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# Martha's Vineyard Commission

## DRI #674-M3 Stone Bank Restaurant

### MVC Staff Report – 2021-11-5 DRAFT

#### 1. DESCRIPTION

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- 1.1 **Owner:** Patrick Lyons (under purchase and sale agreement)
- 1.2 **Applicant:** Sam Dunn
- 1.3 **Project Location:** 16 Union Street (Map 7, Block D, Lot 10), Tisbury (0.324 acres)
- 1.4 **Proposal:** Modification of DRI 674-M to allow for a 70-seat outdoor restaurant with indoor kitchen.
- 1.5 **Zoning:** Business 1 (B1)
- 1.6 **Local Permits:** Tisbury Planning Board and ZBA, wastewater approval
- 1.7 **Surrounding Land Uses:** Business 1 (B1), Business 2 (B2), and Waterfront Commercial zoning districts; surrounding uses include an existing residence with access from Main Street, the Steamship Authority Terminal, Vineyard Transit Authority transportation hub, a town-owned parking lot, Stop and Shop, and other businesses along Main, Union, and Water streets.

**Project History:** 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. The age of a smaller building just east of the Stone Bank annex was unknown, although it was likely from the same period as the Stone Bank.

DRI 674 in 2017 involved the removal and replacement of terra cotta tiles on the building. The tiles had already been removed and replaced with asphalt shingles when the project was referred to the Commission in 2016. The Commission voted to deny the application and require that the asphalt shingles be replaced with ceramic tiles consistent with the historic character of the building. Santander Bank closed the bank branch in 2017 and put the property up for sale. The tiles were replaced in 2019.

The MVC has approved the following modifications to DRI 674:

- DRI 674-M (May 2021): Renovation of two existing buildings and construction of five new buildings, with a total of 10 residential units and seven commercial units. The existing Stone Bank and annex (Building A) and a separate drive-through building (Building C) were to include a total of two residential units; one existing building was to be demolished and replaced with another building (Building B) to include two residential units; and four other new buildings (D1, D2, E, and F) were to be constructed with a total of six residential units. As conditioned, Building A (minus the annex) was to have commercial uses on both floors, and buildings B, C, E, and F were to have retail and/or office uses on the first floors. The

total proposed square footage of structures on the property was 20,320 ft<sup>2</sup>, with 13,194 ft<sup>2</sup> residential and 7,126 ft<sup>2</sup> commercial.

As conditioned, all commercial units were to be for office or retail use, with any proposed changes requiring MVC approval. In addition, Buildings A and F were to be revised to comply with Tisbury Zoning Bylaw 05.21.01, which prohibits commercial uses from occurring above residential uses in the B1 District. That revision was made with the LUPC's approval in June 2021.

- DRI 674-M2 (August 2021): Modification of DRI 674-M 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.

In addition to these modifications, the LUPC in August and September 2021 approved changes to the condominium documents including provisions related to the sale of parking spots, in order for the project to comply with the MVC conditions for DRI 674-M, and several other minor changes and corrections.

**Project Summary:** The proposal is to modify DRI 674-M by changing the ground-floor use of Building E from office/retail to a restaurant, and replacing 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 Limited Common Area (LCA) for the commercial unit in Building E. It appears that the proposal will not entail any changes to the condo documents.

The restaurant would be open seasonally for lunch and dinner from April to November (and possibly for takeout in the off-season), with 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 "fast food" establishment without no table service and only disposable dining materials. Patrons would seat themselves and order and pay online using their phones, or via a pick-up window in Building E.

## **2. ADMINISTRATIVE SUMMARY**

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- 2.1 DRI Referral:** Self-referred
- 2.2 DRI Trigger:** 1.3D (Previous DRI)
- 2.3 LUPC:** November 8, 2021
- 2.4 Public Hearing:** To be determined

## **3. PLANNING CONCERNS**

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- 3.1 Wastewater:** Prior to 2020, the property had been allowed to generate 905 gallons per day of wastewater. As part of the permitting process for the Stone Bank project, applicant received two approvals from the Town Sewer Advisory Board to increase that amount. The first approval (October 2020) was for an additional 1,076 GPD, and the second approval (February 2021) was for an additional 330 GPD, bringing the total to 2,310 GPD for the property. The second approval was good for one year, after which the applicant would need to apply for renewal. It was not clear if the first approval also had a one-year limit. The proposed restaurant use requires an additional 1,176 GPD (above the approved 2,310 GPD), according to Bob Rafferty of Environmental Partners,

who is working as a consultant for the Tisbury Wastewater Department. The Department approved the change of use in September 2021 with the following conditions:

1. *You have Ninety (90) day from the meeting date to complete the review process with the Martha's Vineyard Commission at which time you must come before the Board for final permission to connect to the towns sanitary sewer system or request an extension. Extension requests shall not exceed thirty days per request.*
2. *Provide to the Wastewater Department a copy of the Martha's Vineyard Commission Notice of Action.*
3. *Provide to the Wastewater Department, an engineer stamped grease trap design approved by the Board of Health, properly sized in accordance with 248 CMR 10.09, 310 CMR 15.221 and 310 CMR 15.230*
4. *Provide to the Wastewater Department, a set of detailed plans of the on-site collection system that includes the location of two (2) Duplex E-one grinder chambers and the grease trap location.*
5. *You must not have any outstanding penalties, betterments or fees due to the Town or the Wastewater Department prior to any service connection being made to the sewer district.*

If dishwashing equipment were to be added in the future, additional wastewater flow would be required.

- 3.2 Solid waste:** As proposed, all dining materials would be disposable, which raises concerns about solid waste production. The applicant has stated that organic food waste will be composted for use in the Stone Bank condo project, with three rotating containers in the trash yard near the kitchen. Additional information about the projected volume of compost and how much will be utilized onsite, and where the rest might go for processing, has not been provided.
- 3.3 Traffic and Transportation:** The Stone Bank project as a whole has 19 parking spaces, with at least one space dedicated to each residential unit. There are no spaces dedicated to the proposed restaurant, although the applicant has stated that the owner (Patrick Lyons) will have three spaces associated with his residential unit in Building D2 that could be used for employee parking.
- 3.4 Character and Identity:** The proposal is located within the B1 district, in the vicinity of other commercial and restaurant uses. The project site is highly visible, given its proximity to the town parking lot, VTA hub, and Steamship Authority terminal to the south. Examples of the proposed awnings and outdoor lighting have been provided. The proposal would not affect the exterior of the existing drive-through building (Building C) as previously approved, but would possibly add a take-out window to Building E (details about the take-out window have not been provided). Final review of the Stone Bank project by the Tisbury Historical Commission, as required under Condition 4.4 of the Decision for DRI 674-M, is still pending (see section 3.9 below).
- 3.5 Economic Development and Housing:** The owner estimates that the restaurant will create about eight new seasonal employees, but no housing proposal or mitigation has been proposed. The restaurant would be open seasonally for lunch and dinner from April to November, and possibly for takeout in the off-season. The applicant has stated that the restaurant will use local ingredients

wherever possible, including seafood, dairy, fowl, and produce. The housing mitigation fee of \$73,600 for DRI 674-M is still pending (see section 3.9 below).

- 3.6 Stormwater and Drainage:** The stormwater plan for DRI 674-M relied on direct percolation into existing or replaced sandy soils. The proposed seating area would be covered with decking above the soil, with drainage directly into the ground. Water from the proposed canopies and roofs will be directed under the decking via gutters and downspouts.
- 3.7 Energy:** As previously approved, all buildings in the Stone Bank project will have electric heating and cooling, with propane for cooking. The proposed seating area would also include heat lamps, but the number and location are not specified.
- 3.8 Noise and Lighting:** The seating area and bar would include dimmable LED string lights, but the amount and location are not specified.
- 3.9 Further action required for 674-M:** In addition to the above planning concerns, several actions are still required prior to receipt of a Building Permit or Certificate of Occupancy for DRI 674-M:
- Condition 2.8: The monetary mitigation of \$73,600 shall be paid in full to the Tisbury Affordable Housing Trust Fund prior to the issuance of a Certificate of Occupancy.
  - Condition 4.4: The Tisbury Historical Commission’s final review of the architectural details of Buildings A through F, accounting for the Applicant’s offers and MVC conditions, shall return to the LUPC for approval prior to the issuance of a Building Permit.
  - Condition 5.1: Subject to Tisbury Historic Commission Approval, solar panels shall be installed on the south-facing roofs of buildings B and D1. Plans showing the final location and capacity of the solar panels shall be submitted to the LUPC for approval prior to receipt of a Building Permit.
  - Condition 6.2: A final landscape plan 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.