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Martha's Vineyard Commission

DRI #710 Redevelopment of Edu Comp Building

MVC Staff Report – 2021-9-28 **DRAFT**

1. DESCRIPTION

- 1.1 **Applicant:** Xerxes Agassi (has property under purchase and sale agreement)
- 1.2 **Owner:** 4 State Road 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 building was constructed around 1930 and was remodeled in the 1980s. It was the location of Edu Comp, which moved into the building in the 1980s and closed its retail operations in 2020. The building had also been the location of a telephone company. In 2020, the town selectmen considered using the building as temporary classroom space during the renovation of the Tisbury School, and 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-renovate the existing 7,686 ft² building and construct a 16,800 ft² addition to the south (total of 24,486 ft²). The renovated portion will have three floors, and the addition will have four floors. As proposed, the first floor (extending across both portions) will have seven retail and/or office condo units totaling 3,156 ft², as well as bike storage and garage space at the rear of the building. The site slopes away from State Road, so the northern portion of the first 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 15 one- and two-bedroom residential condo units totaling 14,609 ft², including two affordable units restricted to 80% Area Median Income, and three workforce housing units. The units would range in size from 640 to 1,629 square feet, with a total of 22 bedrooms. The roof would serve as a garden terrace with private jacuzzi and spa, and to house the HVAC and other mechanical equipment. A portion of the roof would be reserved as a private deck for one of the units.

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:** August 9, 2020
- 2.4 **Public Hearing:** October 7, 2021

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 recently applied to the town to connect to the sewer with the 652 GPD, and an additional 1,926 GPD, for a total of 2,578 GPD. The 22 bedrooms would require an allocation of 2,420 GPD. The proposed commercial uses would require 158 GPD if they were all retail uses, or 237 GPD if they were all office uses, so the total requested allocation may need to be adjusted in the future depending on the

commercial uses. The current application before the town only accounts for retail use, so is at the lower end. 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 120 days 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.*

3.2 Island Housing Needs: As proposed, five of the residential units (33%) would be designated as workforce or affordable housing and are intended for employees of the Martha's Vineyard Hospital. The two affordable units would be restricted to 80% of the Area Median Income, and would be exempt from condo fees. The affordable units would be furnished, with two bedrooms each. The workforce housing units would be available for long-term lease by the hospital, which the applicant has proposed will work with the Dukes County Regional Housing Authority to ensure income qualifications and other certifications as needed. All residential units will be handicapped accessible via the side entrances on the ground floor and an elevator to the upper floors.

The applicant has also specified the following on regard to the affordable and workforce housing:

Affordable Component / 2 Qty 1-2 Bedroom Units (as desired)

- Deed restricted as affordable housing in perpetuity, for income-qualified applicants earning no more than 80% of the Area Median Income (AMI).*
- Shall comply with all state and federal Affirmative Fair Housing laws.*
- Shall comply with Universal Design Standards and MA 521 CMR (the specialized building code requiring access for persons with disabilities for buildings in Massachusetts).*

The recipient of the affordable housing unit shall:

- Be certified by the Dukes County Regional Housing Authority (DCRHA); all income certification (unless the recipient is already certified), lottery, and ongoing monitoring of the affordable unit shall be done by DCRHA or state-certified housing entity at the Applicant's expense.*
- Be selected by the DCRHA or other state-certified housing entity through a public lottery in conformance with Affirmative Fair Housing Laws.*
- Be exempt from all condominium covenants and fees.*
- Be entitled to all benefits available to other residential unit owners.*

Any future sale of the Affordable Housing unit shall be to households with incomes at or below 80% AMI for Dukes County, and all subsequent buyers will be subject to the same restrictions in perpetuity.

Offsite alternate may be considered if approved by boards. It is TBD if the two affordable units will be rentals or home ownership opportunities.

Workforce Component / 3 Qty 1 Bedroom Units

3 Qty - 1 Bedroom workforce housing units shall be year-round leases, with an island based business. The local area business who will manage the units and tenant occupancy. Leases will limit any subleasing on these units and be entitled to all benefits available to other residential unit owners.

Proposed housing unit allocations are noted below:

Floor	Unit Type	Unit #	Unit Count	Square Footage	Bedrooms	Notes
2	Residential	R-2A	R-1	648	1	Workforce Housing
2	Residential	R-2B	R-2	1,228	2	
2	Residential	R-2C	R-3	820	1	Workforce Housing
2	Residential	R-2D	R-4	908	2	Affordable - 80% AMI
2	Residential	R-2E	R-5	957	2	Affordable - 80% AMI
2	Residential	R-2F	R-6	1,042	1	
				5,603	9	
3	Residential	R-3A	R-7	640	1	Workforce Housing
3	Residential	R-3B	R-8	1,447	2	
3	Residential	R-3C	R-9	820	1	
3	Residential	R-3D	R-10	851	2	
3	Residential	R-3E	R-11	961	2	
3	Residential	R-3F	R-12	1,052	1	
				5,771	9	
4	Residential	R-4A	R-13	785	1	
4	Residential	R-4B	R-14	821	1	
4	Residential	R-4C	R-15	1,629	2	
				3,235	4	
TOTAL	Residential			14,609	22	

3.3 Economic Development: The project would create seven commercial units in Vineyard Haven, in the vicinity of Main Street. According to the applicant, the commercial space is envisioned as “a continuation” of Main Street, with a 7-ft-wide arcade-style hallway on the bottom floor of the building, with a storefront and entry facing State Road. Although the units are proposed as office/retail, the applicant has stated that the proposed uses may change in the future. The units are also designed to be combined by the tenant, which could lead to fewer units overall. Hours of operation would be consistent with other businesses in the area. The side entrances to the commercial area will be handicapped-accessible.

3.4 Traffic and Transportation: The property will have 17 parking spaces (including the four garage spaces and two handicapped spaces) to the rear of the addition. The existing driveways along State Road will provide ingress immediately to the west of the building, and egress immediately to the east. The abutting property at 10 State Road (DRI 622) to the west has an easement to access its parking spaces, but the easement does not align directly with the driveway for 4 State Road, and does not include egress. The applicant has stated that the abutter's request for egress via 4 State Road could be accommodated, as long as it does not negatively affect the project.

In terms of pedestrian traffic, the project will create 15 residential units and seven commercial units, which will lead to an increase in foot traffic in the immediate area, including the intersection of Main Street and State Road. There is currently a crosswalk at the intersection. The applicant has stated that the site may also be utilized to encourage access to Veterans Memorial Park to the south, which may further increase foot traffic. Access to the park currently exists via steps leading down from the parking lot, but would be improved and potentially relocated.

- A storage room for 15 bicycles will be located on the bottom floor of the building.
- Businesses located in the building would provide VTA passes to their employees.

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 head-on. The existing metal roof and rooftop masonry will be repaired to match the original, and the applicant has stated that a mature flowering tree at the front of the site will remain.

3.6 Cultural Resources: The site is a sensitive archaeological resource area known as the Vincent Site, and the applicant has authorized Public Archaeology Laboratory (PAL) in Rhode Island to conduct an intensive archaeological survey, as requested by the Massachusetts Historical Commission (MHC) in September 2021, following the applicant's submission of a Project Notification Form. The results of the survey were expected in early October 2021. Similar surveys for the adjacent properties at 10 and 18 State Road were conducted in the 1960s, 2007, and 2010. The current survey will determine the extent of prior disturbance at 4 State Road, identify any significant archaeological resources that could be affected by the project, and provide information to help avoid or mitigate any adverse impacts on those resources.

3.7 Stormwater and Drainage: The existing paved driveway will be replaced with pea stone set on sand hardener, increasing the amount of permeable ground surface on the site, although the amount of permeable area overall will decrease due to the larger building footprint. There are currently no stormwater facilities on the property. A new stormwater management system designed for a 25-year storm would direct roof runoff into a StormTech chamber under the parking area to the rear of the property, via nine 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 chamber. 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.

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.

3.9 Noise and Night Lighting: HVAC condensers will be relocated from the side of the building to the roof. As proposed, the proposed lighting fixtures would be LED “up-down” lighting along the lower portion of the building, as well as landscape lighting beneath trees and shrubs, gooseneck downlighting on the retail store front and over the garage doors, and brass lantern sconce lighting for the exterior doors.

3.10 Landscaping: The applicant plans to retain most of the existing vegetation, including the cherry tree on State Road, and native 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, dated Aug. 5, 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), and an in-ground automatic irrigation system.

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 area.) 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 10.07 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.