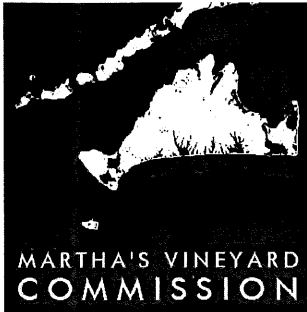




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Decision of the Martha's Vineyard Commission

DRI 659-M North Bluff Modification

1. SUMMARY

- Referring Board:** Self-Referred by the Town of Oak Bluffs
- Subject:** Development of Regional Impact #659-M North Bluff Modification
- Project:** Modification to the North Bluff Seawall project, including a roundabout and parking.
- Owner:** Town of Oak Bluffs
- Applicant:** Tim Wong, Waterfield Design Group
- Applicant Address:** Tim Wong Deborah Potter
50 Cross Street P.O. Box 1327
Winchester, MA 01890 Oak Bluffs, MA 02557
- Project Location:** 21 Sea View Ave Extension (Map 9, Lot 58) and 30 Circuit Ave Extension (Map 8, Lot 293); 2.53 acres combined.
- Decision:** The Martha's Vineyard Commission (the Commission) approved the application for the project as a Development of Regional Impact with conditions, at a vote of the Commission on December 1, 2022.
- Written Decision:** This written decision was approved by a vote of the Commission on December 15, 2022.

The permit-granting authorities of the Town of Oak Bluffs may now grant the request for approval of the Applicant's proposal in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law, or may deny the request for approval.

2. FACTS

The exhibits listed below including the referral, the application, the notice of the public hearing, the staff report, the plans of the project, and other related documents are incorporated into the record herein by reference. The full record of the application is kept on the premises of the Martha's Vineyard Commission.

2.1 Referral

The project was referred to the Commission on March 28, 2022, by the Applicant for action pursuant to Chapter 831 of the Acts of 1977, as amended (the Act) and the Commission's Standards and Criteria Administrative Checklist for Developments of Regional Impact, DRI Checklist Items: 1.3D Modification to a Previous Development of Regional Impact. In an email sent to Alex Elvin on September 13, 2022, the Applicant opted to proceed with a public hearing review as a Development of Regional Impact.

2.2 Hearings

Notice: Public notice of the hearing on the Application was published in the MV Times on September 29 and October 6, 2022; notice was also published in the Vineyard Gazette on September 30 and October 7, 2022. Abutters within 300 feet of the property were notified by mail on September 27, 2022.

Hearings: The Commission held a duly noticed public hearing on the Application that was conducted pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831 on October 13, 2022. The hearing was continued to November 3, 2022 and closed that night with the exception of the written record, which was left open until November 10, 2022 at 5:00 p.m. and closed at that time. The hearings were held entirely using remote conference technology as allowable under Chapter 22 of the Acts of 2022.

2.3 The Plan

The following plans and documents submitted by the Applicant and contained in the Commission's project file constitute "the Plan." All pages are 8.5" x 11" unless otherwise noted.

- P1. North Bluff Concept Plans prepared by Waterfield Design Group, consisting of four (4) 17" x 11" pages, including: Concept Plan, Final Concept Plan endorsed at 2-15-17 Public Meeting; Concept 1, layout alternative from 10-28-16 Public Meeting; Concept 2, layout alternative from 10-28-16 Public Meeting; and Concept 3, layout alternative from 10-28-16 Public Meeting.
- P2. Streetscape Design/Concept Sketches for North Bluff: Extended Circulation Concept, consisting of one (1) 28" x 12" page, scale 1" = 20', received February 18, 2021.
- P3. Application Package for North Bluff Modifications prepared by Waterfield Design Group, consisting of nine (9) 17" x 11" pages, scale 1" = 50', received March 28, 2022 including: 1- North Bluff: Existing Conditions; 2-Proposed Site Plan; 3-Traffic & Usage: Existing Conditions; 4-

Traffic & Usage: Proposed; 5-Parking: Existing Conditions; 6-Parking: Proposed; 7-Turning Studies; 8-Turning Studies; and 9-Turning Studies.

- P4. North Bluff Design Drawings Package prepared for the Town of Oak Bluffs by Waterfield Design Group, consisting of four (4) 36" x 24" pages, scale 1" = 20', dated July 28, 2022, including: C-1 Layout & Materials Plan; C-2 Pavement Markings & Signage Plan; C-3 Conceptual Drainage Plan; and C-4 Planting Plan.
- P5. North Bluff Streetscape Parking: Proposed with fishermen parking shown, consisting of one (1) 17" x 11" page prepared by Waterfield Design Group, scale 1" = 50', received October 13, 2022.
- P6. Revised North Bluff Design Drawings Package prepared for the Town of Oak Bluffs by Waterfield Design Group, consisting of four (4) 36" x 24" pages, scale 1" = 20', dated October 31, 2022, including: C-1 Layout & Materials Plan; C-2 Pavement Markings & Signage Plan; C-3 Conceptual Drainage Plan; and C-4 Planting Plan.
- P7. Revised Application Package for North Bluff Modifications prepared by Waterfield Design Group, consisting of ten (10) 17" x 11" pages, scale 1" = 50', received November 1, 2022 including: 1-North Bluff: Existing Conditions; 2-Proposed Site Plan; 3-Traffic & Usage: Existing Conditions; 4-Traffic & Usage: Proposed; 5-Parking: Existing Conditions; 6-Parking: Proposed; 7-Turning Study 1 - Fire Truck; 8-Turning Study 2 - Tour Bus; 9-Turning Study 3 - Loading Docks; and 10-Turning Study 4 - Bus Lane by Ferries.
- P8. Revised North Bluff Design Drawings Package prepared for the Town of Oak Bluffs by Waterfield Design Group, consisting of four (4) 36" x 24" pages, scale 1" = 20', dated November 9, 2022, including: C-1 Layout & Materials Plan; C-2 Pavement Markings & Signage Plan; C-3 Conceptual Drainage Plan; and C-4 Planting Plan.
- P9. Revised Application Package for North Bluff Modifications prepared by Waterfield Design Group, consisting of ten (10) 17" x 11" pages, scale 1" = 50', received November 9, 2022 including: 1-North Bluff: Existing Conditions; 2-Proposed Site Plan; 3-Traffic & Usage: Existing Conditions; 4-Traffic & Usage: Proposed; 5-Parking: Existing Conditions; 6-Parking: Proposed; 7-Turning Study 1 - Fire Truck; 8-Turning Study 2 - Tour Bus; 9-Turning Study 3 - Loading Docks; and 10-Turning Study 4 - Bus Lane by Ferries.

2.4 Other Exhibits

- E1. Referral to the Martha's Vineyard Commission from the Town of Oak Bluffs, received March 28, 2022.
- E2. Oak Bluffs Streetscape Master Plan, consisting of twenty-five (25) pages, dated July 2015.
- E3. DRI 659 North Bluff Sea Wall Replacement MVC Decision, consisting of nine (9) pages, dated January 7, 2016.

- E4. Email from Charlie Bardelis, Jr., President and Owner of the Island Queen, to the Oak Bluffs Streetscape Committee, consisting of six (6) pages, dated October 26, 2016.
- E5. Meeting Notes of the Oak Bluffs Streetscape Committee, compiled by Tim Wong of Waterfield Design Group, consisting of three (3) pages, dated October 26, 2016.
- E6. Letter from Dylan Fernandes, State Representative, and Julian Cyr, State Senator, to Lieutenant Governor Polito in support of the Seaport Economic Council grant application for the proposed improvements to the North Bluff, consisting of one (1) page, dated May 27, 2020.
- E7. Letter from Christine Todd, Executive Director of the Oak Bluffs Association, to Ellen Cebula, Seaport Economic Council, in support of the grant application for the proposed improvements to the North Bluff, consisting of one (1) page, dated May 29, 2020.
- E8. Emails between Tim Wong, Jacob Murray (Waterfield Design Group) and Carlos Fragata (MassDEP) regarding Chapter 91 permitting, consisting of five (5) pages, dated between February 25, 2021 and April 25, 2022.
- E9. Emails between Tim Wong and Alex Elvin with answers to staff questions, consisting of six (6) pages, dated between April 26, 2022 and August 10, 2022.
- E10. Emails between Tim Wong and the Oak Bluffs Harbormaster, consisting of two (2) pages, dated between June 16, 2022 and September 30, 2022.
- E11. Project Narrative for North Bluff Streetscape Improvements, Circuit Avenue Extension & Seaview Avenue Extension, Town of Oak Bluffs, Description of Proposed Development and Summary of Impacts, prepared by Waterfield Design Group, consisting of nine (9) pages, dated August 8, 2022.
- E12. Staff Report for DRI 659-M North Bluff Modification, consisting of four (4) pages, dated September 9, 2022 and updated on November 1, 2022.
- E13. Staff Presentation on DRI 659-M North Bluff Modification to the Land Use Planning Committee, consisting of thirty-two (32) pages, dated September 12, 2022.
- E14. Emails between Tim Wong and Alex Elvin with responses to MVC and staff questions, consisting of eight (8) pages, dated between September 13, 2022 and October 12, 2022.
- E15. Emails between Tim Wong and Alex Elvin with responses to MVC and staff questions, consisting of ten (10) pages, dated between September 13, 2022 and November 9, 2022.
- E16. Staff Presentation on DRI 659-M North Bluff Modification to the Martha's Vineyard Commission, consisting of thirty-three (33) pages, dated October 13, 2022; and updated to consist of forty-five (45) pages on November 3, 2022.

- E17. Memo from Waterfield Design Group regarding DRI 659-M North Bluff Modifications Revisions to Plans and Responses to MVC Questions, consisting of three (3) pages, dated November 1, 2022.
- E18. Memo from Waterfield Design Group regarding DRI 659-M North Bluff Modifications Revisions to Plans and Responses to MVC Questions, consisting of one (1) page, dated November 9, 2022.
- E19. Staff Presentation on DRI 659-M North Bluff Modification to the Land Use Planning Committee, consisting of fifty (50) pages, dated November 21, 2022.
- E20. Seven (7) letters from the following citizens: Aaron Naparstek (with response from Tim Wong), October 12 & 13, 2022; Nancy Read Hendricks, October 12, 2022; Ben Hall, Jr. (3): October 13, 2022 (2) and November 10, 2022; Jason Lew, October 13, 2022; Bryan Nelson, November 10, 2022; and Anne Debettencourt, November 10, 2022.
- E21. Minutes of the Land Use Planning Committee's Modification Review, September 12, 2022.
- E22. Minutes of the Commission's Public Hearing, October 13, 2022.
- E23. Minutes of the Commission's Continuing Public Hearing, November 3, 2022.
- E24. Minutes of the Land Use Planning Committee's Post-Public Hearing Review, November 21, 2022.
- E25. Minutes of the Commission's Deliberation & Decision, December 1, 2022.
- E26. Minutes of the Commission's Approval of the Written Decision, December 15, 2022.

2.5 Summary of Testimony

The following gave testimony during the public hearing on October 13, 2022:

- Staff presentation by Alex Elvin, DRI Coordinator and Mike Mauro, Transportation Program Manager.
- Presentation of the project by Tim Wong, Design Project Manager; Deborah Potter, Oak Bluffs Town Administrator; and Ryan Ruley, Chair of the Oak Bluffs Selectboard.
- Oral testimony from Public Officials: none.
- Oral testimony from the Public:
 - Jason Lew, abutter, had concerns about idling vehicles and bus placement.
 - Richard Toole, Oak Bluffs resident, spoke in favor of the project.
 - Ben Hall, Jr. had concerns about the loss of parking.
 - Christine Todd, Oak Bluffs resident suggested providing a shelter for the ferry queue.

The following gave testimony during the public hearing on November 3, 2022:

- Staff presentation by Alex Elvin, DRI Coordinator.
- Presentation of the project by Tim Wong, Design Project Manager; Deborah Potter, Oak Bluffs Town Administrator; and Ryan Ruley, Chair of the Oak Bluffs Selectboard.
- Oral testimony from Public Officials: none.

- Oral testimony from the Public:
 - Peter Bradford, Oak Bluffs Resident and businessowner, provided suggestions about taxi parking.
 - Ben Hall, Jr. reiterated concerns about the loss of parking.
- Closing statement by Ryan Ruley.

3. FINDINGS

3.1 Project History

The MVC approved DRI 659 (North Bluff Seawall) in 2016, allowing for the replacement of a 720-foot-long concrete seawall on the North Bluff with a sheet metal pile-driven seawall four feet higher and built over the existing concrete wall, with timber boardwalk on top and stone revetment in front. The boardwalk runs from the fishing pier to the harbor parking lot, and an ADA accessible ramp connects the parking lot to the beach. The approval included conditions related to lighting, landscaping, and maintenance. The seawall project was completed in 2016.

Concept plans for the current proposal were presented in public forums in 2016-2017 in conjunction with the Oak Bluffs streetscape master planning process.

3.2 Project Description

The proposal is to redevelop the vehicle and pedestrian infrastructure in the North Bluff area, including a landscaped roundabout and reorganized parking areas. According to the applicant, “This redevelopment plan aims to organize vehicular circulation, shorten waiting times, improve vehicular and pedestrian safety, reduce impervious area, improve stormwater recharge, and beautify the aesthetics of the area to enhance the experience of both ferry passengers and Oak Bluffs pedestrians.”

The project coincides with streetscape improvement efforts in downtown Oak Bluffs, as outlined in the 2015 Oak Bluffs Streetscape Master Plan.

3.3 Statutory Authority

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 by protecting these values from development and uses which would impair them, and by promoting the enhancement of sound local economies.”

The Commission has reviewed the proposal as a Development of Regional Impact, using the procedures and criteria that the Commission normally uses in evaluation the benefits and detriments of such a proposal. The Commission has considered the Application and the information presented at the public hearing, including listening to all testimony presented and reviewing all documents submitted during the hearing and review period.

3.4 Benefits and Detriments

Based on the record and testimony presented therein, the Commission finds the following pursuant to Sections 14 and 15 of the Act.

A. THE COMMISSION FINDS THAT THE PROBABLE BENEFITS OF THE PROPOSED DEVELOPMENT WOULD EXCEED THE PROBABLE DETRIMENTS, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(a) OF THE ACT.

The Commission finds that the probable benefits of the project outweigh the probable detriments, as described below. With respect to impacts upon the environment (Section 15(b) of the Act) and impacts upon persons and property (Section 15(c) of the Act), the Commission finds the project would have a beneficial impact. The Commission finds the project would not adversely affect the provision of municipal services or burden on taxpayers (Section 15(e) of the Act), or existing public facilities (Section 15 (f) of the Act), and would generally align with local planning objectives.

A1. The Commission finds that the proposed development at this location is essential and appropriate in view of the available alternatives (Section 15(a) of the Act.)

The project aims to improve vehicle and pedestrian circulation in a heavily traveled and highly visible part of Oak Bluffs that is historically problematic in terms of traffic in season. The project also aims to improve the visitor experience by introducing seating, vegetation and way finding to this main gateway to the Island. The project will correspond to other recent streetscape improvements in Oak Bluffs undertaken by the town, and will not create any new uses in the area. As such, the Commission finds the project is both appropriate and essential in view of the alternatives.

A2. The Commission finds that the proposed development would have a neutral impact upon the environment relative to other alternatives (Section 15(b) of the Act).

Stormwater

- The project area is mostly paved, including the roadways and a concrete walkway along the seawall. The project will reduce impervious surface area by about 1,500 ft².
- Existing drainage is via a series of pipes that discharge into Oak Bluffs Harbor.
- According to the applicant, "The proposed system will collect stormwater runoff from the roadway in new catch basins placed along the roadway curbing. These catch basins will tie into the existing drainage system. Stormwater runoff from a portion of the new concrete plaza will be collected through curb gutter inlets and directed to stormwater planters where the runoff will be infiltrated and treated by the vegetation."
- The applicant has stated that the drainage system is not designed to contain runoff from a 25-year storm, but that runoff exceeding the system capacity would drain into the harbor.
- The project will introduce new green spaces to an area that is mostly paved.

A3. The Commission finds that the proposed development would have a beneficial effect upon other persons and property (Section 15(c) of the Act).

With respect to Traffic and Transportation (considered a primary factor in the decision), the Commission finds the project would have a beneficial impact by better organizing traffic flow for vehicles and pedestrians in a problematic area while maintaining approximately the same number of parking spaces as before.

With respect to Scenic Values (considered a primary factor in the decision), the Commission finds the project would have a beneficial impact by improving one of the main gateways to the Island, including the addition of green spaces for pedestrians.

With respect to Impact on Abutters (considered a primary factor in the decision), the Commission finds the project would create a benefit by improving traffic along the waterfront while taking steps to preserve existing views, and by creating a more welcoming environment where shoppers may choose to spend more time. The Commission notes testimony from the Applicant that the project would not obstruct any existing driveways.

With respect to Landscape and Lighting, the Commission finds the project would have a beneficial impact by adding green space, which in turn would help mitigate heating from the paved areas.

The Commission also notes the following:

Traffic and transportation

- Access to the North Bluff area is currently via Sea View Ave. Extension, with a space for cars to turn around at the bottom. The applicant has stated that the confluence of vehicles in that area leads to slow and disorganized circulation at busy times such as ferry arrivals and departures. There are currently no crosswalks in the vicinity, which creates further disorganization.
- The project features a roundabout to address traffic flow. The roundabout will channel traffic into 1) active drop-off lanes and a taxi stand area just to the south, 2) a 15-minute parking area to the north, or 3) back onto Sea View Ave. Extension.
- The project will reduce the number of public 4-hour spaces, but the total number of parking spaces, including the active dropoff area, will remain about the same. The dedicated dropoff area would reduce pressure on the 15-minute spaces.
- The project will reduce the need for vehicles to back into the travel way.
- Spaces for two tour busses will be located west of the roundabout and south of the active dropoff area. Crosswalks at the roundabout will connect the tour bus area with the pedestrian area to the north.

Proposed parking changes, based on site plan:

TYPE	EXISTING	PROPOSED	CHANGE
4-hour	24	19	-5
2-hour	11	10	-1
15-minute	15	11	-4
Harbormaster	3	4	+1
Loading for fishing boats	1	1	0

Parking for fishermen	3	3	0
Bus	2	2	0
Taxi	6	6	0
Active dropoff/pickup	0	8	+8
TOTAL	65	64	-1

- The new taxi areas will not be for rideshare vehicles, which are supposed to arrive on request and not require staging. Rideshare vehicles will be allowed to use any of the active dropoff areas.
- The applicant has stated that the project would make it easier for the town Police Department to monitor the area, and that the Harbormaster Department could potentially be deputized for that purpose.
- The applicant is also researching ways to prevent idling of vehicles, including busses, which is prohibited under MGL Chapter 90, Section 16A.
- The plan was revised in November to relocate the taxi stand areas to the north side of the roundabout and roadway, and increase the number of designated taxi spaces from four to six; and redesignate six of the spaces near the boardwalk entrance from 15-minute to four-hour parking.
- All of the four-hour, two-hour, and 15-minute spaces will be available as overnight spots for commuters by permit, as is currently the case.
- The project will create a larger area for pedestrian traffic, including queuing areas for the passenger ferries, a harborside walk, landscaped areas, granite sitting walls, and benches. The harborside walk will wrap around the end of the North Bluff area and connect to the existing boardwalk, which continues south to the Steamship Terminal. The pedestrian areas including the harborside walk will consist of concrete pavement.
- The project does not include any shelter for pedestrians waiting in the area, in part to avoid obstructing views of the ocean and harbor and reduce maintenance. However, the applicant has indicated that the benches would not need to be fixed to the ground, so changes could be made to the pedestrian area if required in the future.
- MVC transportation staff concurred that the project would be a geometric improvement to the existing traffic infrastructure in the area.

Scenic values

- The project site is heavily traveled by automobiles, boats, and pedestrians, and has wide views of Oak Bluffs Harbor and Nantucket Sound. It is a gateway to the Island for visitors traveling on the three non-SSA ferries into Oak Bluffs.
- The project will include a larger area for pedestrians, including landscaped islands, sitting walls and benches, and will connect to the existing boardwalk to the south.
- No buildings or roofed structures are proposed for the site.

- The project was revised in November to relocate the proposed tour bus parking from the end of Sea View Ave. Extension to the area west of the roundabout, in part to preserve ocean views from the road and the abutting property at 26 Sea View Ave. Extension.

Impact on abutters

- Abutter concerns focused mostly on how the project would affect existing views, as well as access to an existing driveway and the safety of vehicles using the area.
- The project was revised to relocate the bus parking farther inland, in order to preserve views of Nantucket Sound.
- The applicant has stated that the project would make it easier for the town Police Department to monitor the area.
- The applicant is also researching ways to prevent idling of vehicles, including busses, which is prohibited under MGL Chapter 90, Section 16A.

Landscape and lighting

- Existing landscaping in the proposed pedestrian area is minimal, and will be expanded with additional plantings and landscaped areas.
- The applicant consulted with Polly Hill Arboretum on the plant selection, which includes only native or Island-appropriate shrubs, which are more tolerant to wind and salt than trees and perennials and require less maintenance. (The applicant stated that the Polly Hill did not recommend planting trees on the site due to the environmental conditions.)
- The planting beds will be contained by granite curbs and concrete sitting walls. The town stormwater system will be partly diverted to water the beds.
- The site currently has 10' pole lighting, which is installed throughout the downtown area. The project will involve replacing the existing fixtures with LED Dark Sky compliant globe fixtures, as the town has already done on Circuit Ave. New poles will also be installed in the pedestrian area.
- The project will involve new signage, including wayfinding signs at the ferry docks, parking signs, and pavement markings. The wayfinding signs will be similar in style to others in the downtown area.

A4. The Commission finds that impacts associated with the supply of needed low- and moderate-income housing for Island residents (Section 15(d) of the Act), do not apply to this project.

A5. The Commission finds that the proposed development would have a neutral impact on the provision of municipal services and the burden on taxpayers in the making provision therefore(Section 15(e) of the Act).

The project would likely have a minimal impact on municipal services and taxpayers. In terms of funding, the Applicant stated that the town received a Seaport Economic Council grant for the majority of the project cost, and the town will provide the balance as its contribution to the project.

A6. The Commission finds that the proposed development would use efficiently and would not unduly burden existing public facilities or those to be developed within the succeeding five years (Section 15 (f) of the Act).

The project is intended to improve existing public facilities (roads and waterfront).

A7. The Commission finds that the project as proposed generally does not interfere with the ability of the municipality to achieve objectives set forth in the municipal general plan, and would not contravene land development objectives and policies developed by regional or state agencies (Sections 14(b), 15(g), and 15(h) of the Act), respectively.

The project generally aligns with the Island Plan, including section 9 (Transportation).

A8. The Commission finds that the proposed development as conditioned is consistent with municipal ordinances and by-laws (Section 14(c) of the Act).

B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WOULD BE GENERALLY CONSISTENT WITH THE LAND DEVELOPMENT OBJECTIVES OF THE COMMISSION, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(b) OF THE ACT.

C. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH MUNICIPAL DEVELOPMENT ORDINANCES AND BY-LAWS, TO THE BEST OF THE COMMISSION'S KNOWLEDGE.

The project is allowable by town zoning.

D. THE COMMISSION FINDS THAT THE SITE IS IN CONFORMANCE WITH THE REGULATIONS OF DISTRICTS OF CRITICAL PLANNING CONCERN, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(d) OF THE ACT.

The project site is not within any Districts of Critical Planning Concern.

In sum, after careful review of the plan and its attendant submittals and the testimony presented by the Applicant and others, and the addition of conditions and offers, the Commission has concluded that the probable benefits of this proposed development in this location exceed its probable detriments in light of the considerations set forth in section 15 of the Act.

4. DECISION

The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on December 1, 2022 and made its decision at the same meeting.

The following Commissioners, all of whom participated in the hearings and deliberations, participated in the decision on December 1, 2022:

Voting to approve the project: Jeff Agnoli, Trip Barnes, Christina Brown, Jay Grossman, Fred Hancock, Joan Malkin, Kathy Newman, Kate Putnam, Ben Robinson, Doug Sederholm, Brian Smith, Jim Vercruyse, Peter Wharton

Voting against: Ernie Thomas

Ineligible to Participate: Michael Kim, Greg Martino, Linda Sibley

Based on this vote, the Commission approved the application for the project as a Development of Regional Impact with conditions.

This Written Decision is consistent with the vote of the Commission on November 17, 2022 and was approved by a vote of the Commission on December 15, 2022.

5. CONDITIONS

After reviewing the proposal for this Development of Regional Impact, the Commission imposes the following conditions in order to minimize the potential detriments and maximize the potential benefits:

1. A final drainage plan for the property shall be submitted to the LUPC for review and approval prior to receipt of a Certificate of Completion for the project.
2. A final landscape plan for the property shall be submitted to the LUPC for review and approval prior to receipt of a Certificate of Completion.
 - Only slow-release, water-insoluble nitrogen-source fertilizers may be used in the maintenance of landscaping.
 - Landscape must use only native or low-maintenance, drought-tolerant species that are non-invasive to minimize the application of nitrogen and water.
 - No pesticides or herbicides shall be used in the maintenance of landscaping.
3. A final exterior lighting plan for the property shall be submitted to the LUPC for review and approval prior to receipt of a Certificate of Completion.
 - All exterior lighting shall be downward-shielded and comply with International Dark Sky Association standards.
 - The color temperature of exterior lighting shall not exceed 3,000 Kelvin.
4. The applicant shall provide a surveyed, dimensional, as-built site plan prior to receipt of a Certificate of Completion.
5. Any proposed modifications to DRI 659-M, as approved herein, including any modification resulting in any change of use or change in intensity of use, shall be referred to the MVC for prior review and approval.

6. CONCLUSION

6.1 Permitting from the Town

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

The permit-granting authorities of the Town of Oak Bluffs may now grant the request for approval of the Applicant's proposal in accordance with this decision and may place further conditions thereon in accordance with applicable law or may deny the request for approval. Any permit issued by the Town shall incorporate the plan approved by the Commission.

6.2 Notice of Appellate Rights

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 Oak Bluffs Town Clerk.

6.3 Length of Validity of Decision

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.

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6.4 Signature Block

Jim Vercruysse
Jim Vercruysse, Vice-Chair

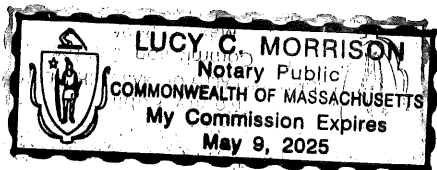
12/19/2022
Date

6.5 Notarization of Decision

Commonwealth of Massachusetts

County of Dukes County, Mass.

On this 19th day of December, 2022, before me, Lucy C. Morrison, the undersigned Notary Public, personally appeared Jim Vercruysse, proved to me through satisfactory evidence of identity, which was personal knowledge to be the person whose name was signed on the preceding or attached document in my presence, and acknowledged to me that he signed it voluntarily for its stated purpose as a free act and deed, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.



Lucy C. Morrison
Signature of Notary Public

Lucy C. Morrison

Printed Name of Notary

My Commission Expires May 9, 2025

6.6 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: December 27, 2022

Deed: Book 1644, Page 1060

Document Number: 7773

ATTEST: Paulo C. DeOliveira, Register
Dukes County Registry of Deeds