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Decision of the Martha's Vineyard Commission DRI 678 – Oak Bluffs Town Hall

1. SUMMARY

- Referring Board: Oak Bluffs Planning Board, Town of Oak Bluffs, MA
- Subject: Development of Regional Impact #678
- Project: To demolish the existing Town Hall structure and reconstruct a larger Town Hall structure with added parking. The project includes temporary town hall facilities across the School Street while construction is occurring.
- Owner: Town of Oak Bluffs
- Applicants: Town of Oak Bluffs
- Applicant Addresses: Oak Bluffs Board of Selectmen, 56 School Street (P.O. Box 1327), Oak Bluffs, MA 02557
- Project Location: 56 School Street, Map 11, Lot 292
- Description: The new town hall will have three levels with a footprint of 6,740 sf and a total of 18,160 sf of finished space and a partial basement of 2,800 sf for a total of approximately 20,960 gsf. The lower level will have the permitting departments and the Town Clerk. The main level includes a 60-seat capacity multipurpose room, the financial departments and a three-story lobby. The upper level will have the administrative offices with a large conference room and future space. The town hall site has a major grade change and an elevator will provide access to all levels of the new building. There will be a new off-street parking area off of Pacific Avenue. The proposal includes diagonal parking spaces on School Street which is proposed to be widened by 5 feet. The temporary town hall during construction of the new building would be on a property that the town owns across School Street behind the Catholic Annex building and partially on a paper street (Gabriel Street). Parking for the temporary town hall would be on an existing paved parking area on School Street, to the east side of Annex.
- Decision: The Martha's Vineyard Commission (the Commission) approved the application for the project as a Development of Regional Impact with conditions, at a vote of the Commission on October 18, 2017. This written decision was approved by a vote of the Commission on November 2, 2017.

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 including the referral, the application, the notice of public hearing, the staff report, the plans of the project, and other related documents 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 project was referred to the Commission on July 28, 2017 by the Planning Board of the Town of Oak Bluffs 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, 6.2 (Public Place of Assembly). Section 6.2 requires mandatory review as a Development of Regional Impact and the project was reviewed as such by the Martha's Vineyard Commission.

2.2 Hearings

Notice: Public notice of a public hearing on the Application was published in the MV Times, September 14, 2017.

Hearing: The Commission held a public hearing on the Application that was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831 on September 28, 2017; with the written record left open until 5:00 p.m. on October 10, 2017 and closed on that date.

2.3 The Plan

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

- P1 "MVC Narrative" consisting of three pages describing the new town hall project prepared by Bill McGrath dated August 24, 2017.
- P2 "OB Town Hall Sustainable Materials" consisting of three pages describing the energy saving and sustainable materials and systems to be incorporated in the New Town Hall project prepared by John J. Keenan of Keenan & Kenny Architects, LTD dated August 28, 2017.
- P3 "Oak Bluffs New Town Hall Planting Plan" consisting of one page showing the location of proposed plantings with planning list and parking prepared by unknown dated September 25, 2017.
- P4 "Site Layout Plan" consisting of one page showing the revised site plan and parking on the whole site prepared by John Lolley, PE dated September 26, 2017 and corrected October 10, 2017.
- P5 "Topo and Drainage Plan" consisting of one page showing the revised site plan and parking on the whole site with new contours and drainage with details, notes and sections prepared by John Lolley, PE dated September 26, 2017 and corrected October 10, 2017.
- P6 "Applicant Response to MVC Questions" consisting of five pages of responses and clarifications of questions asked by MVC Staff prepared by Bill McGrath dated October 10, 2017.
- P7 "OB Temp Trailer Site Plan" consisting of one page showing the location of proposed temporary trailers, contours and parking prepared by Luke Sederholm checked by John Lolley, PE dated August 10, 2017.

2.4 Other Exhibits

- E1. Referral to the MVC from the Oak Bluffs Planning Board; received July 28, 2017.
- E2. MVC Staff Report final revision dated September 28, 2017.
- E3. Letter from Mike Santoro (Selectmen) regarding Oak Bluffs Streets and Byways Committee review of project.
- E4. Staff Memo requesting clarifications dated October 5, 2017 from Bill Veno, Senior Planner, to Bill McGrath, Chairman Oak Bluffs Town Hall Building Committee.
- E5. Photographs of the site, taken on September 22 and September 27, 2017 by MVC staff member Paul Foley.
- E6. Minutes of the Commission's Public Hearing, September 28, 2017.
- E7. Minutes of the Commission Meeting of October 19, 2017– Deliberations and Decision.
- E8. Minutes of the Commission Meeting of November 2, 2017 – Approval of the Written Decision.

2.5 Summary of Testimony

The following is a summary of the principal testimony given during the public hearing.

- Staff report by Paul Foley, DRI coordinator.
- Presentation of the project by Bill McGrath (Building Committee Chairman); John Lolley (Engineer); John Keenan (Keenan & Kenny Architects); Joe Sullivan (Daedalus – Project Manager).
- Oral testimony from Public on September 28, 2017:
 - Greg Coogan (Selectman) speaking for himself.

3. FINDINGS

3.1 Project Description

- The proposal is to demolish the existing Town Hall and construct a new 3-story approximately 21,000 G. S.F. Town Hall (w/partial basement) on the same site. The proposal also includes a temporary town hall across the street with three double-wide trailers.
- The existing building has two levels with a footprint of 6,355 sf for a total of about 12,790 gsf.
- The new town hall will have three levels with a footprint of 6,740 sf and a total of 18,160 sf of finished space and a partial basement of 2,800 sf for a total of approximately 20,960 gsf.
- The lower level, accessed from the shared parking lot with the library, will have the permitting departments and the Town Clerk and a shared meeting room.
- The main level includes the financial departments with a three-story lobby and includes a 60-seat capacity meeting/multipurpose room.
- The upper level will have the administrative offices with a large conference room and future space.
- An elevator will provide access to all levels of the new building. The town hall site has a major grade change from 41' at the NW corner to 31' at the SE corner of the new building. The low point of the property is 27' at SE corner of the library parking.
- There will be a new off-street parking and drop off area off of Pacific Avenue with five parking spaces that would exit onto School Street replacing five perpendicular parking spots on Pacific Avenue.

- The proposal includes diagonal parking spaces on School Street which is proposed to be widened by 5 feet.
- The temporary town hall would be on a property that the town owns across the street behind the Catholic Annex building and partially on a paper street (Gabriel Street).
- Parking for the temporary town hall would be on an existing paved parking area on School Street behind the Annex owned by the Church.

3.2 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 has reviewed the proposal as a Development of Regional Impact, 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 hearing, including listening to all the testimony presented and reviewing all documents and correspondence submitted during the hearing and review period.

3.4 Benefits and Detriments

Based on the record and testimony presented therein, the Commission finds the following pursuant to Sections 14 and 15 the Act.

A. THE COMMISSION FINDS THAT THE PROBABLE BENEFITS OF THE PROPOSED DEVELOPMENT WOULD EXCEED THE PROBABLE DETRIMENTS, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(a) OF THE ACT.

A1 The Commission finds that the proposed development at this location is appropriate in view of the available alternatives (Section 15(a) of the Act.)

The Commission finds that the proposed development at this location is appropriate in view of the available alternatives in that it keeps the Town Hall offices at the location occupied for over fifteen years and – combined with the adjacent Town Library – creates a municipal “campus” that is conveniently located within a low traffic volume neighborhood but accessible by public transportation.

A2 The Commission finds that the proposed development would have a mostly positive impact upon the environment relative to other alternatives (Section 15(b) of the Act).

With respect to Wastewater and Groundwater, the Commission notes that new fixtures would use water more conservatively. The Commission also notes that the project creates more impermeable surface, but that more surface storm water will be captured on-site in subsurface and above ground catchment and on site basins to recharge the groundwater.

With respect to Open Space, Natural Community and Habitat, the Commission finds that the Applicant’s plans for several grassed and traditional landscaped areas distributed around the structure misses an opportunity to create more varied islands of habitat that might encourage a more diverse array of fauna.

With respect to Energy and Environmental Building, the Commission notes that the new construction will be LEED eligible and the roof will be prepared for the future installation of solar panels that could exceed the building's electrical demand.

With respect to Night Lighting and Noise, the Commission notes that the Applicant has testified that only external security lighting that is required by building code and in all regards shall be Dark Sky compliant. The Commission finds that noise after completion should be similar to the existing conditions, with a potential increase of voices and cars near the Pacific Avenue and School Street intersection due to the added parking and main floor meeting room.

A3 The Commission finds that the proposed development would have a mostly beneficial effect upon other persons and property (Section 15(c) of the Act).

With respect to Traffic and Transportation, the Commission finds that the project is not expected to generate significantly increased traffic, and that there is ample parking in the vicinity for heavy meeting times. While the elimination of on-street parking from School Street allows for clear, two-way travel, the introduction of parking – whether perpendicular or diagonal – that backs out directly into the street is not generally a preferred practice. However, the Commission acknowledges that the 22 existing perpendicular spaces along Pacific Avenue serving the buildings to both sides of town hall apparently function satisfactorily.

With respect to Scenic Values, Character, and Identity, the Commission finds that the project's increased building mass is compatible in character with the adjacent multistory buildings to the north and south, and that the exterior materials of the new building reflect both the shingled siding and the stone walls of the adjacent buildings. The gabled dormers and standing-seam metal roof provides the new town hall building individuality within the building vernacular of the community.

With respect to the Impact on Abutters, the Commission finds that the new facility will house the same municipal services but with additional meeting space and room for growth. The biggest impact on abutters may be from the increased vehicle and pedestrian activity associated with the additional parking along School Street and Pacific Avenue and the main floor meeting space. The Commission notes that the temporary offices during construction will increase activity and noise to an adjacent location.

A4 The Commission finds that the proposed development would have no impact upon the supply of needed low and moderate income housing for Island residents (Section 15(d) of the Act).

A5 The Commission finds that the proposed development would have beneficial impacts on the provision of municipal services or burden on taxpayers in making provision therefore (Section 15(e) of the Act).

The Commission notes that the proposed building will be more efficient and addresses space needs for municipal employees and the citizens they serve. The configuration of the building and site layout provides multiple access points and circulation options. Oak Bluffs citizens have already voted to support and fund the project.

A6 The Commission finds that the proposed development would use efficiently and not unduly burden existing public facilities (other than municipal) or those that are to be developed within the succeeding five years. (Section 15(f) of the Act).

A7 The Commission finds that the proposed development does not interfere with the ability of the municipality to achieve the objectives set forth in the municipal general plan. (Section 15(g) of the Act).

The Commission notes that the project has been on the town's Capital Improvements Plan for several years.

A8 The Commission finds that the proposed development would not contravene land development objectives and policies developed by regional or state agencies. (Section 15(h) of the Act).

In sum, after careful review of the plan and its attendant submittals and the testimony presented by the Applicant and others, and the addition of conditions as offered, the Commission has concluded that the probable benefits of this proposed development in this location exceed its probable detriment in light of the considerations set forth in section 14(a) of the Act.

B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WOULD BE CONSISTENT WITH THE LAND DEVELOPMENT OBJECTIVES OF THE COMMISSION, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(b) OF THE ACT.

The requested project, as a whole, advances the Commission's land development objectives, as outlined in the *Island Plan* adopted by the Commission in December 2009.

C. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH MUNICIPAL DEVELOPMENT ORDINANCES AND BY-LAWS, TO THE BEST OF THE COMMISSION'S KNOWLEDGE.

The Commission finds that the project is a permitted use (municipal) in the R-1 Zoning District. The Commission also notes that the development proposed in the application was considered and ratified at Town Meeting and the funding was appropriated by the vote of the Town.

D. THE COMMISSION FINDS THAT THE SITE IS NOT WITHIN ANY DISTRICTS OF CRITICAL PLANNING CONCERN.

4. DECISION

The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on October 19, 2017 and made its decision at the same meeting.

The following Commissioners, all of who participated in all hearing and deliberation on this project, participated in the decision on October 19, 2017.

- Voting in favor: G. Barmakian, T. Barnes, C. Brown, F. Hancock, J. Malkin, K. Newman, B. Robinson, L. Sibley, E. Thomas, R. Toole, J. Vercruysse.
- Voting against: None.
- Abstentions: None.

Based on this vote, the Commission approved the application for the project as a Development of Regional Impact with the conditions listed in section 5 below.

This written Decision is consistent with the vote of the Commission October 19, 2017 and was approved by vote of the Commission on November 2, 2017.

5. CONDITIONS

After reviewing the proposal for this Development of Regional Impact, the Martha's Vineyard Commission imposes the following conditions in order to increase the benefits and minimize the detriments of the project. The analysis of benefits and the resulting decision to approve the project is based on the proposal as modified by these conditions. These conditions form an integral and indispensable part of this decision.

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 Commonwealth shall pay the Commission's and/or Town's attorney's fees and costs incurred in obtaining judicial relief.

1 Vegetation and Stormwater

- 1.1 A final landscaping plan, including an implementation timetable, showing plant species and locations is to be submitted for the approval of LUPC before construction begins.
- 1.2 The Applicant shall create two vegetative areas within or to the east or south of the library parking lot as vegetative rain swales.

2 Parking Along School Street

- 2.1 While the development plans herein approved show several off-street parking spaces directly abutting School Street, the final decision for design of the parking along School Street shall be determined by the appropriate boards in Oak Bluffs.

3. As-Built Plan

- 3.1 The applicant must provide an as-built plan at a scale of 1"=200' that details all structures, features and topographical information prior to being given a notice of compliance.

4. Green Development

- 4.1 The Commission strongly recommends that the applicant look at and move forward to seek healthy alternatives with regards to green development and materials used internally such as carpeting and molding.

6. CONCLUSION

6.1 Permitting from the Town

The Applicants 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 Applicants' 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.

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

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 period may be extended upon written request from the Applicant and written approval from the Martha's Vineyard Commission.

6.3 Signature Block

James Vercruyse
James Vercruyse, Chairman

Nov. 7, 2017
Date

6.4 Notarization of Decision

Commonwealth of Massachusetts
County of Dukes County, Mass.

On this 7th day of November, 2017, before me,
Jo Ann Taylor, the undersigned Notary Public, personally
appeared James Vercruyse, proved to me through satisfactory evidence of identity, which
was/were driver's license 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.

Jo Ann Taylor
Signature of Notary Public

Jo Ann Taylor
Printed Name of Notary

My Commission Expires February 9, 2018

6.5 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: _____

Deed Book _____, Page _____