

**WEST TISBURY ZONING BOARD OF APPEALS
MINUTES NOVEMBER 19, 2008
HOWES HOUSE 7 PM**

PRESENT: Eric Whitman, Tucker Hubbell, Bob Schwier, Toni Cohen, Larry Schubert, Tony Higgins

ABSENT: Nancy Cole

ALSO PRESENT: Linda Carroll, John Powers, Eric Serpa, Bruce MacNelly, Richard Leonard

BUSINESS

The minutes of November 12 were approved.

The ZBA's FY10 budget was approved.

HEARINGS

7:20 An application by architect Bruce MacNelly on behalf of the Martha's Vineyard Savings Bank for a Special Permit for the construction of a new, 3500 sq ft 2 story office building on a parcel adjoining their existing State Road bank. The project will include the removal of the existing building on the lot. Sections 3.1-1 (Use Table), 9.2-2 (Review Criteria) and 8.3 (Design Requirements) of the Zoning Bylaws; Map 16 Lot 99; 496 State Rd; Mixed Business District.
Correspondence: 1) Planning Board; 2) Martha's Vineyard Commission Decision

The Planning Board letter of November 17 and Bruce MacNelly's impact statement of October 23 were read aloud. The Planning Board letter referred to the zoning bylaw section 8.3-3 wherein it states, "Buildings shall have a well defined front façade with entrances facing the street." Relief could be granted if unnecessary economic hardship would occur. (The proposed, gable end façade facing the street has 4 windows, close together, but not a door.) Bruce and Richard Leonard, Chief Operating Officer of the Bank, represented the application. Richard Leonard left the Bank's annual shareholders meeting in order to attend. This was appreciated by the ZBA. This application had been approved with conditions by the Martha's Vineyard Commission as a Development of Regional Impact due to new commercial construction of 2,000 sq ft or more. The proposed building would accommodate the Bank's Trust and Brokerage offices. Before the hearing was opened, Larry showed the ZBA photos he'd taken of barn facades on the island, with the intent of having ideas for the Bank's roadside façade.

Bruce began by recapping the previous preliminary discussions, wherein the Bank hoped to be able to gain credit for more allowable square footage by moving the existing antique shop building on the lot to the back and converting it into 2 small apartments. The zoning bylaw only provides for apartments in the building itself and specifically on the 2nd floor. So the proposed building will be limited to 3,500 sq ft, the maximum allowed in the Mixed Business District. Using a blown-up aerial view of the immediate neighborhood, Bruce pointed out features of the 2 Bank lots. Eric asked that the materials be presented so that the 3 abutters in attendance could see them. The entry drive will be shared, reduced in width to 12' but retaining the same entry apron, and there will be but the one (existing) exit. They are trying to create a single campus with the parking to the rear for both buildings. The idea is, he said, to make a pairing of the 2 buildings; a common identity rather than have 2 identical buildings. The theme they developed is that there is the main structure and then the barn...sharing a common space. Each building will have a walkway.

Bruce displayed a series of color coded landscaping plans showing: trees that are there, to be added, or moved; parking that will remain grass; additional trees to the front of the lot. Lighting will be pathway lighting; as conditioned by the MVC, the current bank will change their lighting from the overhead to this less intrusive type.

He then showed the floor plans and elevations. The loan departments downstairs will be open to the public; the upstairs will be for internal bank operations, open plan office space. Code requires only one means of egress, which is shown on the parking side, at the rear. The building is more complicated at the back, the front has a “cleaner line”. Addressing the Planning Board letter, Bruce first quoted another part of Section 8.3 regarding Special Permit or Site Plan approval, “...they shall comply with these standards to the extent practical, i.e. full compliance shall not be required if it would impose unnecessary economic hardship or discourage property owners from improving their properties.” Board members looked at this section and felt it referred to *alterations* to existing houses or businesses. Bruce said, if the entrance is at the front, then the parking will need to be at the front; the zoning bylaws asks businesses to put their parking at the rear. He said putting a false door on the front didn’t make sense and having an actual door and corridor would be very disruptive to the present layout of the offices. Offices for loans and other sensitive matters are to the front downstairs; privacy would be lost.

Bruce next showed an array of 16 blown up photos of buildings on the island whose gable ends faced the street, with their door on the side; some of the examples were Tea Lane real estate next door, the old Blue Barque house in Chilmark, the Richie Olsen house in North Tisbury, and the Bev King house in North Tisbury, all of which Bruce described as handsome examples of architecture.

He and the Bank are being practical for the internal use of the building. They are showing respect for the roadside by putting their parking in the rear. They are trying to be consistent with the character of the neighborhood and the spirit of the Bylaws. The 2 facades of the bank buildings will match up, they’ll share the green space and the buildings meet setbacks. They will repair the split rail fence at the back, and remove the dilapidated shed.

Turning to the walkway and parking, some will be gravel and some pavement, as seen on the plans. Richard Leonard pointed out the shared tree islands they are putting in to break up the shared parking. They are not going to touch the existing trees and swale; they will build up the visual buffer in order to screen for the neighbors.

John powers asked if the lot lines interposed over the google aerial map previously shown were correct; is there going to be a lot line change for the new property? The answer was no change. Bruce said the required rear setback is 40’, as the property abuts residential property, not the 20’ usually required in the Mixed Business District. They will maintain this 40’ as a buffer; the parking will not extend into it.

Eric said taller windows on the front façade would make it look better from the road, as would perhaps a track going over the top looking like a barn door to emphasize the barn concept. Larry’s photos were introduced. Not that he is trying to design the building for them, he added. Bruce was open to the idea, saying he did not want to have to add a door on the front. It will not be a traffic-y building, perhaps 10-20 customers a day. He would address the roadside façade, make it less severe. Richard Leonard said in their present bank building, that is a regular bank, the front door is opened,

but it was never meant as a real entrance. It is their intent to look like a barn is complementing a main house.

Eric asked about the sidewalls and roof. The roof will be asphalt shingles; the walls a mix of painted clapboard and shingle. The silo will have vertical barn board and most likely, a lead coated copper roof. At this point Tony Higgins said the stair tower doesn't work, and it's too short. Bruce said it's for the stairs and the best way to put stairs in the building; he doesn't want it higher, it would overwhelm the building. Eric suggested the stairs be round, winding and therefore the silo could be thinner; he doesn't like it proportionately. Bruce said he'd look into it, code issues with the treads and risers may be at stake here; he at one point tried to square it off and it looked like a tower, rather than a silo and they are using the barn effect; a square tower looks Victorian. If the silo is squeezed thinner, it will need to get taller. He tried a gable roof for it and it got fussy. It all is subjective he said. They did do a lot of studies on the design. Richard Leonard agreed they could look into a taller silo. ZBA members suggested that windows follow the stairs up the staircase, rather than just be at the top. Bruce thought there might be code issues for businesses regarding that. On the subject of the road façade and front door, Larry discussed that a barn door façade would make the front less severe, not that he was trying to design their building. Other members agreed, saying the windows on the road side could be made taller and wider. Tony Higgins said he understood the resistance to build a front door you never use.

Eric asked the 3 abutters present for their comment and questions. Eric Serpa introduced himself as an abutter to John Powers and Linda Carroll property, to the rear of Vineyard Gardens and part of the bank lot. He referred to the drawings for the screening and buffer zone: They looked like different drawings than what he had previously seen; it was confusing because the lighter green color code stands for trees being taken away and the light green is in the buffer zone on the plan. Bruce said they denote trees that will be removed from elsewhere on the lot and put into the buffer zone.

John Powers, to the rear of the bank lot, showed the Board photos on his laptop that he'd taken of the existing vegetation between their Island Farm residential lots and businesses in front of them. He said the existing screening is spotty; he would like the proposed screening to be defined and to be enforceable; there has been no enforcement for screening on the Wiley property (Vineyard Gardens); the Bank complied after a while. It was not made clear which board or committee had had oversight of the Wiley business; Eric thought it might have been the old Plan Review Committee. The Board asked how the Tea Lane screening was? John, Linda and Eric said Tea Lane had put up a stockade fence and a lot of evergreens; very good screening.

Bruce and Richard Leonard said they would be happy to meet with them and other neighbors to work out the screening. John Powers said he wanted to make sure it was on paper, that it's enforceable. He is not opposing the building. Showing a photo of the rear of the Wiley property, he said originally a 40' line of screening, extended from lot line to lot line, was supposed to be in place. Later Wiley's buffer requirements (the 40') were lessened, but the required screening is not there. There was temporary screening only. John said, that's why he's here, conditions were put on the Wiley property and they haven't been enforced. Eric Serpa said, a fence is there, but there is a building up at the property line at the rear and no (vegetative) screening.

John Powers said he's not complaining about the bank, except for the traffic at night. Richard Leonard said they would work with the neighbors; work out a landscape plan, a plan that is agreed upon must be in place before a Certificate of Occupancy is given. They can also work out buffer

plans for the Tea Lane shared bound. (The MVC has conditions on the buffers) John asked how many employees will there be? The answer was about 9 on the 1st floor and 14 on the 2nd floor. The 1st floor would get the customers, about 10-20 a day. John asked if this meant 90 trips a day? Bruce and Richard thought 90 would be at the upper end.

Linda Carroll said that the sound of cars on gravel is very loud; cars come into to use the ATM at night. Bruce explained there would be a filtration system under the gravel and said there would be problems with storm water if they used a non-porous surface. All agreed that stockade fencing and screening would help reduce the gravel noise. John said that the Bank currently has garbage picked up two times a week at 5 AM. He can see the garbage area from his property; it's screened off from the Bank, but not the neighbors to the rear. Richard Leonard said they would change the garbage areas so they won't be seen.

John Powers said there are drainage difficulties in the neighborhood; a neighbor he didn't name has been cited 3 times for no drainage, heavy rains spilling water onto State Road. He asked how the Bank dealt with runoff from this property. Richard Leonard said on rainy days there is run off from Vineyard Gardens. John said the infiltrators are silted over. Richard said they need to address that with their neighbor. John asked where the existing building (the antique store) was going. Richard and Bruce said they had 3 prospective buyers; the trouble is it's a fussy building to move as it has an ell and a fireplace. John asked about their septic plans. The answer was that Glenn Provost is doing the drainage and septic plans; in the grassed areas there will be nitrogen mitigation. The well is at the back of the lot; it will be moved as it would be too close to the new septic system. John, referring to the vegetated island in the middle of the new parking configuration, asked if it existed. The answer was yes and that a new island would be added.

Tucker asked how many currently work in the banks offices at the Cournoyer building across from Cronig's? Approximately 7-9. Tucker pointed out that the MVC decision concluded that there would be less traffic and less trips downtown. Richard and Bruce replied that that was not their contention in their application to them, but something they wrote on their own. Tucker suggested the Board might want to continue the hearing to address 2 points: The façade and the silo. Larry had concerns for the look of the eave wall façade. Bruce said they could make the windows more informal. Eric felt the trees and any bushes on the sides would soften. Larry said the barn design on the front would mitigate no door there, plus it is practical that the parking is at the rear and that the business needs privacy. Bruce said by reducing the stairs to 36" could shrink the silo by about 3', and they could tweak the height. Perhaps they could put more windows around it.

The Board continued the hearing to the following Tuesday at 6. Not sure if a Howes House room would be available on a non-Wednesday, the Board accepted John Power's suggestion that they use the 1st floor of the Music Street Old Library Building, currently John's and Ernie Mendenhall's office space.

OTHER CORRESPONDENCE

Copy of Planning Board letter to Richard Knabel re DAS permitting Survey from MVC (Island Plan)

The meeting was adjourned at 9 PM.
Respectfully submitted, Julie Keefe, Board Admin.

Approved on November 25, 2008