



BOX 1447, OAK BLUFFS, MASSACHUSETTS, 02557, 508-693-3453,
FAX 508-693-7894 INFO@MVCOMMISSION.ORG WWW.MVCOMMISSION.ORG

Martha's Vineyard Commission

DRI #674-M3 Stone Bank Restaurant

MVC Staff Report – 2022-6-17 DRAFT

1. DESCRIPTION

- 1.1 **Owner:** Sam Dunn, Patrick Lyons (under purchase and sale agreement)
- 1.2 **Applicant:** Sam Dunn
- 1.3 **Project Location:** 16 Union Street (Map 7, Block D, Lot 10), Tisbury (0.324 acres)
- 1.4 **Proposal:** Modification of DRI 674-M to allow for a 70-seat outdoor restaurant with indoor kitchen.
- 1.5 **Zoning:** Business 1 (B1)
- 1.6 **Local Permits:** Tisbury Planning Board and ZBA, wastewater approval
- 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.

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 a similar style in 1910, with the drive-through portion constructed in 1988. The age of a smaller building just east of the Stone Bank annex was unknown, although it was likely from the same period as the Stone Bank.

DRI 674 in 2017 involved the removal and replacement of terra cotta tiles on the bank 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 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 MVC has approved the following modifications to DRI 674:

- DRI 674-M (May 2021): Renovation of two existing buildings and construction of five new buildings, with a total of 10 residential units and seven commercial units. The existing Stone Bank and annex (Building A) and a separate drive-through building (Building C) were to include a total of two residential units; one existing building was to be demolished and replaced with another building (Building B) to include two residential units; and four other new buildings (D1, D2, E, and F) were to be constructed with a total of six residential units. As conditioned, Building A (minus the annex) was to have commercial uses on both floors,

and buildings B, C, E, and F were to have retail and/or office uses on the first floors. The total proposed square footage of structures on the property was 20,320 ft², with 13,194 ft² residential and 7,126 ft² commercial.

As conditioned, all commercial units were to be for office or retail use, with any proposed changes requiring MVC approval. In addition, Buildings A and F were to be revised to comply with Tisbury Zoning Bylaw 05.21.01, which prohibits commercial uses from occurring above residential uses in the B1 District. That revision was made with the LUPC's approval in June 2021.

The project is currently under construction.

- DRI 674-M2 (August 2021): Modification of DRI 674-M Condition 2.1 to remove a 21-day limit on rentals for the residential units, and associated changes to the condominium Declaration of Trust and Master Deed.

In addition to these modifications, the LUPC in August and September 2021 approved changes to the condominium documents including provisions related to the sale of parking spots, in order for the project to comply with the MVC conditions for DRI 674-M, and several other minor changes and corrections. The LUPC approved final recommendations by the Tisbury Historical Commission in 2022. Modifications related to the addition of a balcony, elimination of the proposed second floor of the drive-through building, and a plan for solar panels, is currently under review as DRI 674-M4.

Project Summary: The proposal is to modify DRI 674-M by changing the ground-floor use of Building E from office/retail to a restaurant, and replacing a proposed lawn just east of Building E with a wooden deck and 70 outdoor seats for the restaurant, including an outdoor bar. The lawn area is designated in the condo documents as a Limited Common Area (LCA) for the commercial unit in Building E. The proposal will entail certain changes to the condo master deed, which currently identifies all the commercial units as offices.

The restaurant would be open seasonally for lunch and dinner from April to November (and possibly for takeout in the off-season), with about 650 ft² of indoor kitchen space and a 1,200 ft² outdoor seating area, including a full-service bar. Two restrooms for patrons only would be located in the building. The restaurant is proposed as a "fast food" establishment under Title V, without no table service and only disposable dining materials. Patrons would seat themselves and order and pay online using their phones, or via a pick-up window in the building. The future owner would be Patrick Lyons, a summer resident and restaurateur from the Boston area who also owns Back Door Donuts.

Note that the buildings were relabeled during the town review, but the labels for this modification review are the same as for DRI 674-M (see attachment).

2. ADMINISTRATIVE SUMMARY

- 2.1 **DRI Referral:** Self-referred
- 2.2 **DRI Trigger:** 1.3D (Previous DRI)
- 2.3 **LUPC:** November 8, 2021; June 21, 2022

2.4 Public Hearing: To be determined

3. PLANNING CONCERNS

3.1 Wastewater: Prior to 2020, the property had been allowed to generate 905 gallons per day (GPD) of wastewater. As part of the permitting process for the Stone Bank project (DRI 674-M), the applicant 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 restaurant use requires an additional 1,176 GPD (above the approved 2,310 GPD), according to Bob Rafferty of Environmental Partners, who is working as a consultant for the Tisbury Wastewater Department. In August 2021, the Wastewater Department approved a total of 3,486 GPD for the Stone Bank project, including 1,050 GPD for the restaurant, with conditions.

The applicant has stated that the restaurant would require approval of 1,400 GPD per day, which is more than the 1,176 GPD cited by Environmental Partners, which is more than the 1,050 GPD approved by the town. If additional dishwashing equipment were to be added in the future, additional wastewater flow would be required.

3.2 Solid waste: As proposed, most dining materials would be disposable or potentially compostable, which raises concerns about solid waste production. An "Environmental Impact Minimization Plan," provided in November, proposes washable aluminum pans and plastic serving baskets with paper liners, bioplastic utensils, and other packaging materials labeled as biodegradable. The restaurant would use durable plastic cups and a three-bay sink for washing, along with two low-temperature glass washers, instead of a regular dishwasher. The plan states that the applicant will partner with Island Grown Initiative and Bruno's Rolloff on a composting program, with four tote containers (about 128 gallons) of compost expected to be picked up from the restaurant three times a week. In addition to the composting totes, six totes would be used for the restaurant's regular waste and recycling, with two pickups per week. All of the totes would be stored in the general trash area for the condo units, which would have a capacity of 19 totes. (The eight restaurant totes would account for 42% of the trash area.)

3.3 Traffic and Transportation: The Stone Bank project as a whole has 19 parking spaces, with at least one space dedicated to each residential unit. There are no spaces dedicated to the proposed restaurant, although the applicant has stated that the owner will have three spaces associated with his residential unit in Building D2 that could be used for employee parking. The proposed hours for the restaurant are 11:30AM-10:30PM, seven days a week. Food delivery would be available for customers, with a 12' curb cut in Union St. for a delivery vehicle.

At the request of the MVC and Tisbury Planning Board, an independent [Transportation Impact Assessment](#) was completed by Fraser Poly-Engineering Services (FPES) in April 2022. The report includes an assessment of existing (2022) and future (2029) traffic characteristics, including intersections and roadways in the immediate area. The report finds no parking, safety, or level of

service (LOS) impacts in the vicinity of the project, but recommends the following transportation demand management and site access strategies for the project:

- *Proponent should ensure that the proposed overall site design has adequate accommodations for pedestrian access and circulation. This should include but not be limited to:*
 - 1) *Adequate walk-way width especially for wheelchair access.*
 - 2) *Removal of barriers that may impede the path of travel.*
- *Transit maps and schedules should be provided on the proponent's website to encourage the use of public transits.*
- *Transit, maps, and schedules be available at the establishment to encourage patrons to use non-automobile only access.*
- *Provide employees with transit passes.*
- *Bicycling and Walking: Provision for bicycles facilities such as bicycle racks should be provided.*
- *The proponent working with the Town of Tisbury should assist in the study of bicycle network connectivity in the area.*
- *Develop a "Wayfinding" system to aid pedestrians and cyclists to better navigate the area.*
- *Car/Ridesharing: Encourage employees of the restaurant to carshare/rideshare to and from work by connecting them with websites that promote carpooling.*
- *Encourage patrons to access the restaurant via ridesharing to reduce parking impact.*
- *Provide promotional discounts for the use of alternative transportation such as ones mentioned above to restaurant patrons who use ride-share, transit tickets, bike, or walk.*

The conditions for DRI 674-M also require commercial unit owners to offer free VTA bus passes to any of their employees who request one.

3.4 Character and Identity: The proposal is located within the B1 district, in the vicinity of other commercial and restaurant uses. The project site is highly visible, given its proximity to the town parking lot, VTA hub, and Steamship Authority terminal to the south. Examples of the proposed retractable awnings and outdoor lighting have been provided. The proposed bar area would be located beneath the drive-through portion of the building. The proposal would not affect the exterior of the existing drive-through building as previously approved, other than the addition of the awnings, but would possibly add a take-out window to Building E. Details about the take-out window have not been provided.

3.5 Economic Development and Housing: The owner estimates that the restaurant will create up to nine jobs in season (3-4 kitchen staff, 2-3 food runners or bussers, and 1-2 bartenders). The restaurant would be open seasonally for lunch and dinner from May to October, 11:30AM-10:30PM and possibly for takeout in the off-season. Maximum hours for takeout would be 11:30AM-1:30PM and 5PM to 9PM, seven days a week. The applicant has stated that the future owner (Patrick Lyons) currently provides some housing for employees of Back Door Donuts, and that Lyons would aim for Back Door Donuts and the new restaurant to share the same employees, so some of the new employees would potentially have housing. The applicant has also stated that

Lyons would try to employ local residents who already have housing, and/or family acquaintances who could live with him on the Island during the summer.

There would be one 11-hour shift per day, with a two-hour break in the afternoon. It is unclear what sort of shelter or break/rest area would be provided for employees, including food runners and bussers.

The housing mitigation fee of \$73,600 for DRI 674-M is due upon issuance of a Certificate of Occupancy.

The applicant has stated that the restaurant will use local ingredients wherever possible, including seafood, dairy, fowl, and produce.

- 3.6 Stormwater and Drainage:** The stormwater plan for DRI 674-M relied on direct percolation into existing or replaced sandy soils. The proposed seating area would be covered with decking above the soil, with drainage directly into the ground. As proposed, the restaurant area would serve as a drainage basin for about 5,730 ft² of area, including the roofs of the two adjacent buildings. Runoff from the roofs and canopies would be directed under the decking via gutters and downspouts.

The applicant has submitted drainage calculations by Martha's Vineyard Engineering and Design, and sketches showing the proposed drainage system for the restaurant area, but an actual drainage plan has not been provided. A grading plan has also not been provided. The applicant has stated that the project site is mostly flat and will not be regraded, apart from "spot grading," which has not been specified. The applicant has stated that the pedestrian walkways would have a grade of about 5%, sloping up from Union Street and the parking lot.

- 3.7 Energy:** As previously approved, all buildings in the Stone Bank project were to have electric heating and cooling, with propane for cooking. The applicant has proposed propane heaters and fireplaces for the restaurant seating area, which would require further modifying DRI 674-M.

- 3.8 Noise and Lighting:** The seating area and bar would include dimmable LED string lights, but the amount and location are not specified. The restaurant and bar would potentially create noise between the hours of 11:30AM and 10:30PM seven days a week in the summer, with potential impacts on the neighboring residential condo units, including in Buildings E and F.

- 3.9 Landscape:** A preliminary landscape plan shows unspecified plantings around the perimeter of the proposed seating/bar area, along with a short granite wall. The plan shows access to the restaurant via concrete pathways from Main St., Union St., and the parking lot to the south.

- 3.10 Further action required for 674-M:** The following actions are still required prior to receipt of a Certificate of Occupancy for DRI 674-M:

- Condition 2.8: The monetary mitigation of \$73,600 shall be paid in full to the Tisbury Affordable Housing Trust Fund prior to the issuance of a Certificate of Occupancy.

- Condition 6.2: A final landscape plan showing the location and types of existing and proposed vegetation, pavers, and surface treatments, and including a long-term maintenance plan along with details related to external equipment ... shall be submitted to the LUPC for approval before a Certificate of Occupancy is issued.

Site Plan (DRI 674-M)

