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Martha's Vineyard Commission

Land Use Planning Committee

Notes of the Meeting of August 2, 2010

Held in the Stone Building, New York Avenue, Oak Bluffs. 5:30 P.M.

Commissioners Present: Linda Sibley; Chris Murphy; Fred Hancock; Peter Cabana.

MVC Staff Present: Paul Foley; Mark London; Mark Mauro.

Audience: Gail Barmakian; Jeff and Kate Young; Denis DaRosa.

1. DRI 309-M2 Ocean Club

Applicant: Mark and Mike Wallace

Project Location: 9 Oak Bluffs Avenue, Oak Bluffs, MA Map 9 Lot 43

Proposal: To expand an existing 90-seat, 3,200 square foot restaurant to incorporate the entire upstairs (+ 6,400 sf) for functions and a night club in downtown Oak Bluffs.

Documents: The staff distributed a staff report dated August 2, 2010.

Staff Report:

- The Applicants are here because they are planning to use the second floor of the new Ocean Club (formerly known as Dreamland, Balance, and Danny Quinn's) as a function hall.
- The building is a condominium. The upstairs has been many things from a dance hall to a game room to a roller rink. Mark and his brother acquired it since the Balance Restaurant (DRI 309-M) non-concurrence.
- In 2007 The MVC voted not to concur with the referral of Balance Restaurant based on specific elements of a plan to place a 90 seat restaurant in half of the ground floor (3,400 sf) that would also be a 150-seat function hall in the shoulder seasons.
- The 2007 Balance Restaurant proposal included the following commitments:
 - They proposed to provide employees with Vineyard Transit Authority (VTA) passes;
 - They said they made an arrangement with a local taxi company to provide rides to employees for a fixed rate to a park and ride parking lot;
 - They had ten spots at Budget Rental Cars for the restaurant parking in the evening.
 - They were supposed to pay into the Oak Bluffs Parking Mitigation Fund.
 - They were going to give customers with a M.V. Taxi receipt with a complimentary dessert.
 - They would arrange for shuttles and/or taxis to shuttle guests for functions.
 - Concerns about noise were addressed with a vestibule in front, limited access to the rear, a promise to not dump bottles at night and to coordinate trash and recycling pickups.

Applicant Presentation:

- Mark Wallace and his brother have owned the upstairs since January 2009.
- Mark Wallace's said that the 6,000 sf has been there for a hundred years and has never been subdivided. From a land use point of view it was a place of assembly and it would still be a place of assembly. Using an existing space is different than creating new space. The only other logical use other than a place of assembly would be to break it into condominiums.

- There are two thick walls that would prevent noise from spilling out. In any case the town has noise by-laws that they would have to abide by. He does not see sound as an issue.
- There would be air-conditioning and the windows would be closed during events.
- If he were to break the space into condominiums that would take it out of business use.
- They have acquired an all alcohol license for the whole property. They are seeking an entertainment license. He can't think of a better location for this type of use.
- He noted that the Atlantic Connection is gone and there is no place in Oak Bluffs to gather.
- He said he has committed to the Oak Bluffs Finance Committee that the space would be used once every quarter year for fundraisers. He hosted a fundraiser for Haiti over the winter.
- They paid almost \$1,000,000 for the property (upstairs). They bought the downstairs in 1991.

Commissioner Questions:

- Linda Sibley asked if making the second floor handicapped (A.D.A.) accessible is required.
- Mark Wallace said he has legal advice that says it is not required. To be required to do so they would either have to be making \$300,000 in renovations or one-third the value of the building over the course of two years. If the plan works out he said they would make it handicapped accessible in two to three years. He could do either a stir lift or an elevator.
- He added that there is no guarantee that this is going to make money. Neither Balance Restaurant nor Danny Quinn's made it.
- Fred Hancock asked if the proposal is for a function hall, addition to the restaurant or a night club.
- Mark Wallace said it is going to be like the Agricultural Hall. It would be up to whoever rented the space for an event whether the restaurant would do the preparations or an outside caterer.
- They would like to use it some nights to showcase local talent not really as a night club.
- Fred Hancock reiterated his question – is it a function space or a nightclub – would it be used five nights a week?
- Mark Wallace said he would love to have the space utilized five times a week. The best suggestion he has heard so far would be to have panels that could make the space partitioned so that there could potentially be multiple events on at the same time.
- Linda Sibley asked if they would rent to one entity.
- Mark Wallace said it is their entity. For a comedy night they might have a promoter. It would be like the room off to the side out at Lola's or the Grange Hall.
- Mike Wallace added that there will be times when the room is rented as a space but the alcohol sales have to be done through their business.
- Mark Wallace said there will be a second wall in the back. The room is 106 feet by 60 feet.
- Mark Wallace noted that Balance Restaurant had been referred and sent back to the town. He noted that the agreement said that if there were changes it would have to be re-referred. He is back and hoping that the MVC will send this proposal back to the town as a non-concurrence.
- Chris Murphy said that it is clearer and neater if the town sends it.
- Paul Foley said it was his understanding that the town planned to send it tomorrow.
- Linda Sibley said that parking will be the key issue. The upstairs would have a capacity of 500.

Parking:

- Linda Sibley said that parking will be the key issue. The upstairs would have a capacity of 500.
- Mark Wallace said the big difference is that when Balance came in they were a restaurant replacing a 3,200 sf t-shirt shop. This space has been an assembly space for one hundred years. He added that the Game Room had an entertainment license.
- Linda Sibley pointed out that a wedding with 500 guests is fundamentally different that a game room. At a wedding guest arrive simultaneously whereas as at the game room they dribbled in.

- Mark Wallace said there are two movie theaters nearby and they do it every day.
- Linda Sibley asked how the downtown can absorb 500 people for a single event.
- Mark Wallace said he would need to offer busses for big events. They would not want people circling town for their events. He would do basically what Balance offered for events.
- Chris Murphy said there are two critical issues. The first is checking the compliance with the agreement with Balance Restaurant. The second is how they deal with the increase since this is going to be considerably bigger than Balance.
- Linda Sibley reiterated that parking and noise are the key issues. She noted that bass is not directional. It thumps in all directions. Also, what are the ramifications with a concrete building?
- Mark Wallace said he felt the town could deal with that and that it is not a land use issue.
- Linda Sibley disagreed. She noted that the MVC has conditioned a number of churches to lessen the impact of noise.
- Fred Hancock noted that the traffic issues are different in the off-season.
- Mark Wallace said that weddings are usually in June and then September and October. They do not generally have them during the high season.
- Fred Hancock suggested that they may want to specify that they would only host specific functions in certain seasons.
- Someone suggested that the Town may have to think about a parking garage at some point.
- Mark Wallace said he didn't think we should plan the town based on the need for parking for tow months of the year.
- Chris Murphy said nevertheless that he has been hearing for years about the need for parking in downtown and the Applicants will need to think about how they are going to mitigate the traffic and parking need generated by their proposal.

Public Comment:

- Since there were a few people in the audience the Chairman invited them to speak.
- Denis DaRosa, the President of the Oak Bluffs Association, said that there was a party in the space a year and a half ago for the Obama Inauguration. There were 350 people and he thought it was a great thing. The O.B.A. is optimistic this project will get off the ground and they feel this would be an asset to the town.
- He noted that people could walk, bike, or bus to this location. He said parking is an issue in town and that the town needs satellite parking. Maybe the Wallace's will be a catalyst to get that going.
- He added that shop keepers notice when the movie theaters are not open.
- Gail Barmakian, Selectmen, said that traffic and parking is a concern, especially how they deal with pick-ups and drop-offs. This location is right next to the Steamship Authority. If there are a lot of drop-offs when the boat gets in it could be troublesome. She also noted that Offshore Ale was conditioned to do certain things for parking and never did. How do we insure that these mitigation measures are actually carried through?
- Kate Young, co-owner of the abutting Surfside Hotel, said her concerns are traffic, crowd control and parking. She feels traffic and crowds can be addressed. Her main concern is noise. The amplification of bass will impact their hotel. During the functions that have been held there her guests have complained about the noise. She would like a discussion of how to address this.
- The project was scheduled for another LUPC on August 23 and Concurrence Review on September 2, 2010.

Adjourned at 7:00