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Determination (Partial) of the Martha's Vineyard Commission DRI 674-M5 Stone Bank Development

July 11, 2023

Reid "Sam" Dunn

Dunn Family, LLC dba Dunn MV Investments

79 Beach Road

Tisbury, MA 02568

Dear Mr. Dunn:

On the evening of July 6, 2023 the Martha's Vineyard Commission (Commission) convened to review DRI 674-M5 Stone Bank Development. DRI 674-M5 Stone Bank Development entails modifications made to buildings and grounds that are encompassed in DRI 674-M Stone Bank Condos and DRI 674-M3 Stone Bank Restaurant. Following a June 20 site visit, and upon consideration of documentation, commentary, and photography, including but not limited to, a staff report, a staff presentation, "Overall Site Plan and Elevations 23-1-23 CORRECTED," "Stone Bank elevations and floor plans 2-8-21," the written decision of the Commission for DRI 674-M Stone Bank Condos signed and notarized May 14, 2021, numerous staff photographs taken between February and July of 2023, and remarks by Mr. Dunn, the Commission voted **not to approve** a modification consisting of **metal chimneys** mounted atop all buildings in the development, except 75 Main Street, the historic bank building, and 24 Union Court, a building that previously accommodated drive through banking. No hearing is slated for this matter. It was the general opinion of the Commission that the metal chimneys were an unacceptable departure from the traditionally shaped chimneys depicted in the 2021 plans. Through the Chair, the Commission advised Mr. Dunn not to attempt a construction remedy until such time as the Land Use Planning Committee (LUPC) receives and reviews plans of such a remedy. Applicant Dunn Family, LLC is therefore instructed to generate remedial plans and to inform the Commission when those plans are ready to be reviewed.

Also on the evening of July 6, 2023, following the aforementioned site visit, and in consideration of, but not limited to, the aforementioned documentation, commentary, and photography, the Commission began a review of fireplaces located in multiple units in the development. The Commission was unable to determine whether or not the fireplaces constituted a modification or modifications and was also unable to determine whether or not the fireplaces violated Condition 5.3 of the 674-M Stone Bank Condos written decision. That condition states: "Interior space heating shall be with air-source heat

pumps.” Before the close of the meeting on July 6, 2023, the Commission directed the LUPC to review pertinent plans and arrive at a recommendation as to whether or not the fireplaces constitute a modification. Once a recommendation has been given by the LUPC, the fireplaces may be reviewed by a Commission Compliance Committee or may instead be reviewed by the full Commission as a modification. The applicant Dunn Family, LLC will be informed in advance as to which body will take up the matter after the LUPC.

Concerning the possible violation of Condition 5.3 of the 674-M Stone Bank Condos written decision, the Commission may continue to review the matter at a future meeting or may instead direct the LUPC to review it and make a recommendation. If the LUPC makes a recommendation, the Commission will likely revisit Condition 5.3 of the 674-M Stone Bank Condos written decision at a future meeting and consider the LUPC recommendation at that time. Applicant Dunn Family, LLC will be informed in advance as to what the sequence of events will be once they have been established.

Lastly, as was mentioned in the prior Partial Determination dated June 26, 2023, the Commission awaits a third-party review of possible floodwater impacts fencing, a retaining wall, and a foundation may or may not have at, or in the vicinity of, 30 Union Court. Until such time as a third-party report is completed and reviewed, the Commission doesn’t appear ready to bring the fencing, retaining wall, and foundation at 30 Union Court to a vote as modifications.

Thank you for your attention to this Partial Determination.

Respectfully:

Rich Saltzberg

DRI Coordinator