June 30, 2021

Re: LUPC approvals for DRI 674-M Stone Bank Condos

Dear Sam,

I am writing to inform you that on Monday, June 28, 2021, the MVC Land Use Planning Committee (LUPC) reviewed the following documents and information as required by the MVC Decision for DRI 674-M (these are also available at the MVC office upon request, or on the DRI webpage under “Post-Approval Plans”):

1. Plans for Buildings A and F as amended
   a. Floor plans (6/17/21)
   b. Floor plans and elevations (4/21/21)
   c. Site plan (6/17/21)
2. Condominium documents
   a. Master Deed (6/17/21)
   b. Declaration of Trust, including Rules and Regulations (updated 6/24/21)
3. Energy source for water heating, and location of HVAC units
   a. Site plan showing location of condensers (2/7/21)
4. Decibel rating for the air condensers
   a. Spec sheet printout (6/24/21)
5. Stormwater plan (3/3/21)
6. Information about exterior lighting
   a. Architectural drawings with location of lighting fixtures (4/21/21)
   b. Spec sheets printouts for the ceiling- and wall-mounted fixtures (6/24/21)
   c. Emails stating the height of the fixtures (6/24/21 and 6/25/21)

The LUPC voted to approve all of the above items, with the exception of 1 and 2b. In regard to item 1, the Applicant agreed to return with a revised plan showing that the relocated affordable unit will be at least equal in size to the affordable unit that was previously approved (650 ft²). In regard to item 2b, the Applicant will seek a modification to remove the requirement that rentals of the units by their owners may not exceed 21 days in total per calendar year. The LUPC acknowledged that the power source for water heating will be on-demand propane, and
that the eventual easements for public access to the property will include public access to the beach in order to comply with Condition 9.1.2.

As part of the approval, the Applicant agreed to modify Section 5.11.1 of the Declaration of Trust in order to better comply with Condition 3.6. The new language is as follows:

*The Condominium property borders tidal water and some parts of the property are in the flood zone, namely Buildings B, C, D-1, and D-2. In addition, sea level is rising. As a result, flood insurance rates are likely to increase. Due to sea level rise, higher storm surges, and increased coastal flooding, Unit Owners are hereby informed that in a storm event access to and from the units, including emergency access, may be limited or inaccessible. Owners are responsible for removing their vehicles in advance of storm events and for obeying all evacuation orders.*

Looking ahead, the following Conditions must still be met prior receipt of a Building Permit and/or Certificate of Occupancy:

- Revised plans for Buildings A and F to show an affordable unit that is equivalent to the one shown in the previously approved plans, and of at least the same size (Conditions 1.2 and 2.6; prior to receipt of a Building Permit).
- Final Declaration of Trust (Condition 2.1; pending modification review).
- Housing mitigation payment (Condition 2.8; prior to receipt of a Certificate of Occupancy).
- Report on Tisbury Historical Commission review, including discussion of rooftop solar panels (Condition 4.4; prior to receipt of a Building Permit).
- Final landscape plan (Condition 6.2; prior to receipt of a Certificate of Occupancy).

In addition, the identification of intended commercial uses of Building A is subject to the Commission’s approval as a modification (Condition 1.2).

If you have any questions, or if there is anything we can help with, please let me know.

Sincerely,

Alex Elvin
DRI Coordinator

cc: Ross Seavey
    Pat Harris