Old Stone Bank Condos

Applicant and owner: Sam Dunn
Permits: Tisbury Planning Board
Building permit
Checklist (v13): 1.2 (Previous DRI), 3.1b (New commercial construction over 2,500 ft\(^2\)), 3.1f (Change of use), 3.2a and 3.2b (Mixed-use development)

MVC Decision: 5/13/21
LUPC: 6/28/21
Site Plan as Approved
Residential (R) and Commercial (C and O) Units as Approved

- Residential (R)
  - R1, R2, R3, C1
  - R6, C2
  - R9, C3
  - R10, R11, C4

- Commercial (C and O)
  - O1, O2
  - C2
  - R7
  - C3
Residential (R) and Commercial (C and O) Units as Amended
Items submitted for LUPC approval

- Plans for Buildings A and F as amended (Conditions 1.2, 2.6)
- Energy source for hot water, and location of HVAC units (Conditions 5.2, 7.1)
- Stormwater plan (Condition 3.8)
- Condominium documents (Conditions 2.1, 3.4-3.6, 3.7, 9.1)
  - Declaration of Trust (including Rules and Regulations)
  - Master Deed
- Information about exterior lighting (Condition 6.3)
- Decibel rating for air condensers (Condition 7.1)
Review of changes to Buildings A and F
Condition 1.2 To comply with Tisbury Zoning Bylaw 05.21.01, which prohibits commercial uses from occurring above residential uses in the B1 district, the bottom floor of Building A shall be for commercial use only. An affordable housing unit equivalent to Unit R2 as shown in the floor plans dated 1/19/21 shall be included in Building F, and the plans for Buildings A and F as amended shall be submitted to the LUPC for review and approval prior to the issuance of a Building Permit. The identification of intended commercial uses of Building A is subject to the Commission’s approval as a Modification.

Condition 2.6 If Unit R2 of Building A is not permitted to be used for residential housing, then a unit not smaller than the square footage of unit R2 shall be made available for housing on the same terms as conditions 2.1-2.6.

Revised floor plans and elevations (4/21/21)

- The bottom floors of Building A and the annex are now designated as commercial, with residential storage space replacing the patio and a portion of the interior
- New deck on top floor of Building A
- Storage space in Building C is now for commercial use
- The affordable unit is now in Building F
  - About 450 ft² as opposed to 650 ft²
  - Second floor as opposed to ground floor
  - Same kitchen and bathroom amenities
  - Increased natural lighting
Building A as approved
Building A as amended
Building A as approved
Building C

No longer residential storage
Building A as approved
Building A as approved
Building A as amended
Building F as approved

Building F as amended
Affordable unit (previous – Building A)
Affordable unit (proposed – Building F)
Total residential and commercial units

Approved

• Residential: 11
• Commercial: 6

Amended

• Residential: 10
• Commercial: 8
Review of other plans
**Condition 3.8** The applicant shall provide an engineered stormwater plan, including as it relates to drainage of the proposed walkways, for LUPC review and approval prior to the issuance of a building permit.

- Same as provided during hearing
- Stamped drawing by Kent Healy
Condition 5.2 The Applicant shall present a plan showing the energy sources for hot water heaters on the property, including potential onsite renewable energy, to the LUPC for approval prior to receipt of a Building Permit.

- One of the new site plans shows the location of condensers
- Energy source for water heating will be on-demand propane
Locations of exterior equipment
(15 condensers and 1 transformer)
Condition 6.3 A final lighting plan shall be submitted to the LUPC for before a Building Permit is issued.

- Locations and spec sheets for exterior lighting provided
  - Wall-mounted (decks, stairs, landings)
  - Ceiling-mounted (porch ceilings)
  - 3,000 Kelvin
  - Downward-facing
  - Applicant has stated that the fixture heights will be 8’ above the floor (ceiling lights), and up to 5’ (wall-mounted lights)
Ground floor
One-Light Outdoor
Ceiling mounted - Damp location listed

Description:
3" flush mount cylinder. The PS774 lines are ideal for a wide variety of interior and exterior applications including residential and commercial. The Cylinder features a 120V alternating current source and diminishes the need for a traditional J-box. This modular approach results in an exaggerated luminaire that offers performance, cost and safety benefits.

Specifications:
- White 1 (30) (polycarbonate lens)
- One cast and extruded aluminum construction
- Ideal for outdoor residential and commercial applications
- One cast aluminum construction with white powder coated finish
- 757 lumens 40 beam angle
- 3000K color temperature, NCS
- Dimmable to 10% brightness (See Dimming Notes)
- Unit covers a standard 4" hexagonal recessed outlet box
- Mounting strap for outlet box included
- 6" of shaft supplied
- Meets California Title 24 high efficiency requirements for indoor use only

Performance:
- Number of Modules: 1
- Input Power: 16.5w
- Input Voltage: 120V
- Input Frequency: 60 Hz
- Lumen(s), lm (Recessed): 757 (48,138.71)
- CRI: 3000K
- CCT: 3000K
- Lx (Footcandles): 6000 (50.51 FM 17)
- HDC: 50% X 120V Class
- Min. Start Temp: -30°C
- Min. Operating Temp: 30°C
- Warranty: 5 year warranty
- UL/CUL damp location listed
- Meets California Title 24 high efficiency requirements for indoor use only

Dimensions:
- Diameter: 3"
- Height: 6.5"
Condition 7.1 Noise associated with HVAC and other external equipment shall not exceed the decibel levels indicated by the manufacturer(s) as occurring under typical conditions. The applicant shall include details of such equipment, including their locations, to be approved by the LUPC prior to receipt of a Building Permit.

• Specs for Daikin MXL multi-zone heat pump condenser provided: 50-51 decibels
• Locations provided

310 CMR 7.10 Noise

(1) No person owning, leasing, or controlling a source of sound shall willfully, negligently, or through failure to provide necessary equipment, service, or maintenance or to take necessary precautions cause, suffer, allow, or permit unnecessary emissions from said source of sound that may cause noise.

The DEP has established a Noise Level Policy for implementing this regulation. The policy specifies that the ambient sound level, measured at the property line of the facility or at the nearest inhabited buildings, shall not be increased by more than 10 decibels weighted for the "A" scale [dB(A)] due to the sound from the facility during its operating hours.

Massachusetts Noise Regulations 310-CMR-7.10 (airandnoise.com)
Review of condo documents
**Condition 2.1** All residential housing units shall be year-round, and rentals of the residential units by the owner shall be for no less than one week at a time, not more than three times a year, and not to exceed 21 days in total per calendar year.

**Declaration of Trust**

“Units may be leased, but for **not less than one week’s duration**. A unit may be leased for a maximum of **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 shall be required to allow such additional rental periods.”

- No mention of 21-day maximum rental periods (Applicant may seek modification to eliminate this requirement)
**Condition 3.4** The condominium rules shall state that any evacuation order must be obeyed.

“Owners are responsible for removing their vehicles in advance of possible flooding and for obeying all evacuation orders.”

**Condition 3.5** The condominium documents shall state that all owners assume the risk of their unit being condemned as a result of sea-level rise, storms, and/or flooding.

“Unit Owners assume and shall insure against the risk of their Unit being damaged and/or condemned due to storm events. The Condominium assumes and shall insure against the risk of removal of any structures following total loss and clean-up of other debris following storm events.”
Condition 3.6 For the buildings in the flood zone (B, C, D1 and D2), the condominium documents must specify, and the developer shall inform all future residents/buyers, that the property is in the flood zone and there may be access issues, including emergency access, as a result of sea-level rise, storms, and flooding, and that flood insurance rates may increase.

“The Condominium property borders tidal water and some parts of the property are in a flood zone, namely Buildings D-1 and D-2 who’s finished floor is raised 3’ above the flood plain and Building B who’s finished floor is raised to the flood plain. Unit Owners should be aware that sea level rise in coming years is a possibility and that insurance rates may increase. During storm events flooding of parking areas could be possible, and emergency vehicles may have difficulty reaching the site. Owners are responsible for removing their vehicles in advance of possible flooding and for obeying all evacuation orders.”

• Does not mention Building C

• Staff recommendation: “The Condominium property borders tidal water and some parts of the property are in the flood zone, namely Buildings D-1, D-2 and C. In addition, sea level is rising. As a result, flood insurance rates are likely to increase. Due to sea level rise, higher storm surges, and increased coastal flooding, Unit Owners are hereby informed that in a storm event access to and from the units, including emergency access, may be limited or inaccessible. Owners are responsible for removing their vehicles in advance of storm events and for obeying all evacuation orders.”
**Condition 3.7** The condominium Declaration of Trust shall state that the Trust will be responsible for removal of any buildings or other structures on the property as necessary, including as the result of sea-level rise, storms, and flooding.

“The Condominium shall at all times carry Flood Insurance in accordance with Section 8. In the event that separate flood insurance policies are issued for distinct buildings then the units contained in each building with a distinct flood insurance policy shall be responsible for the entire premium applicable thereto. Unit Owners assume and shall insure against the risk of their Unit being damaged and/or condemned due to storm events. The Condominium assumes and shall insure against the risk of removal of any structures following total loss and clean-up of other debris following storm events.”
Condition 9.1 Final Condominium Documents (including Master Deed, Declaration of Trust, and Rules and Regulations) shall be submitted to the LUPC for approval prior to receipt of a Certificate of Occupancy. The documents shall include the following:

1) The affordable unit’s exemption from condominium fees and insurance coverage, including which coverages will be excluded.

“No common expense shall be due and payable by the owner of the affordable Unit, being Unit R10, including hazard insurance.”

2) The location and uses of all common areas including the public beach access (this information must also be indicated on a site plan).

• Section 5 of the Declaration of Trust identifies the common areas and facilities (open to all unit owners), and Section 6 identifies the limited common areas (LCAs; limited to certain unit owners).
• The uses of common areas are generally defined in Section 4.
• Exhibit B of the Master Deed further lists each unit’s share in the LCAs.
• LCAs but not general common areas are shown on the site plans.

3) Statement that any exterior changes, changes of use, or changes of intensity of use, must return to the MVC for review.

“Any exterior changes, changes of use or intensity of use must return to the Martha’s Vineyard Commission for review.”
Not yet submitted

• Landscape plan (no final plan yet, although the plan with location of condensers shows the removal of six trees)
• Report on Tisbury Historical Commission review
• Payment of housing mitigation fee (to Tisbury Affordable Housing Trust Fund)