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Martha's Vineyard Commission

DRI # 615 Muckerheide Housing MVC Staff Report – 2009-02-03

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: The proposal has been significantly revised from the original. The proposal now is to demolish the entire existing structure and build a single new **12,276** sf (66' x **62'** x 3 stories) building with twelve (784 sf) two-bedroom units to be sold **for no more than** \$350,000 per unit.

Zoning: B-1 Commercial. The building meets Oak Bluffs Zoning for size and setbacks.

Local Permits: Site Plan Review by the Planning Board. A Building Permit is needed; Sewer permit for 19 bedrooms has been approved.

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 used furniture store in one part and a consignment and antique store in another as well as a workshop.

Project Summary:

- **The proposal has been significantly revised from the original. The proposal now is to demolish the entire existing structure and build a single new building with twelve (784 sf) two-bedroom units (total of 24 bedrooms max.)**
- Several units could become one-bedroom units with an office.
- The existing footprint is 2,916 sf. The proposed footprint would be **4,092 sf** (a **29%** increase). The previously proposed footprint was 4,820 sf.
- The total gross square footage would rise from 3,224 sf to **12,276** sf (66' x **62'** x 3 stories). The previous proposal was for a total square footage of 9,164 sf.
- The stated goal of the project is to provide housing for year round residents and to sell the units for **no more than** \$350,000.
- The bottom four units will be handicap modifiable to accommodate persons with disabilities if needed.

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; Continued to December 18, 2008; Continued to January 8, 2009. **Continued to February 5, 2009 for the purpose of receiving written information.**

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 does the proposed project fit in with streetscape and character?
- **Is the proposal to address affordability appropriate and adequate?**

Environment

- **Vegetation:**
 - A significant mature tree was cut down the week of July 7.
- **Habitat:** This is not an NHESP Habitat.
- **Landscaping:**
 - The new site plan shows a landscaped front with parking in the back.
 - The new site plan shows four street trees along Dukes County Avenue. The applicant has said he will plant whatever the Commission wants.
 - The landscape plan will consist of adding to the existing trees, adding various evergreens around the building and property perimeter.
 - 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.
 - An existing stockade fence is proposed to be extended along part of the Arch Avenue.
- **Open Space:** Veira Park is 150' from property. The Applicant is considering a green roof with some space for tenants.
- **Lighting:**
 - Any security lighting would be motion sensitive if allowed by code.
 - All exterior lighting would be downward shielded to prevent direct light from escaping the property.
- **Noise:** The heavy insulation and no common walls would create a noise buffer between units.
- **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.
- The Applicant has said that the Mansard roof will include invisible 21st century technology (He calls it the Modern Mansard). The hidden 60' x 60' low pitch roof inside the mansard roof line, in addition to hiding water heating solar collectors, will also be pitched for drainage and engineered to support the weight of a "Green Grid" green roof to include plantings.
- If the green roof is built he would include a small area for tenants to enjoy.
- **Waste Management:** Trash will be enclosed in wooden shelters along fence on Arch Ave.
- **Water:** Town water
- **Wastewater:**
 - 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.
 - **The Sewer Commissioners did approve a tie in for this property for 12 units. This is an important part of the project as proposed.**
 - The property owners on Dukes County Avenue paid for the installation of the sewage collection line which is in place.
 - **While there is a moratorium on sewer connections to the system at this time the project was already approved by the Sewer Commission to tie in to the Oak Bluffs wastewater collection facility before the moratorium.**
- **Stormwater:**
 - **The impervious footprint (building footprint) of the modified project is less than the previous plan resulting in less stormwater generation. The previous conceptual plan for stormwater disposal should apply with some adjustments possible to the current plan.**
 - The Applicant might install a 1500 gallon tank for roof runoff to irrigate plantings with a discharge of excess runoff into the leaching system if he can determine it is not a liability issue. **If the Applicant installs a green grid roof with plantings as he is contemplating that would also decrease the amount of runoff.**
 - 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.
 - The Applicant has employed SBH engineers to design of a storm water system to handle a 25-year return storm on site. **Staff recommends that this plan should come back to LUPC for approval prior to occupancy of the new units.**
 - 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 20 on-site parking spaces, mostly in the back with 3 on the side.
 - Oak Bluffs zoning does not specifically require parking for residential units in the B-1 District. The Planning Board historically has required 1 parking spot per unit. Thus 12 spots would be required for this proposal. The plan provides 1.5 parking spots per unit
- **Trip Generation:**
 - The daily trip generation for the complex is estimated to be: 84 trips per day (7 x 12).
 - This could be less due to the location.
- **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 has offered to pay the MVC recommended monetary mitigation for a project of this size of \$106,060 (20% of assessed value of the property) to the Dukes County Regional Housing Authority.**
- **The applicant has agreed to restrict the initial sales price to a maximum of \$350,000, but does not want to restrict future resale prices, or require that potential buyers meet income restrictions.**
- **The sales price range is estimated to be within a 1 – 3 person household earning between 120% - 150% AMI (\$84,000 - \$90,000) for 2008.**
- Based on conversations with three local realtors, the suggested price range by the applicant is also within **or lower than** the fair market value of comparable two-bedroom condominiums that have sold within the last six months.
- The Applicant has offered to prohibit weekly rental use of the condo units through a deed restriction **within the Master Deed** of the Condominium Association. The Condominium Documents will limit rental periods to a minimum of 30 days per rental. **Furthermore, the Condominium Master Deed would limit the number of rentals per residence to two per year.**
- The Applicant said he does not intend to exclude seasonal residents from purchasing the units. (He said he did not think that would be legal).
- The condo fee would start at \$50/month and be 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. He maintains that this project will result in the only residential housing on the Island and probably in the state, with the exception of deed restricted subsidized housing, that will obey M.G.L. Chap. 59, Sect.

2a which restricts "Residential Property" to non-transient use and as such this property will not become part of our transient (say weekly) rental housing inventory.

- The Applicant would like to note that this is not a subsidized project.

Economic Impact

- The Applicant is paying the cost to be tied into the Town's Water and Sewer Services.
- All 12 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 would be an economic benefit to the surrounding businesses.

Scenic Values

- **Streetscape:**
 - **Even with the revised design, the size, scale, and other design features of the proposed building are quite different from typical buildings in this neighborhood and would alter the streetscape.**
 - **The Applicants cites historic examples of large three-story, Oak Bluffs buildings from the Victorian era. However, these buildings were found in other parts of the town, namely right downtown or facing the harbor or ocean. The Dukes County Avenue was and still is a smaller-scale mixed use neighborhood. (Note that a few years ago, the same argument had been used in an application to enlarge a bed-and-breakfast into a hotel on New York Avenue; the Commission concluded that such a large building – even if resembling historic examples from Oak Bluffs – was out of scale with the neighborhood.)**
 - **The Dukes County Avenue neighborhood was identified by the Island Plan Built Environment Work Group as a "Significant Older Area" where new buildings should harmonize with the traditional character. (See comparison between Defining Characteristics of area and Muckerheide project in appendix.)**
- **Building Siting and Massing:**
 - **The proposed new building is significantly larger in scale than the existing neighborhood context.**
 - **This project proposes a single building with 9,408 s.f. of living area and 12,276 of gross floor area on .27 acres. The result is a Floor Area Ratio (FAR) based on living area of 0.8, considerably greater than the other buildings in the neighborhood (including the Bradley Square proposal). The relative FAR would be even higher based on gross floor area, given the large amount of space devoted to hallways. (Building size and density are general, but somewhat abstract, indicators of a project's impact; actual building size, location, and design have a more direct impact on the public and abutters.)**
 - **The proposed Muckerheide main façade is 66' wide, and since there is little articulation, it will "read" as a single mass. The widths of other buildings in the neighborhood range from 18-42' for the neighborhood, excluding projections. The length is also greater than is typical of the neighborhood; however, this will be**

less noticeable because the mid-block location results in partial screening of the sides of the building.

- The proposed Muckerheide building is 3 full stories high, with the top floor treated as a mansard. The heights of the buildings in the area are mostly 1½ to 2½ stories high; a few buildings are 1 story high.
- The form of the building is quite different from traditional buildings in the area, which are taller than they are wide, and typically have gable roofs with the gable ends facing the street.
- The side setback is about 6', which means that if another similar building with a similar setback were built on the Smoke-and-Bones property, there would be about 12' between the sides of the two three-story buildings.
- It should be possible to revise the design in order to reduce the apparent scale and impact on abutters, and to harmonize with the neighborhood, while keeping essentially the same proposal and floor plan. This could be done by setting back the central portion of the building and expressing each side as a distinct volume, with gable roofs. Dormers could be used to accommodate the floor space on the third floor, and the slight loss of headroom in small areas on the third floor could be compensated by providing cathedral ceilings.
- **Architectural Detailing:**
 - The exterior facades of the latest proposal were drawn by an architect and are more coherently detailed than the previous proposal.
 - Traditional buildings in the area are clad in a combination of cedar shingles (mostly natural and some of them painted) with some wood siding. The Muckerheide building is proposed to be all vinyl siding, which could be problematic, especially if it was not well detailed.
- **A.D.A. Accessibility:**
 - The bottom four units will be handicap modifiable to accommodate persons with disabilities if needed.
 - **The Applicant said he submitted the plans to a Massachusetts Code Expert for fire and egress issues.**

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 – ON THE REVISED PROPOSAL OF DECEMBER 2008

4.1 Town Officials:

4.2 Island Organizations:

4.3 Public: Susan and David Wilson have written a letter opposed to the mass and scale of the proposal. **Walter Isaacs** has written a letter opposed to the magnitude of the building and the impact on traffic.