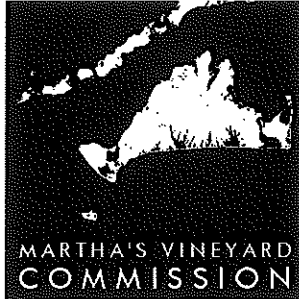




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Decision of the Martha's Vineyard Commission

DRI 702 122 Lighthouse Road

1. SUMMARY

- Referring Board: Planning Board Plan Review Committee, Town of Aquinnah
- Subject: Development of Regional Impact #702 122 Lighthouse Road Historic Demolition
- Project: Expansion of a single-family residence more than 100 years old and listed in MACRIS.
- Owner: Belle Histoire LLC
- Applicant: Laura and Max Decker
- Applicant Address: 31 Black Point Road
Chilmark, MA 02535
- Deed: Book 1581, Page 275
- Project Location: 122 Lighthouse Road. Map 6, Lot 57; approximately 1 acre.
- Decision: The Martha's Vineyard Commission (the Commission) approved the application for the project as a Development of Reginal Impact with conditions, at a vote of the Commission on June 17, 2021.
- Written Decision: This written decision was approved by a vote of the Commission on July 8, 2021.

The permit-granting authorities of the Town of Aquinnah 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 April 14, 2021 by the Planning Board Plan Review Committee of the Town of Aquinnah, MA 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 8.1a (Demolition/Exterior Alteration of Historic Structure) and 8.1b (Demolition/Exterior Alteration of a Structure over 100 years). 8.1a requires review as a Development of Regional Impact with a mandatory public hearing.

2.2 Hearings

Notice: Public notice of the hearing on the Application was published in the MV Times on June 10, 2021; notice was also published in the Vineyard Gazette on June 11, 2021. Abutters within 300 feet of the property were notified by mail on June 8, 2021.

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 June 17, 2021, which was closed that same night. The Commission voted to waive the post-public hearing Land Use Planning Committee meeting, and proceeded to deliberate and make a decision on the proposal at the same meeting of June 17, 2021. The hearing was held entirely using remote conference technology as allowable under Chapter 20 of the Acts of 2021.

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 36" x 24" and scaled to $\frac{1}{4}" = 1'-0"$ unless otherwise noted.

- P1. Septic Plan consisting of one (1) page prepared by Cody Coutinho of Vineyard Land Surveying & Engineering for Loretta Wolozin, 122 Lighthouse Road dated November 5, 2020, scale 1" = 20'.
- P2. Existing Conditions Package consisting of three (3) pages prepared by John Lolley, PE for 122 Lighthouse Road, Aquinnah dated March 30, 2021, including: EX100 Existing Floor Plans; EX200 Existing Exterior Elevations; and EX300 Existing Sections, scale $\frac{1}{2}" = 1'-0"$.
- P3. Proposal Package consisting of three (3) pages prepared by Crow Hollow Design for 122 Lighthouse Road, Aquinnah dated April 15, 2021, including: A100 Proposed Foundation & 1st Floor Design; A200 Proposed Exterior Elevations; and A300 Proposed Section Through Kitchen, scale $\frac{1}{2}" = 1'-0"$.

2.4 Other Exhibits

- E1. Referral to the MVC from the Aquinnah Planning Board Plan Review Committee, received April 14, 2021.
- E2. GAY.18 Inventory Report from the Massachusetts Cultural Resource Information System (MACRIS).
- E3. Letter from Aquinnah Planning Board Plan Review Committee dated April 14, 2021.
- E4. Staff Demolition Matrix Memo for DRI 702 122 Lighthouse Road Demolition dated June 8, 2021.
- E5. Staff Report for DRI 702 122 Lighthouse Road Demolition and Renovation dated June 9, 2021.
- E6. Staff PowerPoint Presentation dated June 14, 2021 and updated on June 17, 2021.
- E7. Minutes of the Commission's Land Use Planning Committee Pre-Public Hearing Review, June 14, 2021.
- E8. Minutes of the Commission's Public Hearing, and Deliberation & Decision, June 17, 2021.
- E9. Minutes of the Commission's Approval of the Written Decision, July 8, 2021.

2.5 Summary of Testimony

The following gave testimony during the public hearing on June 17, 2021:

- Staff presentation by Alex Elvin, DRI Coordinator.
- Historic Significance Report by Christina Mankowski, Historic Structures Planner.
- Applicant presentation by Laura and Max Decker.
- Oral testimony from Public Officials speaking for their Boards: Sophia Welch as administrator for the Aquinnah Planning Board Plan Review Committee.
- Oral testimony from the Public: None.

3. FINDINGS

3.1 Project History

The house was built around 1853 and is known alternately as the Zaccheus Cooper House and the Frances Manning House. It was built in the Greek Revival style, with wooden shingles and a granite foundation. A one-story ell was later added to the west elevation (late 19th century), and a two-story ell to the north foundation. An entrance porch was removed in 1964, and two wooden decks added in the late 20th century. A separate root cellar with stone and wood construction is also located on the property.

The proposal is to expand the approximately 837 ft² house (not including the decks) by about 140 ft². The expansion would occur over an existing deck, and the deck would be expanded by about 80 ft² to provide landings for a new mudroom and kitchen. The expansion would have one story and extend off

the northwest side of the house (away from Lighthouse Road). The Applicant has stated that the remaining decks may also need to be demolished.

3.2 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.

3.3 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.

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

A2. The Commission finds that the proposed development would have no impact upon the environment relative to other alternatives (Section 15(b) of the Act).

With respect to Open Space, Natural Community and Habitat, the Commission finds no impact.

With respect to Wastewater and Groundwater, the Commission finds no impact.

With respect to Energy, the Commission finds no impact.

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, the Commission finds no impact.

With respect to Night Lighting and Noise, the Commission finds no impact.

With respect to Scenic Values, Character, and Identity, the Commission finds a significant benefit in the preservation of a historic home. The proposed addition will not interfere with the existing historic

nature of the house and will be constructed in the same style. The Commission also noted that the proposed new door on the northeast side of the building will be consistent with the architectural period of the building.

With respect to the Impact on Abutters, the Commission finds no impact, noting that the property is not especially visible from abutting properties or public ways.

A4. The Commission finds that the impact upon the supply of needed low- and moderate-income housing for Island residents (Section 15(d) of the Act) does not apply to this application.

A5. The Commission finds that the impact on the provision of municipal services or burden on taxpayers in the making provision therefore (Section 15(e) of the Act) does not apply to this application.

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

A7. The Commission finds that the proposed development would not interfere with the ability of the municipality to achieve some of the objectives set forth in the municipal general plan (Section 15(g) of the Act).

With respect to Consistency with/and Ability to Achieve Town Objectives, the Commission finds that the proposal is subject to Special Permit review by the Aquinnah Planning Board Plan Review Committee.

A8. The Commission finds that the proposed development would not contravene land development objectives and policies developed by regional or state agencies (Section 15(h) if the Act).

- B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WOULD BE 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.**
- 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 Commission finds that the property is located within the Town of Aquinnah DCPC and Building Permit Limitation District, and is subject to Special Permit review by the Aquinnah Planning Board Plan Review Committee.

In sum, after careful review of the Plans and its attendant submittals and the testimony presented by the Applicant and others, the Commission has concluded that the benefits of this proposed

development in this location exceed its probable detriments in light of the considerations set forth in Section 14(a) of the Act.

4. DECISION

The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on June 17, 2021 and made its decision at the same meeting.

The following Commissioners, all of whom participated in the hearing and deliberations participated in the decision on June 17, 2021:

- Voting to approve the project: Jeffrey Agnoli; Trip Barnes; Christina Brown; Joshua Goldstein; Jay Grossman; Fred Hancock; Michael Kim; Joan Malkin; Kathy Newman; Ben Robinson; Doug Sederholm; Linda Sibley; and Ernie Thomas.
- Voting against: None.
- Abstentions: None.

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 June 17, 2021 and was approved by a vote of the Commission on July 8, 2021.

5. CONCLUSION

5.1 Permitting from the Town

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

The permit-granting authorities of the Town of Aquinnah 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.

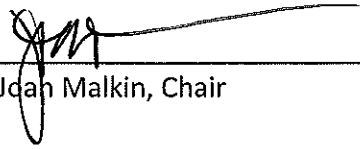
5.2 Notice of Appellate Rights

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 Aquinnah Town Clerk.

5.3 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.

5.4 Signature Block

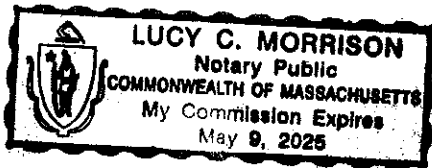

Joan Malkin, Chair

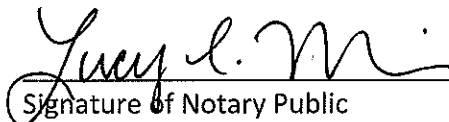
July 27, 2021
Date

5.5 Notarization of Decision

Commonwealth of Massachusetts
County of Dukes County, Mass.

On this 27th day of July, 2021, before me,
Lucy C. Morrison, the undersigned Notary Public, personally appeared
Joan Malkin, proved to me through satisfactory evidence of
identity, where was/were personal knowledge to be the person(s)
whose name(s) was/were signed on the preceding or attached document in my presence, and who
swore or affirmed to me that the contents of the document are truthful and accurate to the best of
his/her/their knowledge and belief.




Signature of Notary Public

Lucy C. Morrison
Printed Name of Notary
My Commission Expires May 9, 2025

5.6 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: July 28, 2021

Deed: Book 1588, Page 693

Document Number: 6093

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