

DRI 710 Redevelopment of Educomp Building – 4 State Road

MEMO

4/20/22

To: Xerxes Agassi

From: Alex Elvin

Re: DRI 710 Redevelopment of Educomp Building - MVC questions during public hearing

Questions raised at the hearing on 4/14/22

1. Please provide the draft lease agreements (including any provisions related to short-term rentals), and all condo documents (declaration of trust, rules and regulations, etc.)
2. Clarify whether the entry driveway will cross the corner of 10 State Road. If not, how will the required turning radius for delivery vehicles be accommodated?
3. Confirm whether the wheelchair ramp will include rests every 30 feet as required for ADA compliance, and show on the elevations.
4. Confirm the lowest depth of the proposed stormwater chambers.
5. Describe how the cherry tree in front will be preserved given the proposed excavation for the front entry and the exit drive, and likely impacts on the root system?

Additional questions/comments from commissioners (submitted in writing):

1. Have you given any consideration to creating outdoor recreation or relaxation space (apart from the rooftop garden) for tenants?
2. It appears that some of the 22 parking spaces are contingent on not allowing Mr. Grillo any access to the property. This needs to be addressed in light of the small number of parking spaces relative to the occupancy at both sites. (22 parking spaces seems low if any apartments are expected to be inhabited by a couple or family.)
3. Is there adequate parking for employees of the commercial space plus clients/customers? What is the norm and does this meet it?
4. How many trees on the Educomp site will need to be removed? What damage would the revised vehicle access do to vegetation on the adjacent sites?
5. The entrance and exit ways are very narrow and tight up against the building. The renderings showing vegetation, a pedestrian pathway, and truck access seem more spacious than the actual space permits on the sides of the building. Please confirm the accuracy of the renderings with measurements.
6. Flooding will get worse in the future as a result of climate change. The vehicle access grade seems steep for side parking. Are granite pavers permeable enough for the water that may flow down the grade?
7. Was there any consideration to make the exit right-turn-only?
8. What are the town rights of way on the front of the property? Does there need to be space preserved for sidewalk or bikeway?
9. In raising the level of the soil on this property, what damage will that truly inflict on the neighbors' properties, some of which are at a lower level already.
10. The concept of in-town smart growth and housing combined with retail is great, but the mass of the building belies the proportionality that is so much part of Vineyard Haven. If you considered down-sizing and amplifying the 'stepped floors' design, I could be much more supportive.

DRI 710 Redevelopment of Educomp Building – 4 State Road

Applicant Answers to Questions raised at the hearing on 4/14/22 – (Updated 06-10-2022)

1. *Please provide the draft lease agreements (including any provisions related to short-term rentals), and all condo documents (declaration of trust, rules and regulations, etc.)*

We offer short term rental restrictions on 11 of the 14 residential units – thus 78% of the units would be short term restricted. The 3 unrestricted units will help offset our offer to allocate units for workforce usage.

All units rented to island businesses for employee usage for be fully restricted and not allow any short term rentals per the language in the leases as noted below. Any remaining restricted units will have language in the condo docs limiting short term rentals and in any leases. Below is an overview of restricted units.

Floor	Unit #	Description	Short Term Rental Restrictions
2	R-2A	1 Bedroom, 1 Bath, Kitchen/Dining/Living	Restricted
2	R-2B	2 Bedroom, 2.5 Bath, Kitchen/Dining/Living	Unrestricted
2	R-2C	1 Bedroom, 2 Bath, Kitchen/Dining/Living	Restricted
2	R-2D	2 Bedroom, 2 Bath, Kitchen/Dining/Living	Restricted
2	R-2E	1 Bedroom, 1 Bath, Kitchen/Dining/Living	Restricted
2	R-2F	1 Bedroom, 1 Bath, Kitchen/Dining/Living	Restricted
3	R-3A	1 Bedroom, 1.5 Bath, Kitchen/Dining/Living	Restricted
3	R-3B	2 Bedroom, 3 Bath, Loft, Kitchen/Dining/Living	Unrestricted
3	R-3C	2 Bedroom, 2 Bath, Kitchen/Dining/Living	Restricted
3	R-3D	2 Bedroom, 2 Bath, Kitchen/Dining/Living	Restricted - 80% AMI - Affordable
3	R-3E	1 Bedroom, 1 Bath, Kitchen/Dining/Living	Restricted - 150 % AMI - Workforce 10 Yr
4	R-4A	1 Bedroom, 1 Bath, Kitchen/Dining/Living	Restricted
4	R-4B	1 Bedroom, 1 Bath, Kitchen/Dining/Living	Restricted
4	R-4C	3 Bedroom, 3 Bath, Kitchen/Dining/Living	Unrestricted

Lease Language – Restricting Subletting; Short Term Rentals and Number of Occupants for units rented to businesses for housing employees.

Standard Clause - Subletting; Number of Occupants. Tenant shall use the Leased Premises as housing for its employees, and shall not assign or sublet any part or the whole of the Leased Premises except to its employees, nor shall Tenant permit the Leased Premises to be occupied for a period longer than a temporary visit, by anyone except Tenant's employees, their spouses, and their children, without first obtaining on each occasion the written consent of Landlord. Notwithstanding any such consent, Tenant shall remain unconditionally and principally liable to Landlord for the payment of all Rent and for the full performance of the conditions and covenants of this Lease. The number of employees living in the Leased Premises at any time shall in no event exceed the maximum number of occupants permitted under Section 6 of the Lease. While it is Tenant's intention that the same employees occupy the Leased Premises for the entire term of the Lease, the particular employees living in the Leased Premises may vary from time to time. Upon a written request made by Landlord, Tenant shall identify the names of the employees living in the Leased Premises at the time of the request. Landlord further acknowledges that such use by Tenant shall not be deemed a sublease of the Leased Premises.

Alternative Clause - Subletting; Number of Occupants. Tenant shall use the Leased Premises as housing for its employees and/or the employees of its contractors providing services for the Project, and shall not assign or sublet any part or the whole of the Leased Premises except to its contractors providing services for the Project and/or the employees of either of them. Tenant shall not permit the Leased Premises to be occupied by anyone except Tenant's employees and/or the employees of its contractors providing services for the Project, their spouses, and their children. However, Tenant shall have the right without Landlord's consent, but with notice to Landlord, to (a) assign this Lease to (i) an affiliate of Tenant, (ii) a successor to Tenant by reason of a merger or acquisition, or (iii) to any person acquiring the Project; and (b) to mortgage, collaterally assign, grant a security interest in, or pledge this Lease to one or more parties providing debt and/or equity financing for the Project. Notwithstanding any such consent, Tenant shall remain unconditionally and principally liable to Landlord for the payment of all Rent and for the full performance of the conditions and covenants of this Lease. The number of employees living in the Leased Premises at any time shall in no event exceed the maximum number of occupants permitted under Section 6 of the Lease. Landlord acknowledges that the particular persons living in the Leased Premises may vary from time to time. Upon a written request made by Landlord, Tenant shall identify the names of the persons living in the Leased Premises at the time of the request, and provide the make and license plate number of any residents' vehicles which park on the Leased Premises.

Any remaining restricted units will have the following short term restrictions as noted in the condo docs.

RENTALS

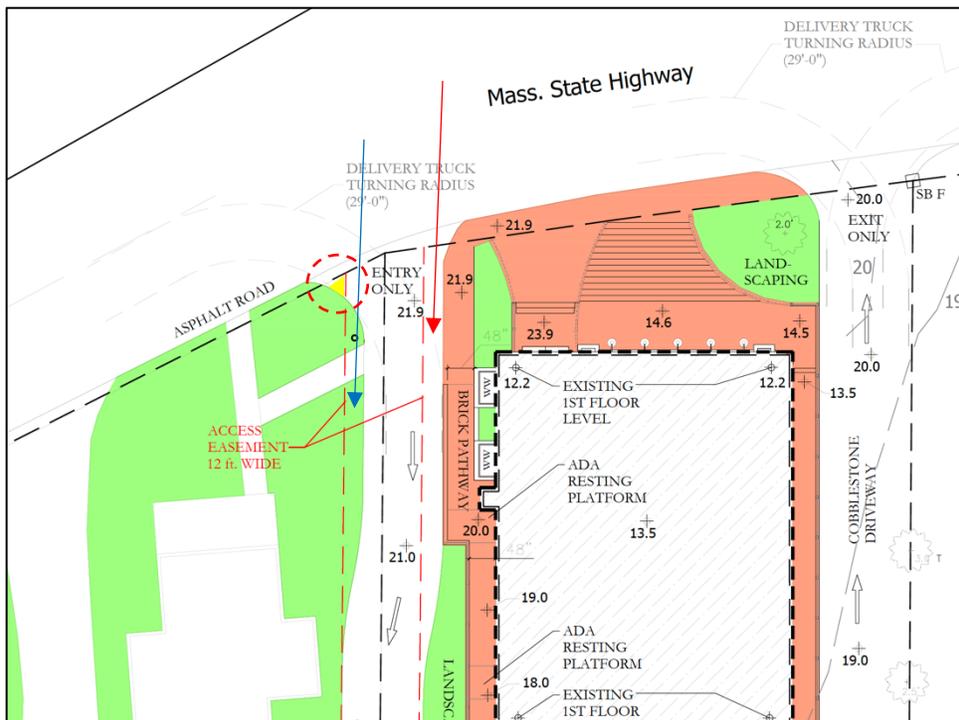
Restricted Units, Units R-2A, R-2C, R-2D, R-2E, R-2F, R-3, R-3C, R-3D, R-3E, R-4A, and R-4B may be leased, but for not less than one week's duration, and not more than three times in a calendar year. In the case of special circumstances caused by financial distress, illness, change in employment or other unforeseen matters, a unit owner may appeal to the Trustees for a waiver to this rental provision for additional specific rental periods. A two-thirds vote of the Trustees, as well approval by the Land Use Planning Committee of the Martha's Vineyard Commission, shall be required to allow such additional rental periods. In addition, if a unit is not to be occupied by an owner for at least six months of the year, and is to be rented, the rental period shall be for no less than six months at a time. Units R-2B, R-3B, R-4C shall have no leasing restrictions.

Copies of leases must be filed with the Trustees prior to occupancy by any tenant.

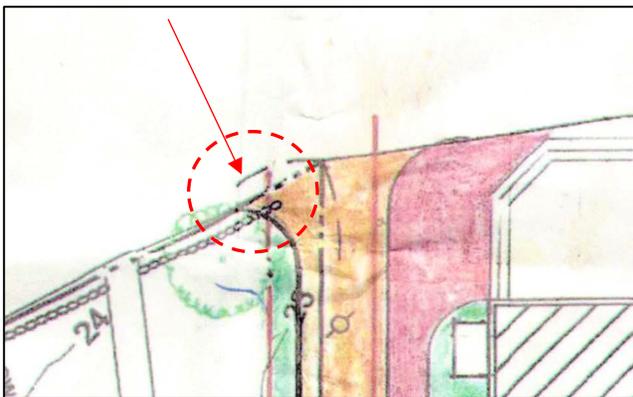
DRI 710 Redevelopment of Educomp Building – 4 State Road

2. Clarify whether the entry driveway will cross the corner of 10 State Road. If not, how will the required turning radius for delivery vehicles be accommodated?

The curve as noted in yellow within the red dashed circle below does cross the corner of 10 State Road to match the current Easement on record. See the Easement on records Exhibit noting curve crossing corner below. 4 State Roads proposed ingress driveway does have additional space to the east of the existing easement on record which we leveraged to accommodate the turning radius for a delivery truck as noted by the red arrow below. By shifting the ingress driveway over in this space, our abutters can maintain additional landscaped space as noted by the blue arrow and benefit from the turning radius for delivery trucks accessing their back parking area.



Easement on Record below;

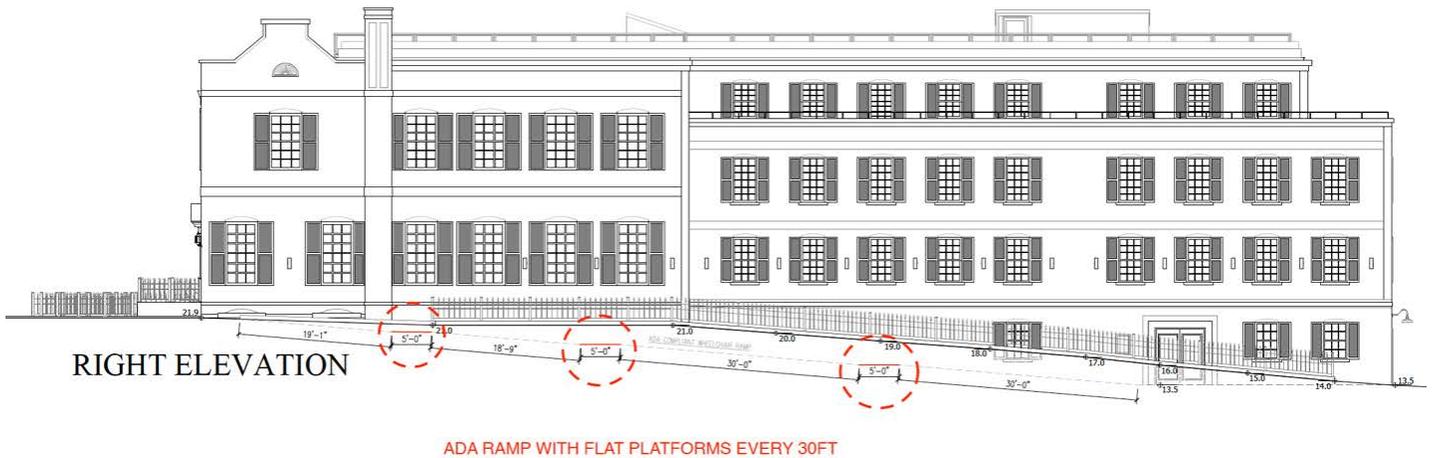


DRI 710 Redevelopment of Educomp Building – 4 State Road

3. Confirm whether the wheelchair ramp will include rests every 30 feet as required for ADA compliance, and show on the elevations.

The wheelchair ramp will include rest areas every 30 feet as required for ADA compliance.

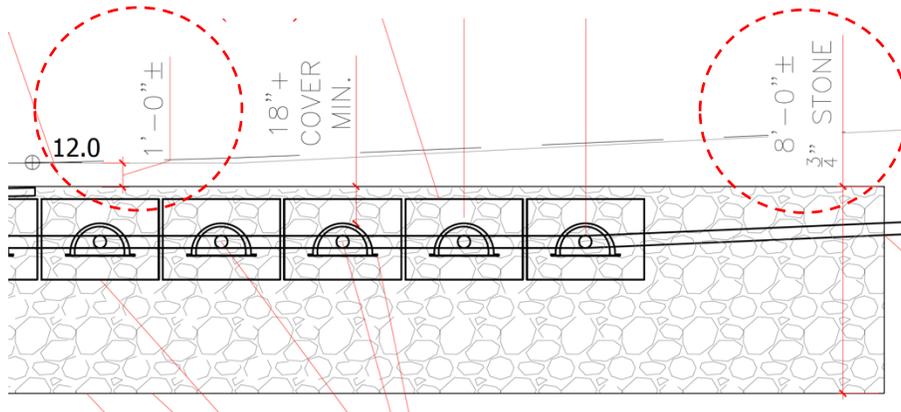
See plan below that highlights ADA compliant rest areas every 30ft



DRI 710 Redevelopment of Educomp Building – 4 State Road

4. Confirm the lowest depth of the proposed stormwater chambers.

Kindly note Stormwater Plan and Capacity Utilization calculation submissions – As depicted in those plans the $\frac{3}{4}$ " Stone chambers lowest depth is 9ft (1ft + 8ft of crushed stone) below elevation of 12.



We offer to engage The Public Archeological Laboratory, Inc. (PAL) to review final storm water plans and follow their advice and recommendations which they deem appropriate with regard to lowest the depth of stormwater chamber.

The chamber volume was over designed with 50% over capacity. Furthermore there is additional area in the rear parking area to expand the stormwater chamber footprint. Thus if PAL recommends a stormwater system that does not go as deep upon completing its investigation – alternative solutions would be at hand to meet the stormwater drainage requirement with a shallower system design. Any change would be submitted to Fraser Engineering for review and approval.

DRI 710 Redevelopment of Educomp Building – 4 State Road

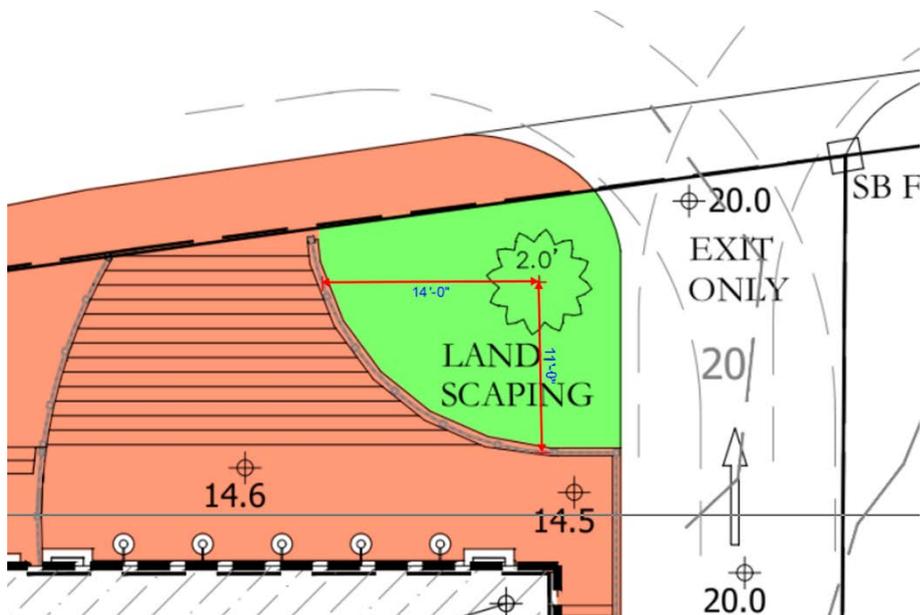
5. Describe how the cherry tree in front will be preserved given the proposed excavation for the front entry and the exit drive, and likely impacts on the root system?

It is our intent to save the cherry tree at the front of the building, hence the design of the curved staircase entrance to the recessed patio.

We offer to engage an island based arborist and follow their recommendations so as to seek guidance and follow their recommendations in our efforts to save the tree throughout the construction period. If despite our best efforts we are unsuccessful in saving the tree – we offer to commit to replacing the tree with a new tree in kind.

We reached out to two local arborists, Bob Haggerty at Haggerty Tree Inc. and Ian Jochems at Jochems Tree Care and Consulting LLC both who have both provided proposals to us for this purpose. Both felt that with the appropriate care and the circumference we have allocated there is a good chance to save the tree. Note proposals attached.

We have over 10ft+ circumference around the trunk before the sunken patio - Closer to 14' going west & 11ft south.



DRI 710 Redevelopment of Educomp Building – 4 State Road

Hagerty Tree Inc.

Po box 1234
Vineyard Haven, MA 02568 US
hagertytree@comcast.net



Estimate

ADDRESS
Xerxes
4 State Road Project
Tisbury

ESTIMATE 1017
DATE 06/05/2022

DATE	DESCRIPTION	AMOUNT
	Prune and Shape Tree Canopy to Compensate for Grade Changes & Possible Root Loss & Respond with Proper Root Pruning	
	Establish Critical Root Zone & Install Fencing Barrier Mulching Area with Decomposed, aged wood Chips	
	Soil & Trunk Treatment applications: with Organic Bio-stimulants Insect & Disease Control, if needed	
	Eliminate any storage of materials or equipment on Root Zone.	
	Monitor Weekly for Irrigation Concerns. Frequent Communication with Contractor	

Robert M Hagerty
MCA # 1450
Mass Certified Arbonst since 1974.

TOTAL

Accepted By

Accepted Date

DRI 710 Redevelopment of Educomp Building – 4 State Road



Jochems Tree Care & Consulting LLC
Po Box 1504
Vineyard Haven, MA 02568 US

Estimate

ADDRESS

Xerxes Agassi
Educomp

ESTIMATE # 1033

DATE 05/15/2022

EXPIRATION 05/31/2022

DATE

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
	Consultation	I am estimating roughly 3 hours to look at and evaluate the cherry tree (Prunus serrulata 'Kanzan') in front of the old Educomp building. I will be looking at what the proper tree protection zone or TPZ should be for the tree and give him my recommendations on how to best mitigate any impacts from construction. This will also include a written report.			

TOTAL

Accepted By

Accepted Date

DRI 710 Redevelopment of Educomp Building – 4 State Road

Additional questions/comments from commissioners (submitted in writing):

1. *Have you given any consideration to creating outdoor recreation or relaxation space (apart from the rooftop garden) for tenants?*

Memorial Park abuts the property and would be an ideal space for residents to spend time outdoors for recreation and relaxation. In addition to the rooftop terrace garden which is accessible to all residents, four of the units have private outdoor terraces as well.

DRI 710 Redevelopment of Educomp Building – 4 State Road

- It appears that some of the 22 parking spaces are contingent on not allowing Mr. Grillo any access to the property. This needs to be addressed in light of the small number of parking spaces relative to the occupancy at both sites. (22 parking spaces seems low if any apartments are expected to be inhabited by a couple or family.)*

Kindly note Fraser Engineering’s traffic study concludes that parking is sufficient onsite. We have alternative means of transport available to tenants such as bicycles with a bicycle storage room incorporated in our plans too.

The project has more parking than the recently approved Stone Bank Project with similar unit counts. Vineyard Wind and the Hospital are both in close proximity to the building and tenants could easily bike or walk to work.

None of Mr. Grillo’s **approved** parking spaces would be impacted.

Not the van below is not in an approved space and parked directly on the easement. This space has now been removed and the access easement built closer to the easement on record as depicted in the photo below with MVC approval.



DRI 710 Redevelopment of Educomp Building – 4 State Road

3. *Is there adequate parking for employees of the commercial space plus clients/customers? What is the norm and does this meet it?*

There would be adequate parking for employees of the office spaces plus their clients. All staff of offices would receive VTA passes per the Condo Docs and the property is near many bus lines. Guest parking spaces exist for visitors.

We also have a reverse commute parking option proposed as well to make more parking spaces available between residential and office usage. Unused spaces would be allocated accordingly.

DRI 710 Redevelopment of Educomp Building – 4 State Road

4. *How many trees on the Educomp site will need to be removed? What damage would the revised vehicle access do to vegetation on the adjacent sites?*

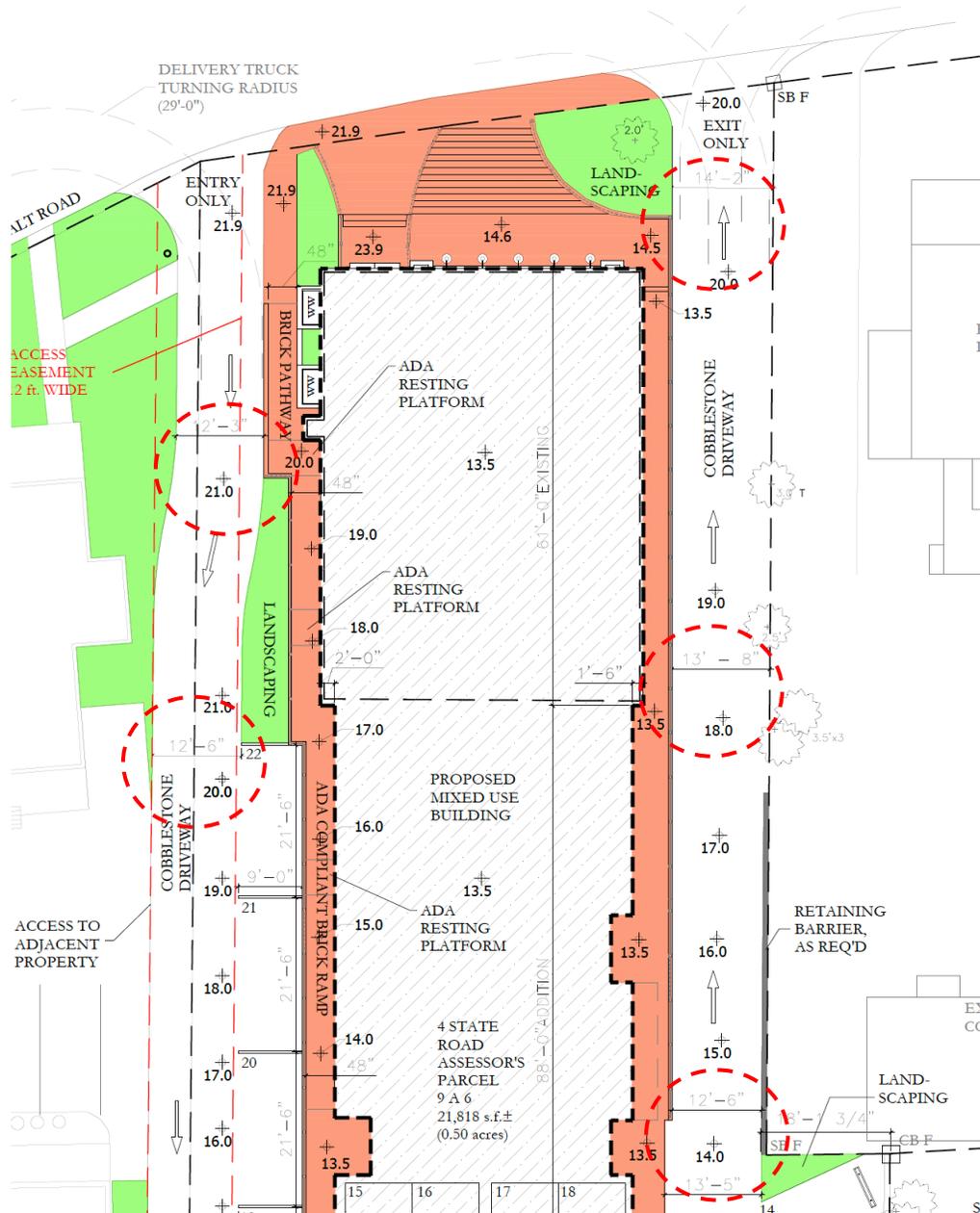
We anticipate removing one tree on 4 States Roads lot. A few trees on the easement have been removed by 10 State Rd to make way for the access driveway as approved by the MVC for the access driveway to be located nearer to / on the easement on record.



DRI 710 Redevelopment of Educomp Building – 4 State Road

5. *The entrance and exit ways are very narrow and tight up against the building. The renderings showing vegetation, a pedestrian pathway, and truck access seem more spacious than the actual space permits on the sides of the building. Please confirm the accuracy of the renderings with measurements.*

Please reference Parking Plan which shows the driveways (ingress and egress) are both over 12ft wide and meet code. Below are renders that show a more accurate layout given the current plans which have been modified over time. Note driveway is larger than 12ft along its entirety



DRI 710 Redevelopment of Educomp Building – 4 State Road



5 Beach Street no longer accessing parking via 4 State Road and access its back lot directly from its own lot – the above render depicts small stone retaining wall between the properties. Landscaping or fencing to be added.

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5 Beach Street no longer accessing parking via 4 State Road and access its back lot directly from its own lot – the above render depicts the line between the properties.

DRI 710 Redevelopment of Educomp Building – 4 State Road



This render depicts 4 State Roads west side egress within its own lot as 5 Beach Street blocked egress via their lot.

DRI 710 Redevelopment of Educomp Building – 4 State Road



This render depicts the cherry tree as seen from the sunken patio.

DRI 710 Redevelopment of Educomp Building – 4 State Road

6. Flooding will get worse in the future as a result of climate change. The vehicle access grade seems steep for side parking. Are granite pavers permeable enough for the water that may flow down the grade?

The lot coverage plan shows the dramatic improvement between existing and proposed drainage onsite with regard to % of pervious versus impervious surfaces. Existing lot coverage is asphalt and hardscape, proposed is cobblestone and pea stone.

Existing Impervious 75% - **Proposed Impervious 42%**

Existing Pervious 25% - **Proposed Pervious – 58%**

$A_{\text{impervious}} = 16,263 \rightarrow 9,110 \text{ [ft}^2\text{]}$ $A_{\text{pervious}} = 5,555 \rightarrow 17,308 \text{ [ft}^2\text{]}$
 (Areas provided by Xerxes' siteplan)

$V_{\text{impervious}} = A_{\text{impervious}} (I) X C = (9,110 \text{ ft}^2) (0.75) (1.0) = 6,832.5 \text{ ft}^3$
 $V_{\text{pervious}} = A_{\text{pervious}} (I) X C = (17,308 \text{ ft}^2 - 9,110 \text{ ft}^2) (0.42) (1.0) = 3,411.2 \text{ ft}^3$
 (Area permeable that isolates the system) (Weighted Avg.)

$V_{\text{total}} = (42.5') (70') (7.5') = 22,312.5 \text{ ft}^3$
 $\times .40 \leftarrow \% \text{ voids}$
 $8,925 \text{ ft}^3 \leftarrow \text{storage capacity}$

$8,925 \text{ ft}^3 > 4,400 \text{ ft}^3$
 $\approx 50\% \text{ capacity utilized}$

$Q_c = C \times A$
 $C = [(1.0)(.40) + (.75)(.58)] = .855$
 $i = 5.8" = .483 \text{ ft}$
 $A = \frac{1}{2} \text{ Acre}$
 $Q_{in} = 1,033 \text{ cfs}$

$Q_{out} = K \times \text{Area}$
 $K = 8.27 \text{ in/hr} = .000191 \text{ ft/sec}$
 $A = A_{\text{infiltration}} \times \# \text{ of infiltr.} = (20.16 \text{ ft}^2) (36) = 725.76 \text{ ft}^2$
 $Q_{out} = .1386 \text{ cfs}$

$Q_{in} < Q_{out} \rightarrow 1,033 < .1386$ $\approx 75\% \text{ capacity utilized}$

* 1) Storage slightly higher $\rightarrow 36 V_{\text{infiltr.}} \rightarrow [36 V_{\text{infiltr.}}] \times .4$
 Volume of all basins \leftarrow equivalent volume (storage) by stone.

* 2) Does not account for flow through gravel (2 sand)

* 3) Does not account for the spreading of water over the increased 42'-6" x 70' gravel-sand interface.

Capacity Utilization of the storm water chambers and flow are worth noting as well.

DRI 710 Redevelopment of Educomp Building – 4 State Road

7. *Was there any consideration to make the exit right-turn-only?*

The traffic study did not recommended that as it could push all traffic to five corners which is often congested. However this questions would be best addressed by Kurt Fraser from Fraser engineering who completed the traffic study or Mike Mauro.

DRI 710 Redevelopment of Educomp Building – 4 State Road

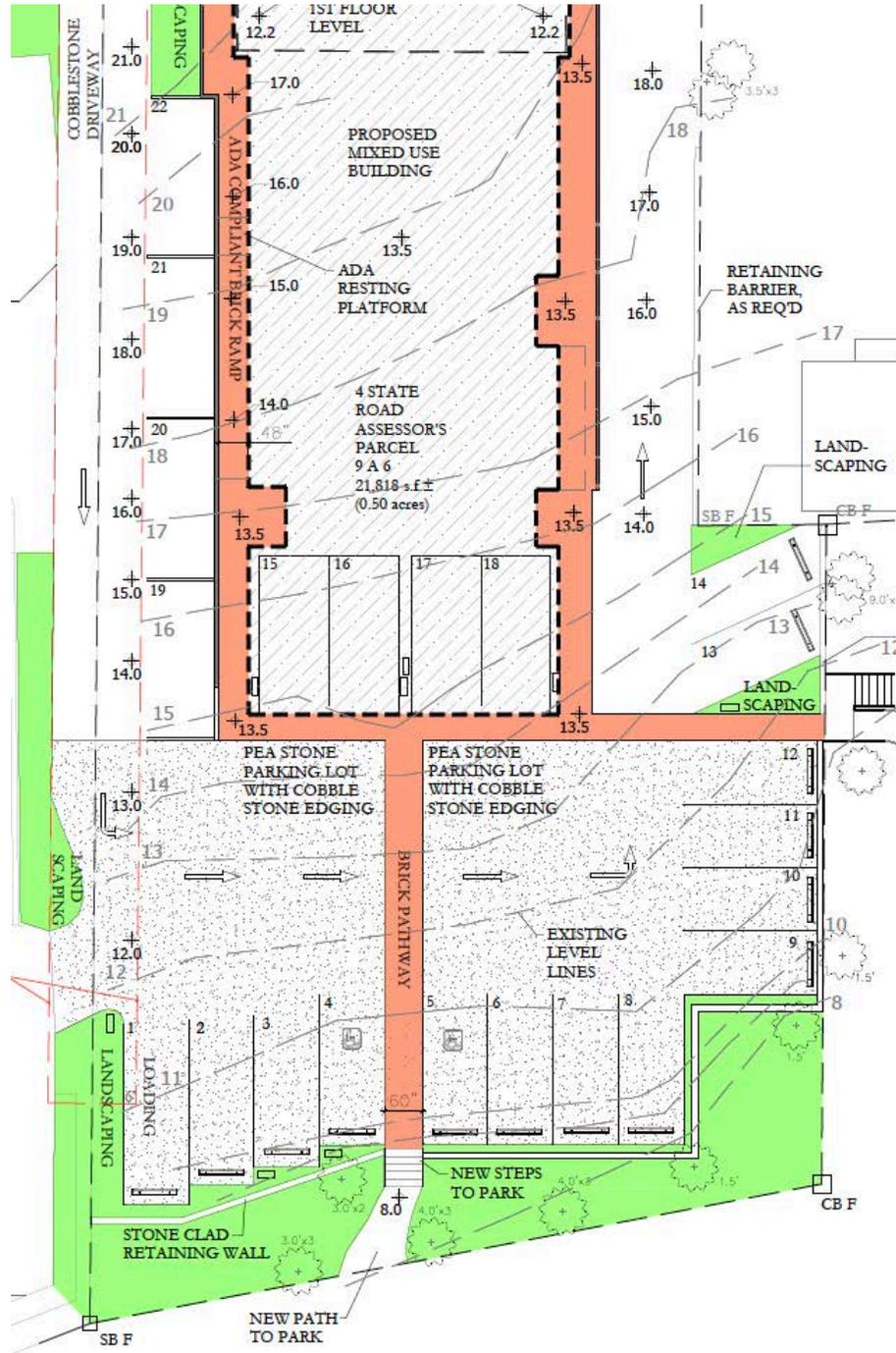
8. *What are the town rights of way on the front of the property? Does there need to be space preserved for sidewalk or bikeway?*

I believe State Road is under the State's jurisdiction. I would defer to the town on the sidewalk and other right of way. We intend to maintain the sidewalks as shown on the plans which is similar to existing conditions.

DRI 710 Redevelopment of Educomp Building – 4 State Road

9. *In raising the level of the soil on this property, what damage will that truly inflict on the neighbors' properties, some of which are at a lower level already.*

We will not be raising the soil of 4 States lot over the neighbor's property. Please note the lot coverage plan. Note proposed versus existing grades.



DRI 710 Redevelopment of Educomp Building – 4 State Road

10. The concept of in-town smart growth and housing combined with retail is great, but the mass of the building belies the proportionality that is so much part of Vineyard Haven. If you considered down-sizing and amplifying the 'stepped floors' design, I could be much more supportive.

The Salt parking lot off Memorial Park is a good vantage point to visualize 4 State Road's proposed building from the park. I would encourage all board members stop by and take a look when in the area to get a sense of how 4 States proposed addition fits in amongst the abutting properties as can be seen from the park. Please note 4 States addition will be ~ 60+ ft back from the tree line and will be further muted by the addition of landscaping. Photo attached below for reference. What becomes evident is that 10 State Roads rear building addition (left) and Harbor Landing (right) are both prominent multi story properties of similar scale and both closer to the park than the proposed addition at 4 State Road.



DRI 710 Redevelopment of Educomp Building – 4 State Road

The scheme reduction plan also depicts how we reduced the size of the addition by ~ 25%. Reductions have been made a number of times in both in length and in width as well as unit count.

The top floor has been stepped back to diminish the mass and scale of the addition as depicted in the render note red arrow. We did look at further stepping back the proposed addition. We found that reducing the length by an additional 20ft would reduce the unit count from the 14 units currently proposed to 9. Such a reduction would negate the proposed 80% AMI affordable unit, the 150% AMI workforce unit along with much of allocation of the units we offered to make for additional units to be used by local island businesses for housing of their staff. Tus we felt that the proposed plan was a reasonable compromise.



DRI 710 Redevelopment of Educomp Building – 4 State Road

To follow up on the last MVC meeting, can you please provide the following:

- *Clarify how safety will be ensured for the recessed entryway (fences, railings, etc.)*

All recessed areas including the sidewalks and recessed patios/ entrance will have railings around its periphery for safety. Please note the most recent elevation plans. The stairs leading to the recessed patio entrance will have hand rails from the sidewalk down to the recessed. Note renders attached for board review per request. Multiple hand railings and a leading granite stair tread will give visual indication to pedestrians to the stairs leading down to the sunken patio. A historic and a more modern wooden handrail are depicted as options to consider to determine which style suits the building best.



Hand Railing with granite first tread option as visual indication.

DRI 710 Redevelopment of Educomp Building – 4 State Road



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Wooden Hand Railings Depicted to the sunken patio.