



RE: 35 Circuit Avenue  
Black Dog Building  
Oak Bluffs, MA, Map 8 Parcel 269

Town of Oak Bluffs, Massachusetts  
Office of the Planning Board  
P.O. Box 1327  
Oak Bluffs, MA 02557  
508-693-3554 x154  
PLANNING BOARD

**NOTICE OF DECISION**      **February 25, 2021**

**RE: Lighthouse Trust  
Paul Hartel, Trustee  
35 Circuit Avenue  
Map 8 Parcel 269, zoning district B1**

The Oak Bluffs Planning Board opened a remote Public Hearing on Thursday, February 11, 2021 at 5:00 p.m. and closed the Public Hearing on Thursday, February 25, 2021, on the application of the referenced petitioners seeking:

**A SPECIAL PERMIT under Section 5.1.5 of the Oak Bluffs Zoning Bylaws to allow the waiver of parking requirements in lieu of an annual payment as prescribed to the Oak Bluffs B-1 District PARKING MITIGATION Fund.**

**DECISION:**      The Board voted unanimously to grant the **SPECIAL PERMIT** with the condition that the property owner makes yearly payments (**\$725**) to the Town of Oak Bluffs in lieu of providing **eight (8) parking spaces** as provided by the Oak Bluffs B-1 District Parking Mitigation Fund.

**Procedural History:**

- 01/25/21      Special Permit application for Parking Mitigation received by the Town Clerk and Planning Board
- 01/28/21      Notice of Planning Board Public Hearing posted at Town Hall and mailed to abutters within 300 feet, the applicant and abutting planning boards
- 01/28/21      First Notice of Hearing published in *Martha's Vineyard Times*
- 02/01/21      Special Permit application distributed via e-mail to the Board of Health, Conservation Commission, Building Inspector, Director of Public Works, Police Chief, Fire Chief, Sewer Commissioner and Water District. Posted on web site in a project folder.

- 02/04/21 Second Notice of Hearing published in *Martha's Vineyard Times*
- 02/11/21 Opened Public Hearing; continued to Feb. 25, 2021
- 02/25/21 Closed Public Hearing

## FINDINGS OF FACT

### General Findings

1. The Applicant's project is an interior build out of existing basement and first levels for Black Dog retail. The basement will have retail and storage; the first level will have retail. Per the building permit application, existing square footage will increase from 5296 sq. ft. to 7279 sq. ft. for a total **increase of 1983 sq. ft.**

2. **Oak Bluffs Zoning Bylaw 5.1.3 – Required Off-Street Parking Spaces in the B1 District** outlines the formula for calculating number of required spaces which in this case = **12.415 spaces.**

*1. Retail sales and services establishments: one parking space for each 100 sq. ft. of new floor area for the first 500 sq. ft. and one parking space for each additional new 200 sq. ft.*

1983 sq. ft.	1483 sq. ft.
<u>-500 sq. ft. (5 spaces or \$500)</u>	<u>÷200 sq. ft.</u>
1483 sq. ft.	<b>(7.415 spaces or \$525)</b>

**Total required spaces per the bylaw: 12.415**

3. **Oak Bluffs Zoning Bylaw 5.1.5.3** states: "*Where a proposed use in the B-1 District cannot meet the off street parking requirements set forth in Section 5.1.1 such off street parking requirements may be waived by special permit granted by the Planning Board where the applicant makes a payment in lieu to the Oak Bluffs B-1 District Parking Mitigation Trust.*"

4. **Oak Bluffs Zoning Bylaw 5.1.5.4** states: **Payment in Lieu** "Payments in lieu shall be calculated using the following formula:

Annual Payment for Number of Required Off-street Parking Spaces

1-5	\$100 each
6-15	\$75 each
15+ spaces	\$50 each

5. The Applicant is leasing 4/5 spaces from the Martha's Vineyard Camp Meeting Association. The Planning Board recognizes 4 of the 5 spaces because one is a "piggyback" space, thereby requiring an annual payment that reflects 8 spaces as calculated above.

6. **The formula used to calculate Parking Mitigation Payment Due:**  
*First 500 sq. ft. of new floor space: \$500 + (\$75 x 7 spaces) = \$1,025*  
 \$1,025 - \$300 for four provided [leased] spaces = **\$725**

7. The Applicant's lease with MVCMA expires December 31, 2021. Should the lease not be renewed, the annual payment shall increase accordingly.

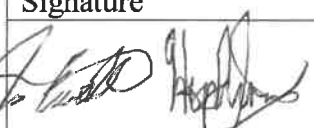

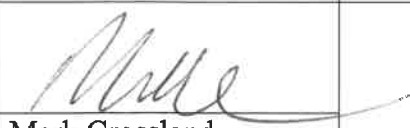
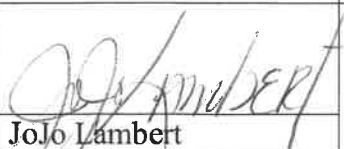
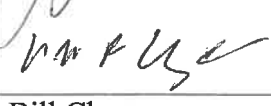
**DECISION OF THE BOARD, CONDITIONS:**

The Planning Board determined that the Applicant's project, as proposed and as conditioned herein, satisfies the requirements and intent of the By-law.

Member Bill Cleary made a motion to grant the SPECIAL PERMIT under Section 5.1.5 with the condition that the property owner make yearly payments (**\$725**) to the Town of Oak Bluffs in lieu of providing eight (8) parking spaces as provided by the Oak Bluffs B-1 District Parking Mitigation Fund. Member JoJo Lambert seconded. Motion passed 5-0.

**Record of Board Vote.**

The members of the Planning Board voted as follows to grant a Special Permit subject to the above-stated terms and conditions:

Signature	In Favor	Against	Abstain	Recuse
 Ewell Hopkins	X			
 Erik Albert	X			
 Mark Crossland	X			
 JoJo Lambert	X			
 Bill Cleary	X			

Filed with the Town Clerk on: March 9, 2021

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Colleen Morris, Town Clerk

Copy of Special Permit Mailed to:

Paul J. Hartel, Trustee  
Lighthouse Trust  
230 Jones Road, Unit 6  
Falmouth, MA 02540  
All Noticed Parties (see abutter list)

The Planning Board of the Town of Oak Bluffs hereby certifies that a Special Permit has been granted to Lighthouse Trust, Paul Hartel (Trustee), 230 Jones Road, Unit 6, Falmouth, MA 02540, affecting the rights of the owner with respect to land or buildings at 35 Circuit Avenue, Map 8, Parcel 269. Said Planning Board further certifies that the decision attached hereto is a true and correct copy of its decision granting said special permit, and that copies of said decision, and of all plans referred to in its decision, have been filed with the town clerk.

The Planning Board also calls to the attention of the Owner or Application that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town clerk that twenty days have elapsed after the decision has been filed in the office of the town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the Owner or Applicant.



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Ewell Hopkins, Chair

Dated: February 25, 2021

RE: 35 Circuit Avenue  
Black Dog Building  
Oak Bluffs, MA, Map 8 Parcel 269

**This decision was filed in the office of the Town Clerk, on March 9, 2021. Appeals, if any, should be made pursuant to Section 17, of Chapter 40A of the Massachusetts General Laws and should be filed within 20 days of the filing of this decision in the office of the Town Clerk.**

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Date Appeal Period Expired

I hereby certify that no appeal has been filed within the twenty-day period following the date of the filing of this decision.

Attest: \_\_\_\_\_  
Colleen Morris, Town Clerk