Decision of the
Martha's Vineyard Commission
DRI 670-M - Lampost Workforce Housing
Conversion Modification

1. SUMMARY

Referring Board: Building Inspector, Town of Oak Bluffs, MA

Subject: Modification of Development of Regional Impact # 670
Lampost Conversion to Workforce Housing

Project: Proposal to reconfigure the previously approved DRI 670 conversion of the top
three floors of a five-story nightclub/restaurant to include seasonal and year-
round workforce rental housing.

Owner: Windsor Circuit Ltd; Adam Cummings;

Applicant: Windsor Circuit Ltd; Adam Cummings;

Applicant Address: C/O Geoghan Coogan, Esq., 4A Causeway Road, Vineyard Haven, MA

Project Location: 6 Circuit Avenue, Oak Bluffs. MA (Map 9 Lot 22)

Description: The modification is to reconfigure the previously approved DRI 670 conversion of
the top three floors of a five-story nightclub/restaurant. The proposed
reconfiguration into 10 apartments is now allowed by the revised Oak Bluffs zoning. The modification increases the square footage by 1,500 sf; reduces the
number of bedrooms from 24 to 22; increases the number of bathrooms from 5 to 10; and increases the number of kitchens from 3 to 10.

Decision: At its June 14, 2018 meeting, the Martha's Vineyard Commission voted that the modification did not warrant a public hearing review as a DRI because the workforce housing and internal renovation had been discussed during the initial decision. The Commission voted to approve the modification with conditions.

Written Decision: This written decision was approved by a vote of the Commission on August 23, 2018

The permit-granting authorities of the Town of Oak Bluffs may now grant the request for approval of the Applicant’s proposal in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law, or may deny the request for approval.
2. FACTS

The exhibits listed below are incorporated into the record herein by reference. The full record of the application is kept on the premises of the Martha's Vineyard Commission.

2.1 Referral

The proposed modification was referred to the Commission on May 25, 2018 by Planning Board of the Town of Oak Bluffs, MA for action pursuant to Chapter 831 of the Acts of 1977, as amended (the Act) and the Commission's Standards and Criteria Administrative Checklist for Developments of Regional Impact, Sections 1.2 (modification to a previous DRI).

2.2 Review:

The modification of a previous DRI entails the Commission first evaluating whether the change being requested is significant enough to warrant a public hearing on the regional impacts before deciding the outcome of the proposal. The Land Use Planning Committee (L UPC) met June 4, 2018 to discuss the proposal with the applicant and recommended a public hearing was not needed. At the Commission’s June 14, 2018 meeting, the Commission agreed that the modification did not need to be heard as a DRI and proceeded to consider the proposed modification. The Commission approved the proposed modification as presented with conditions that the newly created apartments are for workforce housing and that the applicant shall provide the MVC with yearly documentation proving this.

2.3 The Modification

The following plans and documents submitted by the applicant and contained in the Commission’s project file constitute “the Modification.”

2.4 The Plan

The following plans and documents submitted by the Applicant and contained in the Commission's project file constitute “the Plan.”

P1  "Lampost Apartments - 6 Circuit Avenue, Oak Bluffs: SITE PLAN prepared by Sullivan and Associates Architects, 52 Narragansett Avenue, Oak Bluffs, MA 02557. Dated 05-17-2018

P2  "Lampost Apartments - 6 Circuit Avenue, Oak Bluffs: LOWER LEVEL PLAN; Job #18L01 Drawing A 01” consisting of one 11” X 17” sheet showing the proposed changes to the first floor, prepared by Sullivan and Associates Architects, 52 Narragansett Avenue, Oak Bluffs, MA 02557. Dated 05-17-2018

P3  "Lampost Apartments - 6 Circuit Avenue, Oak Bluffs: FIRST FLOOR PLAN; Job #18L01 Drawing A 02” consisting of one 11” X 17” sheet showing the proposed changes to the first floor, prepared by Sullivan and Associates Architects, 52 Narragansett Avenue, Oak Bluffs, MA 02557. Dated 05-17-2018

P4  "Lampost Apartments - 6 Circuit Avenue, Oak Bluffs: SECOND FLOOR; Job #16L01 Drawing A-03” consisting of one 11” X 17” sheet showing the proposed changes to the second floor, prepared by Sullivan and Associates Architects, 52 Narragansett Avenue, Oak Bluffs, MA 02557. Dated 05-17-2018

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P5 “Lampost Apartments - 6 Circuit Avenue, Oak Bluffs: THIRD FLOOR PLAN; Job #18L01 Drawing A-04” consisting of one 11” X 17” sheet showing the proposed changes to the third floor, prepared by Sullivan and Associates Architects, 52 Narragansett Avenue, Oak Bluffs, MA 02557. Dated 05-17-2018

P6 “Lampost Apartments - 6 Circuit Avenue, Oak Bluffs: FOURTH FLOOR PLAN; Job #18L01 Drawing A-05” consisting of one 11” X 17” sheet showing the proposed changes to the fourth floor, prepared by Sullivan and Associates Architects, 52 Narragansett Avenue, Oak Bluffs, MA 02557. Dated 05-17-2018

P7 “Lampost Apartments - 6 Circuit Avenue, Oak Bluffs: WEST ELEVATION; Job #18L01 Drawing A-06” consisting of one 11” X 17” sheet showing the proposed exterior elevation on the west side, prepared by Sullivan and Associates Architects, 52 Narragansett Avenue, Oak Bluffs, MA 02557. Dated 05-17-2018. SCALE 1/4” = 1’ 0”

P8 “Lampost Apartments - 6 Circuit Avenue, Oak Bluffs: NORTH ELEVATION; Job #18L01 Drawing A-07” consisting of one 11” X 17” sheet showing the proposed exterior elevation on the north side, prepared by Sullivan and Associates Architects, 52 Narragansett Avenue, Oak Bluffs, MA 02557. Dated 05-17-2018. SCALE 1/4” = 1’ 0”

P9 “Lampost Apartments - 6 Circuit Avenue, Oak Bluffs: EAST ELEVATION; Job #18L01 Drawing A-08” consisting of one 11” X 17” sheet showing the proposed exterior elevation on the east side, prepared by Sullivan and Associates Architects, 52 Narragansett Avenue, Oak Bluffs, MA 02557. Dated 05-17-2018. SCALE 1/4” = 1’ 0”

P10 “Lampost Apartments - 6 Circuit Avenue, Oak Bluffs: SOUTH ELEVATION; Job #18L01 Drawing A-09” consisting of one 11” X 17” sheet showing the proposed exterior elevation on the south side, prepared by Sullivan and Associates Architects, 52 Narragansett Avenue, Oak Bluffs, MA 02557. Dated 05-17-2018. SCALE 1/4” = 1’ 0”

2.5 Other Exhibits
E1. Referral to the MVC from the Oak Bluffs Building Inspector; May 25, 2018
E5. Minutes of the Commission’s Approval of the Written Decision, August 23, 2018

3. FINDINGS

3.1 Modification Description
The modification includes the following changes:
- The modification is to reconfigure the previously approved DRI 670 conversion of the top three floors of a five-story nightclub/restaurant. The proposed reconfiguration into 10 apartments is now allowed by the revised Oak Bluffs’ zoning bylaw.
• The DRI 670 Decision of January 10, 2016 proposed to provide workforce rental housing by converting the top three floors of a five-story nightclub/restaurant to workforce housing in two phases. The third and fourth floors were and still are a dance club and the fifth floor is storage.
• The 2016 DRI 670 approved phase one included moving the existing entrance to the sports bar and to convert the third floor dance club to 14 employee bedrooms (double occupancy) with shared bathrooms, shared kitchen and a small common living area.
• The approved phase two included converting the fourth floor to an additional 7 employee bedrooms (double occupancy) with shared bathrooms, kitchen and living area and the fifth floor to a 4-bedroom apartment.
• The Commission approved the 2016 DRI 670 plan for conversion of the upper night club floors to workforce housing but did express some concern with the paucity of bathrooms and the fact that four of the dormitory style units on the second floor had no windows.
• The modification reduces the total number of bedrooms from 24 to 22 bedrooms in 10 individual apartments (plans show 39 beds) and increases the number of bathrooms from 5 to 10 bathrooms (one for each unit) and increases the number of kitchens from 3 to 10 (one for each unit). All units have windows.
• The modified plans relocate the elevator to the middle of the building and create balconies on the second and third floor.
• The second floor will have three 2-two bedroom apartments and one 3-bedroom apartment (18 beds).
• The third floor will have three 2-two bedroom apartments and one 3-bedroom apartment (15 beds).
• The fourth floor will have two 2-two bedroom apartments (6 beds) a viewing and mechanicals deck.

3.3 Statutory Authority

The purpose of the Commission, as set forth in Section 1 of the Act, is to “protect the health, safety and general welfare of island residents and visitors by preserving and conserving for the enjoyment of present and future generations the unique natural, historical, ecological, scientific and cultural values of Martha’s Vineyard which contribute to public enjoyment, inspiration and scientific study by protecting these values from development and uses which would impair them, and by promoting the enhancement of sound local economies.”

The Commission having previously reviewed the proposal as a Development of Regional Impact and finding the benefits outweighing the detriments, for this modification request only re-evaluated the modification request using the procedures and criteria that the Commission normally uses in evaluating the benefits and detriments of such a proposal. The Commission has considered the Application and the information presented at the public meeting, including listening to all the testimony presented and reviewing all documents and correspondence submitted during the hearing and review period.

4. DECISION

The following Commissioners participated in the deliberation on this modification held on June 14, 2018
• Voting in favor: Gail Barmakian; Clarence A. “Trip” Barnes III; Leon Brathwaite; Christina Brown; Fred Hancock; Jim Joyce; Joan Malkin; Kathy Newman; Ben Robinson; Doug Sederholm; Linda Sibley; Ernest Thomas; Richard Toole and James Vercriusse.
• Voting against: none
• Abstentions: none
Based on this vote, the Commission approved the modification of the Development of Regional Impact with the conditions listed in section 5 below.

This written Decision is consistent with the vote of the Commission June 14, 2018 and was approved by vote of the Commission August 23, 2018

5. CONDITIONS

After reviewing the proposed modification for this Development of Regional Impact, the Martha’s Vineyard Commission imposes the following additional conditions to the original DRI 670 Conditions in order to increase the benefits and minimize the detriments of the project. The analysis of benefits and detriments from the original DRI 670 Decision were confirmed during this modification review and the resulting decision to approve the modification is based on the proposal as modified by these conditions. These conditions form an integral and indispensable part of this decision. The original DRI 670 Conditions are included here with the addition of Condition 1.2 -1.5 below.

These conditions are an essential part of this decision and shall be enforced as written. The primary enforcement agent for the compliance of these conditions is the building and zoning enforcement officer of the Town. If the Commission or the Town finds it necessary to seek judicial relief to enforce the condition, the Applicant, or its successors in title at the time of such proceedings, shall pay the Commission’s and/or Towns attorney’s fees and costs incurred in obtaining judicial relief.

1 Workforce Housing:
1.1 As offered by the Applicant, the units shall be rented to employees of local businesses either as permanent year-round housing or temporary housing as needed.
1.2 The rental workforce housing shall be for members of the seasonal or year-round workforce.
1.3 The applicant shall provide the MVC with yearly rental documentation proving that the residential units are utilized by Island employees.
1.4 The building shall be heated so that year-round workforce housing can be provided to workers.

2 Construction Scheduling:
2.1 As offered by the Applicant, a Construction Management Plan shall be submitted for the review of the Martha’s Vineyard Commission Land Use Planning Committee as to how construction will be staged and the timing of any sidewalk interruptions.

3 Energy:
3.1 As offered by the Applicant, the building shall comply with the Martha’s Vineyard Commission’s "Energy and Environmental Building" DRI Policy.

4 Exterior Lighting:
4.1 As offered by the Applicant, exterior lighting shall be limited to external sign illumination, security lighting, and emergency lights required by code, which are downward-shielded to prevent light spilling off the property. There shall be no flood lighting.
4.2 As offered by the Applicant, all exterior lighting – except for security lighting, which shall be on motion detectors – shall be on timers and shall be turned off during the day as well during the night from one hour after the business closes at night to one hour before it opens in the morning.
4.3 As offered by the Applicant, a final exterior lighting plan shall be submitted to and is subject to the approval of the MVC LUPC prior to the issuance of a CO.
5 Noise:
5.1 As offered by the Applicant, there shall be no formal or informal activities on the property that exceed the Commonwealth of Massachusetts Department of Environmental Protection's Noise Control Regulation 310 CMR 7.10 at all boundaries of the property or that exceed the Town of Oak Bluffs noise regulations.

6 Wastewater, Groundwater And Storm water Management:
6.1 As offered by the Applicant, the proposed workforce housing shall be connected to the Oak Bluffs water and wastewater systems.

7 Scenic Values:
7.1 As offered by the Applicant, final architectural plans and details, to be substantially the same as the plan approved by the Commission, shall be submitted for the review and approval of the MVC Land Use Planning Committee before a Building Permit is issued.

8 Modifications to this Decision
8.1 As offered by the Applicant, the applicant shall not alter the design or use of the premises from the approved plan, uses, and operating conditions without the approval of the Martha's Vineyard Commission.

6. CONCLUSION

6.1 Permitting from the Town
The Applicant must, consistent with this Decision, apply to the appropriate Town of Oak Bluffs Officers and Boards for any local development permits which may be required by law.

The permit-granting authorities of the Town of Oak Bluffs may now grant the request for approval of the Applicant’s proposal in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law, or may deny the request for approval. Any permit issued by the Town shall incorporate the plan approved by the MVC and the above conditions.

The Town’s building inspector shall not issue a Certificate of Occupancy until it has received a Certificate of Compliance issued by the Executive Director or DRI Coordinator of the Martha’s Vineyard Commission confirming that the following conditions in these Decisions have been satisfied and the MVC has received as built plans from the applicant.

6.2 Notice of Appellate Rights
Any party aggrieved by a determination of the Commission may appeal to Superior Court within twenty (20) days after the Commission has sent the development Applicant written notice, by certified mail, of its Decision and has filed a copy of its Decision with the Oak Bluffs Town Clerk.

6.3 Length of Validity of Decision

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The Applicant shall have two (2) years from the date of receipt of the Decision of the Martha’s Vineyard Commission contained in this document to begin substantial construction. Should substantial construction not occur during said two (2) year period, this Decision shall become null and void and have no further effect. This time may be extended upon written request from the Applicant and written approval from the Martha’s Vineyard Commission.

6.5 Signature Block

James Vercruysse, Chairman

Date

9.6.18

6.6 Notarization of Decision

Commonwealth of Massachusetts
County of Dukes County

On this 6th day of September, 2018, before me, Lucy C. Morrison, the undersigned Notary Public, personally appeared James Vercruysse, proved to me through satisfactory evidence of identity, which was/were personal knowledge to be the person(s) whose name(s) was/were signed on the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her/their knowledge and belief.

Lucy C. Morrison
Signature of Notary Public

Lucy C. Morrison
Printed Name of Notary
My Commission Expires May 9, 2025

6.5 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: September 7, 2018

Deed – Book 1474, page 88

Document Number: 00005003

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