following exterior lighting shall be permitted;*
  - *Lighting as required by the building code;*
  - *Motion-sensitive security lighting designed and shielded to avoid spilling onto any neighboring properties;*
  - *Other low-intensity lighting on the entranceway, designed and shielded to avoid up lighting, as required by the Oak Bluffs Planning Board.*
  - *No lights shall be erected for the tennis courts.*
- *Signage: No exterior signage shall be installed other than the street address, a sign at the entrance to the property no greater than two square feet, and a sign installed at the entrance to the building of a surface area no greater than four square feet.*
- *Parking: A row of vegetation shall be installed planted immediately within the property line along Chickawaukee Avenue in order to prevent cars parking perpendicular to the street and to visually screen cars parked on the property itself as approved by the Oak Bluffs Planning Board. There is to be no additional paving of the property, parking spaces denoted on the grass are to remain pervious.*
- *Vegetation: The Applicant agrees to not take down any trees. Trees will be protected especially during the building process and installation of the septic system and no trenching will occur within 20 feet of any tree.*

**Doug Sederholm** expressed concern about two of the offers.

- Regarding staff housing: if family members are using the housing but not working in the hotel, it defeats the purpose of affordable housing. He also suggested that a provision be included that no more than one person may occupy each unit of staff housing
- Regarding events, the wording should be that the hotel would host no more than one wedding or other event *each* month. **Mr. Robinson** clarified that he had no objection to this change in wording.

**Christina Brown**, discussing the offer on food service, clarified that Mr. Robinson's present operation is not required by the Town of Oak Bluffs to have the kind of license that requires food, and it is not anticipated the expanded number of rooms will require that kind of license. If the Town were to change its interpretation and he were required to have the license requiring food, Mr. Robinson would return to the Commission.

**Paul Strauss** and **Linda DeWitt** asked for clarification on advertising photographs which show cooking facilities in the rooms. **Mr. Robinson** said that rooms with kitchenettes are located in their private residence.

***A voice vote was taken on the applicant's offers as amended:***

- *“Food Service” will read “The hotel may provide a continental (cold) breakfast and no other food”*
- *“Events” will read “each month”*

*In favor: 10. Opposed: 0. Abstentions: 0. The motion carried.*

*Doug Sederholm moved and it was duly seconded to condition “Staff Housing” to add a provision that no more than two persons may occupy a staff room; staff rooms may only be used by individuals who are employees working twenty hours a week in the hotel unless the rooms cannot otherwise be filled.*

- Commissioners discussed how many people may occupy a staff room and agreed that two persons working at least twenty hours a week was appropriate.

*A voice vote was taken. In favor: 5. Opposed: 3. Abstentions: 2. The motion passed.*

**John Best** suggested a vote be taken on whether to approve or deny the project on its merits rather than redesigning the applicant’s project through conditions on size and design. The Commission should vote on this project on its merits without significant modification. He feels the proposal is way too imposing on this residential neighborhood.

**Megan Ottens-Sargent** reminded Commissioners that the Oak Bluffs master plan calls for family tourism and Victorian hotels, but also to not expand business beyond the business districts. A special permit is required for a hotel outside the business district and no criteria are in place for the number of rooms. She said that the size of the structure gives it regional impact and she believes the design needs refinement. The draft conditions do address design, allowing the planning board to reduce the number of rooms and modify the exterior design.

**Richard Toole** agreed the Commission should not spend two hours redesigning the project. He feels that the project could be passed on to the Oak Bluffs Planning Board and they should be given the opportunity to deal with number of rooms and design through the special permit process. The Planning Board may believe projects like this are appropriate. He doesn’t feel that the regional issues are big enough for the Commission to redesign the project. He would like to approve the project and move it to the Planning Board.

**James Athearn** said he has examined the project in term of regional impacts, notably traffic and scenic character. He feels traffic is not a problem. The redesign of the project, orienting the hotel so it extends to the back of the lot, improves it from the point of view of scenic values. He also believes that the current proposal improves the appearance of the present building by adding the Victorian touches. The final issue is the impact of a 19-room hotel on this residential area. He feels that the proposal should be passed on to the Oak Bluffs Planning Board. It could deal with the contradiction of the master plan favoring family tourism and Victorian hotels versus keeping business in the business district. This is mitigated by the establishment’s family tourism and gathering-place character. The large size of some of the rooms is necessary for doing business.

*Christina Brown moved and it was duly seconded to add a condition to the effect that the following aspects of the plan may be modified without requiring additional approval by the Martha's Vineyard Commission, provided that they are approved by the Oak Bluffs Planning Board.*

- *The number of guest rooms may be reduced.*
- *The number of staff rooms may be reduced providing one staff room is provided for every four guest rooms in the hotel.*
- *The interior layout may be modified provided no new uses are added.*
- *The exterior architectural design may be modified provided that no part of the addition extends beyond the approved footprint, the height of the addition does not exceed the approved height except for the peak of the gabled roof should the roof design be changed, the original building on the site which is known as the Pro Shop is not altered, and the proposed porch is added to the adjacent building to reduce its visual scale on New York Avenue.*

Linda DeWitt said LUPC identified the lack of sidewalk and bike path as a detriment. Although Oak Bluffs police said the area does not have a high accident rate, she believes that having a high number of guests walking back and forth to town is a regional concern.

Paul Strauss said:

- He supports Linda DeWitt's comments about safety.
- He does not agree that the siting of the proposed building behind the present structure is a scenic value benefit.
- Although it may be appropriate to pass the project on to the Planning Board, he would prefer that the Commission either condition the project to make it acceptable, or deny it. In the latter case, the Commission could suggest that Mr. Robinson make changes to address concerns that have been raised.

John Best said the Commission defines this as a 19-room inn. The impact is actually 24 rooms, which includes staff housing. The Mansion House only has 34 rooms.

Ned Orleans asked whether walking paths in lieu of sidewalks would be acceptable.

Paul Strauss said his main concerns are the size of the structure and the number of rooms.

Richard Toole said he supported the motion before the Commission and that the Planning Board is capable of dealing with the issues of pedestrian traffic and number of rooms.

Doug Sederholm said that if this is a project with regional impact, then the Commission has the responsibility to make the decision and not pass it on to the Planning Board.

Christina Brown said the project does have regional impact; and that is why it has come to the Commission. She feels that after weighing the benefits and detriments,

the project could be approved by the Commission and turned over to the Planning Board for a final decision on size and design.

**Doug Sederholm** said that the Commission's greatest mandate is to protect the quality of life on Martha's Vineyard. He questioned whether a project of this size should go in a residential neighborhood, even if this means getting in the way of someone's economic achievement.

**Megan Ottens-Sargent** feels the town should change the size and architectural design of the building. She commended the applicant for being patient with the process and for working with the Commission on redesigning the building. She feels the hotel will be moderately priced and looks at that as a positive impact on the community. She feels she can support the project with certain points addressed by the Planning Board.

*Christina Brown moved and it was duly seconded that the last part of her motion be modified to read:*

- *The exterior architectural design may be modified provided that the proposed porch stays and no part of the addition extends beyond the approved footprint, the height of the addition does not exceed the approved height except for the peak of the gabled roof should the roof design be changed, the original building on the site which is known as the Pro Shop is not altered.*

**Paul Strauss** asked for clarification that the motion is not an approval of the project, but could be a condition of approval.

*A voice vote was taken on the motion to approve the amended condition dealing with the possible modifications to the plan. In favor: 9. Opposed: 0. Abstentions: 1. The motion passed.*

**John Best** said a concern has been the size and scale of the project. In the course of the various modifications, the project has increased in square footage and in the number of units. He said that was explained as a result of Commissioners' concerns about the profile on the road and affordable housing. He said his concerns about the project were based on building such a large structure in a residential neighborhood and he felt there was a disconnect between the Commissioners' concerns and the response.

**Andrew Woodruff** spoke in support of John Best's statements; he feels the project could be reduced in size and scale and he is concerned about the impact on New York Avenue.

**John Best** spoke about the larger rooms, which are 30' by 15', and wondered about their use and why they were designed.

**James Athearn** said that the room size was explained by the applicant as part of the market trend.

**Richard Toole** suggested the Commission either come up with a motion to reduce the size of the project or vote on the project as proposed.

**John Best** said he doesn't want to redesign the project but he doesn't want to approve it as is.

**Doug Sederholm** said he believed the Commission should vote on the project. If the project is voted down, the message will be very clear that the project is too big for the location and the overall quality of life for the neighborhood.

*A roll call vote was taken on the motion to approve DRI application 335M-2 with the approved conditions. In favor: J. Athearn, C. Brown, M. Ottens-Sargent, R. Toole. Opposed: J. Best, L. DeWitt, N. Orleans, D. Sederholm, P. Strauss, A. Woodruff. The motion did not pass.*

*John Best moved and it was duly seconded to deny DRI application 335M-2.*

- **John Best** said that he is particularly concerned with the scale, square footage and number of units in a residential neighborhood without sidewalks, paths and easy access to downtown.
- **Paul Strauss** said he would like to see a project approved at some point. He said this proposal is too large in structure and number of rooms for this neighborhood. He believes it changes a B & B to a significantly sized hotel, which he feels is not appropriate.
- **Doug Sederholm** said he would like to approve a project of a smaller scale that stays in keeping with the B & B.
- **Andrew Woodruff** wanted to reiterate his concerns about the visual impact and that this proposal is significantly larger than other structures in the neighborhood.
- **John Best** said another concern is that the proposed project does not have the flexibility to revert back to residential status.
- **Linda DeWitt** said she would also like to see a smaller proposal. She said she also had concerns about the septic and nineteen rooms. She said she would rather see a full-service hotel than a B & B with no services.
- **Christina Brown** said a guideline for the applicant might be to look at the number of number of rooms for B & Bs in a residential areas in Oak Bluffs, which is 5-8 rooms.
- **John Best** said that a well-integrated architectural style would be appropriate.

*A roll call vote was taken on the motion to deny DRI application 335M-2. In favor: J. Best, L. Dewitt, N. Orleans, M. Ottens- Sargent, D. Sederholm, P. Strauss, A. Woodruff. Opposed: J. Athearn, C. Brown, R. Toole. Abstentions: None. The motion to deny the application passed.*

**Mark London** said that if the applicant were to submit a new application, the Commission would likely be able to process the application more quickly.

**Jack Robinson** thanked the Commission for its deliberations. He said he might be back with an application for a large single-family house to accommodate the needs of his family. With the denial of the proposal comes his removal of the affordable housing component and other offers and conditions.

7. OTHER

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Mark London reminded Commissioners and members of the public that there would be a Celebration of the Commission's anniversary on Tuesday, July 27<sup>th</sup>, 5:00 – 7:00 p.m.

The meeting adjourned at 9:45 p.m.

Linda B. Sibley

Chairman

H. J. Means

Clerk-Treasurer

02/17/05

Date

02/17/05

Date

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