

**Additional Information Requested by MVC**

Stone Bank Project, 75 Main Street

Vineyard Haven, MA

3/22/21

1. Stam Large Vehicle Access. This issue is not about emergency access but large-vehicle access. The agreement is attached. The Stam property's official access is a right-of-way from Main Street. All access through the bank property has been informal. In order to prohibit anyone claiming prescriptive rights for these informal permissions the bank filed and recorded a Notice to Prevent Prescriptive Easements in the 1960s.

Through the agreement with the Stams the applicant has agreed to formally grant three pedestrian and two vehicular easements for access to their land over the bank property. One of these would allow access over the eastern portion of their property beyond building D-2 but would also require permission from the Steamship Authority. The applicant has agreed to support the Stam's effort to acquire this. In the event they cannot obtain this from the Steamship Authority the option exists to move D-2 closer to their property, allowing unfettered large vehicle access to the south of D-2. The applicant has also agreed to do this if they should decide to ask.

2. VTA and SSA. Neither have commented. The other important party is the Town of Tisbury, and as you know the Selectboard strongly supports the project. The town administrator has said he is scheduling a meeting between VTA, SSA, Tisbury officials, myself and others to brainstorm the layout of the Town parking lot and its relationship to ferry operations and the Stone Bank project. As you may know these multi-party meetings and discussions work at a snail's pace.

3. 16 Union Street Access. The only property having a right to this access is 20 Union Street, Parcel 7-D-11. (Currently Salvatore's Restaurant). There is a 12' deeded, non-exclusive right-of-way on the east side of the property which we will honor. (See the attached stamped site plan). Any other use of this property has been by informal permission and is also subject to a recorded Notice to Prevent Prescriptive Easements.

4. Walkways. These will be either exposed aggregate concrete (the standard sidewalk paving on Main Street) or compacted oyster shells or a combination of both. The latter may not be suitable for ADA access – that will be the building inspector's call.

5. Residency. The applicant will not require year-round residency as people in the target demographic often have homes in other locations. The condominium

documents do, however, limit rentals to three per year for at least one week's duration.

6. Affordable Unit. It will likely be rented, but the applicant does not commit to that.

7. Insurance. Insurance is a condominium expense. The condominium documents exempt the affordable unit for payment of dues.

8. Elevators. The applicant is definitely aware of this concern. Units 1-3 are designed for one floor living. The Planning Board's decision not to allow first floor residential uses make the remainder of the units accessible by stairs only. However, units 4-7 and also 9 are suitable for the retrofit of exterior LULA installation in unobtrusive locations. And since these units are to be pre-sold, the option exists for any unit to be designed with an interior elevator.

9. Common Areas. In a condominium *all* outside areas are common areas. Some of these areas may be designated as limited common areas (LCAs) if they are for the exclusive use of a particular unit. At Stone Bank all outside decks, porches, patios and stairs will be LCAs assigned to the units they serve. The parking spaces and storage units will also be LCAs assigned to certain units. Also, some lawn or landscaped areas adjacent to commercial units may be assigned as LCAs once the end uses are established. For example, a coffee shop in Unit C-4 may be assigned the lawn area between C-3 and C-4 as an exclusive area for outdoor seating.

10. Emergency Access. This inquiry requires perspective. Main Street, Union Street and the residential courtyard are outside the 100-year flood zone. Every residential unit except unit 8 is therefore accessed directly from an area outside the flood zone. In the case of Unit 8 the 100 year flood level is 5 feet above the ground. In the maximum storm event there would be hours of warning before water reached this level. Higher ground is available in the courtyard, just over 100 feet away. The assumption is that local government will order evacuations well in advance of any storm that could become a one hundred year event.

If the Commission desires the condominium rules could state that any evacuation order must be obeyed.

11. Condemnation. The condominium documents could state all owners assume the risk of their unit being condemned as a result of sea level rise.

12. Construction. Buildings B and C will commence immediately upon receipt of a building permit, hopefully early summer of 2021.

13. Salvage Materials. The stone from building B will be used to construct retaining walls. The bricks from existing paths will be used to construct the pocket park. The lampposts will be set aside and if salvageable could be recycled. At present there is no plan to re-use them at this project.

14, 15, 18. New Site Drawing. See new Sheet S-4, Miscellaneous Features, which shows the proposed locations of condensers, trash storage facilities, trees to be removed and Limited Common Areas.

16,17. Attachments.

19. Historic Commission. If the project is approved the applicant will return to THC for review of building details, which will include discussion of solar panels on selected roofs.