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Martha's Vineyard Commission

CR 8-2023 33 Lagoon Pond Demolition

Commission Staff Report – 2023-9-11

1. DESCRIPTION

- 1.1 **Owner:** Sawyer Realty Group, LLC
- 1.2 **Applicant:** Sawyer Realty Group, LLC
- 1.3 **Applicant's Agent:** Attorney Jay Talerman of Mead, Talerman & Costa, LLC
- 1.4 **Project Location:** 33 Lagoon Pond Road, Tisbury
- 1.5 **Proposal:** Following the demolition of a Circa 1900 two-family dwelling, construction of a four-story dwelling in the flood zone that contains two residential units with two bedrooms apiece and also contains two garage bays.
- 1.6 **Zoning:** Waterfront Commercial
- 1.7 **Local Permits/Reviews:** Tisbury Building Department, Tisbury Fire Department, Tisbury Planning Board, Tisbury Wastewater Department
- 1.8 **Surrounding Land Uses:** To the North, the Project Site abuts a residence. To the East, the Project Site fronts Lagoon Pond Road. Across the road is a shellfish processing and distribution business. To the South, the Project Site abuts a residence. To the West, the Project Site abuts Veterans Memorial Park.
- 1.9 **Project History:** An order was issued December 30, 2023 by the Tisbury Building Department to remove the dwelling at 33 Lagoon Pond Road based on the Department's opinion the dwelling was "extremely susceptible to catastrophic failure."

2. ADMINISTRATIVE SUMMARY

- 2.1 **DRI Referral:** Tisbury Planning Board
- 2.2 **DRI Trigger:** 8.1A (b) demolition of a structure greater than a century old (Mandatory Concurrence)
- 2.3 **LUPC:** Slated September 11, 2023
- 2.4 **Public Hearing:** September 21, 2023

3. PLANNING CONCERNS

- 3.1 **Stormwater:** The proposed structure is located in the flood zone. However, the first story has no living space and is instead designed as a two-bay garage.
- 3.2 **Wastewater:** The prior two-family dwelling was connected to municipal sewer
- 3.3 **Character, and Identity:**
 - In a letter to the Commission, the Tisbury Historical Society (THC) notes that Lagoon Pond Road was formerly known as Howard Avenue—colloquially known as Chicken Alley—that was inhabited by Portuguese immigrants in the late 19th Century and early 20th Century. THC notes the homes in that neighborhood were "small" and "inexpensive".
 - "THC feels this is one of those cases where the area's historical significance lies in the structure and evolution of the neighborhood rather than in the structures that comprise it,"

the THC letter states. “The original architectural vibe of Lagoon Pond Road was small, 1- or 1.5-story single-family homes. The new zoning laws mean that any new residential construction in the area will be visibly out-of-scale with the old c. 1900 structures. The existing residential neighborhood along the odd side of Lagoon Pond Road, as it was built c. 1900, is on borrowed time because of rising sea levels.”

- THC describes the proposed replacement dwelling at 33 Lagoon Pond Road as “in no way sympathetic to the neighboring properties” and expresses the belief a redesign is in order.
- In a project narrative, Mike Sawyer of Sawyer Realty Group, LLC states the property has been in a state of disrepair and alleged it suffered from disturbances, junk, derelict vehicles, drug-dealing, and unsanitary behavior.
- Sawyer deemed the building a teardown because of foundation damage, rotten sills, black mold, exterior wall distortion, vegetation infiltration, vermin, structural sagging, beam decay, and a roof concavity, according to the project narrative.

3.4 Social Development/Safety & Health:

- Based on the Applicant’s project narrative, whether or not the prior building posed a threat to public health

3.5 Impacts on the provision of municipal services or burden on taxpayers:

- Whether or not the height of the proposed replacement dwelling or the terrain around the proposed replacement dwelling would present a burden to the Tisbury Fire Department or other fire departments responding via mutual aid in the event of a structure fire.