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Martha's Vineyard Commission

DRI #710 Redevelopment of Edu Comp Building MVC Staff Report – 2022-4-13

1. DESCRIPTION

- 1.1 **Applicant:** Xerxes Agassi (Delano and Company)
- 1.2 **Owner:** 4 State Road MVY LLC
- 1.3 **Project Location:** 4 State Road (Map 9, Block A, Lot 6), Tisbury
- 1.4 **Proposal:** Renovation and expansion of the former Edu Comp building, including residential and commercial uses.
- 1.5 **Zoning:** Business 1 (B1)
- 1.6 **Local Permits:** Special Permit, Building Permit, wastewater approval
- 1.7 **Surrounding Land Uses:** Other commercial and residential uses in the B1 district; Veterans Memorial Park to the south

- 1.8 **Project History:** The existing Colonial brick building was constructed by the Sawyer Construction Company around 1929 as a headquarters for the New England Telephone Company, when common-battery technology was introduced to replace the older crank system. The building had both public telephones and a terminal room and switchboard, with room for 12 operators. The new system meant that callers could reach the operator by lifting a handset, rather than having to turn a crank. According to the Vineyard Gazette at the time, the building was designed “to conform as nearly as possible to the type of architecture to be found in the locality,” and resembled the former homes of whaling captains on the Vineyard. According to Martha’s Vineyard Magazine, the Island’s first transatlantic call, to England, took place from the building the year after it was constructed. According to a brief history by Chris Baer, the Vineyard converted to dial phones around 1963, and teams of operators were no longer needed.

The building housed the popular Island Youth Center (run by MV Community Services) in the 1970s and 1980s, with pool tables, a snack bar, and other amenities, but relatively little has been written about the building during that period. The building was remodeled in the 1980s and was the location of Edu Comp, which moved into the building in the 1980s and closed its retail operations in 2020. In 2020, the town selectmen considered using the building as temporary classroom space during the renovation of the Tisbury School, and as a future town hall. The building has recently housed offices for an architect, writer, interior designer, and tutoring service.

- 1.9 **Project Summary:** The proposal is to gut-renoate the existing 7,920 ft² building and construct a 13,062 ft² addition to the south (total of 20,982 ft²). The renovated portion will have three floors, and the addition will have four floors, with the top floor about 31% smaller than the floor below (2,482 ft² compared to 3,589 ft²). As proposed, the bottom floor (extending across both portions) will have three office condo units totaling 2,933 ft² (including storage space) as well as bike storage and garage space at the rear of the building. The exterior of the addition is intended to match the existing brick structure.

The site slopes away from State Road, so the northern portion of the bottom floor will be below grade, although the front of the site will be excavated to create a storefront and entry facing the road. The areas along the sides of the building will also be excavated to allow for additional access and windows.

The upper floors will have 14 one- and two-bedroom residential condo units totaling 11,931 ft², including one affordable unit restricted to 80% Area Median Income, and up to 13 workforce housing units. The units would range in size from 571 ft² to 1,513 ft², with a total of 22 bedrooms. The roof would serve as a garden terrace (possibly with a small pool and spa), and to house the HVAC and other mechanical equipment. The top floor would include private terraces for some of the units, and the roof would include a private deck for one of the fourth-floor units.

The table below shows a summary of key changes to the proposal since the public hearing on Oct. 7.

	ORIGINAL	REVISION 1	REVISION 2
Commercial units	7	3	3
Residential units	15	14	14
Affordable units	2	1	1
Workforce units	3	3	Up to 13
Bedrooms	22	22	22
Total floor area	24,720 ft ²	21,280 ft ²	20,982 ft ²
Parking spaces	17	21	22

The latest floorplans and elevations are available [here](#).

2. ADMINISTRATIVE SUMMARY

- 2.1 **DRI Referral:** Tisbury Building Department
- 2.2 **DRI Trigger:** 3.1b (New construction over 3,500 ft², including mixed use; mandatory review)
- 2.3 **LUPC:** Aug. 9, 2021
- 2.4 **Public Hearing:** Oct. 7, Nov. 4, Dec. 2 (continued without testimony), 2021; Feb. 17 (continued without testimony), March 17, 2022 (continued without testimony), April 14, 2022
- 2.5 **Site Visits:** Oct. 13, 2021; March 9, 2022

3. PLANNING CONCERNS

- 3.1 **Wastewater:** The property has paid a betterment for 652 gallons of wastewater flow per day (GPD) to the town. The applicant applied to the town in 2021 to connect to the sewer with the 652 GPD, and an additional 1,926 GPD, for a total of 2,578 GPD. The town is working to upgrade its treatment capacity, but the town Wastewater Treatment Facility is at or near capacity.

The Tisbury Wastewater Department issued a letter of conditional approval to the applicant on Sept. 16, 2021, stating that the town Wastewater Commission had approved the change of use on Aug. 30, 2021, with the following conditions:

1. *The applicant has to complete the MVC review process and return to the Wastewater Commission for final permission to connect to the sewer system, or request an extension.*
2. *The applicant will provide to the Wastewater Department a copy of the MVC Decision.*
3. *The applicant will provide to the Wastewater Department detailed plans for the on-site collection system, including the location of the proposed Duplex E/One grinder chamber and grease traps.*
4. *The applicant must pay any outstanding penalties, betterments, or fees to the town prior to any service connection.*

The 22 bedrooms would require an allocation of 2,420 GPD, and the proposed office uses would require 218 GPD, for a total of 2,638 GPD, which is 60 GPD more than the conditional approval. The Tisbury Wastewater Superintendent stated in November that the additional 60 GPD is also conditionally approved. The initial

120-day conditional approval expired on Dec. 30, 2021, and the Wastewater Department later extended the approval an additional 90 days, to March 30, and later to the end of May.

The proposed rooftop garden would help reduce nitrogen loading on the property.

3.2 Island Housing Needs: As proposed, all of the residential units would be designated as year-round, with up to 13 used as workforce housing. Martha’s Vineyard Hospital has [stated](#) its intent to lease some of the units for hospital workers (likely three, accounting for the plan revisions), and the applicant has signed an [MOU](#) with Vineyard Wind, which intends to lease 7-10 of the units as housing for future wind farm workers, pending approval of both the current DRI and a proposed Vineyard Wind maintenance facility on Beach Road, which is being reviewed as DRI 81-M3. As proposed, none of the workforce tenants may sublet their units as short-term rentals, and any market-rate units may not be sublet for less than a week at a time or more than 60 days in total per calendar year.

One affordable unit would be restricted to households earning up to 80% of the Area Median Income, and would be exempt from condo fees. The affordable unit would be furnished, with two bedrooms. Further proposed restrictions on the affordable unit have been developed in consultation with staff (see below).

All residential units will be handicapped-accessible via the side entrances on the ground floor and an elevator to the upper floors.

Floor	Unit Type	Unit Count	Unit #	Square Footage	Parking	#	Notes
1	Commercial	C-1	C-1	1,042	1	TBD	959 SF + 85 SF Storage
1	Commercial	C-2	C-2	987	1	TBD	996 SF + 85 SF Storage
1	Commercial	C-3	C-3	878	1	TBD	733 SF + 79 SF Storage
TOTAL	Commercial	3		2,907	3		

Floor	Unit Type	Unit Count	Unit #	Square Footage	Bedrooms	Bathrooms	Parking	#	Notes
2	Residential	R-1	R-2A	648	1	1	1	TBD	
2	Residential	R-2	R-2B	1,248	2	2.5	1	TBD	
2	Residential	R-3	R-2C	838	2	2	1	TBD	
2	Residential	R-4	R-2D	795	2	2	1	TBD	
2	Residential	R-5	R-2E	684	1	1	1	TBD	
2	Residential	R-6	R-2F	693	1	1	1	TBD	
				4,906	9	9.5	6		
3	Residential	R-7	R-3A	640	1	1.5	1	TBD	
3	Residential	R-8	R-3B	1,447	2	3	1	TBD	603 SF Private Terrace - 221 SF Mezzanine
3	Residential	R-9	R-3C	837	2	2	1	TBD	
3	Residential	R-10	R-3D	752	2	2	1	TBD	
3	Residential	R-11	R-3E	684	1	1	1	TBD	
				4,360	8	9.5	5		
4	Residential	R-12	R-4A	581	1	1	1	TBD	128 SF Private Terrace
4	Residential	R-13	R-4B	571	1	1	1	TBD	259 SF Private Terrace
4	Residential	R-14	R-4C	1,513	3	3	1	TBD	529 SF Private Terrace
				2,665	5		3		
TOTAL	Residential	14		11,931	22		14		

Affordable Housing: Staff review and recommendations

The proposed project includes 14 residential condo units and three commercial condo units:

- It is not clear if the market-value units will be rented or sold.
- The applicant has offered to designate one onsite residential rental condo unit as Affordable Housing, income restricted at 80% AMI in perpetuity.
- The applicant has also offered to comply with the following criteria:
 - The Affordable Housing unit shall be exempt from all condominium and homeowner association fees (insurance costs should be included).
 - The Affordable Housing unit shall comply with all Affirmative Fair Housing Laws and Universal Design Standards.
 - The recipient shall be income-certified by the Dukes County Regional Housing Authority (DCRHA).
 - The recipient shall be selected by DCRHA via a public lottery process.
 - All DCRHA administration shall be at the applicant's expense.
 - The Affordable Housing tenant shall be entitled to all benefits available to other residential owners/renters.
 - All maintenance of the Affordable Housing unit shall be the responsibility of the applicant.
 - The applicant shall submit an affidavit to the MVC annually to ensure compliance.
- The applicant has also offered to lease one of the workforce units as year-round housing to a local business, with a ten-year income restriction of 100-150% AMI.
- Staff recommends that the workforce unit lease and income be certified by DCRHA annually at the applicant's expense, and that an affidavit be submitted to the MVC annually to ensure compliance.
- The monetary mitigation for the 1,386 ft² of new commercial construction (unit C3 and storage for units C1, C2, and C3) is as follows:
 - 1,386 X 2 (Office Use) X 8 = \$22,176
 - Staff recommends waving the monetary mitigation for the commercial space in exchange for the applicant's offer for the year-round workforce housing unit.
- The applicant's offer for one Affordable Housing unit and a ten-year income-restricted workforce housing unit is consistent with the MVC's DRI Housing Policy.

3.3 Economic Development: The project would create three office units in Vineyard Haven, in the vicinity of Main Street and decrease the commercial space on the site from about 7,900 ft² to 2,900 ft² (about a 63% reduction). Hours of operation would be consistent with other businesses in the area. The side entrances to the commercial area will be handicapped-accessible.

The town planning board has discussed whether the proposed reduction in available commercial space is appropriate for the B1 district, and whether more of the existing structure could be designated as commercial instead of residential.

Economic Development: Staff review

- The proposal is to convert the existing Edu Comp building to mixed use, with 14 residential condos and three commercial condos within Tisbury's B-1 Business District.
- The proposed residential units will have a beneficial impact on the surrounding businesses, particularly retail shops and restaurants.
- The three commercial condo units will be used as office space.
- It is not clear if the commercial units will be for sale or rent.

- The anticipated number of new jobs created, and hours of operation, for the three commercial units are not known at this time.
- The property is on town water and has paid a betterment to be on the town sewer at the applicant's expense.
- The proposed renovation and new buildings will meet all fire and building codes.
- The project will not have a significant impact on town services such as police and fire, since the development is located in a densely developed mixed-use / commercial area.
- FY 2020 Assessed Value: \$1,618,400
- FY 2020 Property Tax Revenue: \$15,670
- The project will generate new additional commercial and residential property taxes for the town of Tisbury.
- The project will create a small number of new temporary jobs in the professional services and construction industries.

3.4 Traffic and Transportation: The property is located in the vicinity of shops, public transportation, bike paths, and other amenities, which would reduce the need for local automobile trips. The site would have 22 parking spaces (including the four garage spaces, two handicapped spaces, and a delivery space) to the rear and long the west side of the addition, with 1.3 spaces per unit. The applicant has stated that the estimated traffic generation would be 124 trips per day, or about 10% less than the existing conditions. This does not account for possible tenancy by workers at the Vineyard Wind maintenance building and Martha's Vineyard Hospital (see section 3.2 above), which could reduce vehicle trips if tenants walk or bike to work.

The applicant has noted the option of providing reverse-commute parking passes to condo tenants, with timed passes only for the time their vehicles will be onsite. For example, tenants who commute to work on a regular basis could opt for a nighttime-only pass, which would increase the number of parking spaces available during the day.

The existing driveways along State Road will be reconfigured and will continue to provide ingress immediately to the west of the building, and egress immediately to the east. The abutting property at 10 State Road to the west was required to record an [easement](#) with 4 State Road as part of the MVC approval of DRI 622 in 2013. The easement was recorded, but does not align directly with the existing driveway for 4 State Road, and does not include egress. An informal agreement between 4 and 10 State Road had allowed 10 State Road to continue using the existing driveway, and to exit through 4 State Road. However, efforts by the current applicant to formalize that arrangement were unsuccessful and the applicant plans to enforce the recorded easement.

An [informal agreement](#) between 4 State Road and 5 Beach Street to the east had been in place to allow 5 Beach Street to access parking spaces via 4 State Road, and to allow the 4 State Road exit to cross over a portion of 5 Beach Street. Efforts to formalize that agreement were also unsuccessful, and the applicant plans to realign the exit driveway so that it no longer crosses 5 Beach Street. This will require the owner of 5 Beach Street to reconfigure their vehicle access and parking. The realigned exit driveway at 4 State Road will slightly reduce the existing landscaped area at the front of the building.

The proposed access and circulation are shown as Option 2 in the [parking plan](#).

In terms of pedestrian traffic, the project will create 14 residential units and three office units, which will lead to an increase in foot traffic in the immediate area, including the intersection of Main Street and State Road. There are currently two crosswalks at the intersection. The applicant has stated that the site will also be utilized to encourage access to Veterans Memorial Park to the south, which may further increase foot

traffic. Two sets of stairs currently provide access to the park from the parking lot. The plans call for the access points to be improved, including an ADA-compliant ramp/bike path.

- A storage room for 18 bicycles will be located on the bottom floor of the building.
- Businesses located in the building would be required to provide VTA passes to employees.

A [traffic analysis](#) by Fraser Poly-Engineering Services (FPES) on behalf of the applicant, dated March 2022, concludes that the project will lead to a slight reduction in traffic compared to previous conditions, will not adversely affect the five area intersections (Edgartown/State Roads, Look Street/State Road, Main Street/State Road/Beach Street, Five Corners, and State/Causeway Roads), and the impact on Level of Service (LOS) would be insignificant. However, the analysis also notes existing challenges associated with the crosswalks (including ADA compliance) and limited site distance for vehicles turning right out of the site, and proposes the following mitigation for the applicant, town, and/or state to consider:

- 1) Reconfiguration of the egress driveway at 4 State Road to current MassDOT standards will create a more perpendicular exit. This geometric change will provide enough space to install an ADA compliant wheelchair ramp to the right of the driveway.
- 2) Even though contribution of site traffic volume is less than previous land use, safety related geometric improvements at the site intersection and possible reconfiguration of the intersection is recommended. As a long-term solution and in coordination with MassDOT consider a small modern traffic circle to improve overall traffic flow, and access to the site.
- 3) Install ADA compliant wheelchair ramps at all approaches along the site.
- 4) Install Retroreflective thermoplastic crosswalks at all approaches or consider increasing the pavement marking painting schedule. Consider installing “Ladders” to the crosswalk to increase visibility at night.
- 5) Install a striped edge line along the curb of the 4 State Road site to better align the eastbound travel lane and provide a buffer for vehicles edging out of the egress driveway.

3.5 Character and Identity: The current brick building with metal roof stands prominently at the intersection of Main Street and State Road, and is architecturally distinct from the surrounding wooden buildings. The addition to the south will be similar in style to the existing building, but with shorter windows, four floors instead of three, and stone exterior on the bottom floor. The addition will not be visible when facing the front of the building directly. The existing metal roof and rooftop masonry will be repaired to match the original. The proposed building is about 165% larger than the existing building, and would be one of the larger [buildings in the immediate area](#). The project site abuts Memorial Park to the south (with proposed access by foot and bicycle) and the site is partially screened by vegetation from that direction. [Revised renderings](#) of the building, including as seen from Veteran’s Park, have been provided.

The applicant has stated that a mature flowering tree at the front of the site will remain, although plans for the recessed entryway and regrading of the exit driveway will impact the root system.

In terms of local planning objectives, the 2015 Tisbury Vision Plan identifies such goals as protecting the scale and character of Vineyard Haven, and ensuring that new buildings “fit harmoniously into the existing town fabric.” The plan also includes a goal of connecting and integrating “neighborhoods, parks, and open spaces through a network of safe walking and biking routes.”

3.6 Cultural Resources: The site is within a sensitive archaeological resource area known as the Vincent Site, and the applicant authorized Public Archaeology Laboratory (PAL) in Rhode Island to conduct an intensive archaeological survey, as requested by the Massachusetts Historical Commission (MHC), following the applicant’s submission of a Project Notification Form. The survey was conducted on Oct. 19, and a

[Management Abstract](#) from PAL was provided in early November. (Similar surveys for the adjacent properties at 10 and 18 State Road were conducted in the 1960s, 2007, and 2010.) The Management Abstract states that the survey revealed 410 artifacts, mostly located within fill or disturbed soil, including artifacts that are likely part of the Vincent Site, but no “potentially significant archaeological deposits”.

PAL recommends that the final plans limit below-grade disturbance to less than a certain depth, and if any impacts are proposed below that level, additional excavation be conducted. The recommendations also include providing final plans to PAL and MHC for review and comment. MHC further [recommends](#) that “the project be modified to include construction only within filled and/or disturbed soils where feasible” and that updated plans showing shallow construction be provided to MHC and PAL for assessment. Further:

If construction is required below existing filled and/or disturbed soils, then the MHC recommends that supplemental intensive (locational) survey (950 CMR 70), including systematic, machine-assisted soil stripping under' the direction of the project archaeologist, be conducted by the PAL within deeper portions of the project impact area, including areas required for any foundation footing excavation, utilities and/or septic system components.

3.7 Stormwater and Drainage: The existing paved driveway and compact dirt/asphalt parking area will be replaced with pea stone set on sand hardener (MVC staff considers both surfaces to be semi-permeable), while roof area will increase by about 3,600 ft². Accounting for the semi-permeable surfaces, the impervious surface area on the lot would decrease from about 14,000 ft² to 13,000 ft². There are currently no stormwater facilities on the property. A [stormwater management system](#) designed for a 25-year storm would direct roof runoff into StormTech chambers under the parking area to the rear of the property, via catch basins around the perimeter of the building, including one near the main commercial entrance below grade. The walkways along the perimeter of the building will include linear trench drains that also connect to the subsurface chambers. The plan includes a concrete, stone-clad retaining wall at the rear of the property to help limit erosion and spill-over into Veterans Park to the south. Staff has recommended exploring natural vegetation as an alternative to the retaining wall. The stormwater management plan was [revised in in April 2022](#) in response to [peer review](#) by Fraser Polyengineering Services (FPES) on behalf of the Planning Board in March, and [further comments](#) by FPES have been provided.

3.8 Energy: The applicant has proposed mini-splits for heating and cooling, electric hot water tanks within each unit, and electric clothes drying, with propane for cooking and possibly for fireplaces. The applicant is also exploring options for a backup generator onsite, which may require approval from the Tisbury Conservation Commission, depending on the location. (Staff recommends that any backup generation be battery powered to reduce emissions.) The applicant proposes eight electric vehicle charging stations.

The applicant will contribute \$25,000 to the Vineyard Power Redevelopment Fund to support community-based solar and battery storage systems on the Island, which would enhance grid resilience and provide low-income ratepayer benefits to the community. Vineyard Power has [provided](#) additional information about the fund, and a letter of support for the project.

3.9 Noise and Night Lighting: A lighting plan shows low-level down-lighting along the driveways and at the front of the site (19 locations), recessed downlighting above the side entrances (3 locations), wall-mounted up-down lighting along the sides of the building (33 locations), decorative wall sconces (5 locations), gooseneck decorative downlighting (10 locations) at the front and back of the building, and lamp stands in the parking area and along the path to Veteran’s Park (6 locations). Spec sheets for all but the lamp stands have been provided, and the applicant has stated that the lamp stands will match others maintained by the town.

HVAC condensers will be relocated from the side of the building to the roof.

3.10 Landscaping: The applicant plans to retain most of the existing vegetation, including the cherry tree on State Road, and existing vegetation to the rear of the lot, and to add new vegetation to the front and sides of the building. A conceptual [landscape plan](#) by Donaroma’s Nursery and Landscape Services, dated Aug. 5 and 6, 2021, shows a pea stone driveway and parking area set on sand hardener with cobblestone edges, cobblestone aprons at the beginning and end of the driveway, brick walkways, a new fence at southern end of the property (either split rail or wrought iron), an in-ground automatic irrigation system, and proposed species, including for the rooftop garden.

3.11 Zoning: The bottom floor of the building as proposed appears to qualify as a first floor and would therefore comply with Tisbury zoning bylaw 05.12, which states that residential uses are not allowed on the first floor of buildings in the B1 district. (The first floor as proposed would be the commercial units.) The MA Building Code defines “Story above grade plane” as follows:

Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is:

- 1. More than 6 feet (1829 mm) above grade plane; or*
- 2. More than 12 feet (3658 mm) above the finished ground level at any point.*

The first floor of the renovated building would have an average height of 8.77 feet, which is more than the six feet required under the MA Building Code. This accounts for portions of the building on the north and west sides that would still be mostly below grade.

3.12 Construction Management: The applicant anticipates construction beginning in early or mid-2022 and lasting about 18-24 months. Construction of the commercial units would begin only after the commercial users are identified. Staging and parking for construction would take place onsite. The existing building would be gutted, followed by site work, pouring of footings and retaining walls, and framing. At that point, additional staging would occur within the building footprint. The applicant has stated that abutters will be able to access their properties during construction.

3.13 Input from town boards: The Tisbury Planning Board, which has continued its public hearing for the project, submitted a [letter in November](#) outlining its concerns related to traffic, wastewater, character, and drainage. The board requested an independent traffic study with peer review, and has since begun working with the MVC on a combined traffic study that will incorporate several proposed developments in the area. The board noted that assigning large wastewater allocations to residential projects may hinder future business development in town, that the project will create visual impacts on abutters and the neighborhood, and that a second opinion may be needed in terms of evaluating the drainage plan. The planning board submitted a [letter on April 11](#) outlining its remaining concerns to date.

3.14 Public correspondence: Ten letters from the public have been submitted, mostly from abutters who have raised concerns that the project is too large and out of character with the Island, and that it does not have enough parking or affordable units. Other concerns focus on the ingress/egress, whether additional commercial units are justified given the availability of commercial space on Main Street, whether additional sewer flow should be allocated for the project, and how the project will affect drainage in the area. Martha’s Vineyard Hospital and Vineyard Power have written letters of support noting the proposed workforce housing and energy mitigation efforts, respectively.