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## **Minutes of the Commission Meeting Held on October 7, 2004 in The Stone Building, 33 New York Avenue, Oak Bluffs, MA**

### **IN ATTENDANCE**

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**Commissioners:** James Athearn (Elected – Edgartown), John Best (Elected – Tisbury), Christina Brown (Elected – Edgartown), Linda DeWitt (Appointed - Edgartown), Jane Greene (Appointed – Chilmark), Katherine Newman (Appointed – Aquinnah), Ned Orleans (Appointed - Tisbury), Megan Ottens-Sargent (Elected – Aquinnah), Robert Schwartz (Appointed – West Tisbury), Doug Sederholm (Elected – Chilmark), Linda Sibley (Elected - West Tisbury), Richard Toole (Elected – Oak Bluffs), Andrew Woodruff (Elected – West Tisbury)

**Staff:** Bill Veno (Senior Planner), Jo-Ann Taylor (DRI Coordinator), Srinivas Sattoor (Traffic Planner)

### **1. 4 CAUSEWAY ROAD: DRI NO. 574-2 – PUBLIC HEARING**

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*Commissioners Present: J. Athearn, J. Best, C. Brown, L. DeWitt, J. Greene, K. Newman, N. Orleans, M. Ottens-Sargent, R. Schwartz, D. Sederholm, L. Sibley, R. Toole, A. Woodruff*

*For the Applicant: Gerald Sullivan (owner), Moira Fitzgerald (architect)*

**Christina Brown** opened the public hearing and outlined the application. This is a new application for:

- one 2- story building of 4,747 square feet, containing 4 to 9 units of office space of 420 to 650 square feet or 4 units of residential housing or mixed office and residential;
- one building of 1,225 square foot for one office or one 2-bedroom townhouse;
- renovation of the existing building for an office building or a 3-bedroom rental unit.

#### **1.1. Applicant's Presentation**

**Gerald Sullivan** explained that the property has been in his wife's family for over 60 years. This proposal is vastly different than the previous one and responds to concerns and criticisms. He said he has made a ten-year commitment to renting the existing building at a reasonable rate of \$1600 per month. If the current renter wants to stay in the building, a 2-bedroom unit will become the affordable housing unit.

**Moira Fitzgerald** explained he proposal.

- The existing Coogan law office will revert to a three- bedroom house in all schemes unless Coogan chooses not to move.
- The proportions of the existing building are repeated to give continuity of style.

- The plan is basically 4 office units per floor, 420-650 square feet each.
- The parking entrance is similar to where it is now, but a bit closer to State Road to allow for a double-rowed parking lot of 18 spaces plus a handicapped space, plus two spaces near the existing law office.
- The setbacks for the B-1 district are 2 feet on the side and 4 feet on the rear; the buildings are outside that. The construction would not meet the residential requirements of 20 feet in the rear and 10 feet on the side.
- A few trees will be removed within the building space. New pine trees will be added.
- The existing path will become a paved path that curves around through the middle of the site. A secondary path will pass by the second building to the main entrance of the main building.
- The existing stone wall in the parking lot will remain.
- Elevations are well below the allowable building height of 35 feet. The existing building will be 1 foot higher at the peak.
- Plantings will help screen cars.
- The existing stone wall along the back of the lot will remain.
- She explained the options for use:
  - 1) 9 offices in the new buildings; the existing building becomes 3-bedroom residential; or
  - 2) 4 two-level town houses and 1 three-level, plus the existing building; or
  - 3) 4 second-floor apartments with office space on first, plus the existing building.

**Gerald Sullivan** explained that construction would probably take place in steps. The first step would be the smaller new building at the front of the property, septic, and landscaping and renovation of the existing building; the second phase would be construction of the proposed larger building at the rear of the property.

**Moira Fitzgerald** clarified that the application is for office space and one 3-bedroom rental unit in the existing building but the applicant would like approval with the possibility of converting the space to mixed office/residential or residential.

**Megan Ottens-Sargent** asked about the parking area elevation and whether the cars would be screened. **Moira Fitzgerald** explained landscaping and topography and the applicant's intent to screen, which she would do by using the topography of the site. The path toward Veteran's Park could go to an opening in the wall.

**Robert Schwartz** asked about the ell on the existing building plan. **Moira Fitzgerald** explained that the ell already exists on the building.

**Ned Orleans** asked for clarification of the first phase. **Gerald Sullivan** explained that if Mr. Coogan doesn't move, the building up at the front corner would become a residence. **Ned Orleans** also asked for confirmation that the road in the elevation is not paved.

**Doug Sederholm** questioned whether the buildings would have to meet the residential setback if the plan is for residential. Do residential setbacks apply to residences in a business district? **Moira Fitzgerald** explained that if residences are built, they may have to apply for a zoning board variance.

**Megan Ottens-Sargent** asked about the parking surface. **Moira Fitzgerald** said it would probably be paved because of the requirements for handicapped space. The path will be paved with blue stone.

**Andrew Grant** gave the traffic impact assessment with highlights and addendums.

- He went through the process of assessing existing conditions but took a different approach in analyzing impact of the proposed project. Because calculations break down in a congested area, he compared the relative uses and analyzed the intensity of use.
- He concluded that this is a good site for this kind of business; it's an investment in the downtown district versus adding to sprawl and puts people within walking distance of downtown. He speculated that this proposal is much less intrusive traffic-wise than other uses. This proposal is roughly half the intensity of retail use.
- His third addendum explains that traffic projections did not change with the new proposal because the square footage is close to the previous proposal.
- If 11 offices were to convert to residential, fewer trips would be generated. 100% occupancy would generate 210 new one-way trips per day (worst case scenario). There would be 53 trips during the p.m. peak hour (4:00 – 6:00). On Saturday and Sunday the trip generation rates are lower. If spaces were residential, there would be more weekend impact.
- With mixed use, the trip generation numbers went down fairly quickly.
  - For mixed use with 5 offices, 4 apartments, 2 houses, trip generation would be 143 trips per day and 36 at peak hour.
  - The ideal scenario is apartment residents working in offices below.
  - This site has the advantage of sending traffic a few different ways.
- He examined Mass Highway Motor Vehicle Accident Data for 2000, 2001 and 2002.
  - No accidents were mentioned at Causeway and State.
  - On Causeway, there was one sideswipe in 2002.
  - Reported on State Road in Vineyard Haven were 18 accidents in 2000, 23 in 2001 and 32 in 2002. In 2002 the form was changed to be more specific; 9 of the accidents in 2002 were on the stretch near Causeway, but no specifics were reported at the Causeway intersection.
- He re-examined the State Road/Causeway site lines.
  - The site distance looking up the hill is minimal; the road curves away with a sight distance of 150 feet.
  - The buildings are not site obstructions.
  - He recommends roadside trimming of vegetation under Mass Highway jurisdiction.

**Jane Greene** said she thought it would be a great site for medical offices and wondered if medical offices would account for increased traffic. **Andrew Grant** said they would.

**James Athearn** asked about the rate of 200 trips a day for offices. If it takes 45 seconds to go left, is traffic likely to back up? **Andrew Grant** explained that traffic would likely back up on Causeway, but the back-up would probably be just at peak times.

**Moira Fitzgerald** said that the official landscaping plan will be presented at the October 18<sup>th</sup> LUPC meeting.

## **1.2 Commissioners' Questions**

**Moira Fitzgerald**, responding to Commissioners' questions, said:

- Trees that are being removed are shown as dotted on the plan. No existing trees along State Road will be removed.
- Lighting will be required at each exterior door.
- Parking lot lighting will be flat flush-mounted fixtures mounted on the stone wall and along the face of the ramp and 'to be determined' on the existing building.

**Megan Ottens-Sargent** asked about EnergyStar lighting and suggested that Moira Fitzgerald look at Energy Star for their energy efficiency. **Linda Sibley** asked whether the building code would be different for offices than for residences. **Moira Fitzgerald** said she believed for commercial that one light is required for every exterior door. **Linda Sibley** asked for clarification on how the use of the structures might affect the requirements for exterior lighting.

**Linda DeWitt** asked for the square footage of the lot, which was clarified as 24,329 square feet.

**Linda DeWitt** asked for a breakdown of the square footage for the building, parking lot and open space. The parking is approximately 5000 square feet. **Moira Fitzgerald** will provide the numbers for the Commission.

**Doug Sederholm** asked about the stormwater plan. **Moira Fitzgerald** explained that the stormwater plan is done and a copy will be provided to the Commission. The plan provides for the maximum number of bedrooms for the septic. The parking lot and roof run-off have retention pits.

**Jane Greene** asked about the plans of the first and second floor of buildings 2, 3 and 4. Moira Fitzgerald explained the layout of the elevator and the open, but covered, deckway. **Jane Greene** suggested removing office number 7, the elevator could be moved, and the visual impact of the plan would be greatly diminished.

**James Athearn** asked for clarification on what the application is for. **Mr. Sullivan** said he is asking for approval for flexibility, particularly in consideration of what the market will stand. He is asking for flexibility as opposed to getting approval solely as offices, and then potentially needing to return for approval as residences. He said he could come back for changes in use but returning for approvals could cause delays and he's been involved in the process for a year and a half already.

**Andrew Woodruff** asked about redesigning the project so the elevator is on the interior rather than exterior. **Linda Sibley** said that the elevator looks somewhat artificial whereas the rest of the buildings look very traditional.

## **1.3 Staff Report**

**Jo-Ann Taylor** summarized staff notes.

- The square footages are a bit different from the earlier edition printed in the staff notes.
  - 5740 sq. ft. of rental space proposed for the main building.
  - 1446 sq. ft. of rental for smaller building.
  - Total of 7186 sq. ft. proposed new construction of rental space.
  - The existing building is 1648 square ft.
  - The lot is 24,300 sq. ft.
  - Proposed total rental space is 8834 sq. ft.

- The buildings would cover approximately 18% of the lot.
- Parking is 3446 sq. ft.
- The B-1 office space is permitted; wholesale and retail business conducted indoors is permitted.
- Apartments would require approval of the Zoning Board of Appeals.
- There are no parking requirements.
- She believes there is only one setback requirement for the B-1 zoning district: no front setback requirement, 2' on the side and 4' in the rear.
- The Conservation Commission would require a Request for Determination of Applicability because a corner of the lot is in the flood plain.
- The Board of Health would look at septic.
- In response to a question from Jim Athearn about the permit from the Zoning Board of Appeals, she explained that any new residential use apartment or town house in the B-1 zoning district requires a special permit. A townhouse could be allowed by special permit. An apartment over an office could be allowed by special permit but in a mixed-use building, the residences would have to be upstairs.
- Staff will review the septic and drainage plans. She reminded the public that notes and plans are now posted on the Commission's website. She explained that staff has not yet seen the traffic report. Staff will have to review the report.
- She described the correspondence received.
  - No correspondence from town boards was received.
  - A letter was received from Helen Gelotte explaining that her previous misgivings have not changed. Gerald Sullivan's letter regarding Affordable Housing and Chris Flynn's assessment of the Affordable Housing offer are included; a long-term real space offer is preferable to a one time monetary contribution.

#### **1.4 Commissioners' Questions**

**Megan Ottens-Sargent** asked for feedback on the architectural design. LUPC might be the appropriate venue for discussing design. **Moira Fitzgerald** explained that the building will be shingled, trimmed with natural cedar, windows will have a gray sash not white, all other trim will be natural cedar. Windows will be six over one to match the existing building.

**Bob Schwartz** asked about the kind of elevator. He said that if the plan is for a hydraulic elevator, the height of the elevator "chimney" would be lower

**Linda DeWitt** asked about the basic architectural style. **Moira Fitzgerald** explained that it is to reflect the building that is there. The new construction would like the two-story colonial, Marianne's, across the street.

**Srinivas Sattoor** said a stop sign at the Causeway Road entrance could be a mitigation measure. There is a stop sign on State Road and Causeway. Andy Grant seems to have answered the concerns of the commissioners from the last meeting.

## **1.5 Testimony from Public Officials**

**Judy Federowicz**, Chairman of the Williams Street Historic District Commission, reported on comments at their previous meeting:

- The new proposal breaks up the buildings with facades.
- The placing of the buildings is an improvement.
- The tower is an obstruction.
- The open area seems modern and not in keeping with what has been designed.
- The Historic District Commission understands the need for handicapped accessibility but the elevator tower doesn't fit.
- Additionally, the size of the building is masked, but it is a large view.
- The Historic District Commission liked this proposal better but it still impacts the neighborhood substantially.
- In response to a question from Paul Strauss about how the main building compares to Marianne's across the street, she said that Marianne's is 2.5 stories.
- The elevator should be tucked in it and not be part of the public façade.

**Katherine Newman** asked about the small building; **Judy Federowicz** said that the Historic District Commission said the change in plan is positive, particularly in terms of breaking up of the mass and giving the project depth and shadow and dimension. The buildings mimic or mirror some of the buildings in the neighborhood.

**John Best** said that the design has the feel of a very typical New England feature of the common. The houses all faced the common. It's not fair to compare this with street homes. This has open space and it makes sense to orient it to the open space rather than the street.

**Megan Ottens-Sargent** said she agreed with John Best. Regarding the elevator, is there a way to give it an architectural focus?

**Doug Sederholm** said that many of the buildings that face the street are right up on the street. This building is set back from the street to preserve some of the green space.

## **1.6 Public Testimony**

**Peter Scott**, abutter, said the reason for the DRI is 3,000 square feet of new commercial buildings and a change of use. Another trigger is the possibility of 9 new housing units. He asked how much this project would add to an already crucial traffic situation at a dangerous intersection. He said that road is gridlocked, but when it isn't, tractor-trailers and oil trucks are barreling down the road. Every truck that goes up the road comes down the road. He commented that anything that adds to the intersection isn't good.

**Tristan Israel**, Tisbury, said he has trepidations about this project.

- This is better than the last proposal from a visual point of view.
- Applicants always say that we do something more/worse. That doesn't justify the density. He suggested the project be scaled back.
- Offices always have UPS trucks and deliveries. Trucks do barrel down Main Street.
- In terms of gridlock, it doesn't take much to make a bad situation worse.

- He suggested that keeping use loose is not a good idea. If it is going to be housing, why does the plan need a large parking lot?
- On a smaller note, there could be some archaeological Native American artifacts on that hill. He suggested that the applicant and Commission be sensitive to that if construction is going on.
- The design is better, but it's one unit too big.
- He asked the Commission to look at changing the project from office to residential.
- In response to a question from Jane Greene about his concern with changing use, he said that at the very least, the applicant should have to come back and let the Commission know what is going on. He also wondered about the need for office space.

**Linda DeWitt** said she thought the applicant was going to do a survey of the need for office space.

**Gerald Sullivan** said he has talked to a variety of sources, including the bank, the Chamber of Commerce, and realtors, all of which have supported the island's need for office space.

**Linda Sibley** said there are a number of aspects of residential use that the Commission needs to ask, and that Commissioners might be asking specific questions related to specific use. For instance, what form of rental is proposed: Seasonal? Year round? Short-term rental? **Gerald Sullivan** said he would be doing year-round rentals. **Linda Sibley** said that the Commission is not judging his intentions; but when a decision is made, the Commission has to look beyond the applicant's intentions and imagine future owners and future use.

**Jane Greene** asked whether he would be willing to not condo-ize them. **Gerald Sullivan** said that he doesn't know if he could commit to that. **Jane Greene** said the Commission is looking at the long-term use of the property.

**Lee Scott** who lives across the street said she was very opposed to the scope of the project when it was first proposed.

- The re-siting of the plan is an improvement but it still seems too big.
- Her concerns are the paving of the parking lot, the overall appearance and the drainage.
- Run-off will head downhill to the marsh area of the park.
- The issue of traffic has not been solved. Just because there's gridlock there doesn't mean forty more trips should be added.
- Offices and/or residential are proposed; if retail became possible, there would be a negative impact.
- Although it's a business district, everything around it is residential. The 35 turkeys who live there need to be able to get across the street.

**Christine Brown** said that the application is for residential and/or office space. Any proposal for change in use would need to come before the Commission and would be looked at very carefully.

**Rebecca Potter** said the size of the building in the corner is huge, 5 feet away from the corner. If the buildings are residential, they should be sized residential. She said she feels it's an enormous building. She said from every elevation it looks enormous and it has a cluttered look and it's too dense. **James Athearn** asked about the Potters' yard. **Rebecca Potter** said it's a yard that slopes down toward the park. The view shrinks from State Road but does not shrink from Causeway or from the park.

**Deborah Medders** thanked the Sullivans for rethinking the design and for listening.

- She requested that, as the Commission continues to deliberate, they remember that the project is a very large centerpiece to a very defined area that is residential.
- Regarding parking and traffic, delivery trucks may make that space very small. It is a very busy corner.
- Her second concern is the impact of the septic and water run-off. Memorial Park until WWII was brackish water. With any measurable rain, it gets wet. Even though the site is out of the 100-year flood zone, it is right on the mark. It is in historical geographical locations.
- Aesthetically, regarding the natural weathering, the building is a very large strip of gray. She suggested that they rethink the building of the first phase abutting Potter property so that it's facing the road and is more in keeping with the site.
- The trees would not screen the building. Is there is a law about screening something so intrusive? Lots of screening would be necessary to screen such a massive building.

**Linda Sibley** asked whether delivery trucks are figured into the traffic numbers. **Andrew Grant** said that they are. **Walter Kennedy** said FedEx is twice a day; UPS is once

### **1.7 Applicant's Conclusion**

**Christina Brown** explained that Land Use Planning Committee would meet on October 18<sup>th</sup> to discuss issues. She said she is leaving the public hearing open until November 4<sup>th</sup> for drainage, septic, comments on septic, and the landscaping plan. The dialogue will continue. The following additional information was requested.

- **Jane Greene** asked for mechanical plans, particularly in terms of air conditioning impact on neighbors.
- **Linda DeWitt** asked for information on elevators, including energy use.
- **Paul Strauss** asked for information on shadowing.
- **Katherine Newman** asked for alternative uses or clarification on how uses might go.

**Gerald Sullivan** said that he would prefer not to put an elevator in but it is required by law. He would be required, if the plan were residential, to put in at least twenty spaces so the parking lot would be bigger. He said that the building takes up 18% of the space. It is a business district. He said he is not trying to desecrate the Island; he is just trying to use the property. He has spent \$50,000 trying to get to this point.

**Christina Brown** thanked him for his time and effort and continued the Public Hearing until November 4, 2004.

## **2. ANNOUNCEMENTS**

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**Christina Brown** reported that the Edgartown Affordable Housing Committee will hold a meeting on Monday, October 18, at 3:00 p.m. at Town Hall to begin talking about Pennywise Tenant Selection Criteria and urged Commission Representatives to attend. On the same day at 4:00 p.m., there will be a meeting of the Water Quality sub-committee.

**James Athearn** reminded the Commission about the energy field trip on the 27<sup>th</sup>.

**Katherine Newman** reported on the 30<sup>th</sup> anniversary celebration on Friday, November 5<sup>th</sup>, at the Ag Hall. Details of the menu are being worked out. Everyone on the mailing list will receive an invitation. Mark London asked that Commissioners call people they know on the list for a personal reminder.

The meeting adjourned at 10:00 p.m.

Linda F. Sibley

Chairman

02/17/05  
Date

W. J. Meau

Clerk-Treasurer

02/17/05  
Date

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