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Martha's Vineyard Commission

DRI #704 112 Dukes County Ave. Demolition MVC Staff Report – 2021-8-12

1. DESCRIPTION

- 1.1 **Applicant:** Ryan and Abigail Dillon, Robert Moriarty (agent)
- 1.2 **Owner:** DC Studios LLC
- 1.3 **Project Location:** 112 Dukes County Ave., Map 11, Lot 209, Oak Bluffs
- 1.4 **Proposal:** Demolition of a historic two-story home (already completed) and construction of a new three-story home just outside the Cottage City and Copeland Plan districts.
- 1.5 **Zoning:** B1 (Commercial Business)
- 1.6 **Local Permits:** Special Permit, Building Permit
- 1.7 **Surrounding Land Uses:** Other commercial and residential uses in the B1 and R1 districts. The property is about 200 feet west of the Cottage City and Copeland Plan districts.

- 1.8 **Project History:** The former building at 112 Dukes County Ave. was built around 1880 in the Victorian Eclectic style of many houses in the Campground, and is listed in MACRIS. As of 2020, the house had 3,200 ft², two bedrooms, and contained commercial uses including yoga, massage, and retail. In Jan. 2021, the Oak Bluffs Building Inspector issued a demolition permit after the Oak Bluffs Historic Commission had determined that the building was not historically significant. The demolition of the house and a shed, and construction of a new foundation, took place soon after. The MVC informed the Oak Bluffs Planning Board in early April that the demolition required MVC review, at which time the Building Inspector issued a stop-work order. The previous permits for interior demolition, full demolition, and foundation work have been provided to the MVC.

- 1.9 **Project Summary:** The proposal is to construct new 3,500 ft² three-story house with a one-bedroom apartment on each floor. As revised on Aug. 4, 2021, the plans also show office space and a showroom/conference room, and reception area on the first floor. The owners intend to request a waiver under section 7.2.1.3 of the Oak Bluffs Zoning Bylaw to allow for the residential use on the first floor, although it is not yet clear whether that section of the bylaw applies to the first-floor restriction in section 7.2.5.1. All of the residential units would be for employees of DC Studios, which makes custom cabinets.

The proposed new footprint of structures on the site is 1,758 ft², including the foundation, porches and stairs (359 ft² larger than the previous footprint, which included the former shed and stairs). The new building would stand about 33'11" at the ridge. (The height of buildings in the B1 district may not exceed 35 feet.) Architectural plans, including floor plans, elevations, building materials, and structural details, have been provided. The owner intends to reuse some of the wood from the previous building for cabinet making.

The owners also own properties at 114 and 116 Dukes County Ave., which they intend to develop in the future. Those properties were reviewed in 2009 as DRI 615, so further development there would require a separate modification.

2. ADMINISTRATIVE SUMMARY

- 2.1 DRI Referral:** Building Department
- 2.2 DRI Trigger:** 8.1a (Demolition of a structure listed in MACRIS), 8.1b (Demolition of a structure more than 100 years old)
- 2.3 LUPC:** July 12, 2021
- 2.4 Site Visit:** July 28, 2021
- 2.5 Public Hearing:** August 5, 2021

3. PLANNING CONCERNS

Historic Character: The house was built around 1880 in the Victorian Eclectic style of many houses in the Campground, and is listed in MACRIS. According to the MACRIS file:

This building is significant as part of the continued expansion of Cottage City (Oak Bluffs) as a resort and year-round community. It is located in an area called Oak Grove, 15 acres of land developed by James Rothwell and Zebulon Pratt in 1871. Oak Grove is one of the many small developments which sprang up around Wesleyan Grove and the Oak Bluffs Land and Wharf Company in the 1870s.

This house was probably moved to its present site from an unknown previous location in 1923. It is of the Campground cottage construction.

The building had painted wood shingles, a covered porch, enclosed balcony, brick chimney, dormers, and rear gable addition. Although the property is not within a local historic district, the MVC considers that portion of Dukes County Ave. a Character Area, based on the age and style of its buildings. In 2008, the MVC analyzed the characteristics of houses built between Wing Road and just north of Vineyard Ave. between 1870 and 1936, listing their defining characteristics in regard to height, mass and setback, roof shape, building materials, and windows and doors:

1. Height

- 1.1. All buildings are 1 to 2½ stories high, and most are 1½ to 2½ stories high (the ½ floor represents occupied floor space within the volume of the sloping roofs, with windows in the gable ends and/or in dormers). A few buildings are 1 story high.
- 1.2. The ridge heights range from 18' to 38'.
- 1.3. The heights of the side walls range from 1 to 2 stories.

2. Building Mass and Setback

- 2.1. The width of the typical main facades range from 20' to 31'.
- 2.2. The height of the main façade is less than the width of the main façade.
- 2.3. The length of side wall of main building (excluding projections) ranges from 18' to 42'.
- 2.4. The setback of the main façade (excluding one story projections) on the east side of Dukes County Avenue range from 20' to 25' from the road edge.
- 2.5. Virtually all buildings more than one story high have a one-story projection at the front, usually either an open porch or an enclosed sunroom.

3. Roof Shape

- 3.1. Most buildings have gable roofs with gable ends facing the road. A few buildings have hip roofs.

4. Building Materials

- 4.1. The exterior building materials are mostly naturally weathered cedar shingles. A few buildings have painted shingles or limited areas of natural wood siding. One building is wood siding.

5. Windows and Doors

- 5.1. Virtually all windows are double-hung (typically 2 panes over 1 pane, or 2 panes over 2 panes) with a height about double the width.

The former building at 112 Dukes County Ave. was included in this analysis, and generally aligned with the above criteria, although its sidewall length was slightly longer, it was closer to the road, and it appeared to contain several newer windows. The proposed house would be larger and taller than the previous house, but is designed to be similar to other houses in the area. (A spreadsheet of buildings within the Dukes County Ave. study area, including which buildings have been torn town, rebuilt, etc., was updated in July 2021 and is available on the DRI page.)

MVC staff has assigned a score of 14 out of 20 for the building's historical significance (based on historical/cultural associations, design and construction, physical context, presence of original features, and official historic designation), and a score of 10 out of 15 for other factors (location/visibility, structural condition, safety, and replacement plans), for a total score of 24 out of 38, indicating a moderate level of overall importance.

- 3.1 **Wastewater:** The property is connected to the town sewer, and the number of bedrooms will increase from two to three. The previous house had been allocated wastewater flow for two bedrooms and 948 square feet of retail space. The town Wastewater Commission reviewed earlier versions of the proposal in February and March 2021, indicating that the project could potentially be approved for three bedrooms, but the application was withdrawn and the Wastewater Commission has not made any final determination. Further clarifications have been provided by the Wastewater Commission chair and are available on the DRI page.

Staff review and recommendations:

- The property is located in the Oak Bluffs watershed. The adjusted Nitrogen load limit for that system is 11.83 kg/acre/yr.
- The parcel is 0.07 acres.
- The load limit for the property is 0.83kg/yr (0.07 acres*11.83 kg/acre/year).

The numbers below are estimates for residential and commercial uses only, and will change if actual water use numbers become available or if the project is modified. Landscaping and fertilizer application are not included in the calculation.

- The property is connected to the sewer and its current N load from wastewater with 2 bedrooms and commercial space should be approximately 0.466 kg/yr.
- Increasing the bedroom count to three, and if the commercial space is not increased, the property should have an N load of approximately 0.605 kg/yr, which is below the adjusted N load for the property. **The proposal should meet the Water Quality Policy Nitrogen Load Limits.**

Recommendations:

- Only slow release, water-insoluble, nitrogen-source fertilizers may be used in the maintenance of landscaping.
- Landscape plans must use native or low maintenance, drought-tolerant species that are non-invasive to minimize the application of nitrogen, pesticides, and water to landscapes.
- Stormwater should be dispersed into natural vegetation and/or infiltration systems (e.g. vegetated swales or bio-swales).

- 3.2 Economic Development:** The proposal will support an Island business by creating three employee housing units.
- 3.3 Island Housing Needs:** The new building will include three rental workforce housing units for employees of DC Studios. MVC staff preference would be for affordable housing units, but the applicant has stated that is not economically feasible for the project. Staff recommends applying conditions to any approval to ensure that the three apartments remain as workforce housing.
- 3.4 Stormwater and Drainage:** The footprint of proposed structures on the property is 359 ft² larger than the previous conditions. A drainage plan provided on Aug. 4, 2021, shows two drywells at opposite ends of the property, and an ejector pump to handle stormwater.
- 3.5 Energy:** The new building would be all-electric and utilize rooftop solar panels. The applicant will also install a conduit to allow for electric vehicle charging stations in the future.
- 3.6 Traffic and Transportation:** The property is accessed by Arch Ave. immediately to the south, which is a private way. The property previously had two parking spots and an additional space for turning around. The revised plans submitted on Aug. 4, 2020, show three spaces to the rear of the property, on Archer Ave.
- 3.7 Night Lighting and Landscaping:** A lighting plan submitted on Aug. 4, 2021, shows wall-mounted lighting at five locations around the building, parking lighting at one location, and path lighting to the front and rear of the site. The applicant has stated that all exterior lighting will be Dark Sky compliant. A landscape plan has not yet been provided, but the applicant has stated that a mature oak tree on the property will remain. (See staff recommendations in section 3.1 above.)
- 3.8 Zoning:** Section 7.2.5.1 of the Oak Bluffs Zoning Bylaw states that the ground floors of certain types of buildings in the B1 district shall be reserved for nonresidential use only:

7.2.5 Mixed Use /Apartments in B-1 District

7.2.5.1 Conditions:

- 1. In any conversion, reconstruction, restoration or alteration of and to an existing building of two stories or more in the B-1 District under this section, the ground floors of the buildings fronting streets, shall be reserved for nonresidential use.*
- 2. Circulation and access to and from dwelling units may be allowed on the ground floor level.*

The Oak Bluffs Building Inspector was not aware of any examples where mixed use had been permitted on the ground floor of a building in the B1 district, but a determination would be up to the ZBA. The new building would also exceed the allowable lot coverage (section 4.2.5 of the bylaw). The applicant had proposed seeking a waiver under section 7.2.1.3, to allow for the mixed use on the ground floor, but that section of the bylaw appears to apply only to sections 7.2.6.1-6.7, which do not relate directly to the ground-floor restriction. The ZBA would need to review the project and make a determination on all of the above points.