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Decision of the Martha's Vineyard Commission DRI 708 19 Mill Square Road Demolition

1. SUMMARY

Referring Board: Zoning Board of Appeals, Town of Oak Bluffs

Subject: Development of Regional Impact #708 19 Mill Square Road Demolition

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

Owner: Abby S. & Christopher F. Sage, Trustees of the Abby S. Sage Revocable Trust

Applicant: George Sourati

Applicant Address: Abby & Christopher Sage George Sourati
190 Tremont Street P.O. Box 4458
Braintree, MA 02184 Vineyard Haven, MA 02568

Deed: Recorded Land: Book 1542, Page 551.

Project Location: 19 Mill Square Road, Oak Bluffs. Map 3, Lot 19.

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 September 30, 2021.

Written Decision: This written decision was approved by a vote of the Commission on October 14, 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

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 June 23, 2021 by the Zoning Board of Appeals 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, which was continued to August 26, 2021 and closed that same night with the exception of the written record which was left open until 5:00 pm on September 8, 2021 and closed at that time. On September 23, 2021 the Commission voted to re-open the written record until 5:00 p.m. on September 24, 2021 to allow the Applicant to submit revised architectural plans. The hearings were 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. Sewage Disposal System Upgrade Plan for 19 Mill Square Road consisting of one (1) 36" x 24" page prepared by Sourati Engineering Group, scale 1" = 20', dated November 8, 2019.
- P2. Existing Site Plan in Oak Bluffs, Massachusetts Assessor Parcel 3-19 consisting of one (1) 17" x 11" page prepared for Abby S. Sage Revocable Trust by Sourati Engineering Group, scale 1" = 30', dated April 21, 2021.
- P3. Proposed Site Plan in Oak Bluffs, Massachusetts Assessor Parcel 3-19 consisting of one (1) 17" x 11" page prepared for Abby S. Sage Revocable Trust by Sourati Engineering Group, scale 1" = 30', dated April 21, 2021.

- P4. Architectural Design Package consisting of seven (7) 36" x 24" pages prepared for 19 Mill Square Road by Sousa Design Architects, scaled to 1/4" = 1'-0" and dated April 28, 2021 unless otherwise noted, including: SP-101 Proposed Site Plan and Site Section, scale 1/16" = 1'-0"; AE-100 Basement and First Floor Reflected Ceiling Plans; AE-101 Second and Third Floor Reflected Ceiling Plans; A-300 Proposed West Exterior Elevation, dated April 2, 2021; A-301 Proposed South Exterior Elevation, dated April 2, 2021; A-302 Proposed East Exterior Elevation, dated April 2, 2021; A-303 Proposed North Exterior Elevation, dated April 2, 2021.
- P5. Revised Architectural Design Package consisting of eleven (11) 36" x 24" pages prepared for 19 Mill Square Road by Sousa Design Architects, scaled to 1/4" = 1'-0" and dated August 3, 2021 unless otherwise noted, including: SP-101 Proposed Site Plan and Site Section, scale 1/16" = 1'-0"; SP-103 Zoning Summary, scale 1/16" = 1'-0"; A-100 Basement and First Floor Plans; A-101 Second and Third Floor Plans; AE-100 Basement and First Floor Reflected Ceiling Plans; AE-101 Second and Third Floor Reflected Ceiling Plans; A-300 Proposed West Exterior Elevation; A-301 Proposed South Exterior Elevation; A-302 Proposed East Exterior Elevation; A-303 Proposed North Exterior Elevation; A-600 Renderings, no scale.
- P6. Revised Architectural Design Package consisting of sixteen (16) 36" x 24" pages prepared for 19 Mill Square Road by Sousa Design Architects, scaled to 1/4" = 1'-0" and dated August 25, 2021 unless otherwise noted, including: A-000 Cover Page, no scale; A-001 Existing Photos, no scale; A-002 Existing Photos, no scale; A-003 Letter of Deficiencies, no scale; A-004 Renderings, no scale; A-005 Renderings, no scale; A-100 Basement and First Floor Plans; A-101 Second and Third Floor Plans; A-102 Basement and First Floor Reflected Ceiling Plans; A-103 Second and Third Floor Reflected Ceiling Plans; A-200 Proposed West Exterior Elevation; A-201 Proposed South Exterior Elevation; A-202 Proposed East Exterior Elevation; A-203 Proposed North Exterior Elevation; SP-101 Proposed Site Plan and Site Section, scale 1/16" = 1'-0"; A-300 Letters of Support, no scale.
- P7. Revised Application Package consisting of seventeen (17) 36" x 24" pages prepared for 19 Mill Square Road by Sousa Design Architects, scaled to 1/4" = 1'-0" and dated September 17, 2021 unless otherwise noted, including: A-001 MVC Offerings, no scale; A-002 Existing Photos, no scale; A-100 Basement and First Floor Plans; A-101 Second and Third Floor Plans; A-102 Basement and First Floor Reflected Ceiling Plans; A-103 Second and Third Floor Reflected Ceiling Plans; A-200 Proposed West Exterior Elevation; A-201 Proposed South Exterior Elevation; A-202 Proposed East Exterior Elevation; A-203 Proposed North Exterior Elevation; A-004 Renderings, no scale; A-005 Renderings, no scale; SP-101 Proposed Site Plan and Site Section, scale 1/16" = 1'-0"; A-300 Letters of Support, no scale; A-001 Existing Photos, no scale; A-002 Existing Photos, no scale; A-003 Letter of Deficiencies, no scale.

2.4 Other Exhibits

- E1. Letter to Oak Bluffs Building Inspector from Adam Turner, MVC Executive Director, dated June 21, 2021.

- E2. Referral to the MVC from the Oak Bluffs Zoning Board of Appeals, received June 23, 2021.
- E3. OAK.418 Inventory Report from the Massachusetts Cultural Resource Information System (MACRIS).
- E4. OAK.B MACRIS Area Form for Vineyard Highlands/East Chop.
- E5. Structural Analysis Report prepared by Webb Structural Services, dated May 1, 2020.
- E6. Minutes of the Oak Bluffs Historical Commission, November 9, 2020.
- E7. Oak Bluffs Historical Commission Record of Demolition Delay Application, November 9, 2020.
- E8. Staff Report for DRI 708 19 Mill Square Road Demolition dated July 16, 2021, and updated on August 5, and August 25, 2021.
- E9. Staff Presentation for the Land Use Planning Committee, dated July 19, 2021 and updated on September 13, 2021.
- E10. Structural Analysis Report prepared by Brian Lane, dated July 27, 2021.
- E11. Demolition Matrix prepared by staff, dated August 5, 2021.
- E12. Staff Presentation for the Commission, dated August 5, 2021.
- E13. Staff Memo on Climate Change Resilience, dated August 26, 2021.
- E14. Email from Travis Blake, Architect to Alex Elvin regarding material salvage, dated August 26, 2021.
- E15. Applicant's Presentation to the Commission, dated August 26, 2021.
- E16. Letters from the following citizens: Bill and Joan Damora, and Obiora and Hester Agudosi.
- E17. Minutes of the Commission's Land Use Planning Committee Pre-Public Hearing Review, July 19, 2021.
- E18. Minutes of the Commission's Public Hearing, August 5, 2021.
- E19. Minutes of the Commission's Continued Public Hearing, August 26, 2021.
- E20. Minutes of the Commission's Land Use Planning Committee Post-Public Hearing Review, September 13, 2021.
- E21. Minutes of the Commission's Land Use Planning Committee Continued Post-Public Hearing Review, September 27, 2021.
- E22. Minutes of the Commission's Deliberation and Decision, September 30, 2021.
- E23. Minutes of the Commission's Approval of the Written Decision, October 14, 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 George Sourati, Engineer.

The following gave testimony during the continued public hearing on August 26, 2020:

- Staff presentation by Alex Elvin, DRI Coordinator.
- Presentation of the project by Travis Blake, Architect and Abby Sage, owner.
- Oral testimony from Public Officials speaking for their Boards: None.
- Oral testimony from the Public:
 - Joan and Bill Damora, abutters;
 - Barbara Baskin, Oak Bluffs Historic Commission;
 - Brian Packish.

3. FINDINGS

3.1 Project Description

The proposal is to demolish a 3.5-story, six-bedroom house constructed in 1898 and associated with the former Martha's Vineyard Summer Institute in the Vineyard Highlands, and build a larger single-family, four-bedroom, 3.5-story residence in a similar style, with a porch and patio. An existing driveway and garage will remain.

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 provision of municipal services or burden on taxpayers (Section 15(e) of the Act), and persons and property (Section 15(c) of the Act), the Commission finds the project would have a neutral impact. The Commission also finds that project 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), and that the project does not interfere with the ability of the municipality to achieve the objectives set forth in the municipal general plan, or contravene land development objectives and policies developed by regional or state agencies (Sections 14(b), 15(g), and 15(h) of the Act). 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 the project.

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

With respect to Water Quality (including Groundwater), the Commission finds the project will have a slightly beneficial impact with the addition of a Title 5 septic system to replace the existing cesspool, noting that Title 5 systems are designed to remove bacteria but not nitrogen, so the benefits would be mostly for human health. The property drains into Nantucket Sound, which does not have an official nitrogen limit.

With respect to Stormwater, the Commission finds the project will create a minor detriment, since the amount of impermeable surface will increase by 1,265 square feet.

With respect to Energy, the Commission finds the project will have a neutral impact, noting that the proposed year-round occupancy may increase overall energy usage, but that the new building will be all-electric, with propane for cooking.

With respect to Open Space, the Commission finds the project will have a neutral impact.

With respect to Coastal Erosion, Flooding, and Climate Change Resilience, the Commission finds the project will have a neutral impact, since the building is located on a high point of land and is not in immediate danger of storms or sea-level rise. However, the Commission notes that the demolition of the existing house and construction of the new house will have a larger greenhouse gas footprint than maintaining or preserving the current house.

The Commission finds that impacts associated with Ecology and Habitat do not apply to the project.

In addition to the above factors, the Commission notes that while the proposed demolition is acceptable on balance, it will entail the loss of usable materials in the existing building, and the use of new materials in the proposed building, with corresponding impacts related to waste, energy, labor, etc.

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 Traffic and Transportation, the Commission finds the project will have a neutral impact. A previously proposed parking area on East Chop Drive had been removed from the proposal.

With respect to Character and Identity and Scenic Values, the Commission finds that the demolition of this intact historic structure will have a negative impact. The Commission notes that the Applicant's efforts to preserve certain features of the existing house will partially mitigate the impact. This is especially important in light of the house's historic association with the Martha's Vineyard Summer Institute, its contribution to the historic architecture in the context of the neighborhood.

Commissioners also note the following:

- As with the existing house, the proposed house will have 3.5 stories, cedar shingles (roof and siding), symmetrical gables (on the portion facing East Chop Drive), and would stand about 32' above median grade (accounting for the grade change from west to east).
- The new house will have a larger footprint extending to the west, and include a covered porch on the east and north sides, and a large patio on the east side.
- The lower floor will be more exposed on the east side as a result of regrading.
- Other proposed features include wooden balusters and tapered square columns on the porch (to match existing conditions), a deck with wooden balusters and decorative wood brackets on the second floor, wood-framed windows, and sliding doors opening onto the patio.
- In response to concerns at the LUPC meeting on Sept. 13, 2021, the Applicant revised the plans in order to match the proposed roof pitch and overhangs to the existing conditions; and on the east side of the house to replace a third-floor door and balcony with a single window, reduce the size and number of window units on the bottom floor, and eliminate the curved filigree lights over the doors.
- The new house will be occupied year-round.

With respect to Economic Development, the Commission finds the project will have a beneficial impact by creating jobs associated with the new building and property.

With respect to Night Lighting, the Commission finds the project will have a beneficial impact because the new house will be dark sky compliant. Exterior lighting would consist of wall sconces at four locations under the porch, and two locations for the patio. All lighting would comply with International Dark Sky Association standards, and not exceed 3,000 Kelvin.

With respect to Impact on Abutters (after completion), the Commission finds the project would have no impact. Several neighbors had written in support of the project.

The Commission finds that impacts associated with Social Development, Safety and Health, and Noise do not apply to the project.

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.

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

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 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).

The proposed new building 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).

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 and would be allowable by Special Permit.

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, but no other DCPCs.

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 Sections 14(a) and 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 September 30, 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 September 30, 2021:

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

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 September 30, 2021 and was approved by a vote of the Commission on October 14, 2021.

5. CONDITIONS

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.

1. Prior to the receipt of a Building Permit, 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 the LUPC. The LUPC shall review and approve the construction details and list of materials, and report of the OBHC, if any, prior to the issuance of a Building Permit.
2. Any proposed exterior modifications to the replacement structure, as approved herein, including any modification resulting in any change 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



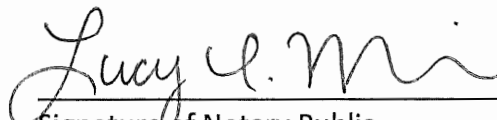
Joan Malkin, Chair

21 October 2021
Date

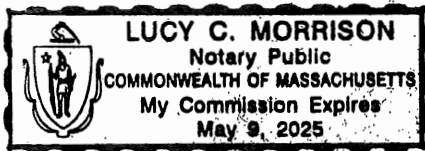
6.5 Notarization of Decision

Commonwealth of Massachusetts
County of Dukes County, Mass.

On this 21st day of October, 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

6.6 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: October 21, 2021
Deed: Book 1599, Page 1052
Document Number: 8435