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Martha's Vineyard Commission

DRI # 615 Muckerheide Housing MVC Staff Report – 2008-10-15

Note: Newer information is printed in bold type.

1. DESCRIPTION

Applicant: Violet Realty Trust, Donald N. Muckerheide Trustee

Project Location: 114 and 116 Dukes County Ave. Oak Bluffs, MA Map 17 lots 22 and 24.1
(0.15 + 0.12 = 0.27 acres total)

Proposal: To add 7 modular housing units and reconfigure an existing 3,224 gross square foot (1,195 sf living space) building to create **4** units resulting in a total of a **11-unit** housing complex.

Zoning: B-1 Commercial.

Local Permits: Site Plan Review by the Planning Board. A Building Permit is needed; Sewer permit for 19 bedrooms has been approved. Permission from the ZBA for a 12 foot extension of the B-1 zone into R-1 zone for building setbacks was approved. The following other Town Boards have been notified by the Applicant: Building, BOH, Highway, Fire, Police, Traffic, and Conservation. The Planning Board will take it up at the next meeting (Wednesday August 27, 2008) in order to formulate recommendations to the MVC.

Surrounding Land Uses: Business and residential and mixed.

Project History: The property was once a small farm that went from Circuit Ave. to Dukes County Ave. known as the DeCosta farm. The existing building was built in 1955. The Applicant purchased the Dukes County Ave. lot in 1978 and purchased the second lot in 1982. Since 1978 the Applicant has used and rented the property to others as general work shops for various year-round businesses including the following:

- 1978 -1989 there were three auto repair shops, a welder and a fiberglass boat repair shop,
- 1982-1984 a portion was used as a new car business known as Independence Electric Car Co
- 1989 -2002 the applicant owned The Pit Stop, which was a car and truck repair facility with the first quick lube operation on the island along with a tire shop.
- 2003 - 2004 there was a used furniture store in one part and a consignment and antique store in another as well as a workshop.

Project Summary:

- To add 7 modular housing units and reconfigure an existing 3,224 gross square foot (1,195 sf living space) building to create **4** units resulting in a total of a **11-unit** housing complex.
- **Three of the eleven units will be restricted in perpetuity at 80% or less AMI.**
- **The three 80% or less AMI units would have one-bedroom each.**
- The total gross square footage would rise from 3,224 sf to 9,164 sf. The footprint would be increased by 1,904 sf from 2,916 sf to 4,820 sf. (a 65% increase).
- The stated goal of the project is to provide housing for year round residents and to sell them within the 120% to 150% AMI guide lines.
- Six of the new modular units would be 840 sf and one would be 900 sf, all seven with 2-BR.
- The existing workshop and living area would be remodeled to provide **four** units.
- There is also a 600 sf workshop that the applicant foresees as a maintenance area.

2. ADMINISTRATIVE SUMMARY

DRI Referral: Oak Bluffs Planning Board

DRI Trigger: 3.401a. 3.401 Any development, including the expansion of an existing development, which proposes to create or accommodate: a) ten (10) or more dwelling units.

Pre-Application meeting with staff: April 24, 2008

LUPC: Monday May 5, 2008

Site visits: Monday May 12, 2008

Public Hearing: July 17, 2008; cont'd to August 7, 2008; Continued to August 28, 2008; Continued to September 18, 2008; **Continued to October 16, 2008**

3. PLANNING CONCERNS

Some Key Issues

- What are the impacts derived from the fact that the proposal is significantly larger in mass and scale than most buildings in the neighborhood? Is this too much intensity of use on this site (0.27 acres)?
- How will the addition of 9 residential units affect the neighborhood?
- How does the proposed project fit in with streetscape and character?
- Why did the Applicant cut down a significant mature tree while the project is at the MVC?
- Mass General Laws require that an architect design any building of more than 35,000 cubic feet. Stamped plans are required for a Building Permit. The Applicant is looking for approval of the basic concept and parameters before paying for construction documents.
- The plans show a large amount of structure, parking, and hardscape.

Environment

- **Vegetation:** A significant mature tree was cut down the week of July 7. The Applicant had said that all existing trees would be retained.
- **Habitat:** This is not an NHESP Habitat.
- **Landscaping:**
 - The landscape plan will consist of adding to the existing trees, adding various evergreens around the building, property perimeter and possibly on the roof deck.
 - There would be a narrow band of ground cover belt on the east, south, & west property bounds which would catch some of the rain run off from the parking area and the patio.
 - A concrete patio along the south of the new units is proposed.
 - An existing stockade fence is proposed to be extended along part of the Arch Avenue. There is also a stockade fence proposed along the other side of the property, which is shown to extend along the front of the property line.
 - The plans show a large amount of structure, parking, and hardscape. Almost all of the exterior yards would have a semi-permeable hard surface such as rap.
- **Open Space:** Patios and upper story decks are proposed for resident open space.
- **Lighting:** Lighting would be low level for the parking lot with wall sconces at door ways.
- **Noise:** The heavy insulation and double walls should create a noise buffer.
- **Energy/Sustainability:**
 - The project would be built under a "Green Building Process". The modular building companies the applicant is negotiating with have programs for construction under LEED,

ENERGY STAR, and R-2000 criteria. R-2000 is a Canadian Standard which includes requirements for energy efficiency, air quality and environmentally responsible materials.

- The applicant is working on grants, low interest loans, state and federal tax incentives etc. that are available for energy efficient multi-family housing.
- The Applicant has said he is considering installing solar water heating panels to be used to pre-heat the water going to each unit's on-demand potable water heater.
- **Waste Management:** Trash will be enclosed in wooden shelters along fence on Arch Ave.
- **Water:** Town water
- **Wastewater / Stormwater:**
 - The project would be connected to the town sewer and water.
 - The soil type on site is Carver loamy coarse sand. This soil has a high capacity to infiltrate runoff. It is located in the Harbor watershed.
 - There will be a significant increase in the impervious surfaces of buildings on the property. The existing footprint is approximately 2900 square feet in area and the proposed area to be added is about 1900 square feet. In addition, the Applicant proposes a patio, decks and other surfaces that will generate less runoff including RAP proposed for parking areas and on a portion of Arch Avenue. In the Water Quality Policy, RAP is considered to yield runoff of 65% of the water in substantial storms. The parking area is about 3400 square feet in 21 spaces. The area of Arch Avenue to be improved with RAP is not specified.
 - The Applicant plans to install a 1500 gallon tank for roof runoff that will be used to irrigate plantings with a discharge of excess runoff into the leaching system. This is a good approach to handling roof water that is uncontaminated and will reduce the requirement for water from the Town that is currently under a summer season water ban.
 - The applicant has a new existing 1500 gallon septic tank with a Title 5 leaching field that would be disconnected from the house when tying into the town wastewater with approval of this project. The Applicant indicates that overflow from a storm beyond the 10-year storm would be directed to this tank for treatment and holding.
 - A one inch storm will generate about 2700 gallons of runoff from the estimated footprint (at 90% runoff). The proposed rain storage system will hold about 55% of a one inch storm before discharging into the leaching system.
 - The Applicant indicates that, from experience, the plan for 4 leaching basins should be adequate to handle runoff from all impervious surfaces in a 10-year storm.
 - The Applicant has employed SBH engineers to design of a storm water system to handle a 25-year return storm on site.
 - The leaching basins should be preceded by a catch basin to prevent fine sediment from entering the leaching area and shortening the lifetime of the system.

Transportation

- **Traffic Scope:** The Applicant requested and received a waiver from LUPC to not conduct a traffic study based on the reduction in trips from previous uses of the property and the relative impact on trip generation compared to what this site could generate with a commercial use. The impact compared to the deli across the street and business use in general was also noted.
- **Access:** Dukes County Avenue and Arch Avenue.
 - Arch Avenue is a dead-end paper road that is divided in the middle by very old oak trees that have acted as the de facto property border for a long time.

▪ **Parking:**

- The plans show more than 2 parking spots per unit with 21 on site spaces.
- MVC Staff recommends that several parking spots be eliminated (See Parking Map)
- The exterior staircase on the Dukes County Avenue façade makes parking space #19 inaccessible. It should be removed from the plan.
- Parking spaces #12 and #13 make the circulation space in front of the adjacent parking spaces unacceptably narrow, they should be removed from the plan.
- The two parking spaces proposed along Dukes County Avenue front property line (#18 and #20) pose a safety problem for cars and pedestrians on Dukes County Avenue related to maneuvering into and out of these spaces. These spots abut the property line and a possible future sidewalk making it difficult to provide visual screening to the parking lot. These two spaces should be eliminated.
- Staff has concluded that the remaining 15 parking spaces provide adequate parking to serve the proposed nine apartments.
- The elimination of parking spaces #18 and #20 as recommended above would mean that the second curb cut is no longer needed.

▪ **Trip Generation:**

- The daily trip generation for the complex was estimated to be: 70 trips per day (7 x 10); 4.4 trips during the morning peak hour; 5.2 trips during the evening peak hour.

▪ **Mass Transit:**

- The Vineyard Transit Authority (VTA) Route No. 7 comes within one block of this project. The service is provided throughout the year, with a more frequent schedule in the summer. The town has funded a one-year shuttle bus with off-site parking that will serve Dukes County Avenue from May to September 2008. There will also be a bike rack

Affordable Housing:

- The applicant exceeds the recommended mitigation by having offered to designate three one-bedroom units to be permanently affordable for individuals earning 80% or less than the Area Median Income (AMI) (The applicant is weighing whether one of these units could be a two-bedroom unit.) Either the State or the D.C.R.H.A. will be the monitoring agent.
- The eight Fair Market Value priced units will consist of seven two-bedroom units and a single one-bedroom unit.
- This is not a subsidized project.
- The applicant indicates that the sales price could be \$325,000 - \$375,000 (for the 2-Br), which is a price range that is within a 2 – 4 person household earning between 120% - 150% AMI for 2008. The housing affordability calculations are estimates and do not factor monthly condominium and maintenance fees which could alter the housing affordability calculations. Based on conversations with three local realtors, the suggested price range by the applicant is also within the fair market value of comparable two-bedroom condominiums that have sold within the last six months.
- The Applicant has been asked to submit specifics of what the Condominium Association Agreement will include.

The following table is an outline of the Muckerheide Project:
Muckerheide Project

Residential Units:	Estimated Price Range	1-2 Person Household earning at 80% AMI	1-4 Person Household earning between 100% - 150% AMI (Housing Affordability Calculation Estimate)
3-One Bedroom Units	\$145,000 - \$150,000	\$44,050 - \$50,300	
1-One Bedroom Unit	\$225,000 - \$275,000 or Fair Market Value		\$62,000 - \$73,000
7-Two Bedroom Units	\$325,000 - \$375,000 or Fair Market Value		\$84,000 - \$95,000

- The Applicant has offered to prohibit weekly rental use of the condo units through a deed restriction within the Condominium Association agreement. He said he will recommend that the Condominium Association limit rental periods to a minimum of 30-90 days per rental.
- The Applicant said he does not intend to exclude seasonal residents from purchasing the units.
- The monthly condominium fees would start at \$50 a month and then become the business of the Condominium Association.
- The Applicant has a different philosophy about how to create "affordable housing" than the conventional methods. He believes that the housing market is artificially influenced by the common practice of allowing houses to be used as businesses through the rental market. Houses rented out at high rates during the summer season drive up the values of all houses.

Economic Impact

- The applicant is paying the cost to be tied into the Town's Water and Sewer Services.
- All **11** condominium residences will be paying residential property taxes to the town.
- Other impacts to town services such as police and fire are likely to be minimal considering that the project is located in a densely developed commercial/residential neighborhood.
- The residential units could be an economic benefit to the surrounding businesses.

Scenic Values

• **Streetscape:**

The size, scale, and other design features of the building are quite different from typical buildings in this area and would alter the streetscape. Note that this is part of the area that the Island Plan Built Environment Work Group has identified as a Historic Area, though it is not presently part of an official Historic District; as such, it is suggested that new buildings should fit into the historic character set by the older buildings, while allowing for some harmonious variation. (See comparison between Defining Characteristics of area and Muckerheide project in appendix.)

• **Building Siting and Massing:**

- The proposed new building will appear to be significantly larger in scale than the existing neighborhood context.

- This project proposes a single 9,164 s.f. building with 11 residential units on .27 acres with a Floor Area Ratio (FAR) of 0.78. (Bradley Square has a total of 13,548 s.f. in three buildings on .43 acres with 11 residential units, a 74-person capacity function hall, and an office, with an FAR of 0.72.)
- The length of the proposed side wall is 88' compared to a range of 18-42' for the area (and 31' for Bradley 1 and 2) excluding projections.
- The heights of the buildings in the area are mostly 1½ to 2½ stories high; a few buildings are 1 story high.
- The proposed Muckerheide building is 3 full stories high. The height of the side wall is a full 3 stories below the eave line. The impact on the general public would be somewhat diminished by the fact that this large side wall faces an abutter's property and would be seen obliquely from the street.
- **The front of the building is set back only about 10' from Dukes County Avenue whereas the fronts of other buildings on that side of the street – other than one-story buildings or projections – are set back about 20-25'. This would increase the visual impact looking up or down the street. (The Bradley building had also been located close to Dukes County Avenue, and was revised to line up with the other building fronts, above the first floors.)**
- The form of the building is quite different from traditional buildings in the area. This proposal has quite tall and narrow building volumes with the height of the street façade almost three times the width, whereas among existing traditional buildings in the area, the height is less than double the width.
- Some techniques that might be used to reduce the apparent scale and impact on abutters and the streetscape include::
 - Moving the new building farther back from the street and farther from the side line.
 - Lowering the eave height to the top of the second floor and treating the third floor as occupied attic space with dormers.
 - Making the gable roof cover the full width of the new building rather than narrow half-widths, incorporating one-story projections along the ground floor.
 - Moving the deck and 3-story high stairway facing the street to a less prominent spot.
 - This might require removal of part of the existing building.

- **Architectural Detailing:**

- The Applicant has added a dog shed dormer to the top of the stairwell on the south side of the building in order to break up the 88' long three-story wall.
- This project was designed by the owner, with some plans produced by the draftsman of a modular home company. In Massachusetts, the use of an architect is required for any building with more than 35,000 cubic feet. Given the scale, visibility, and complexity of this project, a professional architect should be involved in this process.
- The architectural design of the new building has some features similar to other buildings in the area such as the roof slopes. However, many design elements bear little relation to the area, such as the very prominent stairways and decks.
- Traditional buildings in the area are clad primarily in cedar shingles, mostly natural and some of them painted. Many buildings incorporate limited areas of horizontal siding (painted or natural wood) or wood paneling, such as projections or the street façades of some buildings. The Muckerheide building is proposed to be all vinyl siding.

- **A.D.A. Accessibility:** The bottom two new units will be handicap modifiable to accommodate persons with disabilities if needed.

Local Impact/Abutters

- The increased intensity of use would be somewhat muted by the existence of Tony's and Smoke N Bones.
- The increase in residents and cars on such a small parcel would impact the neighborhood some.

4. CORRESPONDENCE –

Town Officials: The Planning Board submitted some suggestions to make the building fit in better.

Public:

- The Applicant submitted a list of 20 abutters and neighbors that signed a statement saying that they have been made aware of his proposal or seen the model and have no opposition to the building he proposes to build. One signatory to the letter, **Joseph Leonardo**, asked that his name be removed from the list.
- **Annie Parr** has written with questions about the design of the project.
- **Holly Alaimo** submitted an e-mail from **Chester Bartels** with a number of concerns about the design.
- **Walter Isaacs** and family wrote a letter opposed to the density, design, noise and parking. They also worry that the project may not be feasible and would be left incomplete.

Preliminary Design Analysis in Relation to Area

MVC staff has compared the proposed Muckerheide Housing Project with the summary analysis of the Dukes County Avenue area (originally prepared for Bradley Square). This analysis looks at the general scale and design of buildings in an area that appears to possess a distinct character, namely Dukes County Avenue and the cross streets between Oakland and Vineyard Avenues. The staff report contains a preliminary list of observations, comparing the Muckerheide Housing Project to the defining characteristics of the pre-World-War-II buildings in this area. The table below shows the main areas of comparison.

Defining Characteristics of Dukes County Avenue Area

(based on pre-World-War-II Buildings between Oakland and Vineyard Avenues on Dukes County Avenue and side streets)

<i>Feature</i>	<i>Dukes County Avenue Area</i>	<i>Muckerheide (new building)</i>
<i>Setback of main façade (above first floor) from east side of Dukes County Avenue</i>	<i>20-25'</i>	<i>10'</i>
<i>Height of gable end (feet)</i>	<i>18-38'</i>	<i>35'</i>
<i>Height – as seen from street – stories</i>	<i>1 to 2½ stories*</i>	<i>3 stories</i>
<i>Height – side walls (from eaves to ground)</i>	<i>1 to 2 stories</i>	<i>3 stories</i>
<i>Width of gable (street) end</i>	<i>15'-31'</i>	<i>Two 12' volumes; overall width 28'</i>
<i>Length of side wall of main building (excluding projections)</i>	<i>18- 42'</i>	<i>88'</i>
<i>Shape of main façade – ratio of height to width other than 1 story</i>	<i>1.0-2.0</i>	<i>3.6</i>
<i>Roof shape</i>	<i>Mostly Gable. A few Hip.</i>	<i>Double narrow gables</i>
<i>Window types</i>	<i>Double-hung windows, vertical expression (mostly 2 over 2). Consistent selection within a building.</i>	<i>Wide range of window and door designs bearing little relation to each other or to the neighborhood.</i>
<i>Exterior wall materials</i>	<i>Naturally weathered cedar shingles (a few buildings have painted shingles or limited areas of natural wood siding)</i>	<i>Vinyl siding.</i>
<i>Projections</i>	<i>Virtually all buildings more than one story high have a one-story projection at the front, usually either an open porch or an enclosed sunroom</i>	<i>No one-story front projections. Front façade is dominated by three-story high exterior staircase.</i>

* i.e. they have second floors with floor space within sloping roofs using windows in gable end or in dormers

Note: dimensions of existing buildings are scaled from aerial photos and are considered accurate ±3 feet.

