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# Decision of the Martha's Vineyard Commission

## DRI 718 - 7 Arlington Ave Demolition

### 1. SUMMARY

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**Referring Board:** Oak Bluffs Zoning Board of Appeals

**Subject:** Development of Regional Impact #718 7 Arlington Ave Demolition

**Project:** Demolition of a house built in 1875 and listed in MACRIS.

**Owners:** Lisa Kim and Eunu Chun

**Applicant:** William Sullivan, Architect

**Applicant Address:** Lisa H. Kim & Eunu Chun                                  William Sullivan  
100 Barrow Street, Apt. 7B    P.O. Box 989  
New York, NY 10014    Oak Bluffs, MA 02557

**Deed:** Recorded Land: Book 1255, Page 146  
Registered Land: Book 71, Page 133 - Certificate 13133  
    ↪ 81      ↪ 291                  ↪ 14948

**Project Location:** 7 Arlington Ave, Oak Bluffs. Map 3, Lot 15 (0.59 acres).

**Decision:** The Martha's Vineyard Commission (the Commission) denied the application for the project as a Development of Regional Impact without prejudice, at a vote of the Commission on September 15, 2022.

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

The permit-granting authorities of the Town of Oak Bluffs shall not grant the request for approval of the Applicant's proposal contained herein. The project is denied.

## **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 November 15, 2021 by the Oak Bluffs Zoning Board of Appeals 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 8.1b *Demolition of a house over 100 years*. After referral, it was determined that the house was listed in MACRIS (the Massachusetts Cultural Resource Information System), and also triggered Checklist Item 8.1a *Demolition of house listed in MACRIS*, which requires a mandatory public hearing 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 April 21 and 28, 2022; notice was also published in the Vineyard Gazette on April 22 and 29, 2022. Abutters within 300 feet of the property were notified by mail on April 19, 2022. Notice of the re-opened hearing was published in the MV Times on August 11 and 18, 2022; notice was also published in the Vineyard Gazette on August 12 and 19, 2022. Abutters within 300 feet of the property were notified of the re-opened hearing by mail on August 9, 2022.

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 May 5, 2022, which was continued to May 12, 2022 without testimony or presentation, which was then continued to June 16, 2022 without testimony or presentation. On June 16, 2022 the hearing was closed with the exception of the written record, which was left open until June 23, 2022 at 5:00 p.m. and closed at that time. The hearing was re-opened on August 25, 2022 and closed that night with the exception of the written record, which was left open until September 1, 2022 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 and Chapter 22 of the Acts of 2022.

### **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 Septic Plan - New Sewage Disposal System in the Town of Oak Bluffs, Existing Five Bedroom House, Plus Future One Bedroom Addition, For a Total of Six Bedrooms, Map 3, Parcel 15 7 Arlington Avenue, consisting of one (1) 36" x 24" page, prepared by Sourati Engineering Group for Pauline E. Freidrichs, Et Al, Job No. 101178, scale 1" = 20', dated September 22, 2011.

- P2. Existing Floor Plans & Elevations, consisting of three (3) 36" x 24" pages, prepared by Sullivan + Associates Architects for Chun-Kim Residence, 7 Arlington Avenue, Job # 20C01, scale ¼" = 1'-0" and dated May 7, 2020, including: X-101 Existing Elevations; X-102 Existing Exterior Elevations; X-103 Existing Foundation Plan.
- P3. Proposed Main House Plans, consisting of five (5) 36" x 24" pages, prepared by Sullivan + Associates Architects for Chun-Kim Residence, 7 Arlington Avenue, Job # 20C01, scale ¼" = 1'-0", dated September 24, 2021, including: A-101 Proposed First Floor Plan; A-102 Proposed Second & Third Floor Plans; A-201 Proposed Exterior Elevations; A-202 Proposed Exterior Elevations; A-300 Building Section, scale ½" = 1'-0".
- P4. Garage Plans, consisting of three (3) 36" x 24" pages, prepared by Sullivan + Associates Architects, for Chun-Kim Garage, 7 Arlington Avenue, Job #20C01, dated October 22, 2021, including: A-002 Site Plan, scale 1" = 10'; A-101 Floor Plan & Elevations, scale ¼" = 1'-0"; and S-100 Foundation Plan, scale 1" = 1'-0" and Section, scale ½" = 1'-0".
- P5. Detached Bedroom Plans, consisting of two (2) 36" x 24" pages, prepared by Sullivan + Associates Architects, for Chun-Kim Garage, 7 Arlington Ave, Job # 20C01, scale ¼" = 1'-0", dated October 22, 2021, including: A-101 Floor Plans; and A-201 Exterior Elevations.
- P6. Site Plan in Oak Bluffs, Massachusetts Assessor Parcel 3-15 prepared for Eune Chun & Lisa Kim by Sourati Engineering Group, Job No. 102511, consisting of one (1) 17" x 11" page, scale 1" = 20', dated December 16, 2021; revised on July 21, 2022.
- P7. Drainage Plan in Oak Bluffs, Massachusetts Assessor Parcel 3-15 prepared for Eunu Chun & Lisa Kim by Sourati Engineering Group, Job No. 102511, consisting of one (1) 17" x 11" page, scale 1" = 20', dated December 16, 2021.
- P8. Revised Proposed Main House Plans, consisting of eight (8) 36" x 24" pages, prepared by Sullivan + Associates Architects for Chun-Kim Residence, 7 Arlington Avenue, Job # 20C01, scale ¼" = 1'-0", dated June 8, 2022, including: A-101 Proposed First Floor Plan; A-102 Proposed Second & Third Floor Plans; A-201 Proposed Exterior Elevations; A-202 Proposed Exterior Elevations; A-203 Proposed Exterior Elevations; A-204 Proposed Exterior Elevations; A-300 Building Section, scale ½" = 1'-0"; and A-301 Building Section, scale ½" = 1'-0".
- P9. Revised Proposed Main House Plans, consisting of seven (7) 36" x 24" pages, prepared by Sullivan + Associates Architects for Chun-Kim Residence, 7 Arlington Avenue, Job # 20C01, scale ¼" = 1'-0", dated June 14, 2022, including: A-101 Proposed First Floor Plan; A-102 Proposed Second & Third Floor Plans; A-201 Proposed Exterior Elevations; A-202 Proposed Exterior Elevations; A-203 Proposed Exterior Elevations; A-204 Proposed Exterior Elevations; and A-300 Building Section, scale ½" = 1'-0".
- P10. Revised Proposed Main House Plans, consisting of eight (8) 36" x 24" pages, prepared by Sullivan + Associates Architects for Chun-Kim Residence, 7 Arlington Avenue, Job # 20C01, scale ¼" = 1'-0", dated June 23, 2022, including: A-100 Proposed Basement Plan; A-101 Proposed

First Floor Plan; A-102 Proposed Second & Third Floor Plans; A-201 Proposed Exterior Elevations; A-202 Proposed Exterior Elevations; A-203 Proposed Exterior Elevations; A-204 Proposed Exterior Elevations; and A-300 Building Section, scale ½" = 1'-0".

- P11. Revised Proposed Main House Plans, consisting of eight (8) 36" x 24" pages, prepared by Sullivan + Associates Architects for Chun-Kim Residence, 7 Arlington Avenue, Job # 20C01, scale ¼" = 1'-0", dated July 20, 2022, including: A-100 Proposed Basement Plan; A-101 Proposed First Floor Plan; A-102 Proposed Second & Third Floor Plans; A-201 Proposed Exterior Elevations; A-202 Proposed Exterior Elevations; A-203 Proposed Exterior Elevations; A-204 Proposed Exterior Elevations; and A-300 Building Section, scale ½" = 1'-0".

#### **2.4 Other Exhibits**

- E1. Referral to the MVC from the Oak Bluffs Zoning Board of Appeals, received November 15, 2021.
- E2. Photo of Palmer Villa, dated pre-1917.
- E3. 21000A Plan of Land in Oak Bluffs prepared by Dean H. Swift, Surveyor, scale 30 feet to an inch, dated November 1 & December 22, 1947, consisting of one (1) 11" x 17" page.
- E4. 21000B Plan of Land in Oak Bluffs prepared by Robert L. Woodbury, Chief Engineer for Land Court, scale 30 feet to an inch, dated November 9 & 11, 1971, consisting of one (1) 11" x 17" page.
- E5. MACRIS Inventory Report for OAK.414 Anna C. Brodhead House - Villa Palmer Guesthouse, consisting of four (4) pages, dated November 7, 1978.
- E6. Property Card for 7 Arlington Ave, Oak Bluffs, consisting of one (1) page, dated October 27, 2020.
- E7. Application to the Oak Bluffs Zoning Board of Appeals, consisting of five (5) pages, dated October 25, 2021.
- E8. Map of FEMA AE & VE Zones, 100 Year Flood Area, consisting of one (1) page, printed November 17, 2021.
- E9. Memo from the Applicants to Alex Elvin, re: 7 Arlington Ave. Demolition MVC follow-up response, consisting of nine (9) pages including pictures, dated February 22, 2022.
- E10. Email from Bill Potter, Squash Meadow Construction, Inc. to William Sullivan and forwarded to Alex Elvin regarding the structural condition of the house, consisting of two (2) pages including photos, dated March 29, 2022.
- E11. Photos of the site taken by staff, consisting of eight (8) pages, dated April 8, 2022.
- E12. Photos of the neighborhood taken by MVC staff, consisting of eight (8) pages, dated April 8, 2022.

- E13. Staff Report for DRI 718 7 Arlington Ave Demolition, consisting of three (3) pages, dated April 8, 2022; updated to consist of five (5) pages on July 1, 2022; and updated again to consist of six (6) pages on August 17, 2022.
- E14. Staff Presentation to the Land Use Planning Committee for the pre-public hearing review - DRI 718 7 Arlington Ave Demolition, consisting of thirty-four (34) pages, dated April 11, 2022.
- E15. Email from Pem Melrose, representing the Oak Bluffs Historical Commission (OBHC), to Alex Elvin regarding the OBHC decision on 7 Arlington Avenue, Oak Bluffs, consisting of two (2) pages, dated May 25, 2022.
- E16. Memo from Eric E. Dray, Preservation Consultant, to the Martha's Vineyard Commission, regarding DRI 718, 7 Arlington Avenue, Oak Bluffs - Demolition, consisting of five (5) pages including photos, dated June 3, 2022.
- E17. Email from Joyce Dresser, representing the Oak Bluffs Historical Commission (OBHC), with minutes of the July 8, 2022 OBHC hearing on 7 Arlington Avenue, Oak Bluffs, consisting of one (1) page, dated June 16, 2022.
- E18. Staff Presentation to the Commission for the public hearing - DRI 718 7 Arlington Ave Demolition, consisting of fifty-four (54) pages, dated June 16, 2022.
- E19. Email from Lisa Kim and Eunu Chun to Alex Elvin regarding DRI 718 - 7 Arlington, consisting of six (6) pages, including photos, dated June 22, 2022.
- E20. Email from Lisa Kim and Eunu Chun to Alex Elvin regarding DRI 718, 7 Arlington Ave Demolition, consisting of eight (8) pages, including photos, dated June 23, 2022.
- E21. Email from William Sullivan to Alex Elvin regarding 7 Arlington - MVC follow-ups, consisting of two pages, dated June 23, 2022.
- E22. Response to Questions about Views from 11 Arlington Avenue, consisting of two pages, received June 23, 2022.
- E23. Floor Area Ratio Comparison with neighborhood, 7 Arlington Avenue - Oak Bluffs, consisting of one (1) page, dated June 23, 2022; updated on July 21, 2022.
- E24. Staff Presentation the Land Use Planning Committee for the post-public hearing review - DRI 718 7 Arlington Ave Demolition, consisting of fifty-six (56) pages, dated July 5, 2022.
- E25. Email from William Sullivan to Alex Elvin and Adam Turner regarding 7 Arlington Ave - building code issues, consisting of (1) page, dated July 21, 2022.
- E26. Structural Report for 7 Arlington Ave, Oak Bluffs prepared by Casey Decker, P.E., Martha's Vineyard Engineering & Design, consisting of four (4) pages, dated July 21, 2022.

- E27. Applicant's Presentation - Request to reopen the public hearing - 7 Arlington Avenue, consisting of fifteen (15) pages, dated July 21, 2022
- E28. Staff Presentation - Summary of Revised Plans for 7 Arlington Ave, Oak Bluffs, consisting of twenty-eight (28) pages, dated August 17, 2022.
- E29. Email from Ben Robinson, MVC Commissioner, to Alex Elvin regarding embodied carbon on demolition with links to articles, consisting of one (1) page, dated August 25, 2022.
- E30. Memo from William Sullivan, Architect, regarding 7 Arlington Ave Carbon Footprint, consisting of one (1) page, dated August 31, 2022.
- E31. Letter from Eunu Chun and Lisa Kim to Alex Elvin, consisting of three (3) pages including photos, dated September 1, 2022.
- E32. Twenty-one (21) letters of support from the following citizens: Nicole Andrews, June 22; Michelle & John Battelle, July 21; Ken Blacklow (2): June 23 and September 1; Robert Blacklow M.D., June 23; Constance & Dominique Borde, August 8; Dierdre Brown, June 23; Michael Christian M.D., August 16; Dawn Davis & Mac LaFollette, June 21; Elizabeth Davis, September 1; Stephen Davis & Jill Cowan, September 1; Jimmy Elliott, June 19; Amy Goldson, September 1; Mac LaFollette, September 1; Luis Penalver, June 22; Stephanie Phillipps & George Murray (2): June 20 and September 1; James Richardson, August 17; Anne Rounseville, May 3; Lynn & Sengal Selassie, June 22; and Bruce & Laretta Stewart, June 23, 2022.
- E33. Seven (7) letters of opposition from the following citizens: Ernie Buff, July 8; Emily Friedrichs, July 14; Ted Meleney, June 4; John Sands (2): June 17 and July 21; and Kendra Sands (2): May 11 and June 22.
- E34. Minutes of the Commission's Land Use Planning Committee Pre-Public Hearing Review, April 11, 2022.
- E35. Minutes of the Commission's Public Hearing, June 16, 2022.
- E36. Minutes of the Commission's Land Use Planning Committee Post-Public Hearing Review, July 5, 2022.
- E37. Minutes of the Commission's Re-Opened Public Hearing, August 25, 2022.
- E38. Minutes of the Commission's Land Use Planning Committee Post-Public Hearing Review, September 13, 2022.
- E39. Minutes of the Commission's Deliberation and Decision, September 15, 2022.
- E40. Minutes of the Commission's Approval of the Written Decision, October 13, 2022.

**2.5 Summary of Testimony**

The following gave testimony during the public hearing on June 16, 2022:

- Staff presentation by Alex Elvin, DRI Coordinator.
- Presentation of the project by William Sullivan, architect and Lisa Kim, homeowner.
- Oral testimony from Public Officials speaking for their Boards: Barbara Baskin, Oak Bluffs Historic Commission.
- Oral testimony from the Public: Kendra Sands, abutter.

The following gave testimony during the re-opened public hearing on August 25, 2022:

- Updated Staff presentation by Alex Elvin, DRI Coordinator.
- Presentation of the revised project by Eunu Chun, homeowner and William Sullivan, architect.
- Oral testimony from Public Officials speaking for their Boards: Barbara Baskin, Oak Bluffs Historic Commission.
- Oral testimony from the Public:
  - Jim Richardson;
  - Kendra Sands, abutter; and
  - Emily Friedrichs, previous owner of the home.
- Closing statement by Eunu Chun, homeowner.

### **3. FINDINGS**

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#### **3.1 Project Description**

The three-story four-bedroom house is listed in the Massachusetts Cultural Resource Information System (MACRIS) as the Palmer Villa House, built in 1875, which was divided and moved from Plymouth Park in 1917. It is significant in part due to its location in the Vineyard Highlands (laid out in 1869 as an alternative to the Wesleyan Grove Campground), its inclusion in the area known as Institute Hill, and because the original house was built in the Campground cottage style. The town assessor's office lists the building's condition as "minus good" (considered above average for Oak Bluffs). Various work has been done on the building since 2016, including unspecified renovations in 2012.

The proposal was to demolish most of the existing historic house, while retaining and slightly relocating two stories of the main three-story section (minus the second-floor ceiling), and expand the structure as shown in the tables below. An existing detached bedroom was to be renovated in the same footprint (425 ft<sup>2</sup>). And a new 484 ft<sup>2</sup> garage added. The proposed height of the main building was 32 feet from grade, which is the maximum allowable in the R2 district.

<b>Existing area (ft<sup>2</sup>)</b>		<b>Proposed area (ft<sup>2</sup>)</b>	
First floor	1,152	First floor	1,910
Second floor	941	Second floor	1,530
Third floor	140	Third floor	164
		Basement	856
<i>Total</i>	<i>2,233</i>	<i>Total</i>	<i>4,460 (100% increase)</i>

### **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 DETRIMENTS OF THE PROPOSED DEVELOPMENT WOULD EXCEED THE PROBABLE BENEFITS, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTIONS 14 AND 15 OF THE ACT.**

The Commission finds that the probable detriments of the project outweigh the probable benefits, 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 would have a detrimental effect. The Commission also finds that the proposed demolition and new construction at this location is not essential or appropriate in view of the available alternatives (Section 15(a) of the Act), namely restoration, rehabilitation, or renovation of the existing structure rather than demolition of most of the structure and new construction. The Commission finds that the project would not adversely affect the provision of municipal services or the burden on taxpayers, would not unduly burden existing public facilities, and would not interfere with local or state planning objectives.

#### **A1. The Commission finds that the proposed development is not essential or appropriate at this location, in view of the available alternatives (Section 15(a) of the Act.)**

The existing house is significant in part due its location in the Vineyard Highlands, and is considered integral to the row of houses along East Chop Drive known as Institute Hill. It is one half of the former Palmer Villa (built in 1875), which was relocated from Beecher Park in 1917. The other half is located next door at 11 Arlington Ave. While the original ornamental trim has been removed or replaced, the house retains the general proportions, massing, and roof shapes of the Palmer Villa, including features of the Queen Anne and Second Empire styles characteristic of Oak Bluffs. It is visible from East Chop Drive, Arlington Ave., and Nantucket Sound, although partly obscured by vegetation. The Oak Bluffs



Historical Commission in June 2022 designated the house both “Significant” and “Preferably Preserved.”

While the Applicant submitted information explaining its rationale for demolition, such rationale focused primarily on financial and logistical costs; although structural issues and safety were discussed, the record did not establish that the home could not be preserved and feasibly renovated in a manner that would bring it into compliance with current safety codes.

The Commission further notes that the proposed replacement structure did not faithfully preserve the historic character of the existing structure, particularly in regard to its size and massing, and in light of its visibility from East Chop Drive and impact on the character of the neighborhood.

For these reasons, the Commission concludes that the proposal is neither essential nor appropriate in light of the alternatives of restoring or rehabilitating the existing structure.

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

The Commission notes the following with respect to impacts upon the environment:

Water quality

The property is within the coastal watershed. There are currently five bedrooms, including the detached bedroom, and plans showed a total six bedrooms, including the renovated detached bedroom. An existing six-bedroom septic tank would remain, with the septic tank relocated slightly to the east. An existing leaching field on land once owned by the Highland Trust (now East Chop Association) would also remain. The East Chop Association has stated that there are no current restrictions on that portion of the property.

Stormwater

The property is partly within the FEMA VE flood zone, but the proposed house would be located on higher ground and would be just outside that area. A drainage plan showed a gutter and drywell system for the main house and detached bedroom.

Energy

The proposed building would be all-electric, with a heat pump HVAC system and hybrid hot water tanks. (The existing house has electric water heating, and plug-in AC units and radiant hot water heaters.) As revised, the project would be constructed according to LEED Silver standards for residential structures, and the detached bedroom and garage would include 30 solar panels to help offset electricity use.

In general, demolition plus new construction requires more energy than renovation. However, the applicant has argued that is not necessarily the case here, since a new foundation, framing, building envelope, and mechanical systems would be needed in either case. (The applicant notes research by

the Carbon Leadership Forum which shows that a building's foundation and physical structure account for about 75% of its embodied carbon.)

#### Material use

The project would involve demolishing most of the existing structure, with impacts in terms of waste production, reliance on new rather than existing resources, and the project's carbon footprint. There were no plans to salvage or reuse the demolished portions, except the main stairway, and some interior paneling, doors, and hardware.

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

With respect to Character and Identity (considered a primary factor in the decision and including the factors of Historic Significance and the proposed Replacement Program), the Commission finds the project would have a detrimental impact. The Commission notes the following:

#### Historic Significance

*Age:* The existing structure was originally built in 1875, and divided and moved to two other locations in the Vineyard Highlands in 1917.

*History/Culture:* The building is significant as part of the Vineyard Highlands, and is an example of Campground cottage construction. The original structure on Beecher Park was an elaborate seasonal home built in the Campground style and later divided and moved, with half going to 7 Arlington, and half to 11 Arlington next door. (The house at 11 Arlington is associated with the former Rice Playhouse, which is considered the second summer theater in the nation. It is unknown to what degree 7 Arlington was also associated with the Rice family.) The property is considered integral to the area known as Institute Hill, which was associated with the Martha's Vineyard Summer Institute that once stood at the bend in East Chop Drive.

*Design/Construction:* MHC classifies the style as Victorian Eclectic, meaning that it was built in the Victorian era but does not display sufficient characteristics to clearly identify with one style. The Palmer Villa included features associated with the Queen Anne style and Second Empire style. The existing structure generally retains the proportions, massing, and roof shapes of the original, although few of the original decorative elements remain, as indicated by a photograph of the original Palmer Villa. The building was apparently constructed with high quality methods and materials, as indicated by its age and condition.

According to a peer review by preservation consultant Eric Dray, the house "retains some of the Queen Anne-style irregular massing of the original 1875 villa, most notably the roof forms with clipped-gable dormers on both sides of the corner tower. However, the house has lost all ornamental trim that animated the elevations and roof; and the primary reference to the Second Empire style – the Mansard-roofed turret – was replaced by a larger, astylistic corner tower with shallow hip roof."

*Integrity:* The entire structure as it stands is considered historic. Apart from the division and relocation in 1917, various work has been done on the building, although the footprint of the house remains the same as in 1917 and the general massing and roof shapes have been retained. The following changes were identified in the peer review:

- *Removal of all ornamental trim. The house in its original form was highly ornamented, including vergeboards, roof-top finials and cresting, patterned roofing (presumably slate), and turned porch posts with ornamental brackets.*
- *Replacement of corner turret with larger tower.*
- *Replacement of wrap-around porch. This was likely done when the house was moved in 1917. The replacement porch has no ornamental details, and the corner steps with clipped gable roof were not replicated.*
- *Infilling of dormer decks.*
- *It is unclear if the rear ell is original to the house. The ell appears to have a similar roof height, but in the original location, the second story appears to have been stepped back, which is no longer the case.*
- *Window replacement and resizing. None of the windows appear to be original or historically significant. The majority of the windows appear to originally have been wood, 2/2 double-hung sash. These windows have all been replaced with modern, thermal 2/2 windows and large fixed sash.*

*Contribution to Context:* The house is part of a wooded and gently developed area in the Highlands. It stands on a hill overlooking Nantucket Sound and is among the first and more visible houses on Arlington Ave., as approached from East Chop Drive. The other half of the original house that was divided is located next door. The house is aligned with other large houses along the part of East Chop Drive known as Institute Hill (named for the Martha's Vineyard Summer Institute), but is more heavily screened by trees and other vegetation. 7 Arlington was the most recent addition; the other five had been built or relocated in the late-19th century. It is somewhat larger than other houses in the neighborhood, and stands farther back from the road. The construction dates of houses in the immediate area range from 1890 to 1930. The house has stood in its current location since 1917.

According to the peer review, "It was likely intended that 7 Arlington Avenue be located in a manner that continued the row of summer cottages on the ridge overlooking Vineyard Sound. Although somewhat altered, 7 Arlington Avenue does provide the north terminus to a distinct row of late-19th century cottages."

*Historic Designation:* The house is listed in MACRIS, but no other historic registers. The Oak Bluffs Historic Commission voted in 2022 to designate the house as both "Significant" and "Preferably Preserved." In response to project revisions received on July 21, the OBHC chairperson stated that the earlier designations from June are still valid.

*Visibility:* The house is visible from East Chop Drive, Arlington Ave., and Nantucket Sound, but is partly obscured by trees and other vegetation.

*Condition:* The town assessor's office lists the building's condition as "minus good" (considered above average for Oak Bluffs), with an assessed value of \$371,300.

A structural report on behalf of the applicant concludes: "The existing building shows no signs of imminent collapse or is in disrepair. However, the structure will need significant repairs and improvements for any proposed renovation and/or addition to the existing home. All load bearing members and lateral support assemblies would require major retrofitting which would render some of the non-visible historic elements lost during construction. A new foundation and interior supports would be necessary to withstand code-compliant gravity and lateral loads. As well as new floor, roof and exterior wall framing to span across and over the existing historic floors to save them."

The applicant has stated that the kitchen, as well as most of the ceiling framing on the second floor, appears to be insulated, but that the insulated spaces might not be up to code.

Squash Meadow Construction, which has done work on the house, provided an email noting that they had observed areas of rot and stating that the deck and roof need to be rebuilt.

*Safety:* The applicant has argued that the house is unsafe, although a formal safety inspection was not conducted. (See *Condition* above.)

Overall, the peer review found that despite various alterations, the house retains its irregular massing, roof shapes, and clipped gable dormers (all key features of the original), that its footprint has not changed for as long as it has stood on the site, and that it provides the northern terminus of a distinct row of late 19<sup>th</sup> century cottages facing East Chop Drive. The Commission also notes that the house is listed in MACRIS, and that the Oak Bluffs Historical Commission voted to designate it as both "Significant" and "Preferably Preserved," all of which weighed in the decision.

#### Replacement Program

The proposal is to demolish most of the existing historic house, while retaining and relocating two stories of the main three-story section (minus the second-floor ceiling), and expand the structure as shown in the tables below. An existing detached bedroom would be renovated in the same footprint (425 ft<sup>2</sup>). And a new 484 ft<sup>2</sup> garage would be added. The applicant stated that it had explored the possibility of rehabilitating the house, but that demolition was preferred for structural and financial reasons. The new house would also facilitate one-level living for elder parents.

The proposed work is generally too extensive to be considered a rehabilitation of the existing structure. The main front room of the house would be retained but not visible from the outside.

The applicant notes that the scale of the new house, in terms of the floor area and lot size, would be comparable to other properties in the neighborhood. However, the house would be twice the size of the existing house (60% larger excluding the proposed basement), and about three feet taller. The proposed massing would also be significantly different in appearance, including a large uninterrupted section of roof visible from East Chop Drive.

Windows, soffit and porch and balcony posts, and some trim details will be similar to the existing house, but no exterior materials will be salvaged for the new house. The width of the proposed tower from east to west would match the original, but the width from north to south would be greater. Portions of the main stairway, including railing, balusters, and newel posts, will be salvaged, along with some interior paneling, doors, and hardware. The chimney of the new house would be brick with a chimney cap to match the existing chimney. The height of the new building would be about 32 feet from grade, compared to the existing height of about 29 feet, and would be the maximum allowable in the R2 district.

The applicant had retained Building Conservation Associates “to oversee all design decisions related to preserving the historical integrity” of the new house.

With respect to Impact on Abutters, the Commission notes the following:

Several abutters wrote in support of the proposal, noting the following:

- General approval of the proposed house, including size and design.
- Owners’ involvement in the community.
- 7 Arlington is not as “historic” as other homes on East Chop, which range in style.
- Various structural deficiencies with the existing house.

Other abutters raised the following concerns:

- The back portion of the proposed house would be too large and dissociated from the rest of the house. (The historical features would focus mainly on the street-facing side.)
- The proposed house would not comply with current zoning setbacks.
- Little of the existing house would remain.
- The proposed house would be out of scale with the neighborhood.
- Potential impacts on views and privacy of 11 Arlington Ave., whose owners requested locating the house farther north on the lot.
- Potential noise from the proposed detached bedroom, which could be used for short-term rentals and would not comply with current zoning setbacks.
- Potential impacts from construction, if not limited to between Indigenous Peoples Day and Memorial Day.
- Importance of preserving the character of the Island, and impact of incremental loss of historic resources.

With respect to Landscaping, the Commission notes the following:

- An existing driveway along the side of the house would be removed and replanted, and a new driveway added toward the front of the site.
- The new driveway would require the removal of trees, but the applicant has stated that the demolition and new construction would not. A landscape plan was not provided.

**A4. 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 the project.**

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

**A6. The Commission finds that the proposed development would likely not increase the burden on existing public facilities 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 the objectives set forth in the municipal general plan, and would not contravene land development objectives and policies developed by state agencies. However, the project does not align with certain aspects of the MVC Island Plan, as described below. (Sections 14(b), 15(g), and 15(h) of the Act.)**

The Island Plan considers “Limited growth harmonizing with character” as suitable for traditional and historic neighborhoods such as East Chop Drive. The Island Plan also states: “Most important for keeping the authentic, unique character of Martha’s Vineyard is preserving historic buildings and other historic resources from destruction or inappropriate alteration.” The Island Plan discourages “demolishing older structures and erecting buildings that go to the limits of zoning regulations, that are too big or otherwise don’t fit their surroundings.” The proposal generally aligns with other aspects of the plan.

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

The project would require zoning relief for the proposed setbacks of 14 feet on the western property line (for the main house), and 3-4 feet on the western and southern property lines (for the detached bedroom). The minimum setbacks in the R2 district are 25 feet in front, and 20 feet on the sides and rear. The proposed height is 32 feet, which is the maximum allowed in the district.

**B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WOULD NOT 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 project site is not within any District of Critical Planning Concern.

In sum, after careful review of the plan and its attendant submittals and the testimony presented by the Applicant and others, the Commission has concluded that the probable detriments of this

proposed development in this location exceed its probable benefits 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 September 15, 2022, and made its decision at the same meeting.

The following Commissioners, all of whom participated in the hearings (or were rehabilitated) and deliberations, participated in the decision on September 15, 2022:

Voting to deny the project without prejudice: Jeff Agnoli, Christina Brown, Jay Grossman, Fred Hancock, Michael Kim, Greg Martino, Ben Robinson, Linda Sibley

Voting against the motion: Brian Smith and Jim Vercruysse

Abstentions: Ernie Thomas

Recused: Doug Sederholm

Ineligible to Participate: Trip Barnes, Joan Malkin, Kathy Newman, Kate Putnam, Peter Wharton

Based on this vote, the Commission denied the application for the project as a Development of Regional Impact without prejudice.

This Written Decision is consistent with the vote of the Commission on September 15, 2022, and was approved by a vote of the Commission on October 13, 2022.

#### **5. CONDITIONS**

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The Martha's Vineyard Commission hereby denied the project which may not proceed under any condition.

#### **6. CONCLUSION**

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##### **6.1 Permitting from the Town**

The permit-granting authorities of the Town of Oak Bluffs shall not grant the request for approval of the Applicant's proposal. The project is denied without prejudice.

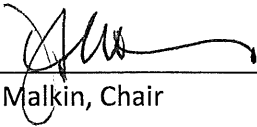
##### **6.2 Notice of Appellate Rights**

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 denial of this proposal is permanent.

**6.4 Signature Block**

  
Joan Malkin, Chair

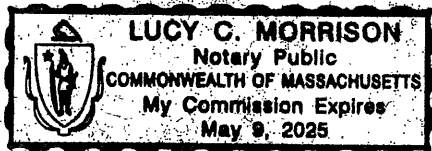
10/17/2022  
Date

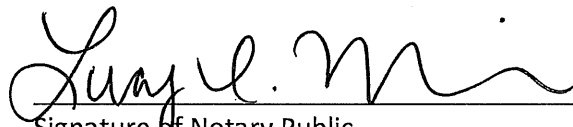
**6.5 Notarization of Decision**

Commonwealth of Massachusetts

County of Dukes County, Mass.

On this 17<sup>th</sup> day of October, 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 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: October 18, 2022

Deed: Book 1639, Page 69

Document Number: 6452

Certificate Number: 14948