

THE MARTHA'S VINEYARD COMMISSION

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Minutes of the Special Meeting of August 5, 2004

Held in the Olde Stone Building,
33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

Commissioners: James Athearn (Elected – Edgartown), John Best (Elected Tisbury), John Breckenridge (Appointed - Oak Bluffs), Christina Brown (Elected – Edgartown), Linda DeWitt (Appointed - Edgartown), Jane Greene (Appointed – Chilmark), Ned Orleans (Appointed - Tisbury), Megan Ottens-Sargent (Elected - Aquinnah), Robert Schwartz ((Appointed – West Tisbury), Doug Sederholm (Elected - Chilmark), Linda Sibley (Elected - West Tisbury), Paul Strauss (County Comm. Rep.), Richard Toole (Elected – Oak Bluff)s, Andrew Woodruff (Elected – West Tisbury)

Staff: Bill Veno (Senior Planner), Paul Foley (DRI Analyst), Bill Wilcox (Water Resources Planner), Srinivas Sattoor (Traffic Analyst), Charles Crevo (Transportation and Traffic Consultant)

1. DUKES COUNTY SAVINGS BANK: DRI NO. 578 - PUBLIC HEARING

Commissioners present: J. Breckenridge, J. Best, C. Brown, L. DeWitt, J. Greene, N. Orleans, M. Ottens-Sargent, R. Schwartz, D. Sederholm, L. Sibley, P. Strauss, R. Toole, A. Woodruff

James Athearn recused himself from public hearing. **John Best** disclosed that he is representing a seller whose property is across the street from the Nobnocket parcel; he will investigate whether it is a conflict. **John Best, Linda Sibley, Jane Greene, Ned Orleans,** and **Richard Toole** disclosed they are depositors with the bank.

For the applicant: Joanne Gosser, AIA, Synergy mv; John Lolley, Engineer; Randy Hart, Traffic Consultant, Vanasse Hangen Brustling (VHB); Kristen Reimain, Landscape Architect; Bob Wheeler, Executive Vice President, Dukes County Savings Bank

Christina Brown introduced the application:

- To construct a 15,000 square foot building for back offices and a small branch office
- To construct a 4,000 square foot building for a day-care facility for 20 children
- 5.15-acre site at the corner of Holmes Hole Road and State Road, formerly known as "Nobnocket"
- The Commission reviewed a DRI in 1987 and approved a 5-lot subdivision in 1988 for the same parcel.

1.1 Applicant's Presentation

Joanne Gosser summarized the proposal:

- Existing conditions include a 10-12 foot excavation done previously. Much of the site is heavily treed.
- The bank proposes two buildings: a 15,000 sq. ft. office building within a 5,000 sq. ft. footprint to house operations, a branch, a drive-through and loan department.
- The second building is 3800 sq. ft. within a 2200 sq. ft. footprint for a daycare center that the bank would own but not operate.

Bob Wheeler explained the expansion.

- With respect to the need for the project, expansion at the Main Street, Edgartown site is not available or appropriate. As a mutual savings bank, existing for Martha's Vineyard customers, the bank won't be bought out and this proposal meets facility meets current and future needs projected 25 years. The proposed site met the bank's criteria of being able to relocate the trust department, being in a commercial zone and being appropriate for building a new facility.
- Traffic to the new facility is traffic not going to Downtown Vineyard Haven. In addition, 25 fewer employees will need to park downtown in Edgartown.
- Regarding the day care center, the bank will build and equip the building and lease it to an independent operator, for example MV Community Services. It is expected that bank employees' children will be able to attend at a reduced rate.

Kristen Reiman outlined the existing condition of the site, the landscape plan and siting of the building.

- Both buildings will have access at two levels and will be set into the 10 to 13 foot embankment, which will be reworked with a series of retaining walls.
- Efforts will be made to save existing trees, clear invasive vegetation and replant the understory with native shrubs to screen the parking area.
- An earthen screen will be created at the corner of State Road and Holmes Hole Road.
- In response to a question about the embankment height at corner of Holmes and State, she said she feels it will need to be sculpted on site and will be high enough to serve as an effective screen, probably about 6 feet.
- In response to a question, she explained that areas on the parcel with no construction would remain as is.

Robert Schwartz asked about sidewalks along State Road and Holmes Hole Road, which are not currently pedestrian-friendly. The applicants explained that they plan to have further discussion with Town of Tisbury about sidewalks.

Megan Ottens-Sargent asked about environmental issues and the environmental notification form in 1987. **Joanne Gosser** said she saw no triggers for an E&F in the proposal. Currently the parcel is under a purchase and sale agreement.

Linda Sibley asked if the applicants would agree to a bicycle/pedestrian path through the property; the earlier subdivision plan contained a condition for a bike/pedestrian path on the property without stating particularly where it was. **Bob Wheeler** said he and the engineer would discuss the idea, although an area of the parcel is very steep. **Linda Sibley** said a proposal was made at one time for a bike path coming out of Spring Street and going along Old Holmes Road. Bringing a bike path around the edge or Nobnocket might help keep bikes off the main road.

John Best asked about the layout of parcel. The resiting of the buildings uses the five acres. Nothing is proposed for lot 4, which will remain in its natural state. There is no further plan for the parcel, except possible eventual expansion of the proposed buildings.

Joanne Gosser described the building.

- The bank customer entrance is on the lower level and the employee entrance on second level.
- The daycare has entrances on two levels: pre-school and toddler classrooms on lower level; infant care and offices on upper level.
- The exterior will be stone base on the lower level and a shingled exterior with a proposed wood shingled roof.

John Best asked about an elevator in the daycare building. After discussion, he said the code may not require it but common sense might.

John Lolley summarized the wastewater and stormwater report.

- The parcel is a nitrogen sensitive site, located in Zone II of the new Manter well at the end of Holmes Hole Road. At a time when the well is operating 100%, the site may be in the zone of contribution.
- It is also nitrogen sensitive because of its proximity to Tashmoo Pond. Nitrogen sensitive area means the state sets requirements as to how much effluent a development can generate.
- The proposal for denitrification will be sand filters which allow gases to escape from the system.
- Soil is sandy and groundwater is deep.
- Stormwater runoff will be distributed not concentrated.
- Permeable pavers will be used for parking areas such as were used at the Oak Bluffs branch.

- In response to a Commissioner's request for clarification on pavement drainage, he explained that the engineering is counting on vegetation, gradual slopes, and percolation areas rather than catch basins, although a few catch basins may be necessary. There will be ten feet of vegetation between French drains and pavement. The water table is 30 to 50 feet deep.

John Breckenridge said he would like to hear from Bill Wilcox on sand and salt substitutes.

Randy Hart outlined the traffic analysis, the scope of which was determined in conjunction with Commission staff.

- The study indicates that this project will generate no real substantial change in traffic at any location and no level of service change except at the intersection of Holmes Hole Road and State Road.
- A roadway link analysis was also done that showed that there would be no reduction in level of service as a result of this project.
- On the whole, the project will not change the acceptable level of service.
- Measures the applicant will take to alleviate traffic impact include staggered work shifts and having a traffic manager on site. The Holmes Hole Road and State Road intersection may suffer a level of service degradation, but the gap analysis on State Road indicates enough gaps exist to accommodate the number of left turns. Markings will be upgraded on State Road and Holmes Hole Road.
- In response to a Commissioner's question he explained that at the peak hour of a peak day, 166 trips new would be generated; 578 trips will be generated over a 10-hour period.

Bob Wheeler discussed affordable housing, outlining the applicant's commitment to improving the quality of life on the Island and supporting its people.

- Measures include:
 - supporting the first time home buyers' program through approval of \$5 million in loans;
 - developing affordable loan pool with other Island banks and contributing \$100,000 to the pool;
 - with Affordable Housing Fund being awarded a grant covering closing costs and Land Bank Fee;
 - approving loans to Dukes County Regional Housing Authority;
 - financing Island Elderly Housing projects.
- He is personally involved in affordable housing organizations and committees on the Island. They are good business for the bank and good business for the Island.

1.2 Staff Report

Paul Foley summarized the staff report.

- The zoning is B-2 business.

- The site is at the western end of the Tisbury commercial corridor; to the west is largely residential and woods; it borders on the point of Oak Bluffs that touches State Road.
- The history of the property is:
 - 1970s - The Artworkers' Guild, foundry and then a Greek Restaurant;
 - 1987 MVY Realty Trust proposed 80,000 sq. foot supermarket and bank, which was approved by the Commission with host of conditions including building a connector from Holmes Hole Road to Edgartown Vineyard Haven Road which was voted down by the town;
 - 1988 MVY Realty Trust returned with a revamped proposal denied;
 - Five separate commercial lots were approved.
- The proposed building will have 35 – 38 employees and can accommodate 55 employees. 82 parking spaces are planned. The plan was referred by the Tisbury Building Zoning Department.
- Issues of concern raised by the application include:
 - traffic generation; the possible future of Holmes Hole Road – connector;
 - site design – the presence of two driveways with 82 parking spaces, screened from the road but a large area of impervious surface;
 - building design and impact on scenic values – the main structure is quite large (in “Vineyard bank shingle style” with gabled roof and dormer) although it is set away from the road with screened parking;
 - vegetation and habitat – disturbed area successional growth of invasive species; potential habitat displacement;
 - stormwater and wastewater – the Manter Well is being built and may be an opportunity to bury other utilities;
 - economic impact – the applicant has hired Island people for planning and may use Island contractors; the facility is being built for room to grow for future community needs;
 - affordable housing – the bank has demonstrate a commitment to the Island Affordable Housing Fund.

Bill Wilcox reported on water and stormwater.

- Groundwater is at 40 feet, flowing is north/northeast. Discharge would eventually be in Tashmoo Pond, a nitrogen sensitive area.
- Disposal of stormwater should not be an issue.
- He concurred that site area allows just over 3000 gallons of wastewater.
- Proposed site would allow for 65.8 kilograms of nitrogen loading. Proposed wastewater systems estimate is about 39 kilograms of nitrogen, using the recirculating sand filter.
- Stormwater would be generated from impervious surface, approximately 43,000 square feet of parking, access roads and walkway, and 7200 sq. feet of building footprint.
- Roofwater would go into drywells or French drains and kept separate from parking lot stormwater.

- Parking areas will be pavers.
- Run-off will flow through grassy area, then to gravel then to an infiltrator system that will distribute it through the ground.
- The disposal plan may require a special permit from the Planning Board for impervious surfaces of this size; there is a question as to whether the paver materials are considered 100% impervious.
- He requested a breakdown of how much of the 43,000 square feet will be sidewalks and pavers. The access road and pedestrian area will be concrete and pavement.
- He suggested working with the applicant to maximize the vegetative strip to catch runoff.
- Regarding salt, calcium chloride is good for de-icing and doesn't cause sodium contamination. Discussion of limiting use of salt to stairs and walkways would be worthwhile

John Best asked whether any pollution issues had come up out of the Nobnocket Garage use. Joanne Gosser said a 21E examination had found concentrated levels in a concentrated area, and the tanks and possibly immediate soil were removed. Christina Brown asked that the 21E and any subsequent related material be added to the file.

Charles Crevo gave his analysis of the traffic study.

- He disclosed that from 1985-1996 he was employed by VHB.
- He found the traffic analysis report to be technically correct and competent:
- Trip generation rates are consistent with ITE standards and the calculations for the intersection capacities are performed capacities.
- He has suggested that Randy Hart modify the report to include an explanation of the gap analysis to give Commissioners a clearer understanding of the effect of gaps on the traffic stream.
- The Holmes Hole Road intersection is projected at a level service D in "No-build 2006" to level F with the project. The Transportation Demand Management Program can mitigate that high level by spreading out the trips over a period of time and reducing the delay.

1.3 Commissioners' Questions

Megan Ottens-Sargent asked about the comparative study that was done using the Dukes County Savings Bank in Oak Bluffs and the attorney office. VHB was directed by MVC staff to use the attorney's office for its analysis. The ITE trip generation rate is actually 3 times greater than the comparative study. Charles Crevo agreed that ITE numbers are typically higher than actual numbers. Linda Sibley said some situations show ITE numbers to be lower.

Linda Sibley questioned the use of peak hours on weekday mornings and afternoons. She said a study was done showing Island peak period is different from peak commuting periods. Peak is 12:00 noon Saturday, particularly bad weather Saturdays. She said she would like to know what traffic generation is at 12:00 on a rainy Saturday.

Srinivas Sattoor explained that at the Tisbury gas station proposal, Saturday noon count was higher than weekday peak hour.

Randy Hart said, on Saturdays, the only part of the bank in operation would be the branch from 9-12, not the back room, day care, or customer relations; about 6 employees would be at the site during Saturday mornings.

Linda Sibley asked about bank public traffic at about noon.

Randy Hart said the critical combination of site-generated traffic and adjacency traffic is typically the highest at the commuter peak period. **Linda Sibley** said site specific traffic may be highest but the combination of State Road Traffic and site traffic is the critical combination. He believes VHB looked at critical periods. **Bob Wheeler** said he can get further numbers.

Doug Sederholm asked whether the proposal to stagger work shift hours is a formal offer. The applicant responded that it could be.

Randy Hart said that the traffic analysis does not take into account staggered work hours.

In response to a question from **Andrew Woodruff**, on the projected number of customers, **Randy Hart** explained bank customer traffic numbers were generated from a data base using a weighted average for a bank of this size, with a result of 18 trips during peak morning hours and 66 during evening. A comparison was done with the Oak Bluffs empirical data, which suggested that the data base generated numbers were very conservative.

Linda DeWitt asked about the effect of the project on West Spring Street, which is used to avoid traffic on Upper State Road. **Randy Hart** said West Spring Street was analyzed; the study shows a minor increase in delay between no-build and build rates for turning off of West Spring.

Linda DeWitt asked that the Commission receive some more information on the daycare, in terms of cost and how it will be set up.

John Best asked for clarification of the affordable housing, especially in terms of the daycare. He asked for better definition on the priority for employee children. He asked that the bank clarify its affordable housing contribution and how their proposal matches the Commission's affordable housing policy and the ways in which the bank goes beyond the requirements of the Community Reinvestment Act.

1.3 Testimony from Public Officials

Tony Peak is Chair of the Tisbury Planning Board.

- The Board hadn't found any problems with the proposal and it will fit in with Tisbury's developing thoughts in that area, particularly in terms of a connector road, which may affect their entrances and exits.
- In general, the people working with the applicant are a very open group and he feels confident that, as small problems arise, there will be an opportunity to work with the applicants to solve them.

- In response to a Commissioner's question about what kind of special processes or permits may be required, he said no site review is required, but the Planning Board may have to review impermeable area restrictions. The pervious level of the proposed paving materials will probably be considered at some percentage level and may require a special permit.
- Staff will double-check whether parking space allotment falls under the regulations of the Zoning Board of Appeals.
- In response to a Commissioner's question about burying utility lines, he said the power lines to the town's well had already been installed above ground. The Planning Board appeared at the hearing before the Selectmen stating that the town should be held to the same standard as any developer and would have preferred underground lines. Probably the lines would go from the pole in the Holmes Hole right of way on the bank side underground to the bank.

Jane Greene's said that once power is underground, everyone on the road will need to run power underground. **Christina Brown** said that underground power regulations would need to be clarified.

1.4 Public Testimony

Peg Goodale spoke in support of the project. She is the site's next-door neighbor. It sounds like a good idea and she likes the idea of having the bank as her neighbor.

Christina Brown continued the public hearing to August 19th.

2. PENNYWISE PATH: DRI NO. 577 – WRITTEN DECISION

Commissioners present: J. Athearn, J. Breckenridge, L. DeWitt, J. Greene, N. Orleans, M. Ottens- Sargent, D. Sederholm, L. Sibley, P. Strauss, R. Toole, A. Woodruff

Christina Brown recused herself from the discussion.

Linda Sibley said the Commission received counsel's comments only this afternoon. She suggested that the Commission vote to approve the Pennywise Path written decision and assign one or two Commissioners to incorporate the attorney's comments provided that the comments don't substantively change the decision, and finalize any wording.

Linda Sibley moved and it was duly seconded to approve the Pennywise Path written decision subject to incorporation of attorney's suggestions and clarification of wording by a subcommittee.

- **Doug Sederholm** said in his opinion the attorney's comments are clarifying and not substantive.

A voice vote was taken. In favor: 11. Opposed: 0. Abstentions: 0.

- Jane Greene suggested on page five, section 8.5 that the paragraph on the burden on taxpayers be removed because it wasn't appropriate and wasn't discussed. Linda Sibley disagreed and stated that it was included in the grid of benefits and detriments and it was presented as part of LUPC's recommendation to the full Commission. In a show of hands the Commission decided to leave the paragraph on the burden on taxpayers in the written decision, without the underlining.
- Page 8, under Frost Pocket 4.1, the Commission agreed '*other than as may be required to provide emergency access*' should be struck.
- The sub-committee will work out the wording regarding silt fencing.
- Page 6, Section C will be reworded by the subcommittee for clarification.

Linda Sibley moved and it was duly seconded that Section 3.2 on buffer zones be reworded according to Counsel's recommendations of the removal of the word 'considered' and the addition of 'and thereafter, subject to the MVC DRI review for change of conditions for areas outside the 12 acres'.

- Doug Sederholm spoke in support of the motion.

A voice vote was taken: In favor: 11. Opposed: 0. Abstentions: 0.

Doug Sederholm moved and it was duly seconded that the wording related to wastewater treatment (Section A2) be changed from 'positive' to 'neutral'. A voice vote was taken: In favor 11. Opposed. 0. Abstentions: 0.

- Commissioners agreed Section A3, Page 4, should reflect that the Commission accepted 12th Street traffic as a detriment.
- Jane Greene suggested that on Page 5, 'sewage' should be changed to 'flow', as the proper term.

A roll call vote was taken on the motion to the Pennywise Path written decision as amended and subject to incorporation of attorney's suggestions and clarification of wording by a subcommittee. In favor: L. Sibley, P. Strauss, R. Toole, A. Woodruff: J. Athearn, J. Breckenridge,, L. DeWitt, J. Greene, N. Orleans, M. Ottens-Sargent, D. Sederholm Opposed: None. Abstentions: None.

The subcommittee will be the officers: James Athearn, Linda Sibley, and Jane Greene.

3. MEETINGS

Commissioners present: J. Athearn, J. Best, J. Breckenridge, C. Brown, L. DeWitt, J. Greene, N. Orleans, M. Ottens-Sargent, D. Sederholm, L. Sibley, P. Strauss, R. Toole, A. Woodruff

Doug Sederholm moved and it was duly seconded to reschedule the regular August meeting of August 19th to August 26th. A voice vote was taken. In favor: 13. Opposed. 0. Abstentions: 0. The motion carried.

Christina Brown noted that the public hearing on the Dukes County Savings Bank application would be continued until August 26th.

John Breckenridge moved and it was duly seconded that the September meetings be moved from the first and third Thursdays (September 2nd and 16th) to the second and fourth Thursdays (September 9th and 23rd). A voice vote was taken. In favor: 11. Opposed: 0. Abstentions: 2. The motion carried.

Jane Greene said in general she believes the Commission isn't meeting frequently enough and is trying to do too much in each meeting. Linda Sibley said that having a public hearing and two major written decisions in one meeting is too much.

4. ONE ELEVEN REALTY TRUST: DRI 335M-2 – WRITTEN DECISION

Commissioners present: J. Athearn, J. Best, C. Brown, L. DeWitt, N. Orleans, M. Ottens-Sargent, D. Sederholm, P. Strauss, R. Toole, A. Woodruff

Linda DeWitt asked and received confirmation that legal advisors had reviewed and revised the written decision as necessary.

With respect to scenic values, James Athearn asked for confirmation that the building would be considered 'highly visible'. Christina Brown and John Best explained that all views of the building would not be screened by trees.

Doug Sederholm suggested, and Commissioners agreed, that wording related to Affordable Housing, Section A4, be changed from 'to go a long way to mitigating the impact' to 'to help to mitigate the impact'.

Christina Brown moved and it was duly seconded that the written decision as amended be approved. A roll call vote was taken. In favor: J. Athearn, J. Best, C. Brown, L. DeWitt, N. Orleans, M. Ottens-Sargent, D. Sederholm, P. Strauss, R. Toole, A. Woodruff. Opposed: none. Abstentions: none. The motion carried.

The meeting adjourned at 11:00 p.m.


Chairman


Date


Clerk-Treasurer


Date