

## THE MARTHA'S VINEYARD COMMISSION

BOX 1447 • OAK BLUFFS  
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Date: April 8, 1999  
To: Building Inspector, Town of Oak Bluffs  
From: Martha's Vineyard Commission  
Subject: Development of Regional Impact  
re: commercial development  
Applicant: Dukes County Savings Bank  
4 Uncas Avenue  
Oak Bluffs, MA 02557

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Decision of the Martha's Vineyard Commission

Summary

The Martha's Vineyard Commission (the Commission) hereby approves, with certain conditions, the granting of permits for the Application of the Dukes County Savings Bank, 4 Uncas Avenue, Oak Bluffs, Mass. 02557, for the conversion of a structure into a commercial structure, namely, a banking facility as shown on the plans entitled: "Plan of Land in Oak Bluffs, Mass., prepared for Dukes County Savings Bank, December 11, 1998, scale: 1" = 10', Vineyard Land Surveying, Inc., Box 421, State Road, West Tisbury, Mass., Parking based on building size, 1417," consisting of one (1) sheet; plus "Architect's rendering, undated, no scale, no name," consisting of one (1) sheet; plus "Lighting Plan E-1, undated, scale as noted, Proposed Branch Location for The Dukes County Savings Bank, Oak Bluffs, Mass. 02557, Aesthete, 31 N. Summer Street, Edgartown, Mass. 02539," consisting one (1) sheet; plus "Exterior Elevations A-5, A-6, scale : 1/4" = 1', dated Dec. 14, 1998, Proposed Branch Location for The Dukes County Savings Bank, Oak Bluffs, Mass., 02557, Aesthete, 31 N. Summer Street, Edgartown, Mass. 02539," consisting of two (2) sheets; plus "First Floor Plan A-4, scale: 1/4" = 1', dated Dec. 14, 1998, Proposed Branch Location for the Dukes County Savings Bank, Oak Bluffs, Mass. 02557, Aesthete, 31 N. Summer Street, P.O. Box 5141,

Edgartown, Mass. 02539," consisting of one (1) sheet; plus "Demolition Plan A-2, scale: 1/4" = 1', dated Dec. 14, 1998, Proposed Branch Location for The Dukes County Savings Bank, Oak Bluffs, Mass. 02557, Aesthete, 31 N. Summer Street, P.O. Box 5141, Edgartown, Mass. 02539," consisting of one (1) sheet; plus "Site Plan Alternate Paving A-1A, scale: 1" = 10', dated Feb. 2, 1999, Proposed Branch Location for The Dukes County Savings Bank, Oak Bluffs, Mass., 02557, Aesthete, 31 N. Summer Street, P.O. Box 5141, Edgartown, Mass. 02539," consisting of one (1) sheet; plus "Sketch Plan of Land in Oak Bluffs, Mass., Drawn for The Dukes County Savings Bank Showing Leaching Beds for Runoff from Impervious Areas, March 3, 1999, Scale: 1" = 10", Vineyard Land Surveying, Inc., P.O. Box 421, West Tisbury, Mass. 02575, Job No. 1417," consisting of one (1) sheet, and totaling nine (9) sheets (the Plan).

This Decision is rendered pursuant to the vote of the Commission on April 8, 1999.

The Building Inspector of the Town of Oak Bluffs may now grant the necessary development permits for the Applicant's proposal in accordance with the conditions herein or may approve in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law or may disapprove the development application.

#### Facts

The proposed development is a Development of Regional Impact as defined by the Commission's Standards and Criteria, Developments of Regional Impact, Section 3.109f. The Application was referred to the Commission by the Building Inspector of the Town of Oak Bluffs for action pursuant to Chapter 831 of the Acts of 1977, as amended (the Act). The Application and notice of public hearing relative thereto are incorporated into the record herein. Martha's Vineyard Commission staff documents exhibits are also incorporated into the record by reference.

A duly noticed public hearing on the Application was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831, on Thursday, February 18, 1999, at 8:00 p.m. in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, Mass. The hearing was closed the same night.

The proposal is for the conversion of a structure into a branch banking facility.

A summary of the testimony provided at the hearing is provided as Exhibit A attached

hereto. The hearing summary is for the convenience of the reader and was not relied upon by the Commission in reaching its Decision on this matter.

The Commission has considered the Application and the information presented at the public hearing, and based upon such considerations, makes the following findings pursuant to Section 14 of the Act.

- A. THE COMMISSION FINDS THAT THE PROBABLE BENEFITS OF THE PROPOSED DEVELOPMENT, AS CONDITIONED, WILL EXCEED THE PROBABLE DETRIMENTS AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 15 OF THE ACT (SECTION 14(A) OF THE ACT).**

The purpose of the Commission, as set forth in Section 1 of the Act, is to "protect the health, safety and general welfare of island residents and visitors by preserving and conserving for the enjoyment of present and future generations the unique natural, historical, ecological, scientific and cultural values of Martha's Vineyard which contribute to public enjoyment, inspiration and scientific study.

The Commission has listened to all the testimony presented and has reviewed all documents and correspondence submitted during the hearing and review period and,

1. Based upon the record and the testimony presented therein, and in considering whether the development will favorably or adversely impact the environment, the Commission sets the following conditions (Section 15(b) of the Act):
  - a. **That the Commission accepts the Applicant's proposed site plan as providing sufficient landscaping and fencing details to buffer abutting residential properties;**  
**and further**
  - b. **That the proposed site plan shall be revised to indicate the placement of and location of a directional sign indicating "No Left Turn" at the juncture of the exit driveway and Circuit Avenue.**
2. Based upon the record and the testimony presented therein, and in considering whether the development will favorably or adversely affect other persons or property, the Commission set the following conditions (Section 15(c) of the Act):
  - a. **That the Commission accepts the Applicant's offer to turn off exterior lighting when the bank is not open for business;**

and further

- b. That the ATM machine shall be open for usage only between the hours of 8:00 a.m. and 5:00 p.m., seven days a week.

3. Based upon the record and the testimony presented therein, and in considering whether the development will favorably or adversely impact the supply of low and moderate income housing, the Commission sets the following conditions (Section 15(d) of the Act):

- a. That the Commission accepts the Applicant's offer to continue its mortgage lending policies which are of benefit to low and moderate income Island residents;

and further

- b. That the Applicant shall contribute the sum of One Thousand Dollars (\$1,000.00) to the Dukes County Regional Housing Authority housing fund.

4. Based upon the record and the testimony presented therein, and in considering whether the development will favorably or adversely impact the provision of public facilities, the Commission sets the following condition:

- a. That the Commission accepts the Applicant's offer to install and build a sidewalk along Circuit Avenue, should the Town agree and approve of same.

- B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WILL NOT SUBSTANTIALLY OR UNREASONABLY INTERFERE WITH THE ACHIEVEMENT OF THE OBJECTIVES OF THE GENERAL PLAN OF ANY MUNICIPALITY OR THE GENERAL PLAN OF THE COUNTY OF DUKES COUNTY.
- C. THE COMMISSION FINDS THE DEVELOPMENT PROPOSAL TO BE GENERALLY CONSISTENT WITH THE DEVELOPMENT ORDINANCES AND BYLAWS OF THE TOWN OF OAK BLUFFS.
- C. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS NOT WITHIN ANY DISTRICT OF CRITICAL PLANNING CONCERN AND THEREFORE THIS ISSUE IS NOT PERTINENT TO THE PROPOSAL.

The Applicant must, consistent with this Decision, apply to the appropriate Town of Oak Bluffs Officers and Board for any other development permits which may be required by law.

This Decision is written consistent with the vote of the Commission: April 8, 1999.

Any Applicant aggrieved by a Decision of the Staff or Committee hereunder, may appeal to the full Martha's Vineyard Commission which shall decide such Appeal, after notice and hearing, within 21 days of the close of the public hearing.

The Executive Director may issue Certificates of Compliance which shall be conclusive evidence of the satisfaction of the conditions recited herein.

Any party aggrieved by a determination of the Commission may appeal to Superior Court within twenty (20) days after the Commission has sent the development Applicant written notice, by certified mail, of its Decision and has filed a copy of its Decision with the Town Clerk in the Town in which the proposed development is located.

The Applicant shall have two (2) years from the date of receipt of the Decision of the Martha's Vineyard Commission contained in this document to begin substantial construction, and should substantial construction not occur during said two (2) year period, then this Decision shall become null and void and have no further effect. This time period may be extended upon written request from the Applicant and written approval from the Martha's Vineyard Commission.

Richard J. Toole  
Chair

April 12, 1999  
Date

Irene Miller Fyler  
Notary

April 12, 1999  
Date



**IRENE MILLER FYLER**  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
JUNE 10, 2005

**EXHIBIT A****Public Hearing. Dukes County Savings Bank.**

The Martha's Vineyard Commission held a Public Hearing on Thursday, February 18, 1999, at 8:00 p.m. in the meeting room at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Mass., on the following Development of Regional Impact:

**Applicant:** *Dukes County Savings Bank  
P.O. Box 1069  
Edgartown, MA 02539*

**Location:** *4 Uncas Avenue  
Oak Bluffs, MA 02557  
Assessor's Map 11, Lot 157*

**Proposal:** *To convert a residential building to a bank with two "drive-thru" lanes and accessory parking.*

Ms. Brown read aloud the Public Hearing Notice (above) and continued that a copy of the Application and Plan was on file at the Commission offices for public inspection. Written testimony, she said, may be submitted prior to or during the Hearing. The Hearing was being held in accordance with Section 14 of Chapter 831 of the Acts of the Commonwealth of 1977, as Amended, and Chapter 30A, Section 2, of the General Laws of the Commonwealth, as modified by said Chapter 831.

Mr. Toole stated that in the interest of disclosure he was revealing that he worked for a direct abutter of the property where the building was proposed. Commissioner Michael Colaneri said jokingly that he was obliged to disclose that he banked at the Dukes County Savings Bank. Five other Commissioners, laughing, indicated that they banked there as well.

Ms. Brown outlined the procedure for the Hearing for those who had not been present for the earlier one: Applicant presentation of the proposal; questions from Commissioners; Staff Report; questions for Staff by the Commissioners; testimony from Town Boards; testimony from members of the public in favor of the proposal; testimony from members of the public in opposition to the proposal; general comments from the public; and correspondence. Ms. Brown asked that audience members address questions directly to the Commissioners, rather than engaging in a dialogue with the Applicant. Finally, she explained, the Applicant would summarize and would speak to the issues raised by members of the public.

There was chatter among the Commissioners while they waited for architect Joanne Gosser to tack plans and elevations to the walls. Ms. Brown congratulated the group for being able to start the second Hearing on schedule. Commissioner John Early asked if the Commissioners could discuss the St. Andrew's proposal after the current Hearing. Charles Clifford, MVC Executive Director, said yes, although usually it would be carried to the week after.

Ms. Gosser was now ready.

**Applicant's Presentation. Joanne Gosser, Architect, Aesthete, Edgartown.**

Ms. Gosser began by introducing Edward E. Mayhew, Jr., President of the Dukes County Savings Bank, and Thomas Sharkey, Chief Financial Officer.

Ms. Gosser described the site in general, which was at the corner of Circuit Avenue and Uncas Avenue, bordered by Bradley Avenue. She showed several color photographs of the site to the Commissioners. She explained that the current structure, a residence occupied during the summer season, was one-and-a-half stories, 1,750 square feet in area and hooked up to town water. It sat on a relatively flat site, which sloped about two feet from north to south, and the area around the house was heavily vegetated.

Ms. Gosser discussed the three monitoring wells the Applicant had put in, which revealed that there was no contamination of the soil and groundwater. She said that the bank would utilize the main gable and the porches of the old building and that an L-shaped addition would be attached.

As for the site circulation, Ms. Gosser described it as a one-way loop exiting onto Circuit Avenue. She discussed this in some detail. Ms. Gosser said that they had gone to the Oak Bluffs Planning Board and were told that the project would require eight parking spaces, with one off-site. The Applicant was currently talking to the owner of Lambert Insurance across the street about using some of that parking. Ms. Gosser added that the site was in the B-1 District of Oak Bluffs.

Ms. Gosser noted that the current stockade fence would be replaced by a wood fence, which would block the headlights of the cars going through the drive-thru lanes, as well as those of the ones exiting. She added that the bank would be open on Friday nights only; otherwise, it would close at 3:00 p.m. on weekdays and at noon on Saturdays. [Later in the Hearing, it was established that the bank would be open until 5:00 p.m. Monday through Friday during the summer months; see further down this page.]

Commissioner John Best asked if the bank closed at 5 p.m. on Fridays. Ms. Gosser answered yes, only on Fridays. Ms. Gosser added that there would be a bicycle rack on the site to encourage alternate modes of transportation.

The design would keep just over 1,000 square feet of the existing structure, Ms. Gosser explained, and the Applicant would be adding only 641 square feet of area to the two floors. Total square footage would come to 1,681 square feet, slightly smaller than what stood there now, and the wraparound porch would help to bring down the scale and keep the structure looking "very residential."

The second floor would be for storage only, Ms. Gosser went on. The first floor would have four lobby tellers, a drive-thru teller, a branch manager, safety deposit boxes and an ATM, located in the center porch section.

The proposed material for the exterior of the building was "a sort of an octagonal shingle" that would look "more Oak Bluffs." Ms. Gosser noted that the LUPC had been concerned about the parking and had recommended that the designer reduce the amount of paving and get some alternates, for instance, grass-crete and a concrete paver for handicapped parking.

The hours of operation of the bank would be 8:30 a.m. to 5 p.m. in the summer on weekdays and 9:00 a.m. to noon on Saturdays, said Ms. Gosser. The rest of the year the hours would be reduced, from 8:30 a.m. to 3:00 p.m. on Monday through Thursday, 8:30 a.m. to 5:00 p.m. on Friday and 9:00 to noon on Saturday. The drive-thru hours would be the same, and the ATM would be open for 24 hours. All the hours would be determined by the bank's board of trustees, she added.

Ms. Gosser explained that the parking lot would be left accessible at night, "unless it became a problem." There would be only a post light at the bicycle rack and handicapped-access ramp and two hanging lights, one for each of the entry porches, in addition to one by the doorway for security reasons. Also, the drive-thru roof would have recess lights on a timer. Only two of the lights would be left on all night, for security reasons.

As for vegetation, Ms. Gosser continued, an evergreen buffer was planned on the east side, and in general the same kind of garden landscaping carried out around the Edgartown facility would be arranged for the Oak Bluffs office. There was one large tree on the site that the contractor would try to save, she added.

Ms. Gosser went over the septic system plan, pointing to where the tanks and leaching field were. She said that the facility, because of its limited square-footage, would fall under the requirements for the minimum-sized system (for a three-bedroom structure).

Drainage was an important issue for this part of Oak Bluffs, explained Ms. Gosser. All the runoff on the site would be collected and contained within the boundaries of the site as much as possible; thus, the grass-crete and the pervious pavement at the edges.

Ms. Gosser recounted how the Applicant had met with the Oak Bluffs Planning Board, which was supposed to have written a letter. Commissioner Brown said that the letter *had* been written. Ms. Gosser continued and said that all employees would be parking off-site. Three bank employees already worked in Oak Bluffs, and they would be offered the jobs first. The bank promoted using public transportation, she added.

As for the issue of affordable housing, the proposal fell under the non-commercial development provisions of affordable housing policy, said Ms. Gosser. She explained that she had calculated a \$1,000 contribution to the housing authority. The authority had taken issue with the fact that the proposal would be displacing a house, she said, even though the residency was seasonal in nature. She noted that the bank did loan programs throughout the Island and that it was not attempting to exempt itself from the policy. Ms. Gosser then said that Tom Sharkey would speak to that issue further.

#### **Tom Sharkey, Chief Financial Officer, Dukes County Savings Bank.**

Mr. Sharkey spoke briefly about the bank's affordable housing lending. He prefaced his remarks by stating that the bank would continue to do what it had always done, regardless of the outcome of the Application. Mr. Sharkey went into some detail about the affordable homesite or "youth lots" program at the bank. Although these loans were available at other Island banks, it was the Dukes County Savings Bank that did "pretty much 100 percent" of these loans.

The bank had a first-time home-buyer program, limited to local people, he went on. In the case of such loans, the bank picked up attorneys' fees and offered the best fixed-rate loans available, Mr. Sharkey said. In addition, the bank made loans at "the best rates" to nonprofit organizations. It was also at the top in market share in loan production and share of deposits with the general public, having been number one in 1997 and running a close second to Compass Bank for Savings in 1998. Mr. Sharkey added that the bank donated "tens of thousands of dollars" to local organizations.

Mr. Sharkey explained how the bank already had its main office in downtown Edgartown, with branches in New Post Office Square, Edgartown, and in Tisbury, as well as a drive-thru facility in West Tisbury near Up-Island Cronig's. So there was currently no location in Oak Bluffs, although 20 percent of the bank's customers lived in Oak Bluffs. Two other banks -- Compass Bank for Savings and Edgartown National Bank -- already had branches in Oak Bluffs. Because banks had lost so much business to mutual funds, it was important for Dukes County Savings to be able to compete in Oak Bluffs and to hang onto its present customers.

Mr. Sharkey spoke a bit about the drive-thru component of the proposal. He talked a bit the background of the officers and trustees of the banks, who were primarily older people and who used the drive-thru facility in West Tisbury. He added that families with small children also appreciated the convenience.



Mr. Sharkey emphasized that the area was business-zoned, although it was also residential. He said that the bank was trying to retain "the feeling" of the area. He reiterated that there would be no evening hours and that the bank would be closed from Saturday at noon until Monday morning. He added that it was important to the bank to be "a good neighbor," not because they had to be but because they wanted to be.

Ms. Brown thanked Mr. Sharkey for his testimony.

#### **The Commissioners Question the Applicant.**

Ms. Gosser rose from her seat and asked the Commissioners if they had any questions. Commissioner Marie Allen asked about the radius of the area of abutters who were notified of the proposal and of that evening's Hearing. Ms. Gosser answered that they had been required to notify those within a 300-foot radius, although she and Messrs. Mayhew and Sharkey did not know exactly how many people that had entailed. Pia Webster, MVC Secretary, offered that 74 notices had been mailed, with the address lists provided by the Town of Oak Bluffs to the bankers, who had then passed them on to the Commission. Ms. Brown pointed to the map of the site on display and outlined the area being referred to.

Commissioner John Early asked if the facility would be air-conditioned and if so, where the generating units would be. Ms. Gosser replied, "Probably yes, there would be," in back, in the parking area, where the units would be screened with vegetation. She discussed this further and showed on the plan where that would be.

Commissioner Michele Lazerow asked about the two 24-hour lights. Where were they in relation to the abutters? she wondered. Ms. Gosser pointed to the spots on the site plan where the lights would be, where the neighbors were, how the vegetative buffer would screen the lights. Would the lights be visible to the neighbors? Ms. Lazerow inquired. Ms. Gosser explained that these were not the outside door lights, that they were inside the building and they were small. Commissioner Marcia Cini asked Ms. Gosser to clarify that the lights were in fact inside the building. Ms. Gosser replied yes.

Ms. Lazerow referred to the seven parking spaces and asked how many bank employees would work at the branch. Ms. Gosser said that there would be six employees. And where would they park? asked Ms. Lazerow. "Off-site," replied Ms. Gosser. A discussion of this matter ensued.

Commissioner Michael Colaneri raised the issue of the LUPC and sidewalk concerns. What was your final decision? he wanted to know. Ms. Gosser answered that the bank was willing to build the sidewalk if the Town of Oak Bluffs was "willing to accept it."

Commissioner Jim Vercruysee asked what the age of the original building was. Ms. Gosser said that it was hard to tell, that she thought it was of '30's or '40's vintage. MVC Executive Director Chuck Clifford offered that it was not in fact an historical building.

It was now 8:35 p.m. Ms. Brown called for the Staff Report.

#### **Staff Report. David Wessling and Andrew Grant, MVC Staff.**

Mr. Wessling began by explaining that the site plan upon which they had based their notes was slightly different from the one being presented that evening. A change had been made in the location of the exit. Previously, cars would have exited onto Bradley Avenue; now they would flow onto Circuit Avenue. That notwithstanding, he, Andrew Grant and William Wilcox (also MVC Staff) had analyzed the plan and isolated three areas of concern: access and circulation; aesthetics; and stillwater issues.

Mr. Wessling said he would skip over many of the technical conclusions and go to a letter submitted by Joseph T. Stewart, Jr., the owner of a cottage in the Expanded Camp Ground area, within the radius of the bank site but still zoned R-1. (The bank would be in Zone B-1.)

Mr. Stewart wrote that "A [b]ranch bank of the appropriate character and hours of operation would be consistent with [the] profile [of the B-1 zone] and fill a need for the [c]ommunity." However, Mr. Stewart made the following requests: that the branch be a walk-in branch without a drive-thru facility; that any off-street parking be paved with something that will "allow rainwater to reach through to the ground; that Uncas Avenue be designated a "No Parking Zone"; that the ATM machine be located in "an enclosed vestibule environment on the Circuit Avenue side of the building"; that any expansion of the building "be monitored to keep it in scale with the surrounding houses"; and that the landscaping be consistent with that of the abutting residences.

The letter went into some detail about the problems that would arise if cars were allowed to exist onto Uncas Avenue and labeled that plan "unworkable." He also proposed that there be no left turn allowed when exiting from the bank.

Mr. Wessling concluded that Mr. Stewart was saying what they, the MVC Staff, were saying, only in "common-sense terms."

Commissioner Michael Colaneri objected that this was not a Staff Report. "But, basically, his [Mr. Stewart's] words are more useful than ours," said Mr. Wessling. "He knows the site, he knows the problems." "And what are the technical issues?" asked Mr. Colaneri. Mr. Wessling explained that the bank would be located on a narrow site at a busy intersection that did not lend itself to the amount of traffic it would generate. He pointed out that there was not enough mitigation for the amount of activity raised. "But from a regional basis," countered Mr. Colaneri, "there will be mitigation in that those customers presently go to either Edgartown, Vineyard Haven or West Tisbury ... [t]wenty percent of the customers are from Oak Bluffs ... Twenty percent of whatever that number is are driving to other locations..."

Mr. Wessling explained that *regionally* the effects were "minimal," while *locally* the effects were "important." He then referred to the problems that Mr. Grant saw with the layout. Ms. Brown asked Mr. Grant if he would like to talk about that. He replied yes.

Mr. Grant said that the bottom line was, he needed more information. "We need some real numbers," he said, "but from an Island bank." The data available were from larger banks, off-Island, and they were limited. He needed data on the number of customers expected to use the walk-in facility, the number for the drive-thru and the breakdown of each. The overall perception of the site was that it was "loaded."

Mr. Grant had also wondered about the impact of employee parking on the street and the option to push further south into the residential area from Circuit Avenue, which has been an ongoing problem. The bank had other branches in other towns, he added, and mitigation was not a valid point. This was a new facility that would generate new trips of its own.

Ms. Lazerow asked Mr. Grant if the new branch would not logically draw from some of the other banks in Oak Bluffs. Mr. Grant answered that that might be a possible benefit and that the site was also in a good area for walk-in traffic. Commissioner Linda Sibley asked for clarification. Mr. Grant said that it was not a pedestrian-friendly area but that there was a lot of pedestrian activity there.

Ms. Sibley pointed out that the Applicant had testified that some of the customers were driving all the way to West Tisbury to bank. Do we have any numbers on that? she asked. Ms. Gosser answered that she had just received a report that day, that the bank had been

keeping track of the number of trips per hour per day to the West Tisbury drive-thru facility. It was busiest on Friday afternoons and on Saturdays just before closing at noon. The figures for Friday were: 10 customers from noon to 1:00, 17 from 1:00 to 2:00; 12 from 2:00 to 3:00; and 12 from 3:00 to 5:00. On Saturday there had been 23 from 11:00 until noon.

Mr. Colaneri asked Mr. Grant about the parking problems. Had he been speaking of the summer only? he wondered. Mr. Grant answered yes, in the summer. Then eight to 10 weeks? asked Mr. Colaneri. We have to count the shoulder season as well, said Mr. Grant. So, 12 to 14 weeks? asked Mr. Colaneri. Right, said Mr. Grant, but off-season, it would not be a problem.

Ms. Sibley inquired as to the worst-case scenario for the stacking-up of cars at the drive-thru lanes. What was the average length of time to serve a customer (realizing it varied)? she asked. What was the maximum number that could be processed? There was some comment and discussion while Ms. Sibley posed her questions. Ms. Gosser answered that the average service was two to three minutes, almost always less than five minutes. (She noted that she had once worked for a bank herself.) She pointed to that fact that 23 customers had been served through two lanes in one hour in West Tisbury.

Commissioner Richard Toole wondered about the impact that bank would have on on-street parking. Now people park on one side of Uncas Avenue, he said; after the bank went in, would they park on both sides? Mr. Grant answered that Uncas Avenue was only about 18 feet wide and that parking on one side effectively narrowed it to a one-way street. Further discussion ensued.

Ms. Brown asked if there were other questions from Commissioners; there were none. She asked Mr. Wessling if he had more to present. Mr. Wessling said there were issues concerning surface water and drainage, that rainwater tended to pool between the area of the bank and the downtown part of Circuit Avenue. He said that the Staff didn't yet have the details of the drainage proposal. Ms. Brown asked if there were not drainage plans. Mr. Wessling said there hadn't been at the time the Staff reviewed the plan. Ms. Gosser said that she had just picked up the plans that day. There was further discussion of the drainage question.

Mr. Wessling then referred to a letter dated February 16, 1999, from the Oak Bluffs Planning Board, signed by John C. Bradford, Chairman, stating that on January 27, 1999, the Board had voted to approve the parking plan submitted by the Applicant. Moreover, the Board went on record as recommending the project.

Mr. Wessling also referred to a letter dated February 2, 1999, from the Oak Bluffs Department of Building Inspection, signed by Richard R. Mavro, the Building/Zoning Official, stating the Department's support for the proposal. "I feel this will be an asset to the B-1 District and the Town as a whole," Mr. Mavro wrote.

Mr. Wessling said that Oak Bluffs Police Chief Carter had sent a representative that evening and that he would probably speak later. He said that he had had a telephone conversation with James O'Brien, acting director of the Regional Housing Authority. Mr. O'Brien said that the DCRHA was not happy and that they would be sending a letter later. There was some discussion of this issue. Mr. Colaneri said that the Commission needed the proposed letter from the housing authority. Commissioner Lenny Jason, Jr., wondered if the Commission could get the rental history of the house, and Mr. Early noted that its affordability had to be demonstrated. Further discussion ensued.

Ms. Brown said that Mr. Wessling had mentioned a letter from the Stewarts, and she asked if all the Commissioners present had seen the letter; they had. Ms. Brown asked if there were any other Staff comments at that point; there weren't.

Ms. Brown asked if there were any people from Town Boards who wished to offer testimony. Sgt. David Roberts of the Oak Bluffs Police Department stepped forward.

**Testimony from Town Boards.**

Sergeant Roberts explained that he had been sent by Police Chief Carter, who had received an information packet "on short notice" and hadn't had the time to study it or to comment on it. The sergeant said he was there as an information gatherer.

Ms. Brown asked if there were other Town Boards or Town Departments with comments or questions; there were none.

Ms. Brown then asked for people in the audience who would like to speak in favor of the proposal.

**Testimony from Members of the Public in Favor of the Proposal.**

Nancy Billings of Oak Bluffs, owner of the Now and Then Shop, explained that she and her husband had two businesses directly across the street from the site. She said that she was in favor of the project and she thought it would be an asset to the Town. She also appreciated the beautification to the site that the Applicant would bring about. She added that she was one of those who drove to West Tisbury to bank. There was laughter all around.

Donald R. Billings of Oak Bluffs, proprietor of Western Auto, said he was in favor of the project. He thought that it would draw traffic that would usually head downtown. As for water drainage, he said he had heard that the Town was supposed to have put in a catch basin next to Cottage City Supply and that that ought to solve the problem. With the planned greenage, he thought that the drainage would be handled adequately. He added that with people in residence, the house usually had three or four cars parked outside. Also, Cottage City Supply had had a place in there, and that was when it was decided there would be no left turn onto Uncas Avenue. Overall, Mr. Billings believed the bank would be an asset to the community.

Deborah Edmonds of Edgartown, who had attended for the earlier Hearing, noted that as part of her job, she drove handicapped people. One of her charges insisted on banking in Oak Bluffs, and Mrs. Edmonds remarked on how difficult it was to park in the middle of town to drop her off at the Edgartown National Bank branch near the post office. Accessibility to the bank was "impossible," she said.

Ms. Brown asked if anyone else would like to speak in favor of the proposal; there was not. She asked if there was anyone who had concerns or who wanted to speak against the project; there was not. Then she asked for general comments from the public.

**General Testimony from the Public.**

Ann Margetson of Oak Bluffs, a customer of the bank and an abutter, said that she shared the concerns of Joe Stewart. She said she had spoken of her concerns with the Applicant; however, she was "further concerned" with things she had heard that evening. Ms. Margetson said that amelioration for the rest of the Island was not an issue for her, that her neighborhood has "already given at the office." She discussed all the projects that had been added to the neighborhood over the years.

Ms. Margetson said that although she would like to have a bank close by, she would also like to see less hardtop, "reduced to a total minimum." When the Applicant spoke of "permeable," she wondered if the bank meant hardtop that was permeable by water. Ms. Gosser answered that the permeable materials would allow the water to go through.

Ms. Margetson thought it was fine that the drive-thru in West Tisbury was convenient but that there was far less traffic in West Tisbury than in Oak Bluffs. Also, a drive-thru might alleviate traffic, but encouraging people to get in their cars was not her idea of ameliorating traffic problems. It was a "walking neighborhood," she said. She proposed a one-lane drive-thru, instead.

Her traffic concerns were for the summer season only, said Ms. Margetson. She added that she was representing four of her neighbors on Wamsetta Avenue who were summer residents. She had been told by the Applicant, she went on, that the ATM would only be open during business hours and would be enclosed in the bank. As to the parking spaces, Ms. Margetson thought that they should be totally inaccessible off-hours. Moreover, she did not approve of Saturday morning hours at all.

She also mentioned that one of her neighbors, an abutter, had not received a notice of that evening's Hearing. [During the break, MVC Secretary Pia Webster referred to the book mail register and determined that Vivian Poindexter had, in fact, been mailed a notification.] Referring to the houses on Bradley Avenue, where the backs of the houses got closer and closer to the street, Ms. Margetson explained that there was currently a six-foot-tall fence. She hoped that the replacement fence would be at least as high and as close to the street as possible.

Finally, Ms. Margetson said that although the laundromat was temporarily closed, there was a potential for much more traffic to be generated if it reopened. She noted that it had never come before the Commission, but still it was a concern.

The Rev. Robert Edmonds of Edgartown, there for the earlier hearing, thought it would be helpful to know how much the Town currently collected in real estate taxes from the residence and how much it would be collecting from the bank.

Ms. Brown asked for more comments. She reminded her listeners of the Stewart letter, which she said would be read "very thoroughly" by the Commissioners. Then Mr. Billings arose and proposed that drivers be allowed to make only a right turn onto Bradley Avenue. Commissioner Lenny Jason, Jr., asked for clarification of the Bradley Avenue issue, which Ms. Gosser provided. More discussion ensued.

Ms. Sibley asked if the Applicant could say how much traffic was generated at the West Tisbury branch during the summer. Could that be determined by looking at the tickets? she wondered. Ms. Gosser said they hadn't come up with a way to figure out the breakdown of the customers. Mr. Sharkey said that he monitored transactions by teller on a quarterly basis. Mr. Mayhew added that they did know total number of transactions, but not the total number of customers, since a single customer could carry out two or three transactions. Further discussion of the actual relevance of the numbers, if known, ensued. Ms. Brown wrapped up the talk by referring to Mr. Grant's proposal to get real Island numbers instead of international banking numbers. Mr. Grant said he thought he could come up with "a good range."

Ms. Brown then said, in the interest of keeping people informed, that the Commission would probably be closing the Hearing that evening but would keep the Public Record open for two weeks. More discussion of "real" numbers ensued.

The affordable housing question was raised once more. Mr. Clifford referred to a letter from Randi Vega, Chair of the Dukes County Regional Housing Authority, the body of which concerned another DRI. He said he would request another letter on this particular DRI alone.

Sergeant Roberts opined that he thought that a two-lane drive-thru would provide a better traffic flow than a one-lane one would. Some discussion of this issue ensued. Ms.

Brown told him that when the Staff had gathered better numbers, that she was sure the Chief would like to see those and comment on them.

Ms. Brown asked if there were any other questions; there were not. Ms. Brown said that she wanted to close the Public Hearing and leave the Public Record open for two weeks. Commissioner Jason interrupted and asked if there would be a summary from the Applicant. Ms. Brown then asked Ms. Gosser if she would like to summarize. Ms. Gosser answered that she wanted to respond to a few of the issues that had been raised that evening.

**Applicant Summary. Joanne Gosser, Architect.**

First and foremost, Ms. Gosser said, the bank wanted to be "a good neighbor." So issues about the height of the fence and the vegetation were not a problem; the bank would do whatever the neighborhood wished. Secondly, concerning the stormwater issue, she would be following up with Mr. Wessling, getting to him the specifications of the drainage plan. And thirdly, she agreed with the sergeant about the wisdom of having two drive-thru lanes instead of one.

Mr. Sharkey spoke to the traffic issue, saying that what happened at the bank in fact happened every day, that people came in first thing in the morning, then some came in at lunch, then a few rushed in right before closing. On Saturdays the final 20 minutes tended to be busy. "Quite honestly," he said, "from 9 to 12 it's going to be pretty quiet on Saturday morning ... I feel [that] the bank is fairly quiet most of the day. Our traffic patterns come in spurts..."

Ms. Brown said that she wanted to close the Hearing. "Go ahead," someone piped up, to some laughter. "The Hearing is closed," Ms. Brown said. "The written Record will be open for two weeks." She advised all that anyone who wished to study more closely the detailed materials that had been submitted was free to come in and do so. The time was 9:14 p.m.

Edgartown, Mass. April 15, 1999  
 at 11 o'clock and 55 minutes A M  
 received and entered with Dukes County Deeds  
 book 762 page 287

Attest:

Doranne E. Powers  
 Register