# Stone Bank Restaurant DRI 674-M3

Martha's Vineyard Commission Continued Public Hearing Jan. 12, 2023

#### Stone Bank Restaurant

**Applicant:** Sam Dunn

**Owner:** Sam Dunn, Patrick Lyons (under purchase and sale agreement)

**Location:** 16 Union Street (Map 7, Block D, Lot 10), Tisbury (0.324 acres)

**Proposal:** Modification of DRI 674-M to allow for a 70-seat outdoor restaurant with indoor kitchen

**Permits:** Planning Board, ZBA, Wastewater Dept.

**Checklist:** 1.3D (Previous DRI)

LUPC: 11/8/21, 6/21/22, 11/14/22

Traffic impact assessment completed in April.

Stormwater peer review completed in November.

Stone Bank condo project is currently under construction.

LUPC voted 6-0 on 11/14/22 that the modification is ready for a hearing.

LUPC compliance discussion regarding Stone Bank condos (DRI 674-M): 1/9/23

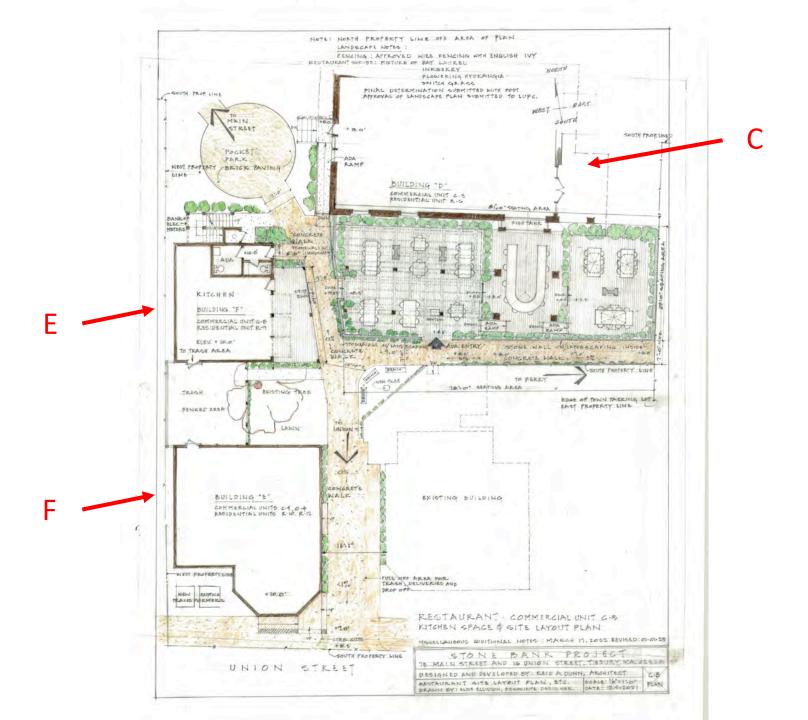
Hearing: 12/15/23, 1/12/23

### New material since 12/15/22

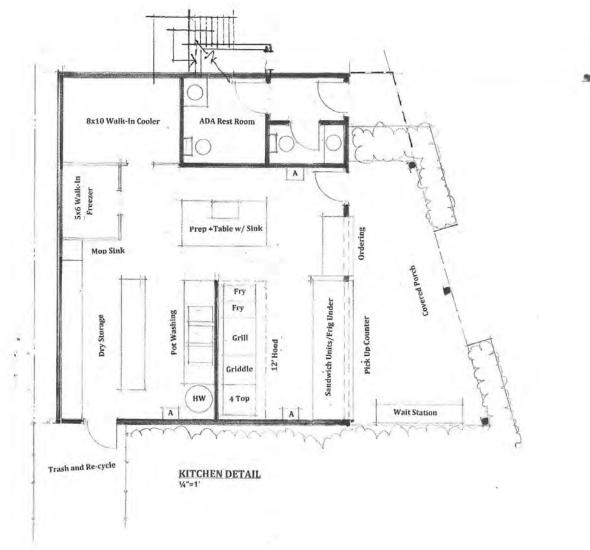
- Updated project narrative, including revised plans
- Revised drainage layout plan
  - Reduces extent of temporary hay bales (not installed)
- Applicant response to public hearing comments
  - Public access, compliance, sewer flow, restaurant impacts, project history
- Applicant response to MVC and staff questions
  - Employees, consistency of plans, drainage (hay bales), abutter concerns, change to LCA, solid waste, environmental mitigation
- Letter from Peter and Nancy Stam
  - Noise, lighting, rodent control, odor control, liquor, restrooms, requested conditions
- Wastewater approval summary from Wastewater Superintendent
  - Based on 20 gallons/seat/day, accounts for elimination of unit R6
- Updated staff report

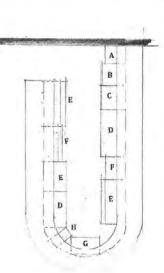
The Tisbury Planning Board has asked that the record remain open so it can submit additional comments after its meeting on 1/18.

# Revised Kitchen Space and Site Layout Plan



#### Revised floorplan



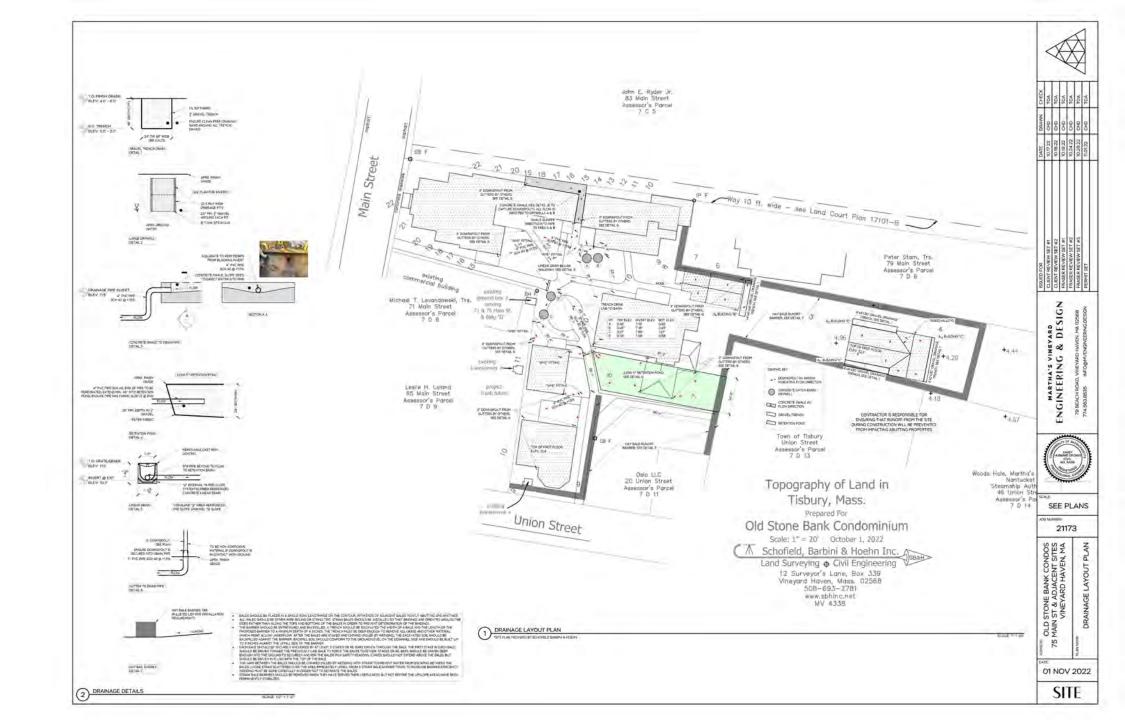


#### BAR DETAIL

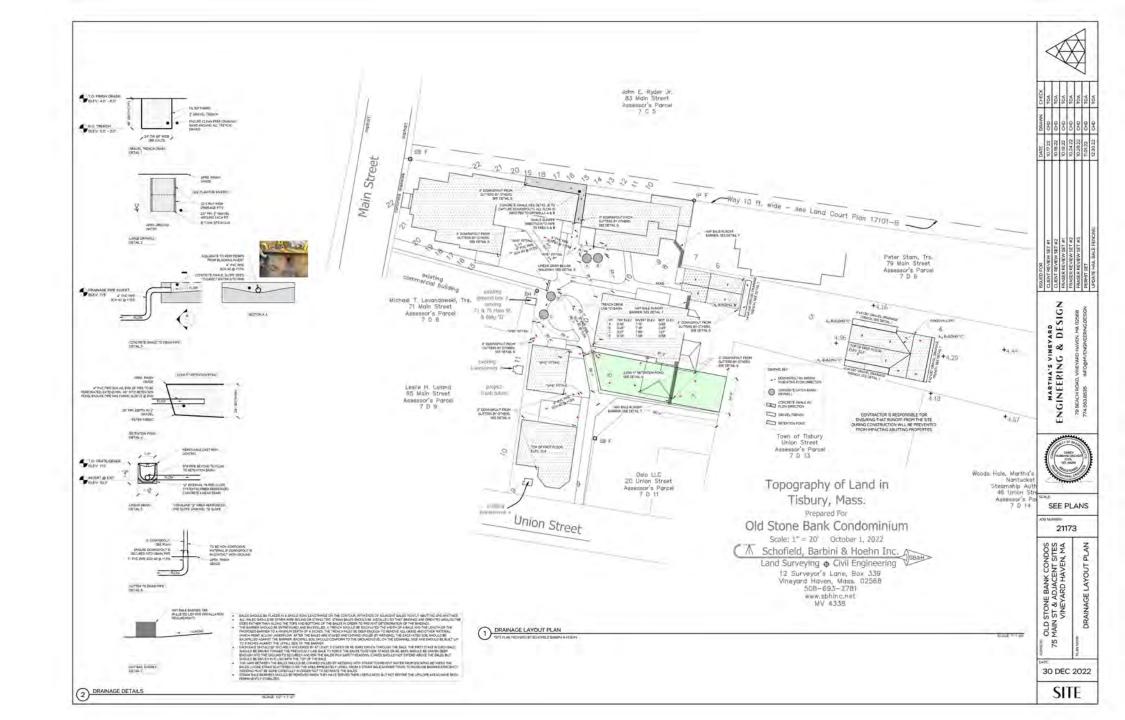
#### LEGEND

- Hand Sink Glass Washer Glass Rack/POS Abv Bottle Cooler Glass Chiller
- Beer Taps Ice Bin w/Rail Dump Sink Liquor Cab Trash

#### **Previous**



#### Revised



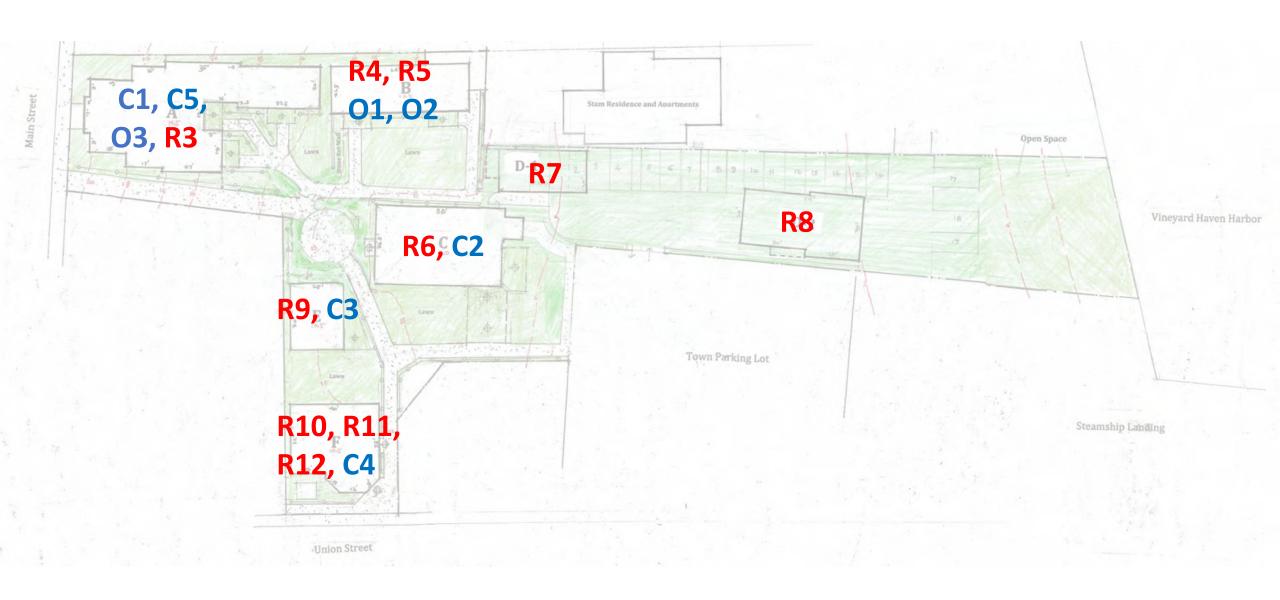
Reference slides (12/15/22)

#### **Site Plan as Approved**



The buildings were relabeled during the town review, but the labels for this modification review are the same as for DRI 674-M.

#### Residential (R) and Commercial (C and O) Units as Approved and Amended



- 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 1910, with the drive-through portion constructed in 1988.

- <u>DRI 674 (2017):</u> Removal and replacement of terra cotta tiles on the building (retroactive). *Denied; tiles were replaced in 2019.*
- <u>DRI 674-M (2021):</u> Renovation of two existing buildings and construction of five new buildings, with a total of 10 residential units and seven commercial units. *Approved* and amended.
  - All commercial units were to be for office or retail use, with any proposed changes requiring MVC approval.
- <u>DRI 674-M2 (2021)</u>: Modification of 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. *Approved*.
- Condo document changes (2021): Revised provisions related to parking spaces, and various minor clarifications and corrections. *Approved by LUPC*.
- <u>DRI 674-M4 (2022)</u>: Elimination of unit R6, addition of balcony on Building B, rooftop solar plan. *Partially approved solar plan still pending*.

- The LUPC approved final recommendations by the <u>Tisbury Historical Commission</u> (THC) in 2022.
- A <u>site visit</u> for the MVC and THC to view proposed paint colors, trim, sidewall and other features as required by the LUPC took place in August 2022.
- <u>Various issues</u> with access, structures, and utilities have come to light during the construction of the Stone Bank Condos project.
- The MVC Executive Director informed the applicant in July 2022 that a professionally surveyed, dimensional, as-built site plan must be submitted to the MVC prior to any <u>Certificate of Compliance</u> for the project. The MVC will review the site plan and may require further mitigation for any discrepancies with the approved plans.

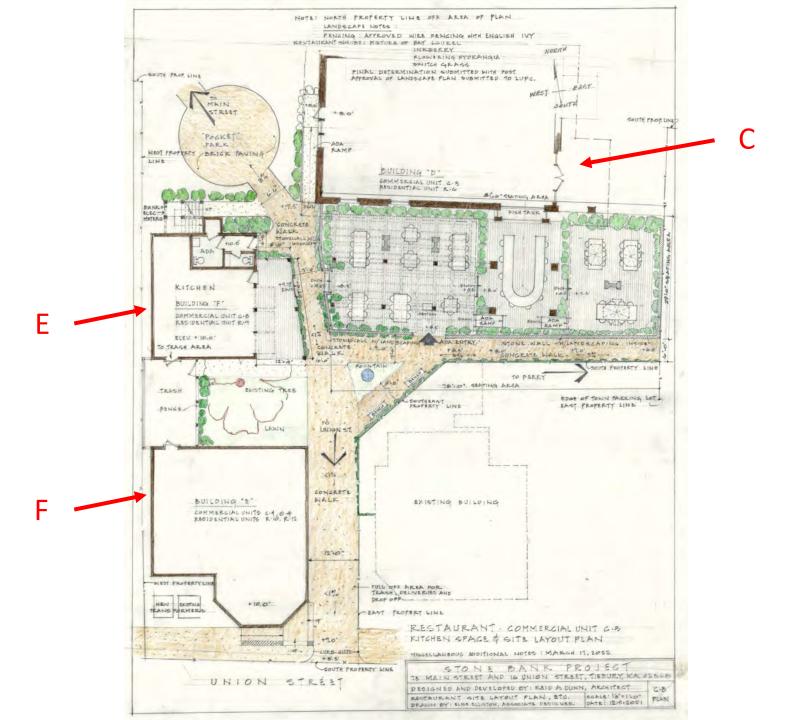
<u>Further action required for 674-M:</u> The following actions are still required prior to receipt of a Certificate of Occupancy for DRI 674-M:

- Condition 2.8: The <u>monetary mitigation of \$73,600</u> shall be paid in full to the Tisbury Affordable Housing Trust Fund prior to the issuance of a Certificate of Occupancy.
- Condition 5.1: <u>Final rooftop solar plan</u>. This was originally required prior to receipt of Building Permit, but the Building Permit was issued prematurely.
- Condition 6.2: A <u>final landscape plan</u> 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.
- Surveyed, dimensional, as-built site plan for MVC review.

## Proposal

- Change the ground-floor use of <u>Building E</u> from office/retail to a restaurant.
- Replace 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 <u>Limited</u> <u>Common Area (LCA)</u> for the commercial unit in Building E.
- The proposal will entail changes to the <u>condo master deed</u>, which currently identifies all the commercial units as offices.

Kitchen Space and Site Layout Plan 3/17/22 (from 4/25/22 revised application materials)



### Proposal

- The restaurant would be <u>open seasonally</u> for lunch and dinner from April to November (and possibly takeout in the off-season).
- About 650 ft<sup>2</sup> of indoor kitchen space and a 1,200 ft<sup>2</sup> outdoor seating area, including a full-service bar.
- The restaurant is proposed as a <u>"fast food" establishment under Title V.</u> Patrons would seat themselves and order and pay online using their phones, or via a pick-up window in Building E.
- Two restrooms for patrons only would be located 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.

# Application file (general)

- Project narratives and various application materials
- Plans site plan, floor plans, elevations, seating, landscape
- Stormwater plan and peer review
- Traffic impact study and access plan
- Wastewater approval
- Communications with wastewater superintendent and DEP regarding Title V and wastewater
- Various communications with applicant (parking, wastewater, drainage, impact on abutters, etc.)
- Environmental impact minimization plan
- Purchase and sale agreement
- Planning board comments
- Response to LUPC and staff questions

### New documents since 6/21/22

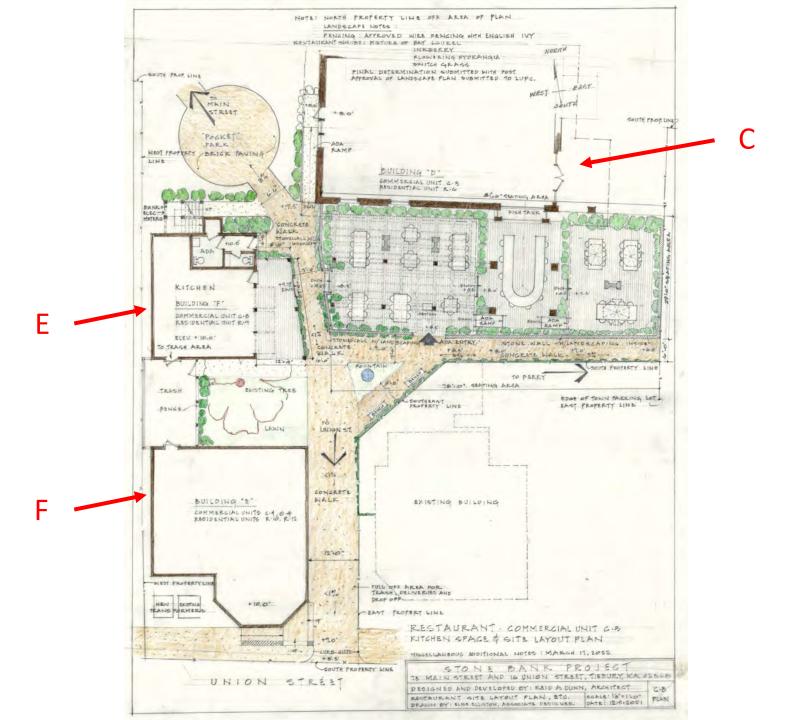
- Planning Board comments (6/28/22)
- Revised stormwater narrative (6/30/22)
- Revised site plan and response to LUPC questions (7/12/22)
- Fast food narrative (7/12/22)
- MVC letter to applicant regarding discrepancies with Stone Bank Condos approval (7/28/22)
- Communications with applicant and town regarding stormwater peer review (summer-fall 2022)
- Communications with DEP and applicant regarding Title V and fast food definition (Sept. 2022)
- Landscape plan (9/2/22)
- Applicant email to Planning Board regarding issues raised by abutters (9/5/22)
- Various other Planning Board materials (Sept. 2022)
- Updated staff report (11/10/22)
- Response to LUPC and staff questions (12/2/22)

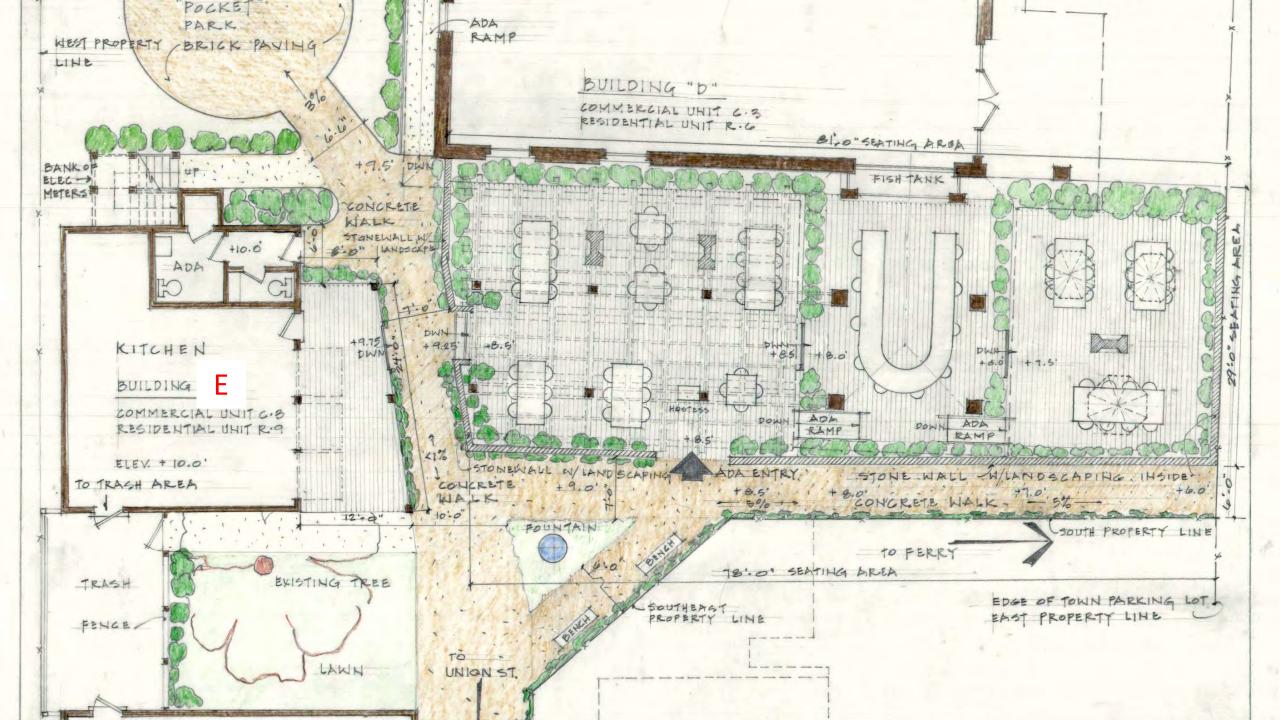
### New documents since 6/21/22

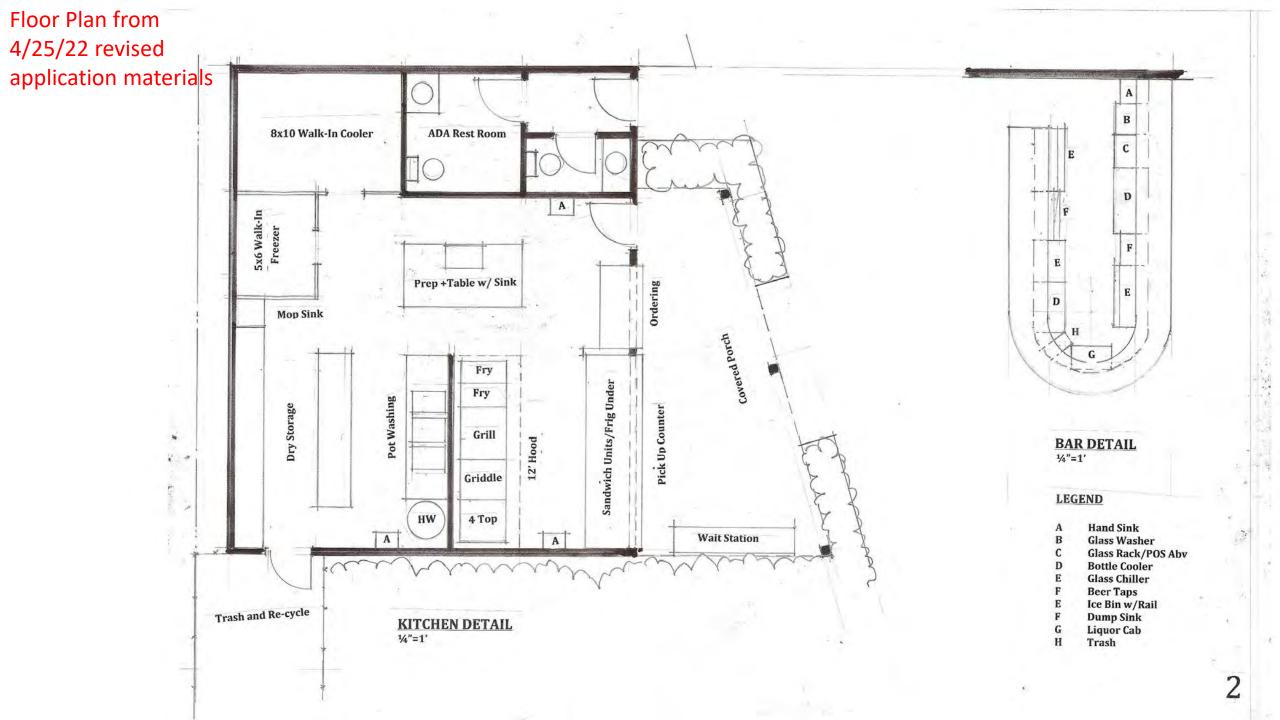
#### Stormwater peer review by Frasier Poly-Engineering Services (FPES)

- Letter from Kent Healy (3/3/21)
- Stormwater narrative (6/20/22)
- Grading plan (7/19/22)
- Drainage calculations by MV Engineering and Design (4/29/22, 7/8/22, 7/28/22)
- Landscape plan (9/2/22)
- Stormwater plan (9/11/22)
- Map of drainage areas (9/19/22)
- MV Engineering and Design response to peer review (9/19/22)
- Drainage layout plan (11/1/22)
- FPES stormwater peer review memos (8/22/22, 10/3/22, 11/1/22)

Kitchen Space and Site Layout Plan 3/17/22 (from 4/25/22 revised application materials)









Initial renderings 11/21/21









# Planning concerns

- Wastewater
- Solid waste
- Traffic and transportation
- Character and identity
- Economic development and housing
- Stormwater and drainage
- Energy
- Noise and lighting

#### Wastewater

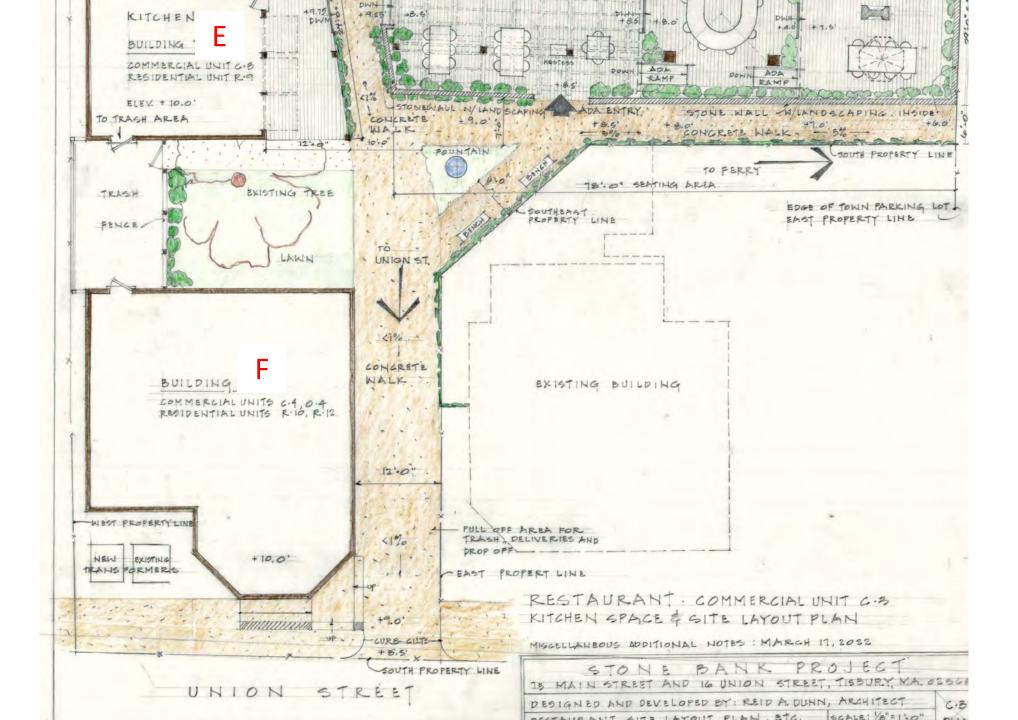
- Prior to 2020, the property had been allowed to generate <u>905 gallons per day (GPD)</u> of wastewater.
- As part of the permitting process for the Stone Bank project (DRI 674-M), the applicant received two approvals from the Town Sewer Advisory Board to increase that amount to 2,310 GPD for the property.
- 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.
- If additional <u>dishwashing equipment</u> were to be added in the future, additional wastewater flow would be required.

#### Wastewater

- The applicant has presented the project as a "fast food" establishment under Title V, which assigns a lower wastewater generation rate for that type of restaurant (20 versus 35 gallons/day/seat).
- Fast food is not defined in Title V, but according to DEP Environmental Engineer Ian Jarvis, it means that all of the utensils (plates, glasses, and eating utensils) are disposable. That would not be the case here, since the proposal includes regular or reusable glasses, cutlery, baskets, bowls, and dishware that would be washed in two low-water, under-counter dishwashers. Pots and pans would be washed in a three-bay sink.
- Jarvis also stated: "Once a design flow has been identified under Title V, the <u>Approving Authority</u> (the town in this case) then determines if there is capacity to accommodate the daily flow generated by said establishment based on what is permitted in their ground water discharge permit."
- According to the town Wastewater Superintendent, the town Sewer Advisory Board considers the proposed use to be fast food with a generation rate of <u>15 gallons/day/seat</u>.

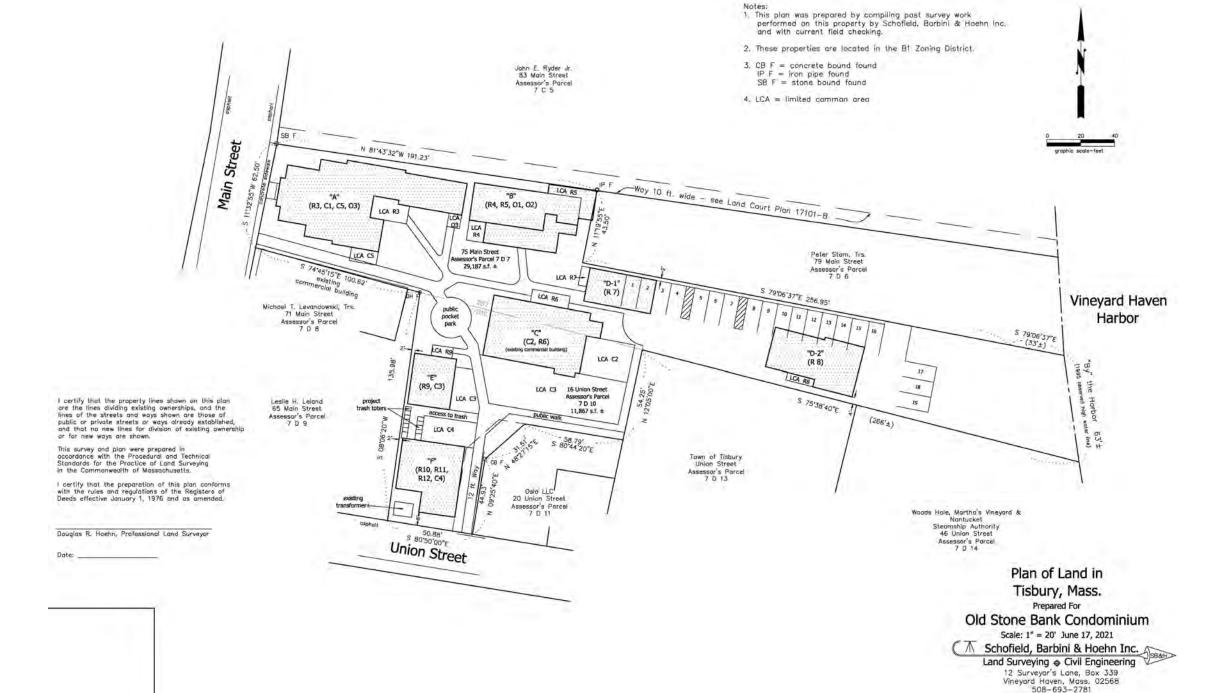
### Solid waste

- Most dining materials would be <u>disposable or potentially compostable</u>, which raises concerns about solid waste production.
- "Environmental Impact Minimization Plan," provided in 2021:
  - Proposes <u>washable aluminum pans and plastic serving baskets</u> with paper liners, <u>bioplastic</u> <u>utensils</u>, and other packaging <u>materials labeled as biodegradable</u>.
  - Durable plastic cups and a <u>three-bay sink</u> for washing, along with <u>two low-temperature glass</u> <u>washers</u>, instead of a regular dishwasher.
  - Applicant will <u>partner with Island Grown Initiative and Bruno's Rolloff</u> 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, although the applicant has stated that half the residential units would have their own trash areas.



# Traffic and transportation

- The Stone Bank project as a whole has <u>19 parking spaces</u>, with at least one space dedicated to each residential unit.
- There are <u>no spaces dedicated to the proposed restaurant</u>, 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.
- Customers would need to <u>either walk to restaurant or use public parking</u> in the downtown area.
- Projects in the B1 district are not subject to minimum <u>parking requirements</u> under town zoning.
- The proposed hours for the restaurant are 11:30AM-10:30PM, seven days a week.
- <u>Food delivery</u> would be available for customers, with a 12' curb cut in Union St. for a delivery vehicle.



www.sbhinc,net MV 4338 Sheet 1 OF 3

# Traffic Impact Assessment (TIA)

At the request of the MVC and Tisbury Planning Board, an independent <u>Transportation Impact</u> <u>Assessment</u> was completed by Fraser Poly-Engineering Services (FPES) in April 2022.

Includes an assessment of existing (2022) and future (2029) traffic characteristics, including intersections and roadways in the immediate area.

Traffic counts performed in Feb. 2022.

Finds <u>no parking, safety, or level of service (LOS) impacts</u> in the vicinity of the project, but recommends various <u>transportation demand management and site access strategies</u> for the project.

#### Intersections:

- Main St. at Union St.
- Main St. at Church St.
- Union St. at Water St.

#### **Roadways:**

- Main St.
- Union St.
- Church St.
- Water St.

#### Projected traffic:

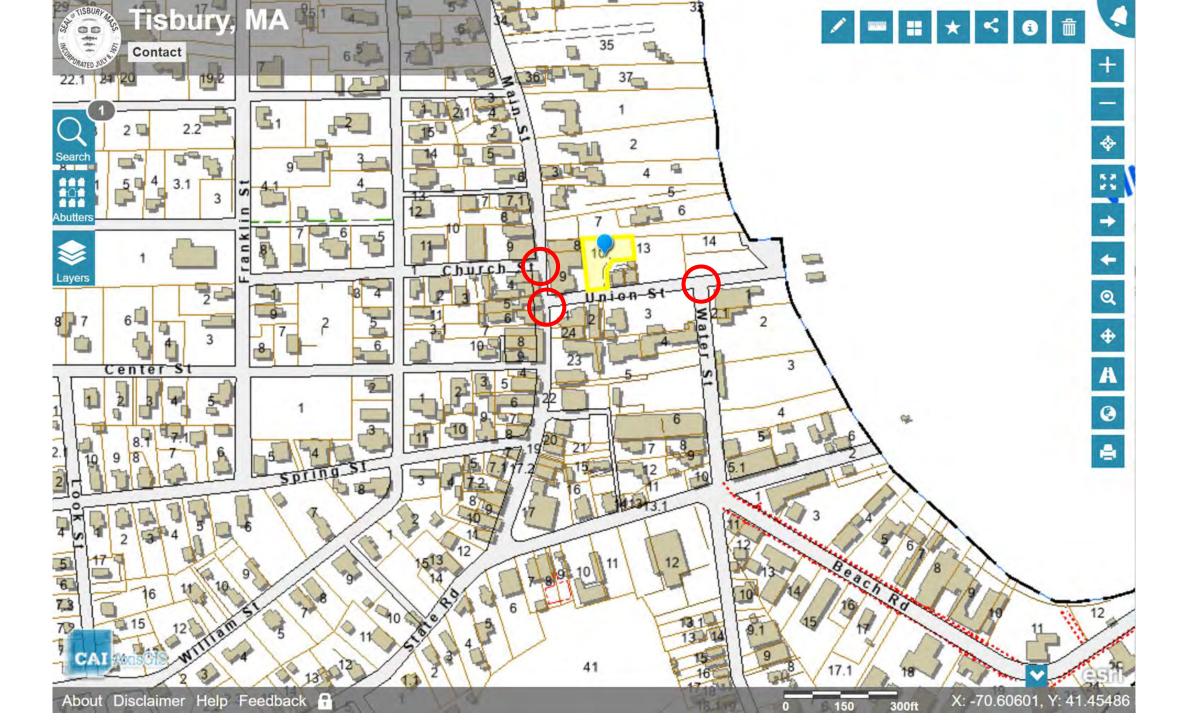
378 new weekday average daily trips (189 in, 189 out)

53 new weekday PM peak hour trips (24 in, 29 out)

382 new Saturday average daily trips (191 in, 191 out)

41 new Saturday peak hour trips (23 in, 18 out)

Projected parking need: <u>17 spaces</u> (Saturday weekend peak hour)



#### Transportation demand management and site access strategies:

- 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.
- <u>Transit maps and schedules</u> 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 <u>transit passes</u>.
- Bicycling and Walking: Provision for bicycles facilities such as bicycle racks should be provided.
- The proponent working with the Town of Tisbury should <u>assist in the study of bicycle network connectivity</u> in the area.
- Develop a <u>"Wayfinding" system</u> to aid pedestrians and cyclists to better navigate the area.
- <u>Car/Ridesharing</u>: 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 <u>promotional discounts</u> for the use of alternative transportation such as ones mentioned above to restaurant patrons who use ride-share, transit tickets, bike, or walk.

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

# Character and identity

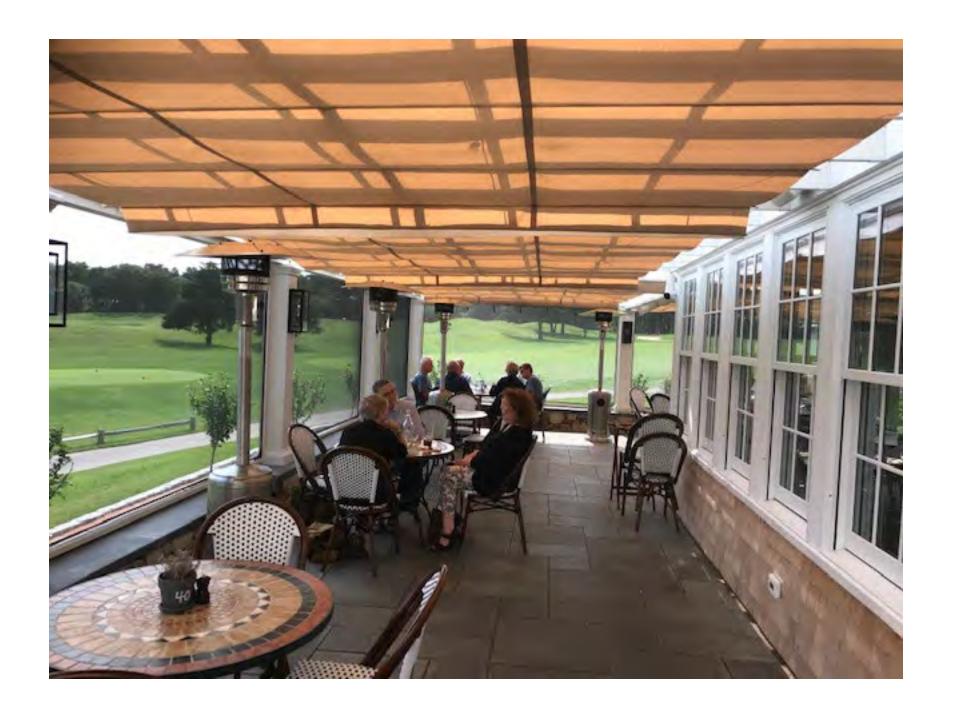
- The proposal is located within the <u>B1 district</u>, in the vicinity of other commercial and restaurant uses.
- Project site is <u>highly visible</u>, given its proximity to the town parking lot, VTA hub, and Steamship Authority terminal to the south.
- Examples of the proposed retractable <u>awnings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













## Economic development and housing

- The owner estimates that the restaurant will create <u>up to nine jobs in season</u> (3-4 kitchen staff, 2-3 food runners or bussers, and 1-2 bartenders).
- The restaurant would be <u>open seasonally</u> for lunch and dinner from April to November, 11:30AM-10:30PM and possibly for <u>takeout in the off-season</u>. 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 <u>share the same employees</u>, so some of the new <u>employees would potentially have housing</u>.
- According to the applicant, <u>10 of the 20 current employees</u> of Back Door Donuts would be available to work at the new restaurant.
- The applicant has also stated that Lyons <u>would try to employ local residents</u> who already have housing, and/or family acquaintances who could live with him on the Island during the summer. Number and location of rental properties is still pending.
- The <u>housing mitigation fee</u> of \$73,600 for DRI 674-M is due upon issuance of a Certificate of Occupancy. (This would be \$77,200, if adjusted for the current modification.)

## Economic development and housing

- There would be one 11-hour shift per day, with a two-hour break in the afternoon. It is unclear what sort of <a href="mailto:shelter or break/rest area">shelter or break/rest area</a> would be provided for employees, including food runners and bussers.
- The applicant has stated that the restaurant will use <u>local ingredients</u> wherever possible, including seafood, dairy, fowl, and produce.

## Stormwater and drainage

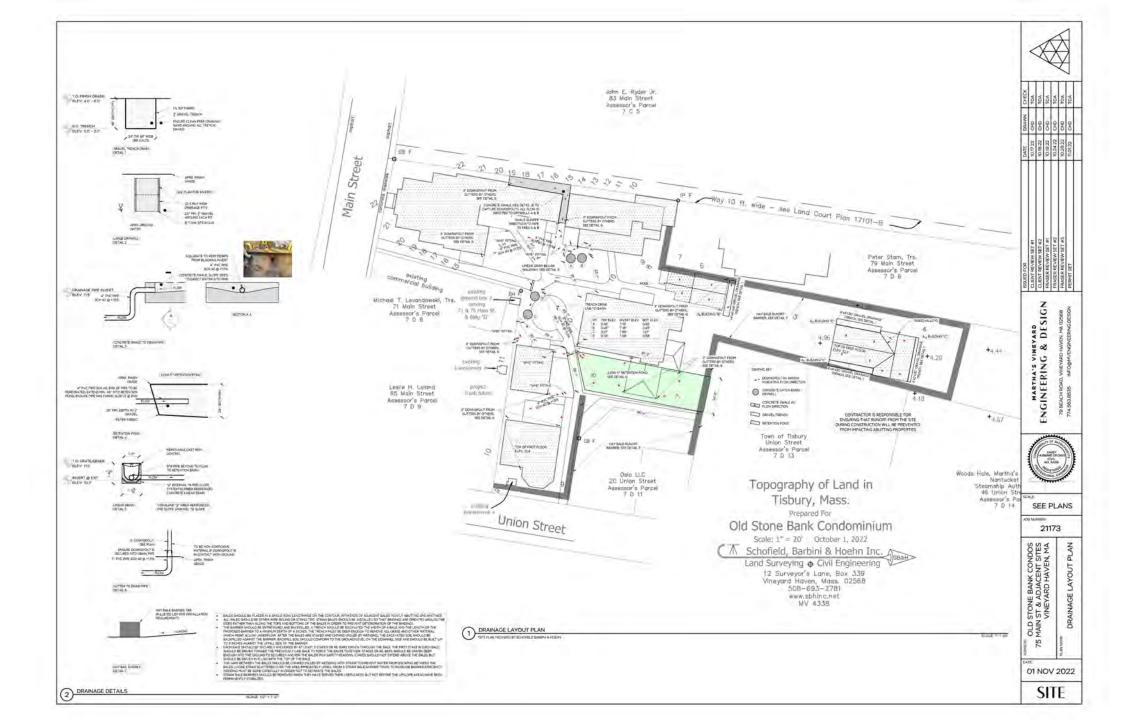
- The stormwater plan for DRI 674-M relied on <u>direct percolation</u> into existing or replaced sandy soils.
- The proposed seating area would be covered with decking above the soil, with <u>drainage</u> <u>directly into the ground</u>.
- The restaurant area would serve as a drainage basin for <u>about 7,800 ft<sup>2</sup> of impermeable</u> <u>area</u>, 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 Planning Board and MVC required a <u>peer review</u> of the stormwater management plan, which was conducted between June and November 2022.

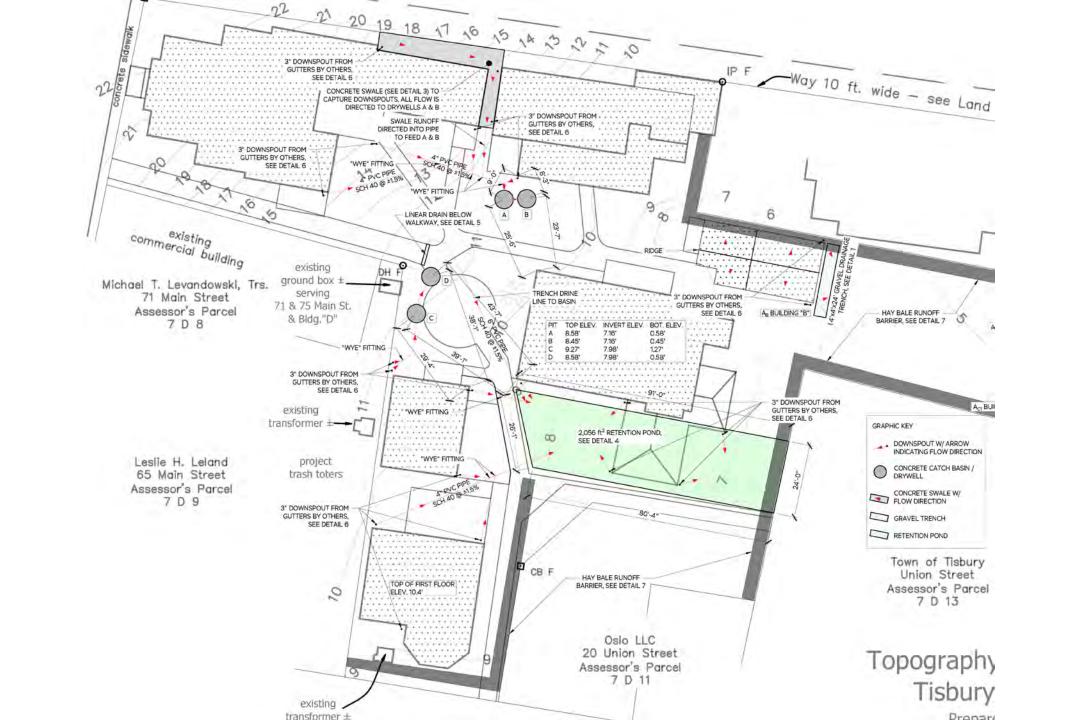
## Stormwater and drainage

The peer review resulted in the development of an engineered <u>drainage layout plan</u> by MV Engineering and Design, and the following conclusions from FPES:

Given the site's underlying soil conditions we feel the design method of utilizing the naturally excellent permeability of these soils is an <u>appropriate</u>, and functional approach to controlling the stormwater runoff on the overall site.

We do however wish to inform the Town that if the groundwater table becomes unusually high this could diminish the effectiveness, and function of the stormwater management systems. The engineer has stated that the <u>groundwater table</u> is at approximately elevation 1.0. The systems designed are mostly above this elevation. The leaching pits, and drainage trenches have bottom elevations at or below this elevation. These structures will be somewhat limited due to the lower portion being constructed in the saturated soil.

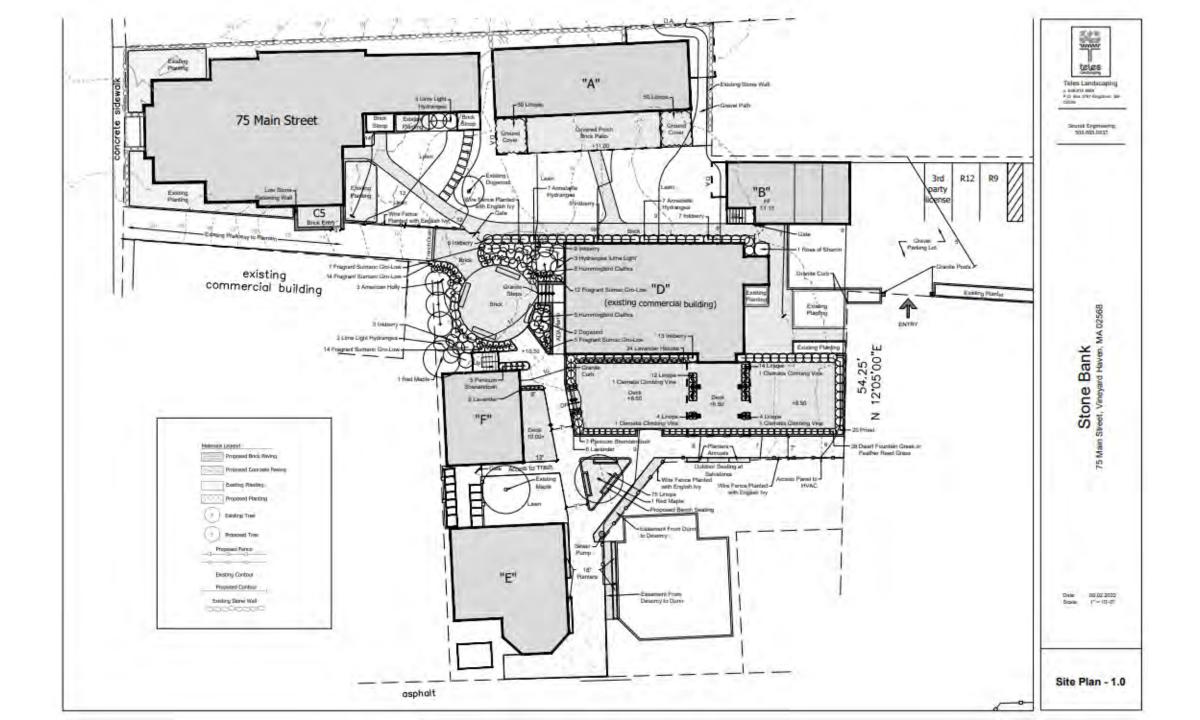


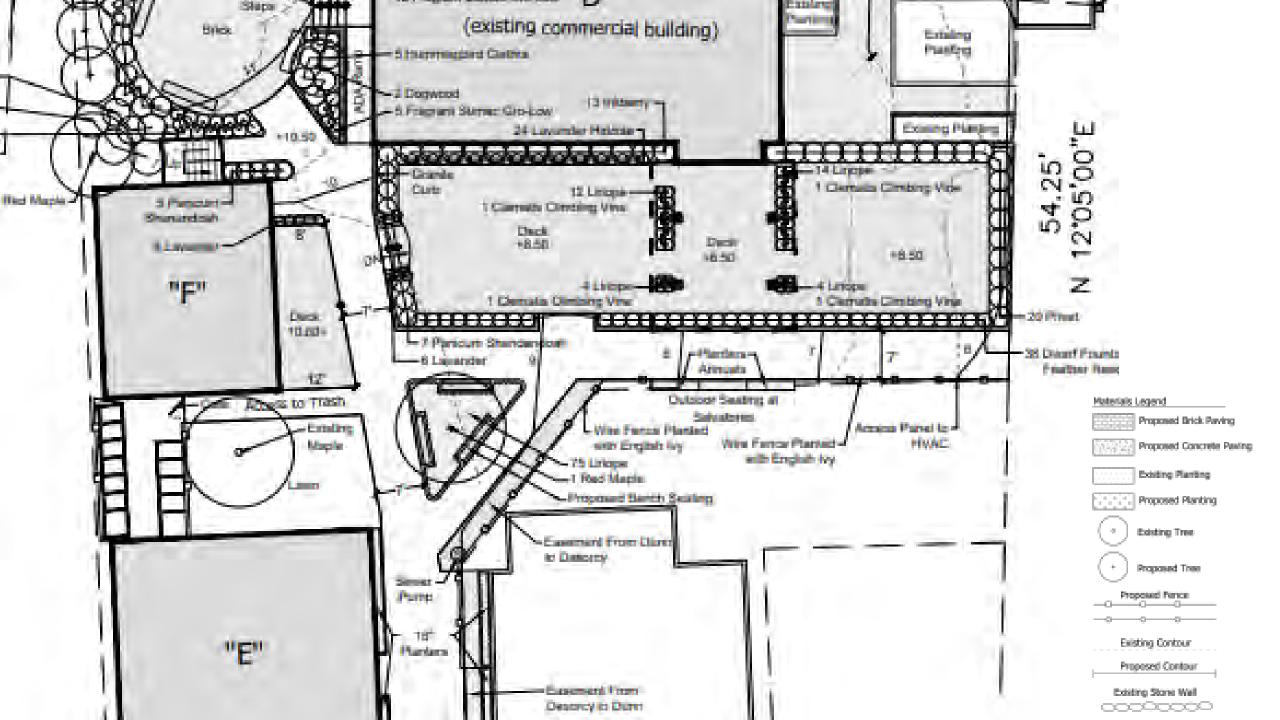


**Energy:** As previously approved, all buildings in the Stone Bank project were to have electric heating and cooling, with propane for cooking. The applicant has proposed propane heaters and fireplaces for the restaurant seating area, which may require further modifying DRI 674-M.

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. The applicant has stated that future condo owners have been notified of the proposal.

<u>Landscape</u>: A landscape plan dated 9/2/22 shows plantings within and 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.







Site photos 11/14/22







































