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# Decision of the Martha's Vineyard Commission

## DRI 704 112 Dukes County Ave Demolition

### 1. SUMMARY

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Referring Board: Building Inspector, Town of Oak Bluffs

Subject: Development of Regional Impact #704 112 Dukes County Ave Demolition

Project: Demolition of a historic house and construction of a new residence.

Owner: DC Studios LLC

Applicant: Ryan and Abigail Dillon; Robert Moriarty; Chuck Sullivan

Applicant Address: Ryan & Abigail Dillon                      Robert Moriarty  
35 Meshacket Way    P.O. Box 1270  
Vineyard Haven, MA 02568                                      Edgartown, MA 02539

Deed: Recorded Land: Book 1574, Page 754.

Project Location: 112 Dukes County Ave, Oak Bluffs. Map 11, Lot 209 (0.07 acres).

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 November 18, 2021.

Written Decision: This written decision was approved by a vote of the Commission on December 2, 2021.

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**

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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 May 6, 2021 by the Building Inspector of the Town of Oak Bluffs, 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 8.1b (*Demolition/Exterior Alteration of Structure Older than 100 years*). After receiving the referral, staff also determined that the structure was listed on MACRIS which triggers Checklist Item 8.1a (*Demolition/Exterior Alteration of a Structure Listed on MACRIS*). 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 July 22 and 29, 2021; notice was also published in the Vineyard Gazette on July 23 and 30, 2021. Abutters within 300 feet of the property were notified by mail on July 20, 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 August 5, 2021, and closed that same night with the exception of the written record which was left open until 5:00 pm on August 13, 2021 and closed at that time. On October 28, 2021, the Commission voted to re-open the written record until 12:00 p.m. on November 4, 2021 to allow the Applicant to submit revised architectural plans. 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 8.5" x 11" unless otherwise noted.

- P1. Application Package entitled Dillon Residence prepared by Sullivan and Associates Architects dated April 1, 2021 consisting of eighteen (18) 36" x 24" pages scaled to ¼" = 1'-0" unless otherwise noted, including: cover page, A-001 Site Plan prepared by Vineyard Land Surveying, scale 1" = 5'; A-002 Drainage/Parking Plan, scale 1" = 5'; A-003 Lighting Plan, scale 1" = 5'; A-101 Floor Plans; A-102 Second Floor Plan; A-103 Third Floor Plan; A-104 Roof Plan; A-201 Exterior Elevations; A-202 Exterior Elevations; A-301 Building Section; A-302 Building Section; G1.0 Shearwall Cover Sheet prepared by McKenzie Engineering Consultants for Dillon Residence, no scale, dated March 22, 2021; G1.1 Structural Details 1, no scale, dated March 22, 2021; G1.2

Structural Details 2, no scale, dated March 22, 2021; S-101 Foundation Plan, various scales; S-102 Framing Plans; S-103 Framing Plans.

- P2. Site Plan of Land in Oak Bluffs, Mass. Prepared for Ryan Dillon by Vineyard Land Surveying & Engineering, consisting of one (1) 11" x 17" page, scale 1" = 10', dated April 13, 2021.
- P3. Application Package entitled Dillon Residence prepared by Sullivan and Associates Architects dated August 2, 2021 consisting of eighteen (18) 36" x 24" pages scaled to ¼" = 1'-0" unless otherwise noted, including: cover page, A-001 Site Plan prepared by Vineyard Land Surveying, scale 1" = 5'; A-002 Drainage/Parking Plan, scale 1" = 5'; A-003 Lighting Plan, scale 1" = 5'; A-101 Floor Plans; A-102 Second Floor Plan; A-103 Third Floor Plan; A-104 Roof Plan; A-201 Exterior Elevations; A-202 Exterior Elevations; A-301 Building Section; A-302 Building Section; G1.0 Shearwall Cover Sheet prepared by McKenzie Engineering Consultants for Dillon Residence, no scale, dated March 22, 2021; G1.1 Structural Details 1, no scale, dated March 22, 2021; G1.2 Structural Details 2, no scale, dated March 22, 2021; S-101 Foundation Plan, various scales; S-102 Framing Plans; S-103 Framing Plans.
- P4. Application Package entitled Dillon Residence prepared by Sullivan and Associates Architects dated September 15, 2021 consisting of eighteen (18) 36" x 24" pages scaled to ¼" = 1'-0" unless otherwise noted, including: cover page, A-001 Site Plan prepared by Vineyard Land Surveying, scale 1" = 5'; A-002 Drainage/Parking Plan, scale 1" = 5'; A-003 Lighting Plan, scale 1" = 5'; A-101 Floor Plans; A-102 Second Floor Plan; A-103 Third Floor Plan; A-104 Roof Plan; A-201 Exterior Elevations; A-202 Exterior Elevations; A-301 Building Section; A-302 Building Section; G1.0 Shearwall Cover Sheet prepared by McKenzie Engineering Consultants for Dillon Residence, no scale, dated March 22, 2021; G1.1 Structural Details 1, no scale, dated March 22, 2021; G1.2 Structural Details 2, no scale, dated March 22, 2021; S-101 Foundation Plan, various scales; S-102 Framing Plans; S-103 Framing Plans.
- P5. Application Package entitled Dillon Residence prepared by Sullivan and Associates Architects dated November 4, 2021 consisting of eighteen (18) 36" x 24" pages scaled to ¼" = 1'-0" unless otherwise noted, including: cover page, A-001 Site Plan prepared by Vineyard Land Surveying, scale 1" = 5'; A-002 Drainage/Parking Plan, scale 1" = 5'; A-003 Lighting Plan, scale 1" = 5'; A-101 Floor Plans; A-102 Second Floor Plan; A-103 Third Floor Plan; A-104 Roof Plan; A-201 Exterior Elevations; A-202 Exterior Elevations; A-301 Building Section; A-302 Building Section; G1.0 Shearwall Cover Sheet prepared by McKenzie Engineering Consultants for Dillon Residence, no scale, dated March 22, 2021; G1.1 Structural Details 1, no scale, dated March 22, 2021; G1.2 Structural Details 2, no scale, dated March 22, 2021; S-101 Foundation Plan, various scales; S-102 Framing Plans; S-103 Framing Plans.

#### **2.4 Other Exhibits**

- E1. Letter to Oak Bluffs Building Department regarding referral of the property, dated April 1, 2021.

- E2. Historic Inventory Map showing Cottage City Historic District border printed from the MVC's Historic Building App, printed May 5, 2021.
- E3. Referral to the MVC from the Building Inspector received May 6, 2021.
- E4. OAK.753 Inventory Report from the Massachusetts Cultural Resource Information System (MACRIS).
- E5. MVC Area Study entitled "Dukes County Avenue Area, Oak Bluffs Defining Characteristics," dated September 2008.
- E6. MVC Area Study: Dukes County Avenue Area Map, dated September 10, 2008.
- E7. MVC Area Study Update to the 2008 Dukes County Avenue Area Study, dated July 12, 2021.
- E8. Approved Interior Demolition Permit from Oak Bluffs Building Department, issued October 22, 2020.
- E9. Approved Demolition Permit from Oak Bluffs Building Department, issued January 21, 2021.
- E10. Approved Foundation Permit from Oak Bluffs Building Department, issued January 21, 2021.
- E11. Minutes of the Oak Bluffs Wastewater Department, February 17, 2021.
- E12. Minutes of the Oak Bluffs Wastewater Department, March 24, 2021.
- E13. Applicant's Narrative with attachments, dated May 17, 2021, revised on June 10, 2021.
- E14. Email from Robert Moriarty, Applicant to Adam Turner, Alex Elvin and Christina Mankowski with pictures of the current site, and salvaged wood, dated May 24, 2021.
- E15. Photos of the demolished house (taken from a Zillow listing), dated July 9, 2021.
- E16. Staff Report for DRI 704 112 Dukes County Ave Demolition dated July 12, 2021, and updated on August 5, and August 12, 2021.
- E17. Demolition Matrix prepared by staff, dated June 8, 2021 and updated on July 12, 2021.
- E18. Photos of the site taken by MVC staff and the Applicant during a site visit conducted on July 28, 2021.
- E19. Letter from Robert Moriarty to Alex Elvin regarding the MVC Energy Policy, Housing, and Updated Designs, dated August 3, 2021.
- E20. Two drone videos of the site taken by MVC staff, August 4, 2021.
- E21. Staff Presentation to the Commission, dated August 5, 2021.
- E22. Email with attachments from Gail Barmakian and Patrick Hickey, Oak Bluffs Wastewater Department, to Alex Elvin regarding wastewater flow, dated August 12, 2021.

- E23. Applicant's Offers for DRI 704 112 Dukes County Ave, signed and dated August 13, 2021 and revised on November 9, 2021.
- E24. Staff Presentation to the Commission showing Previous and Revised Plans Comparison, dated October 29, 2021 and updated on November 4, 2021.
- E25. Applicant's Statement of Uses for Basement and Top Floor, dated November 3, 2021.
- E26. Email from Robert Moriarty to Alex Elvin and Adam Turner, dated November 4, 2021.
- E27. Email from Gail Barmakian and Patrick Hickey, Oak Bluffs Wastewater Department, to Alex Elvin, regarding wastewater flow, dated November 4, 2021.
- E28. Letters from the following citizens: JB Blau, Leah Brown, Sandra Carney, Jeremy Coles, Guinever Cramer, Chris Dacunto, Todd DeBettencourt, Will DeBettencourt, David Diriwachter, Fran Eddings, Mark Ellis, Julie Gaffey, Lesley Heidt, Lisa Lucier, Donald Muckerheide (2), Dana Mylott, Candace Nichols (4), Rose Ryley, Alan Schweikert, Kathryn Townes, Matthew Viaggio.
- E29. Minutes of the Commission's Land Use Planning Committee Pre-Public Hearing Review, July 12, 2021.
- E30. Minutes of the Commission's Public Hearing, August 5, 2021.
- E31. Minutes of the Commission's Vote to Re-Open the Written Record, October 28, 2021.
- E32. Minutes of the Commission's Land Use Planning Committee Post-Public Hearing Review, November 15, 2021.
- E33. Minutes of the Commission's Deliberation and Decision, November 18, 2021.
- E34. Minutes of the Commission's Approval of the Written Decision, December 2, 2021.

## **2.5 Summary of Testimony**

The following gave testimony during the public hearing on August 5, 2020:

- Staff presentation by Alex Elvin, DRI Coordinator and Christina Mankowski, Historic Structures Planner.
- Presentation of the project by Robert Moriarty, Agent; Chuck Sullivan, Architect; and Abby Dillon, Property Owner.
- Oral testimony from Public Officials speaking for their Boards: Pam Melrose, Oak Bluffs Historic Commission.
- Oral testimony from the Public:
  - Barbara Baskin, Oak Bluffs Historic Commission;
  - Candace Nichols, abutter;
  - Mike Tompkins, abutter;
  - Leah Brown, abutter;

- Sean DeBettencourt, abutter;

### **3. FINDINGS**

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#### **3.1 Project Description**

The former building at 112 Dukes County Ave. was built around 1880 in the Victorian Eclectic style of many houses in the Campground, and is listed in the Massachusetts Cultural Resource Information System (MACRIS). As of 2020, the house had 3,200 ft<sup>2</sup>, two bedrooms, and contained commercial uses including yoga, massage, and retail. In Jan. 2021, the Oak Bluffs Building Inspector issued a demolition permit after the Oak Bluffs Historic Commission had determined that the building was not historically significant. The demolition of the house and a shed, and construction of a new foundation, took place soon after. The MVC informed the Oak Bluffs Planning Board in April that the demolition required MVC review, at which time the Building Inspector issued a stop-work order.

The proposal is to demolish the previous house (retroactively), and to construct a new 2.5-story house with a one-bedroom apartment and commercial space on the first floor and one-bedroom apartment on the second floor. As proposed, the commercial space will be for office, showroom, and conference uses. The owners intend to request a waiver under section 7.2.1.3 of the Oak Bluffs Zoning Bylaw to allow for the residential use on the first floor. The proposal also includes two parking spaces on Archer Ave.

#### **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 the proposed development at this location is essential and appropriate in view of the available alternatives (Section 15(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), the Commission finds the project would have a beneficial impact. With respect to impacts upon persons and property (Section 15(c) of the Act) and the provision of municipal services or burden on taxpayers (Section 15(e) of the Act), the Commission finds the project would have a neutral impact. The Commission finds the project would not unduly burden existing public facilities, and would generally align with local planning objectives, and that impacts in regard to the supply of needed low- and moderate-income housing for Island residents (Section 15(d) of the Act) do not apply to the project.

The Commission also notes that the proposed demolition and replacement are specific to the project location, so alternatives in that regard do not apply.

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

With respect to Energy, which was identified as a primary factor in this Decision, the Commission finds the project would have a beneficial impact. The Commission also notes the following with respect to impacts on the environment:

Energy

- As offered, the new building will maximize energy efficiency and comply with the MA Stretch Code, making it more energy efficient than the previous building.
- As offered, all appliances will be electric and Energy Star certified.
- As offered, the new building will have electric heat pumps for heating and cooling.
- As offered, the new building will have rooftop solar panels.
- As offered, the applicant will install a conduit to allow for electric vehicle charging stations in the future.

Water Quality (including groundwater)

- The property is connected to the town sewer, and the number of bedrooms will stay at two. The previous house had been allocated wastewater flow for two bedrooms and 948 square feet of retail space. (The proposed office/conference/showroom space is about 890 square feet.)
- The town Wastewater Commission reviewed an earlier version of the proposal on Nov. 3, 2021. According to the Wastewater Commission chairperson, "The Commissioners did not allow flow for the project as presented but did have consensus that a revised project with three bedrooms in total OR two bedrooms and up to two office type retail spaces would be approved." A revised plan with two bedrooms and commercial space was submitted to the MVC on Nov. 4, 2021
- If the commercial space is not increased, the property should have a nitrogen load of approximately 0.605 kg/yr, which is below the adjusted nitrogen load for the property.

Stormwater

- The footprint of proposed structures on the property is 1,761 ft<sup>2</sup> (about 360 ft<sup>2</sup> larger than the previous conditions).
- A drainage plan shows three drywells at three corners of the property, and an ejector pump to handle stormwater.

#### Open Space

- The footprint of proposed structures on the property is about 360 ft<sup>2</sup> larger than the previous conditions, and the proposed building exceeds the allowable lot coverage under the Oak Bluffs Zoning Bylaw. (See section A8 below.)

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

With respect to Character and Identity (identified as a primary factor in this Decision), the Commission finds the project would have a neutral impact. The Commission also notes the following:

#### Character and Identity

- The house was built around 1880 in the Victorian Eclectic style of many houses in the Campground, and is listed in MACRIS.
- During review, the previous house was determined to have a moderate level of overall importance.
- Although the property is not within a local historic district, the MVC considers that portion of Dukes County Ave. a Character Area, based on the age and style of its buildings.
- The proposed house would be larger and taller than the previous house, but is designed to be similar to other houses in the area. (The Nov. 4 revised plans reduced the height and massing of the building as previously proposed.)

#### Traffic and Transportation

- The property is accessed by Arch Ave. immediately to the south, which is a private way.
- The property previously had two parking spots and an additional space for turning around. The revised plans submitted on Nov. 4 show a total of two spaces, on Archer Ave.

#### Economic Development

- The project will create a small number of temporary jobs.

#### Night Lighting

- A lighting plan shows wall-mounted lighting at four locations around the building, parking lighting at one location, and path at three locations to the front and rear of the site.
- As offered, all exterior lighting will be Dark Sky compliant.

#### Noise

- The proposal is unlikely to lead to an increase in noise, since the general uses are the same.

#### Impact on Abutters

- Several neighbors have written in support of the project.



- The only immediate abutter has raised concerns related to the scale and massing of the new building, as well as its proximity to the lot line, the proposed location of parking spaces, changes made to the plans during the public hearing, and other concerns.

**A4. The Commission finds that the 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 the project.**

With respect to Island Housing Needs, the Commission notes that the commercial space will not increase from current conditions, and the project is not expected to lead to an increase in employees.

**A5. The Commission finds that the proposed development would not adversely affect the provision of municipal services and the burden on taxpayers in making provision there for (Section 15(e) of the Act).**

With respect to the provision of municipal services or burden on taxpayers, the Commission notes that the project will likely have a minimal impact on municipal services and taxpayers, since it is located in a well-developed area with existing infrastructure.

**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).**

The Commission notes the project will likely have a minimal impact on public facilities.

**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.**

With respect to Consistency with/and Ability to Achieve Town Objectives, the Commission notes that the project generally aligns with the Island Plan and Oak Bluffs Master Plan, although both plans include the goal of preserving existing historical resources.

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

The Commission notes that the project will likely require determinations from the Oak Bluffs Zoning Board of Appeals and/or Planning Board in regard to the proposed mixed use on the ground floor (Zoning Bylaw section 7.2.1.3), and the allowable lot coverage (Zoning Bylaw section 4.2.5).

**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.**

The requested project in general advances the Commission's land development objectives, as outlined in Section A7 of this Decision.

**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 consistent with local zoning, as outlined in Section A8 of this decision.

**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 within the Martha's Vineyard Lawn Fertilizer Control District, and is consistent with those regulations.

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**

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The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on November 18, 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 November 18, 2021:

- Voting to approve the project: Jeffrey Agnoli; Trip Barnes; Christina Brown; Jay Grossman; Fred Hancock; Joan Malkin; Kathy Newman; Ben Robinson; Ted Rosbeck; Linda Sibley; Ernie Thomas; Christine Todd.
- Voting against: None.
- Recused: Doug Sederholm.
- Ineligible to participate: Josh Goldstein; Michael Kim; Brian Packish; Jim Vercruyse.

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 18, 2021 and was approved by a vote of the Commission on December 2, 2021.

#### **5. CONDITIONS**

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

##### BUILDING USES

1. Prior to the receipt of a Building Permit, and following review by the town Zoning Board of Appeals and/or Planning Board, the Applicant shall submit final exterior construction details

and a list of materials to be used to the Oak Bluffs Historic Commission and LUPC. The MVC requests that the OBHC review the plans and report its findings to LUPC. The LUPC shall review and approve the construction details and list of materials, and the report of the OBHC, if any, prior to the issuance of a Building Permit.

2. As offered by the Applicant, the street-facing portion of the first floor fronting Dukes County Avenue will be reserved for commercial use only.

#### LIGHTING AND LANDSCAPE

3. Prior to receipt of a Building Permit, final landscape and lighting plans shall be provided to the LUPC for review and approval.
4. Only slow release, water-insoluble, nitrogen-source fertilizers may be used in the maintenance of landscaping.
5. Landscaping must utilize native or low-maintenance, drought-tolerant species that are non-invasive to minimize the application of nitrogen, pesticides, and water to the property.

#### ENERGY

As offered by the applicant:

6. The construction of the proposed building on the property shall use environmentally sound practices to maximize energy efficiency and must be designed and constructed to meet Massachusetts Stretch Code Compliance.
7. All appliances (refrigerators, ovens, water heaters, and clothes dryers) will be electric and Energy Star certified.
8. All HVAC to be high efficiency electric heat pumps with programmable thermostat being required for each unit.
9. The proposed building will utilize on-site solar technology through the installation of solar panels on the roof.
10. All exterior lights will meet Stretch Code requirements and will be Dark Sky compliant.
11. The Applicants will install a conduit to allow for charging stations for electric vehicles.

#### MODIFICATIONS

12. Any proposed modifications to DRI 704, 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**

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### **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**

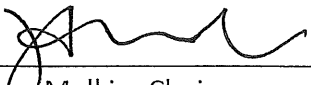
Any party aggrieved by a determination of the Commission may appeal to Superior Court within twenty (20) days after the Commission has sent the development Applicant written notice, by certified mail, of its Decision and has filed a copy of its Decision with the Oak Bluffs Town Clerk.

**6.3 Length of Validity of Decision**

Because the demolition itself constitutes substantial construction, there shall be no limit to the validity of this Decision, and the property shall be considered a DRI in perpetuity.

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**6.4 Signature Block**

  
Joan Malkin, Chair

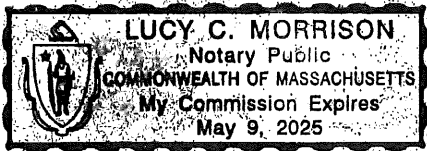
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Date

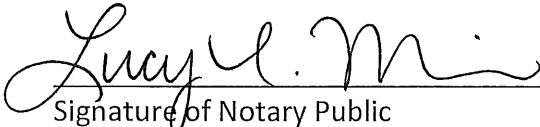
**6.5 Notarization of Decision**

Commonwealth of Massachusetts

County of Dukes County, Mass.

On this 7<sup>th</sup> day of December, 2021, before me, Lucy C. Morrison, the undersigned Notary Public, personally appeared Joan Malkin, 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 she 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 her knowledge and belief.



  
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 9, 2021

Deed: Book 1606, Page 555

Document Number: 9842