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# Martha's Vineyard Commission

## DRI # 674-M Old Stone Bank Condos

### MVC Staff Report – 2021-3-25

#### 1. DESCRIPTION

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- 1.1 **Applicant:** Sam Dunn
- 1.2 **Owner:** Santander Bank
- 1.3 **Project Location:** 75 Main Street, Map 7-D, Lot 7 (0.714 acres); and 16 Union Street, Map 7-D, Lot 10 (0.324 acres) in Tisbury (total of 1.038 acres)
- 1.4 **Proposal:** Renovate two existing buildings and construct five new buildings, with a total of 11 condo units and six commercial units, and reduce parking spots from 35 to 19. Includes pedestrian pathways, a courtyard, and a pocket park.
- 1.5 **Zoning:** Business 1 (B1)
- 1.6 **Local Permits:** Tisbury Planning Board and Zoning Board of Appeals
- 1.7 **Surrounding Land Uses:** Business 1 (B1), Business 2 (B2), and Waterfront Commercial zoning districts; surrounding uses include an existing residence with access from Main Street, the Steamship Authority Terminal, Vineyard Transit Authority transportation hub, a town-owned parking lot, Stop and Shop, and other businesses along Main, Union, and Water streets.
- 1.8 **Project History:** The Old Stone Bank building on Main Street was designed by architect J. Williams Beal in 1905 and constructed by local stonemason James Norton using local field stones. Businessman and Tisbury resident William Barry Owen had purchased a controlling share in the property in 1904. The building is a notable example of the Romanesque and Bungalow styles. A separate building on the site, previously used for drive-through banking, was constructed in 1910, with the drive-through portion constructed in 1988. The age of a smaller building just east of the Stone Bank annex is unknown, although it is likely from the same period as the Stone Bank. DRI 674 involved the removal and replacement of terra cotta tiles on the building. The tiles had already been removed and replaced with asphalt shingles when the project was referred to the Commission in 2016. The Commission voted in 2017 to deny the application and require that the asphalt shingles be replaced with ceramic tiles consistent with the historic character of the building. Santander Bank closed the bank branch in 2017 and put the property up for sale. The tiles were replaced in 2019. The project was referred as a modification, but would also have triggered the checklist on its own.

**Project Summary:** The project involves renovating two existing buildings and constructing five new buildings, with a total of 11 condo units and six commercial units. (See figures 1 and 2 below.) The existing Stone Bank and annex (A) and a separate drive-through building (C) would be renovated to include a total of four condos; one existing building would be demolished and replaced with another building (B) to include two condos; and four other new buildings (D1, D2, E, and F) would be constructed to include a total of five condos. The property as a whole would have 14 bedrooms.

As proposed, buildings A, B, C, E, and F would have commercial uses on the first floors totaling 7,150 ft<sup>2</sup>, including 700 ft<sup>2</sup> of existing storage space in Building C. The proposed uses are retail and office

space, although the applicant has stated that future uses may include a restaurant and welcome center. The first floor of the Stone Bank fronting Main Street would remain in commercial use.

The buildings would be accessible via pathways from the town parking lot, Main Street, and Union Street, while buildings D1 and D2 to the east would stand above an existing parking lot just north of the town lot. The pathways would also lead to a pocket park between buildings C and E. All of the new pathways would comply with the Americans with Disabilities Act (ADA).

Parking spots would be reduced from 35 to 19 to make room for a proposed courtyard between buildings A, B, C, and D1. Buildings D1 and D2 would be raised above the floodplain level, with vehicle access and/or parking underneath. The abutting Stam property would maintain a driveway that is accessible via the gravel lot.

Figure 1: Proposed buildings, footprints, units, retail area, and bedrooms

Building	Footprint (ft <sup>2</sup> )	Retail units	Retail area (ft <sup>2</sup> )	Res. units	Bedrooms
A (existing)	3,450	C1	2,300	R1 R2 R3	1 1 1
B (rebuild)	1,300	O1, O2	900	R4 R5	1 1
C (existing)	2,100	C2	1,400 (+700 storage)	R6	2
D1 (new)	850			R7	2
D2 (new)	1,400			R8	2
E (new)	750	C3	700	R9	1
F (new)	1,520	C4	1,150	R10 R11	1 1
<b>Total</b>	<b>11,370</b>	<b>6</b>	<b>7,150</b>	<b>11</b>	<b>14</b>

Figure 2: Site plan



## Construction

The applicant hopes to begin construction in mid-2021 and complete the project within about two years. The condos in buildings A–D would be constructed first, followed by those in buildings E and F. The applicant has stated the condos in units A–D could potentially be occupied prior to the completion of the units in buildings E and F, and the timing of the interior construction of the commercial units is unknown, since that would not begin until the commercial users are identified.

The project would have two construction entrances – at 16 Union Street and through the town parking lot. There will be no construction access via Main Street. Staging of materials and equipment would take place onsite. Construction workers would also park onsite.

## 2. ADMINISTRATIVE SUMMARY

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- 2.1 **DRI Referral:** Tisbury Building Inspector
- 2.2 **DRI Trigger:** 1.2 (Modification to a previous DRI)
- 2.3 **LUPC:** December 7, 2020, February 22, 2021
- 2.4 **Public Hearing:** March 11, 2021
- 2.5 **Site Visit:** March 22, 2021

*A video walk-through of the site is available here:*

[Part 1](#), [Part 2](#), [Part 3](#), [Part 4](#)

## 3. PLANNING CONCERNS

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### 3.1 **Some Key Issues**

The plans have gone through several changes since November 2020. The applicant is also working with the town Planning Board to finalize the application. Planning concerns have focused on vulnerability to storms and flooding, town zoning regulations, traffic and parking, and the impact of potential future uses on wastewater and traffic.

- 3.2 **Historic Character:** The Stone Bank is listed in the MA Cultural Resource Information System, and the Tisbury Historical Commission has called it “arguably one of the most important buildings on Martha’s Vineyard.” The MVC had previously given the building a score of 15 out of 20 for historic significance. The Tisbury Historical Commission has formally endorsed the project, praising the discreet nature of the proposed courtyard, and stating among other things that the proposed buildings are appropriately diverse and in keeping with the scale of neighboring areas. As proposed, buildings B, D1, D2, E, and F would have wood shingles and clapboards, in contrast to the stone construction and terra cotta tiles of buildings A and C.

- 3.3 **Wastewater:** The property was previously allowed to generate 904 gallons per day (GPD) of wastewater, and has received two approvals from the Town Sewer Advisory Board to increase that amount. The first approval (October 2020) was for an additional 1,076 GPD, and the second approval (February 2021) was for an additional 330 GPD, bringing the total to 2,310 GPD for the property. The second approval was good for one year, after which the applicant would need to apply for renewal. It was not clear if the first approval also had a one-year limit. The proposed 14

bedrooms on the site would require a total allocation of 1,540 GPD, leaving 770 GPD for the proposed 7,150 ft<sup>2</sup> of retail and office space, which would require a total of about 358 GPD.

- 3.4 Stormwater:** There are no stormwater facilities on the property, but the applicant has stated that the area of existing asphalt will be reduced by about 9,650 ft<sup>2</sup>, with about two thirds of that area replaced with grass and the rest with gravel. About 75% of the site would consist of pervious surfaces, including the gravel areas underneath buildings D1 and D2. The applicant has stated that the large amount pervious surface will allow direct percolation from roof runoff.

According to the applicant, the site is underlain by natural sand with a percolation rate of 40 ft/day. The project's civil engineer will examine the areas under the removed asphalt to determine if additional excavation is needed to reach the sand. Removed material would be replaced with medium sand with a percolation rate of about 50 ft/day. Topsoil up to 8" deep and other plantings including grass would be added. The applicant has stated that the final percolation rate would be 5,700 ft<sup>3</sup>/hour, or about three times the required amount, allowing the roof to drain directly into the planted areas with no additional treatment.

The property slopes downhill from Main Street toward the harbor, causing rain runoff and groundwater to flow into the harbor. The rainwater would pick up pollutants as it makes its way downhill, potentially degrading the recreational and economic benefits of the beach and harbor. Vegetated swales or other green infrastructure could be used to mitigate those impacts.

- 3.5 Climate Change Resilience:** The project lies within the 100-year floodplain, with beach frontage on Vineyard Haven Harbor. The eastern part of the property lies within the FEMA AE zone, which FEMA defines as having a 1% chance of annual flooding, or a 26% chance over the life of a 30-year mortgage. Buildings C, D1, D2, and a portion of B would be located within the AE zone. All of the units would be constructed 1–3 feet above the base flood elevation. However, the FEMA flood maps are based on historical data and do not take into account sea-level rise and the resulting increase in storm surge and flooding. Flooding events on the low-lying portion of this site are increasing as the 100-year flood occurs with greater frequency, which raises questions about long-term safety, including homeowner and emergency access. The applicant has stated that hazard insurance would be included in the condominium fee.

MVC staff has developed maps using the MA Coast Flood Risk Model, which take into account the effects of storm surge, sea-level rise, and rainfall, and show that flood risk at the site is expected to increase over time and to extend farther upland, into the site.

- 3.6 Energy:** The applicant has stated that the buildings will have electric heating and cooling (mini-splits), electric clothes drying, and propane for cooking. The energy source for hot water has not yet been determined. The applicant has provided the minimum insulating values for the roofs, exterior walls, floors, and exterior windows and doors. The applicant has also stated that solar panels will be considered for the south-facing roofs of buildings B and D-1, with input from the Historic Commission.

- 3.7 Housing:** The project would add 11 units to the Island housing stock. The applicant has stated that the target population for the condos in general are elder Island residents looking to

downsize. The estimated total sales prices for the residential units (provided by the applicant) would range from \$600,000 to \$1.32 million, not including the 600 ft<sup>2</sup> affordable unit (see below), which is estimated at \$250,000.

Draft Condominium Documents provided on Feb. 25, 2021, include a Master Deed that details the unit boundaries, common areas and facilities, usage and restrictions, rights reserved, and other provisions for the residential and commercial condos. The document also includes a draft Declaration of Trust, and draft Rules and Regulations for the property. The common areas and facilities would include the entire property, minus the units. Limited common areas would include the porches and decks. In regard to leasing restrictions, section 8(f) of the Master Deed states: "A unit may be leased for [a] period of no less than one week. A unit may be leased no more [than] three times in one calendar year unless otherwise approved by two thirds of the Condominium Trustees. All leases or rental agreements for Units shall be in writing." The applicant is not requiring year-round residency for the tenants.

As offered by the applicant, Unit R2 of Building A (a 600 ft<sup>2</sup> studio at grade) would be deed restricted to include one affordable housing unit (either rental or ownership), with an income restriction of no more than 80% of the area median income (AMI). The recipient would be certified by the Dukes County Regional Housing Authority, at the applicant's expense, unless the recipient is already certified. Unit R2 would comply with all affirmative fair housing laws, but the applicant has stated that full compliance with Universal Design standards would not be practical, since the required widths and configurations would conflict with other design goals. The recipient of Unit R2 would be exempt from all condominium fees, including hazard insurance. It is unclear who would pay the insurance for that unit.

MVC staff has calculated the monetary mitigation for the proposed retail and office uses, and provided the following additional recommendations for the project in regard to affordable housing:

#### *2019 MVC DRI Housing Policy*

The MVC's Housing Policy is not clear about how to calculate the commercial monetary mitigation of a mixed-use project. The issue relates whether to include both new and existing commercial square footages in the calculation.

#### *Staff Recommendation*

Staff recommends not including the existing commercial uses in buildings A and C, and including the following commercial square footages:

- a. Building B – 900 ft<sup>2</sup> (Office)
- b. Building E – 700 ft<sup>2</sup> (Retail)
- c. Building F – 1,150 ft<sup>2</sup> (Retail)

### *Monetary Mitigation*

The monetary mitigation for the project is as follows:

- 900 ft<sup>2</sup> X 2 (Office Use) X \$ 8 = \$14,400
- 1,850 ft<sup>2</sup> X 4 (Retail Use) X \$8 = \$59,200
- Total monetary mitigation = \$73,600

### *Additional recommendations*

- The applicant should clarify how homeowner's insurance coverage and other insurance costs will impact the overall affordability for the Affordable Housing recipient and what guarantees will be made to ensure affordability
- Unit R2 should be lotteried by a state-certified affordable housing entity

### **3.8 Economic Development:**

- The proposed residential units will have a beneficial impact on surrounding businesses, particularly retail shops and restaurants.
- The future commercial uses in buildings A, B, C, E, and F are still unknown, although the applicant has indicated that they will most likely be retail/office space.
- The anticipated number of new jobs created, and the hours of operation, for the six commercial units are still unknown.
- The proposed project will not have a significant impact on town services such as police and fire, since it is located in a densely developed mixed-use/commercial area.
- 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.
- The six proposed commercial units are estimated to range in price from around \$260,000 to \$1 million.
- The FY 2020 Assessed Value for the properties are as follows:
  - 75 Main Street: \$1,875,000
  - 16 Union Street: \$1,167,600
- The FY 2020 Property Tax Revenue for the properties are as follows:
  - 75 Main Street: \$22,711
  - 16 Union Street: \$12,415

**3.9 Zoning and Land Use:** Tisbury Zoning Bylaw 05.12 (uses requiring a special permit in the B1 district) states that private dwellings and apartments are allowed by special permit in business structures, but may not occupy the first floor of any structure where such use did not exist in the preceding two years. The bylaw also states that "all commercial uses shall occur at a floor, or level, below habitation uses."

There is some disagreement about whether the units in D1 and D2 are in fact on the first floors, since those buildings are raised above the ground; and how to categorize the Stone Bank annex, which extends out from the existing basement, but at grade. The town Building Inspector has stated that he would most likely consider the annex a basement use, and that he would consider the parking areas underneath buildings D1 and D2 as a first floor. However, the Planning Board could make its own determination independent of the Building Inspector.

An opinion by Town Counsel states that new structures in the B1 district could potentially have residential uses on the first floors, but a final decision would be up to the Planning Board. The Planning Board voted 4-1 on March 3, 2021, to affirm their reading of the bylaw as not permitting residential uses on the first floor of any structure in the B1 district that has never housed a business before, including new construction.

The proposed uses in Building A (residential in the basement and commercial on the first floor at street level) appears to conflict with the section of the Zoning Bylaw that states that all commercial uses in the B1 district must occur at a floor below habitation uses. In response, the applicant has stated that if the Planning Board does not waive that requirement, then Unit C1 (the street-level unit in Building A) would be restricted to a nonprofit educational corporation. Massachusetts General Law Chapter 40A Section 3 states that no zoning bylaw shall “prohibit, regulate or restrict the use of land or structures ... for educational purposes on land owned or leased ... by a nonprofit educational corporation ...”)

### 3.10 **Traffic and Parking**

#### *Trip Generation*

The existing land use on the property is a two-lane drive-through bank that previously offered both ATM and walk-in services. Though no longer in full use, the property as a whole would have been expected to generate roughly 376 trips per day.

To project future trip generation, MVC staff worked with the applicant to identify potential commercial uses that would occupy the site. The applicant has identified 6,600 ft<sup>2</sup> of commercial development in the application before the MVC. The applicant has not specifically targeted which type of non-residential uses they might utilize. The trips generated by 6,600 ft<sup>2</sup> of retail development is identified below:

Use	Sq. ft.	Daily	AM peak	PM peak	AM in	AM out	Pass by	PM in	PM out	Pass by
Retail	6,600	438	7	25	5	1	0	13	13	0

The project also includes 11 residential condos/townhouses that are expected to generate roughly 64 daily trips. The peak hour generation is less than 20 trips, so the potential uses associated with this application would have a negligible impact on the area.

The applicant also discussed some hypothetical commercial uses for the property, which are shown in the table below.

Figure 3: Existing and potential trip generation

Description/ITE Code	Units	Expected Units	Total Generated Trips			Total Distribution of Generated Trips						
			Daily	AM Hour	PM Hour	AM In	AM Out	Pass-By	PM In	PM Out	Pass-By	
<b>Existing Land Uses</b>												
Drive-in Bank 912	Drive-in Lanes	2.0	279	19	55	6	4	9	14	15	26	
General Office 710	KSF <sup>2</sup>	1.00	11	2	1	1	0	0	0	1	0	
Apparel Store 876	KSF <sup>2</sup>	1.30	86	1	5	1	0	0	2	2	0	
<b>Existing Trips</b>			<b>376 Daily Trips</b>									
<b>Proposed Land Uses</b>												
Resd. Condo/Townhouse 230	Dwelling Units	11.0	64	5	6	1	4	0	4	2	0	
General Office 710	KSF <sup>2</sup>	1.00	11	2	1	1	0	0	0	1	0	
Single Tenant Office Bldg 715	KSF <sup>2</sup>	1.40	16	3	2	2	0	0	0	2	0	
Apparel Store 876	KSF <sup>2</sup>	1.9	123	2	7	1	0	0	4	4	0	
Quality Restaurant 931	KSF <sup>2</sup>	2.3	207	2	17	N/A	N/A	1	6	3	8	
High Turnover/Sit Down Rest 932	KSF <sup>2</sup>	2.3	292	26	26	8	7	11	9	6	11	
<b>Range of Combined Proposed Trips</b>			<b>421 - 506 Daily Trips</b>									

(KSF = 1,000 square feet)

Depending on the type of uses that might occupy one of these commercial spaces in the future, the overall project is expected to generate between 421 and 506 daily trips.

In terms of traffic and transportation, MVC staff finds the proposed project would promote and connect all modes of transportation, and would be an enhancement to the area. The peak-hour generation is less than 20 trips, so the potential uses would have a negligible impact on the area.

### Parking

Parking spots will be reduced from 35 to 19, or about a 46% reduction. The 19 spots would be for residents and guests only. The proposed commercial uses would likely increase demand for public parking in the immediate area, but it is unclear how much, since the commercial uses have not been specified. The neighboring town lot is for public parking.

The proposed project lies in the Waterfront/Commercial and B1 Districts. According to the Tisbury Zoning Bylaw, the B1 District and the Waterfront/Commercial District shall be exempt from the general parking regulations in Section 07.07 of the bylaw.

To estimate the parking needs generated by the development if all of the commercial space was used as retail, MVC staff generated the following:



Use	Sq. ft.	Spaces
Retail	6,600	128

Based on the analysis, the applicant would have adequate spacing to support the retail square footage proposed. To project the future parking for the potential land uses identified by the applicant, MVC staff applied the same methods as with the Trip or Traffic Generation:

Figure 4: Potential parking needs

Description/ITE Code	Units	Expected Units	<u>Total Parking Spaces</u>
			Spaces
<b>Existing Land Uses</b>			
Drive-in Bank 912	Drive-in Lanes	2.0	16
General Office 710	KSF <sup>2</sup>	1.00	4
Apparel Store 876	KSF <sup>2</sup>	1.30	25
<b>Existing Parking Generation</b>			<b>45 Spaces</b>
<b>Proposed Land Uses</b>			
Resd. Condo/Townhouse 230	Dwelling Units	11.0	16
General Office 710	KSF <sup>2</sup>	1.00	4
Single Tenant Office Bldg 715	KSF <sup>2</sup>	1.40	N/A
Apparel Store 876	KSF <sup>2</sup>	1.9	37
Quality Restaurant 931	KSF <sup>2</sup>	2.3	45
High Turnover/Sit Down Rest 932	KSF <sup>2</sup>	2.3	40
<b>Range of Proposed Parking Generation</b>			<b>97 - 102 Spaces</b>

(KSF = 1,000 square feet)

The proposed hypothetical uses would require roughly 97–102 parking spaces. It should be noted that this analysis is extremely conservative (overestimating), and given that the uses would not generate the rates that were found in similar uses used for comparison (these were upwards of 5–10 times the size of this proposal), we project that the development would have adequate parking. We recommend that the applicant complete a parking report for all land uses that are proposed to be non-residential.

*A full Transportation Staff Report is available on the MVC website*

- 3.11 Landscape and Lighting:** A preliminary landscape plan shows five existing trees to remain, and a mix of new and existing shrubs/vegetation throughout the property. According to the site plan, lighting would be LED landscape lighting beneath trees and shrubs, along with downlighting on each of the condo porches. No additional lighting is shown on Main Street.