



# Martha's Vineyard Commission

## DRI #622-M 10 State Road Modification

### MVC Staff Report – 2022-3-30

#### 1. DESCRIPTION

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- 1.1 **Owner/Applicant:** 10 State Road Condo Main; Joe Grillo
- 1.2 **Project Location:** 10 State Road (Map 9, Block A, Lot 5), Tisbury (0.35 acres)
- 1.3 **Proposal:** Ground disturbance within an archaeological resource area, including the removal of trees.
- 1.4 **Zoning:** B1
- 1.5 **Surrounding Land Uses:** Commercial and mixed-use in the B1 district.
- 1.6 **Local permits:** Possibly Tisbury Conservation Commission in regard to stormwater impacts
- 1.7 **Project History:** The property was the subject of a retroactive concurrence review in 2005 following the clearing of trees within a documented archaeological resource area known as the Vincent Site. Members of MassHistoric and the Wampanoag Tribe investigated the site, and the Tribal chairperson at the time raised concerns that further disturbance of the site could destroy its integrity. The chairperson asked that an intensive archaeological study be conducted “to ensure there are not additional features present that would be damaged or adversely affected within and around the proposed project area.” The Commission voted to remand the project to the town, based on the applicant’s agreement to do the following:
  - Only remove the tree stumps that were already cut at the rear of the property, fill the holes, cap the cleared area with clean fill three feet deep, and revegetate the area.
  - To the greatest extent possible, protect the archaeological resources on the property, including written notice to the MVC and Tribe at least 10 days before any proposed work that might affect the resources, including removal of stumps, and carry out the work under the supervision of a Tribal representative, if provided.
  - Submit any future plans to the MVC, including the possibility of creating a parking lot, or any other work that would require excavation or digging.

The MVC approved DRI 622 in 2010, allowing the construction of a 5,655 ft<sup>2</sup> three-story mixed-use building on the site, in addition to an existing 1,920 ft<sup>2</sup> building. The review included an intensive archaeological survey by the Public Archaeology Lab, which assessed the extent of previous disturbance and presence of artifacts within that part of the Vincent Site. The study did not reveal any intact deposits or potentially significant archaeological resources, but noted that such materials could exist in the untested areas. A PAL Management Memorandum recommended among other things that if the project could not avoid disturbance below the level of observed midden soils, then additional excavation may be needed; that the applicant should develop an archaeological monitoring plan; and that a professional archaeologist should be present for any

ground disturbance or excavation. The MVC decision did not include any conditions specific to the removal of vegetation, but did include the following conditions related to archaeological resources:

- 5.1 *As offered by the applicant, the applicant shall insure that a professional archaeologist from PAL is onsite to review the excavation of the footings and foundation.*
- 5.2 *As offered by the applicant, the applicant shall allow Wampanoag tribal oversight of any excavation on the site and will notify them one week before any excavation.*
- 5.3 *As offered by the applicant, the applicant shall notify the MVC DRI Coordinator one week before any excavation.*

DRI 710 (redevelopment of the abutting Edu Comp property at 4 State Road), which is currently under review, involved a similar intensive survey by PAL in October 2021. That survey revealed a large number of artifacts but no potentially significant archaeological deposits, and made similar recommendations as for 10 State Road.

**Project Summary:** A recorded easement exists between 4 and 10 State Road, but the existing driveway that both properties have shared does not align directly with the easement. An informal agreement in recent years has allowed 10 State Road to continue to use the existing driveway, and to egress across the Edu Comp site to the east. Efforts by the applicant for DRI 710 to formalize the existing arrangement as part of that proposal were unsuccessful, and he has decided to enforce the recorded easement instead, setting up a temporary barrier that prevents tenants at 10 State Road from accessing the back portion of the parking lot. Altering the driveway to restoring access to the lot at 10 State Road will require removing five trees that currently stand in a median area west of the existing driveway.

In addition to the 10 State Road applicant's agreement in 2005 to return with any further plans for the site, the removal of the trees would trigger current Checklist item 8.2b (with concurrence), and would be a modification of DRI 622.

A revised proposal submitted on March 23 states that the trees will be removed, with the stumps ground level with the surface, and fill and hardener added on top. A small area of existing fill including a stone wall will be regraded, but no other soil disturbance is proposed. The project is intended as a temporary solution until a formal easement with 4 State Road can be established.

## **6 ADMINISTRATIVE SUMMARY**

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- 6.1 **DRI Referral:** Self-referred, March 16, 2022
- 6.2 **DRI Trigger:** 8.2b (Disturbance within an area of archaeological significance)
- 6.3 **LUPC:** March 21, 2022
- 6.4 **MVC:** (April 7, 2022)
- 6.5 **Public Hearing:** To be determined

## **7 PLANNING CONCERNS**

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- 7.1 **Cultural Resources:** The project site is within a sensitive archaeological area known as the Vincent Site, which has been surveyed at various times in the past. The PAL recommendations for 10 State Road in 2010 (see above) noted that additional archaeological excavation may be needed if

disturbance below the level of observed midden soils cannot be avoided, but it is not clear if the current proposal would involve excavation to that depth. (PAL noted in 2010 that the depth of fill on the portion of the site where the trees are located was deeper than expected.) Further input from PAL has been requested.

7.2 **Stormwater and Drainage:** The Tisbury Conservation Commission may review the proposal in regard to stormwater impacts, but a stormwater management plan has not yet been provided.

7.3 **Traffic and Transportation:** The proposal would restore tenant access to the back portion of the parking lot at 10 State Road, which is currently blocked. The proposal would align with plans for the Edu Comp site at 4 State Road, including the enforcement of the recorded easement, but those plans have not been fully reviewed by the MVC, since the project is currently on hold pending an independent traffic study. (A public hearing has been continued to April 14.)