Redevelopment of Edu Comp Building
DRI 710

Martha’s Vineyard Commission
May 12, 2022
Redevelopment of Edu Comp Building

Applicant: Xerxes Agassi
Owner: 4 State Road MVY LLC
Permits: Special Permit, Building Permit, wastewater approval, State Highway Access Permit
Checklist: 3.1a (Commercial development of 2,500-3,500 ft²), 3.1b (New construction over 3,500 ft² including mixed use; mandatory review), 3.1f (Change of use or intensity of use), 4.1a (5 or more dwelling units), 4.1b (5 or more rooms for rent), 4.1c (5 or more dwelling units or rooms)

LUPC: 8/9/21 (no recommendation)
Site visits: 10/13/21, 4/9/22
Additions to the record since 4/14/22

• Repackaged plan set (most current)
• Revised stormwater plan
• Final comments from FPES regarding stormwater plan
• Final traffic study (no significant changes from draft)
• Revised ADA ramp
• Draft condo documents, including draft language regarding sublets
• Applicant statement/offers regarding cherry tree
• Update from applicant’s attorney regarding easement
• Amendment to housing MOU with Vineyard Wind
• Updated staff report
• 2 letters from the public
Repackaged plan set

• Existing site plan
• Lot coverage and access plan
• Parking plan
• Construction fence plan
• Scheme reduction plan
• Lighting plan
• Revised stormwater plan
• Floorplans and elevations
Revised stormwater plan
Revised stormwater plan
FPES comments 5/2/22

1) Submitted plans and calculations provide sufficient information and detail to determine that the designed stormwater system will provide adequate capacity to mitigate the 25-year design storm event. Additional changes to the plan have resulted in a level of detail that adequately depicts the systems components.

2) We recommend that the Town require the applicant to submit a detailed As-Built plan upon completion of the project. The plan should indicate all inverts, rim elevations, pipe lengths and sizes, structure dimensions and any other relevant information. The plan should be certified and stamped by a licensed professional.
ADA ramp with flat platforms every 30ft
A draft condominium declaration of trust and master deed have been provided.

“Units R-2A, R-2C, R-2D, R-2E, R-2F, R-3, R-3C, R-4A, and R-4B may be leased but with restrictions (‘Restricted Units’). All leases and rental agreements shall be in writing and shall be for an initial term of no less than six months. Except with prior written consent, leasing restrictions will limit the rental of these Restricted Units for not less than one week’s duration, and not more than three times in a calendar year.”

Sample language: “Tenant shall use the Leased Premises as housing for its employees and/or the employees of its contractors providing services for the Project, and shall not assign or sublet any part or the whole of the Leased Premises except to its contractors providing services for the Project and/or the employees of either of them. Tenant shall not permit the Leased Premises to be occupied for a period longer than 30 (thirty) days by anyone except Tenant’s employees and/or the employees of its contractors providing services for the Project, their spouses, and their children.” (Master Deed – sample language)

The applicant has clarified that the affordable unit and income-restricted workforce unit would also have similar restrictions. The remaining three apartments would be unrestricted.
Standard Lease Language Samples – Subletting: Number of Occupants

Subletting: Number of Occupants. Tenant shall use the Leased Premises as housing for its employees, and shall not assign or sublet any part or the whole of the Leased Premises except to its employees, nor shall Tenant permit the Leased Premises to be occupied for a period longer than a temporary visit, by anyone except Tenant’s employees, their spouses, and their children, without first obtaining on each occasion the written consent of Landlord. Notwithstanding any such consent, Tenant shall remain unconditionally and principally liable to Landlord for the payment of all Rent and for the full performance of the conditions and covenants of this Lease. The number of employees living in the Leased Premises at any time shall in no event exceed the maximum number of occupants permitted under Section 6 of the Lease. While it is Tenant’s intention that the same employees occupy the Leased Premises for the entire term of the Lease, the particular employees living in the Leased Premises may vary from time to time. Upon a written request made by Landlord, Tenant shall identify the names of the employees living in the Leased Premises at the time of the request. Landlord further acknowledges that such use by Tenant shall not be deemed a sublease of the Leased Premises.

Subletting: Number of Occupants. Tenant shall use the Leased Premises as housing for its employees and/or the employees of its contractors providing services for the Project, and shall not assign or sublet any part or the whole of the Leased Premises except to its contractors providing services for the Project and/or the employees of either of them. Tenant shall not permit the Leased Premises to be occupied for a period longer than 30 (thirty) days by anyone except Tenant’s employees and/or the employees of its contractors providing services for the Project, their spouses, and their children. However, Tenant shall have the right without Landlord’s consent, but with notice to Landlord, to (a) assign this Lease to (i) an affiliate of Tenant, (ii) a successor to Tenant by reason of a merger or acquisition, or (iii) to any person acquiring the Project; and (b) to mortgage, collaterally assign, grant a security interest in, or pledge this Lease to one or more parties providing debt and/or equity financing for the Project. Notwithstanding any such consent, Tenant shall remain unconditionally and principally liable to Landlord for the payment of all Rent and for the full performance of the conditions and covenants of this Lease. The number of employees living in the Leased Premises at any time shall in no event exceed the maximum number of occupants permitted under Section 6 of the Lease. Landlord acknowledges that the particular persons living in the Leased Premises may vary from time to time. Upon a written request made by Landlord, Tenant shall identify the names of the persons living in the Leased Premises at the time of the request, and provide the make and license plate number of any residents’ vehicles which park on the Leased Premises.
Existing cherry tree
Access alternative 1
Reference slides (4/14/22)
Project history

• Existing Colonial brick building was constructed by the Sawyer Construction Company around 1929 as a headquarters for the New England Telephone Company.

• Vineyard converted to dial phones around 1963, and teams of operators were no longer needed.

• Housed the Island Youth Center (run by MV Community Services) in the 1970s and 1980s.

• Was the location of Edu Comp, which moved into the building in the 1980s and closed its retail operations in 2020.

• In 2020, the town selectmen considered using the building as temporary classroom space during the renovation of the Tisbury School, and as a future town hall.

• The building has recently housed offices for an architect, writer, interior designer, and tutoring service.
1929
Revised proposal

• Gut-renovate the existing 7,920 ft² building.
• Construct a 13,062 ft² addition to the south (total of 20,982 ft²).
• Renovated portion will have three floors, and the addition will have four floors, with the top floor about 31% smaller than the floor below (2,482 ft² compared to 3,589 ft²).
• 22 parking spaces in back, including 4 garage spaces.
Revised proposal

• First floor (extending across both portions) will have three office condo units totaling about 2,933 ft², as well as bike storage and garage space at the rear of the building.

• The upper floors will have 14 one- and two-bedroom residential condo units totaling 11,931 ft², including one affordable unit restricted to 80% Area Median Income, and up to 13 workforce housing units.

• The units would range in size from 571 to 1,513 ft², with a total of 22 bedrooms.

• The roof would serve as a garden terrace (possibly with a small pool and spa), and to house the HVAC and other mechanical equipment. The top floor would include private terraces for some of the units, and the roof would include a private deck for one of the fourth-floor units.
Revised proposal

• The site slopes away from State Road, so the northern portion of the first floor would be below grade, although the front of the site would be excavated to create a storefront and entry facing the road.

• Areas along the sides of the building would also be excavated to allow for additional access and windows.

• The bottom floor of the building as proposed would qualify as a first floor and would therefore comply with Tisbury zoning bylaw 05.12, which states that residential uses are not allowed on the first floor of buildings in the B1 district.
## Summary of changes

<table>
<thead>
<tr>
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<th>ORIGINAL</th>
<th>REVISION 1</th>
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<td>Workforce units</td>
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<td>22</td>
<td>22</td>
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<td>24,720 ft²</td>
<td>21,280 ft²</td>
<td>20,982 ft²</td>
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<tr>
<td>Parking spaces</td>
<td>17</td>
<td>21</td>
<td>22</td>
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Existing

Notes:
1. The property is located in the BR Zoning District.
2. The Tisbury Conservation Commission has jurisdiction over land within the FEMA 100 year storm zone and land within 100 feet of the FEMA 100 year storm zone.
3. CB F = concrete bound found
   SB F = stone bound found

Site Plan
Tisbury, Mass.
Prepared For
4 State Road MVY LLC
Scale: 1" = 20' July 23, 2021

Schofield, Barbini & Hoebn Inc
Planning concerns

• Wastewater
• Housing
• Economic development
• Traffic and transportation
• Character and identity
• Cultural resources
• Stormwater and drainage
• Energy
• Noise and night lighting
• Landscaping
• Zoning
• Construction management
Wastewater

- Property has paid a betterment for 652 gallons of wastewater flow per day (GPD) to the town.
- Applicant has applied to the town to connect to the sewer with the 652 GPD, and an additional 1,926 GPD, for a total of 2,578 GPD.
- The 22 bedrooms would require an allocation of 2,420 GPD. The proposed office uses would require 218 GPD: Total of 2,638 GPD.
- Tisbury Wastewater Dept. has conditionally approved the 2,638 GPD through May (extended from December).
Housing

• Up to 13 of the units (93%) would be used as workforce housing, and one as affordable housing.

• The affordable unit would be restricted to 80% of the Area Median Income, with other restrictions offered by the applicant.

• Applicant has offered to lease one of the workforce units as year-round housing to a local business, with a ten-year income restriction of 100-150% AMI.

• Martha’s Vineyard Hospital has stated its intent to lease some of the units for hospital workers (likely three, accounting for the plan revisions).

• Applicant has signed an MOU with Vineyard Wind, which intends to lease 7-10 of the units as housing for future wind farm workers, pending approval of both the current DRI and a proposed Vineyard Wind maintenance facility on Beach Road (DRI 81-M3).

• As proposed, none of the workforce tenants may sublet their units as short-term rentals, and any market-rate units may not be sublet for less than a week at a time or more than 60 days in total per calendar year.

• The residential units will be handicapped accessible via the side entrances on the ground floor and an elevator to the upper floors.
Housing

The applicant has also offered to comply with the following criteria:

- The Affordable Housing unit shall be exempt from all condominium and homeowner association fees (insurance costs should be included).
- The Affordable Housing unit shall comply with all Affirmative Fair Housing Laws and Universal Design Standards.
- The recipient shall be income-certified by the Dukes County Regional Housing Authority (DCRHA).
- The recipient shall be selected by DCRHA via a public lottery process.
- All DCRHA administration shall be at the applicant’s expense.
- The Affordable Housing tenant shall be entitled to all benefits available to other residential owners/renters.
- All maintenance of the Affordable Housing unit shall be the responsibility of the applicant.
- The applicant shall submit an affidavit to the MVC annually to ensure compliance.
Economic development

- Project would involve three office units in Vineyard Haven, in the vicinity of Main Street, but would decrease the commercial space on the site from about 7,900 ft² to 2,900 ft² (about a 63% reduction).

- Hours of operation would be consistent with other businesses in the area.

- The side entrances to the commercial area will be handicapped-accessible.

- The town planning board has discussed whether the proposed reduction in available commercial space is appropriate for the B1 district, and whether more of the existing structure could be designated as commercial instead of residential.

- 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.
Traffic and parking

• Property is located in the vicinity of shops, public transportation, bike paths, and other amenities, which could reduce the need for local automobile trips.

• Property would have 22 parking spaces (including the four garage spaces, two handicapped spaces, and a delivery space) to the rear of the addition.

• The abutting property at 10 State Road was required to record an easement with 4 State Road as part of the MVC approval of DRI 622 in 2013. The easement was recorded, but the owners of 4 and 10 State Road disagree about the provisions.

• An informal agreement has also been in place to allow access to the abutting property at 5 State Road, and to allow egress from 4 State Road over a portion of that property.
Recorded easement
Recorded easement:
Exhibit B
Recorded easement: Exhibit B
Unrecorded easement
Proposed: Parking/access option 2
Traffic

- Project will create 14 residential units and three office units, which will lead to an increase in foot traffic in the immediate area, including the intersection of Main Street and Sate Road. There are currently two crosswalks at the intersection.
- The site may also be utilized to encourage access to Veterans Memorial Park to the south, which may further increase foot traffic. Two existing access points to the park would be improved, including an ADA-compliant ramp/bike path.
- A storage room for 18 bicycles will be located on the bottom floor of the building.
- Businesses located in the building would be required to provide VTA passes to employees.
Access to Memorial Park
Turning radiuses for delivery trucks

Traffic and Circulation

- The turning radius for a delivery truck is 25' to make a 90° turn as noted below. The driveway at the southern part of the lot is 32' so the turning radius for delivery vehicles will not pose any issues.

The largest frequent user of urban streets is the DL-23.
Traffic

**Traffic analysis by Fraser Polyengineering Services (FPES)**

- Project will lead to a **reduction in traffic** compared to previous conditions
- Will not adversely affect the five area intersections (Edgartown/State Roads, Look Street/State Road, Main Street/State Road/Beach Street, Five Corners, and State/Causeway Roads)
- Impact on **Level of Service (LOS)** would be insignificant
- Also notes existing challenges associated with the **crosswalks** (including ADA compliance) and **limited site distance** for vehicles turning right out of the site and proposes various mitigation for the applicant, town, and/or state to consider.
FPES recommended mitigation

1) Reconfiguration of the egress driveway at 4 State Road to current MassDOT standards will create a more perpendicular exit. This geometric change will provide enough space to install an ADA compliant wheelchair ramp to the right of the driveway.

2) Even though contribution of site traffic volume is less than previous land use, safety related geometric improvements at the site intersection and possible reconfiguration of the intersection is recommended. As a long-term solution and in coordination with MassDOT consider a small modern traffic circle to improve overall traffic flow, and access to the site.

3) Install ADA compliant wheelchair ramps at all approaches along the site.

4) Install Retroreflective thermoplastic crosswalks at all approaches or consider increasing the pavement marking painting schedule. Consider installing “Ladders” to the crosswalk to increase visibility at night.

5) Install a striped edge line along the curb of the 4 State Road site to better align the eastbound travel lane and provide a buffer for vehicles edging out of the egress driveway.
Traffic – Staff review

**Recommendations:**

- Project promotes and connects all modes of transportation in the area.
- The traffic operations, parking, and safety issues associated with the proposed development at the 4 State Road site will not cause unmanageable conditions.
- The traffic analysis showed a slight decrease in vehicle trips (105 weekday trips) compared to the previous land use (107 weekday trips).
- Safety concerns regarding intersection geometrics and pedestrian travel, including possible reconfiguration of the intersection, should be considered and addressed as outlined in the FPES traffic study.
- Since State Road is under the jurisdiction of MassDOT, the proposed driveway reconfiguration will require the issuance of a State Highway Access Permit.
Character and identity

• Current brick building with metal roof stands prominently at the intersection of Main Street and State Road, and is architecturally distinct from the surrounding wooden buildings.

• The addition to the south would be similar in style to the existing building, but with shorter windows, four floors instead of three, and stone exterior on the bottom floor.

• The existing metal roof and rooftop masonry will be repaired to match the original.

• Proposed building is about 165% larger than the existing building, and would be one of the larger buildings in the immediate area.

• Project site abuts Memorial Park to the south, but the site is partly screened by vegetation in that direction.
Floor area in square feet
Building data from the Tisbury AxisGIS website; basemap from 2009

Proposed: 21,280

5,241
8,824
8,416
10,340
12,214

15,250
8,322
5,480
10,464
8,796

6,914
52,851
12,628
17,108

6,561
8,002
10,340
12,628
17,108

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7,656
6,914
52,851
12,628
17,108
Revised renderings
Revised renderings
Revised renderings
Revised renderings
Revised renderings
Revised renderings
Revised renderings
Cultural resources

• The site is a sensitive archaeological resource area.

• Public Archaeology Laboratory (PAL) of Rhode Island conducted an intensive archaeological survey in October, as requested by the Massachusetts Historical Commission (MHC). Summary of results and recommendations provided on 11/4.

• Similar surveys for 10 and 18 State Road were conducted in the 1960s, 2007, and 2010.

“PAL recommends that, to the extent possible, the final design plans limit below grade disturbance to depths less than the fill depths ... If any construction-related impacts are proposed below the level of the fill soils as depicted on Figure 5-3 in any portion of the project area, then additional archaeological excavation is recommended in those specific areas.”
Cultural resources

MHC further recommends that “the project be modified to include construction only within filled and/or disturbed soils where feasible” and that updated plans showing shallow construction be provided to MHC and PAL for assessment. Further:

If construction is required below existing filled and/or disturbed soils, then the MHC recommends that supplemental intensive (locational) survey (950 CMR 70), including systematic, machine-assisted soil stripping under the direction of the project archaeologist, be conducted by the PAL within deeper portions of the project impact area, including areas required for any foundation footing excavation, utilities and/or septic system components.
Stormwater and drainage

• There are currently no stormwater facilities on the property.

• Existing paved driveway will be replaced with pea stone set on sand hardener, increasing the amount of permeable ground surface on the site.

• New stormwater management system designed for a 25-year storm would direct roof runoff into StormTech chambers under the parking area to the rear of the property, via catch basins around the perimeter of the building, including one near the main commercial entrance below grade.

• Walkways along the perimeter of the building would include linear trench drains that also connect to the subsurface chamber.

• Plan includes a concrete, stone-clad retaining wall at the rear of the property to help limit erosion and runoff into Veterans Park to the south.

• Plan was revised in response to peer review by FPES in March, and further comments were provided by FPES.
Revised stormwater plan
Energy

• Mini-splits for heating and cooling
• Electric hot water tanks within each unit
• Electric clothes drying
• Propane for cooking, and possibly fireplaces and generator
• Eight electric vehicle charging stations

• Applicant will contribute $25,000 to the Vineyard Power Redevelopment Fund to support community-based solar and battery storage systems on the Island, which would enhance grid resilience and provide low-income ratepayer benefits to the community.
Noise and night lighting

• HVAC condensers will be relocated from the side of the building to the roof.

• As proposed, the proposed lighting fixtures would be LED “up-down” lighting along the lower portion of the building, as well as landscape lighting beneath trees and shrubs, gooseneck downlighting on the main commercial entry and over the garage doors, and brass lantern sconce lighting for the exterior doors.

• Lighting plan and spec sheets provided.
(Previous site plan)
Landscaping

- The applicant plans to retain most of the existing vegetation, including to the rear of the lot, and to add new vegetation to the front and sides of the building.
- Landscaping plan by Donaroma has been provided.
- The tree in front will be preserved, but the proposed entryway could jeopardize its root system.
CREATE A LANDSCAPE DESIGN FOR THE PROPERTY AT 34 STATE ROAD IN VINEYARD HAVEN. REMOVE EXISTING DRIVEWAY AND PARKING AREAS, AND REPLACE ALL WITH PEASTONE SET ON SAND HARDENER WITH A COBBLESTONE EDGE. COBBLESTONE TO BE SET IN MORTAR.

INSTALL 5 X 5 WIDE COBBLESTONE APRON AT BEGINNING AND END OF DRIVEWAY. COBBLESTONE TO BE SET IN MORTAR AND ARRANGED IN A PATTERN PIECE OR MOSAIC PATTERN.

ALL THE BRICK WALKWAYS WILL BE IN A RUNNING BOND PATTERN. THE EDGE OF THE WALKWAYS WILL BE SET IN MORTAR AND THE BODY WILL BE SET ON BLUESTONE DUST WITH POLYMERIC SAND JOINTS.

REPLACE THE SPLIT RAIL FENCE AT THE BOTTOM OF THE PARKING AREA WITH EITHER A NEW SPLIT RAIL FENCE OR A VERTICAL IRON FENCE. TO MATCH THE RAILING ON THE BUILDING FENCE IS APPROXIMATELY 3 FT HIGH.

THE EXISTING CHERRY TREE ON THE FRONT SIDE OF THE BUILDING WILL REMAIN.

OTHER PLANTING SUGGESTIONS IN THIS AREA AND ALONG PARKING INCLUDE:

- JAPANESE HOLLY
- ENGLISH HOLLY
- COLUMBIA BEECH OR HORNBEAM
- HOSTA AND FERNS MIX
- ROSE OF SHRUB OR "EMERALD GREEN" ARBOYRTAC
- CLEAN UP VEGETATION BEHIND PARKING AREA, LIMB UP SMALL BRANCHES AND SHOOTING ON THE BUSH TREES. REMOVE ALL INVASIVE PLANT MATERIAL, INCLUDING VINES. REGERATE WITH VIBURNUM, OAK LEAF HYDRANGEA, AND OR COTONEAS, AS NEEDED.
- WATER ALL PLANTING BAGS WITH AN IN-GROUND AUTOMATIC IRRIGATION SYSTEM. ALL SEEDS TO BE MULCHED AFTER PLANTING, MULCH TYPE TO BE DETERMINED.
- ADD PLANTERS AGAINST STORE DOORWAYS AS ABLE.

AN ADDITIONAL LIGHTING DESIGN WILL BE SUBMITTED.

IN FIELD ADJUSTMENTS AS REQUIRED.
NOTES

PLAN BASED ON ARCHITECTURAL DRAWING BY DELAND & CO. DATED AUGUST 2, 2011.

CREATE A ROOFTOP GARDEN WITH SEATING AND LOUNGING AREAS. RAISED PLANTERS ARE ARRANGED TO GIVE A SENSE OF PRIVACY IN DIFFERENT AREAS OF THE ROOFTOP. THERE IS A PRIVET HEDGE OR BOXWOOD SURROUND IN RAISED PLANTERS AS SEEN ON PLAN.

PROPOSED PLANTERS ARE APPROXIMATELY 2' HIGH WITH EVERGREEN AND FLOWERING PLANT MATERIAL. PLANTERS ARE CUSTOM BUILT OUT OF MAHOGANY OR CEDAR.

PLANT MATERIAL SUGGESTIONS INCLUDE:

- BOXWOOD
- ROBO HYDRANGEA
- WISTERIA
- TAMARISK GRASS
- MORNING LIGHT GRASS
- SONGATA WHITE COSMOS
- EMERALD GREEN HIBISCUS
- PRIVET HEDGE

FIRE PIT WOULD BE FUELED BY GAS.

PERGOLA COULD HAVE STRING LIGHTS STRUNG ON MASTERS. PERGOLA COULD BE "4' X 5.5' X 8.5'."

THERE IS A 6' HIGH PRIVACY FENCE SEPARATING THE PRIVATE SUITE ROOFTOP AREA.

LANDSCAPE LIGHTING TO BE DEVELOPED. ALL PLANT MATERIAL TO BE IRRIGATED WITH AUTOMATIC SYSTEM.

IN-FIELD ADJUSTMENTS AS REQUIRED.
Zoning

• The bottom floor of the building appears to comply with Tisbury zoning bylaw 05.12, which states that residential uses are not allowed on the first floor of buildings in the B1 district.

• The MA Building Code defines “Story above grade plane” as follows:

Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is:

1. More than 6 feet (1829 mm) above grade plane; or

2. More than 12 feet (3658 mm) above the finished ground level at any point.
Construction management

• Construction is anticipated to last about 18-24 months.
• Construction of the commercial units would begin only after the commercial users are identified.
• Staging and parking for construction would take place onsite.
• Existing building would be gutted, followed by site work, pouring of footings and retaining walls, and framing. At that point, additional staging would occur within the building footprint.
Construction fence and view plan
Site visit photos 4/9/22
Yellow = Edge of recessed entryway
Yellow = Edge of recessed entryway
Green = Edge of landscaped area
Blue = Roofprint (recessed top floor)
Orange = Footprint
Yellow = Outside edge of walkways
White = Parking spaces
Blue = Roofprint (recessed top floor)
Orange = Footprint
Yellow = Outside edge of walkways
White = Parking spaces
Purple = Edge of proposed driveway
Purple = Edge of proposed driveway
Blue = Roofprint (recessed top floor)
Orange = Footprint
Yellow = Outside edge of walkways
White = Parking spaces
Revised renderings
Proposed grade changes

- 12.2 → 13.5
- 12.2 → 13.5
- ~14 → 13.5
- ~15 → 13.5
- ~10-11 → 12
Purple = Edge of proposed driveway