Decision of the
Martha’s Vineyard Commission
DRI 712 Shearer Cottage Expansion

1. SUMMARY

Referring Board: Oak Bluffs Zoning Board of Appeals

Subject: Development of Regional Impact #712 Shearer Cottage Expansion

Project: Expansion of the Shearer Cottage from six to 15 bedrooms.

Owner: Eric Pope Van Allen; Carma Lee Van Allen; Shearer Cottage Realty Trust

Applicant: Eric Van Allen, Chuck Sullivan (architect)

Applicant Address: Eric Van Allen
41 Warren Court
South Orange, New Jersey 07079

Deeds: 4 & 5 Morgan Ave: Recorded Land - Book 1559, Page 408
7 Highland Ave: Recorded Land - Book 1146, Page 594

Project Location: 4 Morgan Ave. (Map 3, Lot 132), 7 Highland Ave. (Map 3 Lot 119), and 5 Morgan Ave. (Map 3, Lot 120), Oak Bluffs.

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 January 6, 2022.

Written Decision: This written decision was approved by a vote of the Commission on January 13, 2022.

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 August 3, 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 Item 3.1b Commercial Development of more than 3,500 ft²; 3.1h Commercial Development of Parking for more than 10 vehicles; and 4.1c Development of five or more dwelling units or rooms. Checklist Item 3.1b requires a mandatory review as a Development of Regional Impact.

2.2 Hearings

Notice: Public notice of the hearing on the Application was published in the MV Times on September 30 and October 7, 2021; notice was also published in the Vineyard Gazette on October 1 and 8, 2021. Abutters within 300 feet of the property were notified by mail on September 28, 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 October 14, 2021, which was continued to November 18, 2021, and then to December 2, 2021. The hearing was closed on December 2, 2021 with the exception of the written record, which was left open until December 20, 2021 at 5:00 p.m. and closed at that time. 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. Existing Elevations prepared for Shearer Cottage, 4 Morgan Avenue Oak Bluffs, MA by Sullivan & Associates Architects, dated July 1, 2021, consisting of four (4) 36” x 24” pages, including: X-101 Existing First Floor Plan, scale ½” = 1-0”; X-102 Existing Second Floor Plan, scale ¼” = 1-0”; X-103 Existing Exterior Elevations, scale ¼” = 1-0”; and X-104 Existing Exterior Elevations, scale ¼” = 1-0”.

P2. Existing Site Plan prepared for Van Allen by Sourati Engineering Group LLC, Map 3 Parcels 119, 120 and 132 Oak Bluffs, MA, consisting of one (1) 18” x 24” page, scale 1” = 20’, Job No: 102408, received August 3, 2021 and revised on September 20, 2021.

P4. Floor Plans and Elevations prepared by Sullivan & Associates Architects, consisting of six (6) 36" x 24" pages dated August 10, 2021, including A-101 First Floor Plan, scale 3/16" = 1'-0"; A-102 Second Floor Plan, scale 3/16" = 1'-0"; A-103 Basement Floor Plan, scale 3/16" = 1'-0"; A-201 Exterior Elevations, scale 3/16" = 1'-0"; A-202 Exterior Elevations, scale 3/16" = 1'-0"; and A-300 Building Section, scale 3/16" = 1'-0".

P5. Application Package for Shearer Cottage, 4 Morgan Avenue Oak Bluffs, MA prepared by Sullivan & Associates Architects, consisting of ten (10) 36" x 24" pages, dated September 7, 2021, including: cover page, A-001 General Notes and Project Data; A-002 Site Plan, scale 1" = 20', X-101 Existing Floor Plans, scale 3/16" = 1'-0"; A-101 First Floor Plan, scale 3/16" = 1'-0"; A-102 Second Floor Plan, 3/16" = 1'-0"; A-103 Basement Floor Plan, scale 3/16" = 1'-0"; A-201 Exterior Elevations, scale 3/16" = 1'-0"; A-202 Exterior Elevations, scale 3/16" = 1'-0"; A-300 Building Section, scale 3/16" = 1'-0".


P10. A-003 Parking/Lighting Plan prepared for Shearer Cottage 4 Morgan Avenue, Oak Bluffs, MA by Sullivan & Associates Architects, consisting of one (1) 36" x 24" page, scale 1" = 20', dated October 12, 2021 and revised on November 16, 2021.

P11. Revised Application Package for Shearer Cottage, 4 Morgan Avenue Oak Bluffs, MA prepared by Sullivan & Associates Architects, consisting of nine (9) 36" x 24" pages, dated October 13, 2021 and revised on November 16, 2021, including: cover page, A-001 General Notes and Project Data; A-101 Main Level Floor Plan, scale 3/16" = 1'-0"; A-102 Upper Level Floor Plan, scale 3/16" = 1'-0"; A-103 Lower Level Floor Plan, scale 3/16" = 1'-0"; A-104 Roof Plan, scale 3/16" = 1'-0"; A-201 Exterior Elevations, scale 3/16" = 1'-0"; A-202 Exterior Elevations, scale 3/16" = 1'-0", A-300 Building Section, scale 3/16" = 1'-0".

MVC DRI 712 Shearer Cottage Expansion
2.4 Other Exhibits

E1. Referral to the MVC from the Oak Bluffs Zoning Board of Appeals, received August 3, 2021, and updated on October 5, 2021.

E2. Plan of the Vineyard Highlands from 1890.

E3. Applicant’s Narrative titled “The Inn at Shearer Cottage, est. 1912 Martha’s Vineyard” consisting of one (1) page, received August 24, 2021, and revised to consist of four (4) pages, received September 9, 2021.

E4. Staff Report for DRI 712 Shearer Cottage Expansion, dated September 13 and updated on October 12, October 14, November 23, November 30, and December 23, 2021.

E5. Staff Presentation for LUPC, dated September 13, 2021.

E6. Email correspondence and attachments between Alex Elvin, DRI Coordinator, and MacGregor Anderson, Oak Bluffs Assessors Office, consisting of four (4) pages, dated September 16, 2021.

E7. Application for Special Permit, submitted to the Oak Bluffs Planning Board, consisting of two (2) pages, received September 20, 2021.


E10. The Inn at Shearer Cottage Proposal for Small Invitation-Only Gatherings, consisting of one (1) page, received October 14, 2021.

E11. Letter from the Oak Bluffs Planning Board and Zoning Board of Appeals, regarding Town review processes and comments, consisting of two (2) pages, dated October 29, 2021.


E14. Emails between Peter Gearhart, Applicant, and Chief Nelson Wirtz, Oak Bluffs Fire Chief, regarding a site visit and resulting comments, consisting of three (3) pages, dated November 16, 2021.

E15. Applicant’s Response to Questions, consisting of one (1) page, dated November 18, 2021.
E16. Renderings of the Proposal as viewed from Morgan Avenue, Glenwood Avenue and Highland Avenue, consisting of two (2) pages, received November 16, 2021, and revised on November 18, 2021.

E17. Email from Ewell Hopkins, Oak Bluffs Planning Board, to Alex Elvin with clarifications to Planning Board and Zoning Board of Appeals comments dated October 29, 2021 (listed as E11.), consisting of one (1) page, dated November 21, 2021.

E18. Email from Chuck Sullivan, Applicant to Alex Elvin with modifications to the proposal regarding private events, consisting of one (1) page, dated November 22, 2021.

E19. Letter from George Sourati, Applicant, to Sheri Caseau, regarding nitrogen calculations, consisting of one (1) page, dated November 22, 2021.


E23. Applicant’s Response to Questions, consisting of one (1) page, dated December 1, 2021.

E24. Email from Chief Nelson Wirtz, Oak Bluffs Fire Chief, to Alex Elvin regarding access to the property, dated December 2, 2021.

E25. Email from Eric Van Allen, Applicant, to Alex Elvin regarding a Commissioner conflict, consisting of one (1) page, dated December 7, 2021.

E26. Email from Brian Packish to Adam Turner, MVC Executive Director, regarding questions about the Shearer Cottage Application, consisting of one (1) page, dated December 8, 2021.

E27. Emails between Eric Van Allen, Applicant, and Alex Elvin with applicant’s response to questions, consisting of seven (7) pages, dated December 14, 2021.

E28. Revised rendering of project as viewed from Highland Ave, received December 14, 2021.


E30. Emails between Eric Van Allen, Applicant, and Alex Elvin regarding final offers for the proposal, consisting of four (4) pages, dated December 20, 2021.

E31. Memo to the Land Use Planning Committee from the Applicant regarding possible conditions, consisting of two (2) pages, dated December 23, 2021.

E32. Two (2) letters expressing concern from the following citizens and organizations: Bob Bottino and Craig Dripps, President of the East Chop Association.
E33. Thirty-nine (39) letters of support from the following citizens and organizations: Richard Bayne, Jacqui & Wayne Budd, Diane Carr, Jocelyn Coleman Walton, Marcia Coleman-Joyner, Dr. Walter Collier, Ronald Crampton, Darrelle Delps, Thomas Dresser, the Edmonds Family, David & Lynn Edmonds, Skip Finley, Carol Fuller, Diane Gandy, Berta Giles Welch, Amy Goldson, Cheryl Cohen Griffin, Shirley & Elliott Hall, Emanuel Horne, Jean Hurd, Michele Jones Galvin, John King, Veronica Lytle, William Lytle, Dee Marshall, John & Paula Martin, Matthew Moore, the MV Museum, Jill Nelson, Alex Palmer, Anita Robinson, Carol Shearer-Best, the Smith Family, Carrie Tankard, Richard & Kathy Taylor, Kendall Van Allen, Jo-Ann Walker, Richard & Carol Washington, and Diane Welburn.

E34. Minutes of the Commission’s Land Use Planning Committee Pre-Public Hearing Review, September 13, 2021.


E40. Minutes of the Commission’s Approval of the Written Decision, January 13, 2022.

2.5 Summary of Testimony

The following gave testimony during the public hearing on October 14, 2021:

- Staff presentation by Alex Elvin, DRI Coordinator.
- Presentation of the project by Chuck Sullivan and Eric Van Allen, Applicants.
- Oral testimony from Public Officials speaking for their Boards: none.
- Oral testimony from the Public: none.

The following gave testimony during the public hearing on November 18, 2021:

- Staff presentation by Alex Elvin, DRI Coordinator.

The following gave testimony during the public hearing on December 2, 2021:

- Staff presentation by Alex Elvin, DRI Coordinator.
- Presentation of the project by Chuck Sullivan, Kris Horiuchi, George Souratli, and Eric & Carma Van Allen, Applicants.
- Oral testimony from Public Officials speaking for their Boards: none.
- Oral testimony from the Public: Barbara Baskin and Dr. Elaine Weintraub.

3. FINDINGS
3.1 Project Description

The properties currently include two buildings – the main two-story cottage with three bedrooms, and a separate one-story building to the south with three rooms. The property at 5 Morgan Ave. is currently used for parking. The main cottage will be gut-renovated, moved back slightly from the street, and expanded to the south, with a total of five bedrooms and a kitchen, and the separate one-story building will be demolished. A new two-story building with eight bedrooms (including a basement level) will be constructed immediately west of the main cottage, and a new one-story building with two bedrooms will be constructed immediately south of the main cottage. The new campus will extend onto 7 Highland Ave. to the west, which is also owned by the Applicant. The western portion of the site will be regraded to allow for windows and doors on the basement level of the larger of the two new buildings. The total number of bedrooms on the properties will increase from six to 15, and the total square footage will increase from 3,061 ft² to 9,073 ft², not including deck and porch space, which will increase from 906 ft² to 2,085 ft². The proposal was revised on Nov. 22, 2021 to no longer include events, and to clarify that use of the inn will be for overnight guests only.

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) and impacts
upon persons and property (Section 15(c) of the Act), the Commission finds the project will have a beneficial impact. The Commission finds that the project would not adversely affect the supply of needed low- and moderate-income housing for Island residents (Section 15(d) of the Act) or the provision of municipal services or the burden on taxpayers (Section 15(e) of the Act); would not unduly burden existing public facilities (Section 15(f) of the Act); and would not interfere with local, regional, or state planning objectives (Sections 14(b), 15(g), and 15(h) of the Act, respectively).

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 Water Quality and Energy (considered primary factors in the decision), the Commission finds the project will have a beneficial impact. With respect to Stormwater and Open Space, the Commission finds the project will have a detrimental impact. The Commission also notes the following with respect to impacts on the environment:

**Water Quality (including Groundwater)**

- The property drains into Oak Bluffs Harbor, and the proposal includes an Innovative/Advanced (I/A) septic system capable of reducing nitrogen output to 12 mg/L.
- The Applicant has offered that the inn will operate no more than eight months per year (six consecutive months, plus an additional two months as appropriate), and to hold no events onsite, other than regular use of the property by overnight guests.
- The proposal for a 12 mg/L septic system and eight months (244 days) of operation with 15 bedrooms would create an approximate nitrogen load of 8.02 kg/year (accounting for lawn area and runoff), which is below the limit of 8.88 mg/L for the properties, and below the current nitrogen load, which exceeds the limit.

**Energy**

- The Applicant has proposed all-electric and Energy Star-compliant mechanical equipment, as well as a 29.7 kW rooftop solar array to be installed within five years of reopening.
- The Applicant has offered to install two or three electric vehicle charging stations for overnight guests, with a goal of having one EV station per parking space within five years of reopening.

**Stormwater**

- The total impervious surface area will increase by about 5,000 ft².
- The proposed new parking area will be permeable, and a large patio proposed for the area north of the main cottage will consist of permeable turftone pavers.
- A drainage plan (designed for a 25-year storm) shows drainage pits at three corners of the property, and a catch basin east of the proposed expansion. The Applicant has stated that there would be little runoff into Morgan Ave., with all roof runoff deposited into the catch basin, and planting beds along the edge of the property to minimize direct drainage.

**Open Space**
• The amount of open space on the property will decrease as a result of the new buildings, patio, and walkways, and 28 trees would be removed.

**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 Character and Identity, Social Development, and Economic Development (considered primary factors in the decision), the Commission finds the project will have a beneficial impact. With respect to Traffic and Transportation and Impact on Abutters (also considered primary factors in the decision), the Commission finds the project will have a detrimental impact. The Commission also notes the following with respect to impacts on persons and property:

**Traffic and Transportation**

• There are currently 12 parking spaces across the street at 5 Morgan Ave., with 12 proposed, and an additional handicapped-accessible space at 4 Morgan Ave.
• Each guest unit (three two-bedroom units, six one-bedroom units, and three studios) would be assigned one parking space, and guest vehicles would be limited to one per unit.
• The Applicant plans to encourage guests to use alternate modes of transportation such as bikes and public transit, and will offer free bus passes to overnight guests.
• The Applicant would maintain unpaved portions of Morgan, Church and Glenwood avenues around the property, as required by the town.
• The project will lead to an increase in commercial activity in a residential area.

**Character and Identity**

• The new buildings and exterior renovations will retain some features of the original structure, including cedar sidewall, double-hung windows, and decorative moldings. (The Applicant plans to reuse/replicate the existing gable and post brackets throughout the campus.)
• Certain historic features will be modified, including replacement of the large second-floor balcony with a smaller railing and double doors, replacement of the solid railing on the first-floor porch with a cross-fence design, and the addition of a second floor on the northern part of the building.
• The total square footage of buildings will increase from 3,061 ft² to 9,073 ft², and deck and porch space will increase from 906 ft² to 2,085 ft².
• The new buildings to the west and south will be visible from in front of the main cottage, including the gables and chimney of the building to the west (behind the cottage), which will be taller than the existing structure.
• Renderings provided by the Applicant show a neutral grey color scheme for the buildings, as compared to the current red buildings.
• The project will expand an iconic Island property that has played an important role in African American history and culture.
• An existing plaque donated by the Martha’s Vineyard African American Heritage Trail will be relocated to Church Ave. (near the parking area), where Heritage Trail visitors can gather with views of the cottage.

**Social Development**

• The project will expand an iconic Island property that has played an important role in African American history and culture.

• An existing plaque donated by the Martha’s Vineyard African American Heritage Trail will be relocated to Church Ave. (near the parking area), where Heritage Trail visitors can gather with views of the cottage.

**Economic Development**

• The cottage is an independently owned family business. It has recently accommodated overnight guests and private gatherings, including reunions, retreats, weddings, conferences, etc., by private invitation. As proposed, the expanded inn will offer daily, weekly, and monthly rates, and whole-house packages.

• The Applicant has stated that the inn will also offer whole-house packages and daily rates to the extent practicable in the off-season.

• Food and beverage service was previously available to guests and others, but would now be limited to overnight guests.

• The proposal will increase the size of the cottage and add new buildings in order to enhance the economic viability of the business.

• The Applicant estimates the addition of one or two new seasonal employees as a result of the expansion, and has offered to provide offsite seasonal housing for any employee who does not already have housing on the Island.

• The project will generate additional commercial Room Occupancy Tax income for the town of Oak Bluffs and the state.

• The project will generate additional property tax for the town of Oak Bluffs due to the proposed renovation and expansion that will likely increase the value of the property.

• The proposed renovation and development will create a small number of new temporary jobs in the professional, technical, construction, and trade industries.

**Impact on Abutters**

• The MVC received 41 letters from the public, mostly in support of the project, although a letter from the president of the East Chop Association raises concerns about the scale of the proposed expansion, and the potential effects on parking, traffic, roads, wastewater, lighting, and noise in the neighborhood.

**Landscape**
• A preliminary landscape plan shows native plantings and existing vegetation toward the rear of the property, with 28 oak, cedar, or holly trees (ranging in size from 7" to 26") slated for removal.
• The Applicant has stated that the intent is to increase vegetation along the property lines with abutting houses, which could serve as natural sound barriers.
• The Applicant has also provided the following information:

  In keeping with the original landscape, ornamental plantings are proposed for the foundations of the new structures and along Morgan Avenue. Garden plants typical to the island will include summer blooming hydrangeas, roses, butterfly bush, vitex, and perennials. Screen plantings will be evergreen trees such as arborvitae. In the southwest corner of the property, native plantings are proposed adjacent to the existing woodland and will include species from the Polly Hill Arboretum Native Plant list, such as bayberry, arrowwood viburnum, highbush blueberry, and clethra. A complete planting plan will be submitted to the Commission as part of the building permit process.

Safety and health

• All buildings will be up to current building and fire safety codes.
• The Oak Bluffs Fire inspected the property in November and noted that some vegetation may need to be removed along the roads, but had no major concerns. The Fire Chief planned to bring in a fire engine in December to evaluate the access, and conduct further analysis as needed.

Noise and lighting

• The proposal would increase the maximum number of overnight guests at one time from 18 to 30, potentially generating additional noise.
• The proposal was revised on Nov. 22 to no longer include events, and to clarify that use of the inn will be for overnight guests only.
• A preliminary lighting plan shows parking light fixtures at six locations (at 5 and 7 Morgan Ave.), pathway lighting at nine locations, and wall-mounted lighting at 15 locations, with images of each fixture type provided.

A4. The Commission finds that the project will not adversely affect the supply of needed low- and moderate-income housing for Island residents (Section 15(d) of the Act).

The Commission notes that the Applicant estimates the addition of one or two new seasonal employees as a result of the expansion, and that the Applicant has offered to provide offsite seasonal housing for any employee who does not already have housing on the Island.

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).
The Commission notes that the proposed expansion would likely not have a significant impact on town services such as police and fire, since the development is located in a densely developed residential area. The Applicant will maintain the unpaved roads around the property.

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 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).

The project generally aligns with the Island Plan, including sections 4 (Built Environment), 6 (Livelihood and Commerce), 7 (Energy and Waste), 8 (Housing), and 10 (Water 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.

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 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

The Martha’s Vineyard Commission deliberated about the application at a duly noted meeting of the Commission held on January 6, 2022 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 January 6, 2022:

Voting to approve the project: Jeff Agnoli, Trip Barnes, Christina Brown, Jay Grossman, Fred Hancock, Kathy Newman, Ben Robinson, Doug Sederholm, Linda Sibley, Jim Vercruysse.
Voting against: None.
Abstentions: None.
Recused: 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 January 6, 2022 and was approved by a vote of the Commission on January 13, 2022.

5. CONDITIONS

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

1. WATER QUALITY

1.1. The Applicant shall install an Innovative/Alternative septic system capable of reducing nitrogen output to at most 12 mg/L, with monitoring reports as prescribed by the MA Department of Environmental Protection in its permit, but in any event at least every six months for the first three years and at least once a year thereafter. These reports shall be provided to the MVC as soon as they are available. If the reduction is not achieved during any two consecutive reporting periods or during any two such periods in a calendar year, or if the property is generating nitrogen levels greater than 8.88 kg/year, then the Applicant shall provide the LUPC within 60 days thereafter a proposal for further mitigation consistent with the then-current MVC Water Quality Management Policy to reduce the nitrogen output of the septic system to no more than 12 mg/L or reduce the nitrogen generated by the property to no more than 8.88 kg/year, whichever is applicable. In either case, if the LUPC does not approve the proposal or any further proposal offered by the Applicant, then the matter shall be referred to the full Commission for review. The Commission may order mitigation as it deems appropriate in the circumstances.

1.2. To comply with the nitrogen load limit for the properties (8.88 kg/year for 0.751 acres), the inn shall operate no more than eight months per year (six consecutive months, and additional periods not to exceed two months in total), and the Applicant shall provide its water bills from town of Oak Bluffs within 30 days after receipt, including a statement of water usage, to the MVC every six months, or as required by the MVC. In addition, there shall be no events of any kind on the property, with the exception of reasonable and customary use of the property by overnight guests.
2. HOUSING

2.1 By June 1 of each year, the Applicant shall provide to the MVC a breakdown of the anticipated number of employees of the inn, indicating the number of those who already have housing and the number of those who do not. The Applicant shall provide off-site seasonal housing for any employee of the inn who does not already have housing on the Island. In such cases, a signed copy of an employee housing contract with each employee who is offered housing shall be provided to the MVC by no later than the employee’s first day of work.

3. ENERGY

3.1 Within five years of reopening, the Applicant shall install rooftop solar panels on the property, with the location of the panels provided to the LUFCP.

3.2 All mechanical equipment for heating and cooling (air and domestic hot water) shall be electric and Energy Star compliant.

4. LANDSCAPE AND LIGHTING

4.1 A final landscape plan for the properties shall be submitted to the LUFCP for review and approval prior to receipt of a Certificate of Occupancy.
- Only slow-release, water-insoluble nitrogen-source fertilizers may be used in the maintenance of landscaping.
- Landscape must use only native or low-maintenance, drought-tolerant species that are non-invasive to minimize the application of nitrogen, pesticides, and water.
- Strongly rooted shrubs should be considered, including along Morgan Ave., to help address runoff.

4.2 A final exterior lighting plan for the properties shall be submitted to the LUFCP for review and approval prior to receipt of a Certificate of Occupancy.
- All exterior lighting shall be downward-shielded and comply with International Dark Sky Association standards.
- The color temperature of exterior lighting shall not exceed 3,000 Kelvin.

As offered by the Applicant:

5. The Applicant will offer complimentary VTA bus passes to overnight guests.

6. The Applicant will limit the parking lot, which is reserved for overnight guests, to 12 parking spaces.

7. The Applicant will install electric vehicle charging stations for overnight guests only, starting with two or three stations at reopening and expanding to all 12 parking spaces over the following five years.
8. The Applicant will maintain unpaved portions of Morgan and Church Avenues around the property, as required by the Town of Oak Bluffs. The Applicant will maintain unpaved portions of Glenwood Avenue along the property line, as required by the Town of Oak Bluffs.

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

20 January 2022

Date

6.5 Notarization of Decision

Commonwealth of Massachusetts
County of Dukes County, Mass.

On this 20th day of January, 2022, 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 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.

Lucy C. Morrison
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: January 20, 2022

Deed: Book 1411, Page 707

Document Number: 00000375