

P.O. BOX 1447 • 33 NEW YORK AVENUE • OAK BLUFFS • MA • 02557 • 508.693.3453
INFO@MVCOMMISSION.ORG • WWW.MVCOMMISSION.ORG

Decision of the Martha's Vineyard Commission

DRI 731 - Four Sisters Inn

1. SUMMARY

Referring Board: Town of Oak Bluffs Building Department

Subject: Development of Regional Impact #731 Four Sisters Inn

Project: Construction of a five-bedroom inn on a vacant lot.

Owners: Elizabeth C. Marshall & Harry Phillip Marshall, Jr.

Applicant: Elizabeth & Harry Marshall; William Sullivan (Agent)

Applicant Addresses: Elizabeth & Harry Marshall Chuck Sullivan
436 15th Street SE P.O. Box 989
Washington, D.C. 20003 Oak Bluffs, MA 02557

Project Location: 14 Narragansett Avenue, Oak Bluffs. Map 10, Lot 73 (0.09 acres).

Deed: Recorded Land: Book 1263, Page 1061

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 19, 2023.

Written Decision: This written decision was approved by a vote of the Commission on February 2, 2023.

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 May 17, 2022, by the Building Commissioner 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 square feet*. Checklist Item 3.1b 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 September 29 and October 6, 2022; notice was also published in the Vineyard Gazette on September 30 and October 7, 2022. Abutters within 300 feet of the property were notified by mail on September 27, 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 October 13, 2022, which was continued to November 10, 2022. The hearing was closed that night with the exception of the written record, which was left open until November 17, 2022 at 5:00 p.m. and closed at that time. The hearing was held entirely using remote conference technology as allowable under 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. Application Package for Four Sisters Inn 14 Narragansett Avenue, Oak Bluffs 02557, prepared by Sullivan + Associates Architects, consisting of thirteen (13) 36" x 24" pages, scaled to ¼" = 1'-0" and dated July 27, 2022 unless otherwise noted, including: 1-Cover Sheet; A-001 General Notes Project Data, no scale; A-002 Building Location Site Plan prepared for Harry Philip Jr. & Elizabeth C. Marshall by Sourati Engineering Group, scale 1" = 10', dated November 2, 2021; A003 Drainage Plan prepared for Harry Philip Jr. & Elizabeth C. Marshall by Sourati Engineering Group, scale 1" = 10', dated July 21, 2022; A-100 Basement Floor Plan; A-101 First Floor Plan; A-102 Second Floor Plan; A-103 Third Floor Plan; A-104 Roof Plan; A-201 Exterior Elevation - North; A-202 Exterior Elevation - West; A-203 Exterior Elevation - East; and A-204 Exterior Elevation - South.

- P2. Parking Plan prepared for Harry Phillip Jr. & Elizabeth C. Marshall by Sourati Engineering Group, consisting of one (1) 17" x 11" page, scale 1" = 10', dated November 2, 2021 and revised on November 3, 2022.

2.4 Other Exhibits

- E1. Referral to the Martha's Vineyard Commission from the Oak Bluffs Building Commissioner, received May 17, 2022.
- E2. Cottage City Historic District, Oak Bluffs, Mass. Architectural Guidelines, consisting of four (4) pages.
- E3. Property Card for 14 Narragansett Avenue, Oak Bluffs, MA, (previous house) consisting of one (1) page, dated May 21, 2003.
- E4. Project Narrative for Four Sisters Inn 14 Narragansett Avenue, Oak Bluffs, consisting of two (2) pages prepared by Sullivan + Associates Architects, dated July 22, 2022.
- E5. Photographs - Four Sisters Inn - 14 Narragansett Avenue, Oak Bluffs, consisting of three (3) pages, received July 28, 2022.
- E6. Email from Patrick Hickey, Oak Bluffs Wastewater Facilities Manager, regarding approval of wastewater flow, consisting of one (1) page, dated September 14, 2022.
- E7. Memo from the Applicant DRI 731 - Four Sisters Inn - Response to Questions from the Staff-Applicant Meeting on 8-24-22, consisting of one (1) page, dated September 15, 2022.
- E8. Photos of previous structure on site, consisting of four (4) pages, received September 15, 2022.
- E9. Design Features for Four Sisters Inn - New Construction, 14 Narragansett Avenue, Oak Bluffs, prepared by Sullivan + Associates Architects consisting of three (3) pages, dated September 15, 2022.
- E10. Staff Presentation to the Land Use Planning Committee on DRI 731 Four Sisters Inn, consisting of thirty-four (34) pages, dated September 19, 2022.
- E11. Email from Matthew Rossi, Oak Bluffs Building Inspector, regarding B-1 parking requirements, consisting of one (1) page, dated September 27, 2022.
- E12. Staff Report for DRI 731 Four Sisters Inn, consisting of two (2) pages, dated September 27, 2022 and updated to consist of three (3) pages on November 7, 2022.
- E13. Emails between Chuck Sullivan and Alex Elvin regarding food service, consisting of three (3) pages, dated between September 30 and October 13, 2022.
- E14. Staff Presentation to the full Commission on DRI 731 Four Sisters Inn, consisting of thirty-four (34) pages, dated October 13, 2022, and updated to consist of forty-one (41) pages on November 10, 2022.

- E15. Staff Memo for DRI 731 - Four Sisters Inn Response to MV Commission 10-13-2022 Public Hearing Questions, consisting of one (1) page, received November 3, 2022.
- E16. Staff Memo for DRI 731 Four Sisters Inn - Net area of buildings within 200 and 300 feet of 14 Narragansett Avenue, consisting of one (1) page, dated November 9, 2022.
- E17. Memo from the Applicant DRI 731 - Four Sisters Inn - MVC Offer Sheet, consisting of one (1) page, dated November 17, 2022.
- E18. Six (6) letters of opposition from the following five (5) citizens: John & Gina Albanese, October 13, 2022; Cristina Bartolomeu, November 16, 2022; Rita Bartolomeu (2) November 10 and November 16, 2022; Tim Bartolomeu, November 16, 2022; and Rob Kosienski, Jr., November 17, 2022.
- E19. Minutes of the Land Use Planning Committee's Pre-Public Hearing Review, September 19, 2022.
- E20. Minutes of the Commission's Public Hearing, October 13, 2022.
- E21. Minutes of the Commission's Continued Public Hearing, November 10, 2022.
- E22. Minutes of the Land Use Planning Committee's Post-Public Hearing Review, December 5, 2022.
- E23. Minutes of the Commission's Deliberation & Decision, January 19, 2023.
- E24. Minutes of the Commission's Approval of the Written Decision, February 2, 2023.

2.5 Summary of Testimony

The following gave testimony during the public hearing on October 13, 2022:

- Staff presentation by Alex Elvin, DRI Coordinator.
- Presentation of the project by Chuck Sullivan, Architect, and Elizabeth and Harry Marshall, property owners.
- Oral testimony from Public Officials: none.
- Oral testimony from the Public:
 - Rita Bartolomeu, abutter, commented on the size of the proposal, parking issues in the neighborhood, and placement of HVAC equipment and outdoor shower.
 - Shelley Christiansen, abutter, asked about a commercial kitchen, fire escapes and ADA access.
 - John and Gina Albanese, abutters, testified about the lack of parking in the neighborhood.
 - Arthur Bates, abutter, stated one parking space as proposed would not be adequate.
 - Christine Todd, Oak Bluffs resident, agreed that parking is a problem.
 - Dominique Milton, abutter, agreed that parking has always been a neighborhood issue.

The following gave testimony during the continued public hearing on November 10, 2022:

- Staff presentation by Alex Elvin, DRI Coordinator.
- Presentation of the project by Chuck Sullivan, Architect.
- Oral testimony from Public Officials: none.
- Oral testimony from the Public:
 - Rita Bartolomeu, abutter, stated concerns about the number of bedrooms, the use of the property, and outdoor lighting.
 - Gina Albanese, abutter, commented on the third floor.
- Closing statement by Elizabeth Marshall and Chuck Sullivan.

3. FINDINGS

3.1 Project History and Description

The lot previously included a two-story, 3,133 ft², five-bedroom structure built around 1880, which was demolished in 2004. The lot has remained vacant since then. It is not clear whether the Cottage City Historic District Commission reviewed the demolition.

The proposal is to construct a 2.5-story, 4,004 ft² inn with four guest bedrooms and a one-bedroom apartment for the innkeepers. Minus the proposed basement, the floor area would be 3,030 ft². The property is within the Cottage City Historic District and the building is designed to resemble other houses in the area. The project will include one on-site parking space for service vehicles and staff. The inn will be open year-round.

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 SECTIONS 14 AND 15 OF THE ACT.

The Commission finds that the probable benefits of the project outweigh the probable detriments, as described below. With respect to the environment (Section 15(b) of the Act), the Commission finds the project would have a neutral effect. With respect to persons and property (Section 15(c) of the Act), the Commission finds the project would have a beneficial impact. The Commission also finds the project would have a minimal impact on the provision of municipal services or burden on taxpayers (Section 15(e) of the Act), would not unduly burden existing public facilities (Section 15 (f) of the Act), and would generally align with local planning objectives.

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

The proposed inn will be located in an established neighborhood with other business and residential uses. The project would not involve the removal of trees since the lot is currently vacant, and the building would be architecturally compatible with the streetscape. As such, the Commission finds the project is appropriate in the proposed location.

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

With respect to Water Quality, Stormwater, and Energy, the Commission finds the project would have a neutral impact, noting that it would not necessarily be considered an improvement over the current conditions. The Commission also notes the following:

Water quality

- The property will be connected to the town sewer, and the Oak Bluffs Wastewater Commission has approved the connection for up to five bedrooms.

Stormwater

- A preliminary drainage plan shows drywells at each corner of the lot. The applicant has stated that the plan will be designed to handle a 25-year storm.

Energy

- The building will be all electric, with rooftop solar subject the Cottage City District Commission approval.

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

With respect to Traffic and Transportation (considered a primary factor in the decision), the Commission finds the project would possibly have a detrimental impact due the lack of onsite parking for guests.

With respect to Character and Identity (considered a primary factor in the decision), the Commission notes that the building would be among the largest in the neighborhood, but finds that the project on balance would have a beneficial impact, since the design is in keeping with the area and the building is subject to review by the Cottage City Historic District Commission.

With respect to Housing and Economic Development (considered a primary factor in the decision), the Commission finds the project would have a beneficial impact since it would create jobs and additional business activity in Oak Bluffs. The project also includes an onsite apartment for the innkeepers.

With respect to Impact on Abutters (considered a primary factor in the decision), the Commission finds the project would have a detrimental impact, in part because the lot is currently vacant and undeveloped.

The Commission also notes the following:

Traffic and transportation

- Traffic associated with the project would include up to eight guests per day, service vehicles, two staff members who live onsite, and up to three additional staff members.
- There would be one parking space for service and staff, but no dedicated parking spaces for guests, who would need to park elsewhere in town.
- The Oak Bluffs Zoning bylaw requires one off-street parking space for each of the first five inn/hotel/guesthouse bedrooms in the B1 district, although this may be waived by special permit. The applicant plans to request a waiver for required spots and pay into the town's parking mitigation fund.
- The property is within walking distance of the Steamship Authority terminal and passenger ferries, and guests will be encouraged not to bring a vehicle.
- The inn will provide courtesy pick-up service in Vineyard Haven when the Oak Bluffs ferries are not running, and will work with the town to designate a drop-off area adjacent to the property on either Narragansett or Waban Ave. Guests will also be given bus passes and bike vouchers, and a bike rack will be provided onsite.

Character and Identity

- The project is designed in the Victorian eclectic style and would resemble other buildings in the neighborhood.
- The project is subject to detailed architectural review by the Cottage City Historic District Commission.
- Elevations and proposed materials have been provided, along with diagrams showing specific design features to be included. The building would stand about 33 feet from grade.
- Photos of the previous structure have been provided.
- In terms of finished living space (not including basements, porches, decks, unfinished storage areas, etc.), the proposed building according to assessor data would be the fourth largest among the 44 buildings within 200 feet of the property, and the 15th largest among the 67 buildings within 300 feet of the property.

- The previous building on the lot was historic, but appeared to have been in poor condition. The building was demolished in 2004 and the lot has remained vacant since then.
- The block on which the property is located is mostly within the B1 district, but is surrounded by the more extensive R1 district.

Housing and Economic Development

- The inn would be open year-round and have a capacity of eight overnight guests.
- The applicant anticipates five employees, including the two owners who would live in a one-bedroom apartment onsite. The applicant has stated that the other projected employees would not need housing, except for a full-time housekeeper from Memorial Day to mid-October, whose housing if needed would be provided within walking distance of the inn.
- A longer-term plan for employee housing has not yet been provided.
- A proposed massage room would be for guests only.
- The new inn will contribute property and rooms taxes to the town.

Impact on Abutters

- The project would entail an increased intensity of use on the site compared to the current and previous conditions.
- The inn would be open year-round with up to eight guests at a time, and up to five staff members.
- As proposed, there would be no events at the inn, and food service would be for guests only.
- The applicant has stated that ventilation for the kitchen would not require a hood or vent stack outside the building.
- Concerns from others in the neighborhood have included the following:
 - Proposed inn is larger than previous house that was demolished and would be the only three-story building in the immediate area.
 - Project will increase demand for limited parking in the neighborhood.
 - Impact of mechanicals and outdoor shower on noise and privacy.
 - Transition of homes to rental properties in the neighborhood.
- As conditioned, noise associated with the HVAC condensers and the laundry vent will be mitigated with sound-attenuating fences.

Landscape and Lighting

- The applicant has proposed native plantings in small gardens with minimal use of nitrogen, pesticides, and water.
- The project will include minimal path lighting with Dark Sky compliant fixtures.
- Landscape and lighting plans have not been 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 to the project.

A5. The Commission finds that the proposed development would have a neutral impact 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.

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

The project would increase demand on the limited number of public parking spots in the vicinity but would otherwise likely have a minimal impact on public facilities.

A7. The Commission find 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 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 2 (Development and Growth), 4 (Built Environment), and 6 (Livelihood and Commerce).

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

The project is allowable under local zoning, pending a waiver for the number of parking spots.

B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WOULD BE CONSISTENT WITH THE LAND DEVELOPMENT OBJECTIVES OF THE COMMISSION, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(b) OF THE ACT.

C. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH MUNICIPAL DEVELOPMENT ORDINANCES AND BY-LAWS, TO THE BEST OF THE COMMISSION'S KNOWLEDGE.

D. THE COMMISSION FINDS THAT THE SITE IS IN CONFORMANCE WITH THE REGULATIONS OF DISTRICTS OF CRITICAL PLANNING CONCERN, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FOR IN SECTION 14(d) OF THE ACT.

The project site is within the Martha's Vineyard Lawn Fertilizer Control District and Vineyard Haven Harbor District, but no other 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, 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 19, 2023, 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 19, 2023:

Voting to approve the project: Jeff Agnoli, Trip Barnes, Christina Brown, Jay Grossman, Fred Hancock, Michael Kim, Joan Malkin, Greg Martino, Kathy Newman, Kate Putnam, Ben Robinson, Doug Sederholm, Linda Sibley, Ernie Thomas, Peter Wharton

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 19, 2023, and was approved by a vote of the Commission on February 2, 2023.

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.

As offered by the Applicant:

1. The property will be connected to the Town of Oak Bluffs Wastewater Treatment Facility.
2. Stormwater will be managed on-site with collectors and drywells.
3. The property will be owner-occupied and operated year-round. There will be no events staged at the property. Breakfast will be served to guests of the inn only. No other food service shall be provided.
4. The building will be all-electric. Solar panels will be installed on the upper roofs if allowed by the Cottage City Historic District Commission.
5. Guests will be encouraged to not bring a car. Guests will be instructed that there is no onsite parking at the inn, and that the inn is within walking distance of several ferries. Guests with cars will be encouraged to park on Sea View Avenue in the 24-hour parking spots.
6. The inn will provide guests with bus passes, bike vouchers, and courtesy pick-up in Vineyard Haven when the Oak Bluffs ferries do not operate. A bike rack will be provided onsite adjacent to Waban Avenue.
7. Deliveries will be through the rear door off Waban Avenue during non-peak hours. Trash and recycle items will be stored inside the rear storage shed and picked-up on a regular basis during non-peak hours.

Further conditions:

8. No later than 60 days after the first year following receipt of a Certificate of Occupancy, the Applicant shall submit to the MVC for review and approval a plan to provide employee housing on-Island to mitigate the housing impact of the project as estimated based on the first year of operations. The plan shall include at minimum the number of existing and projected employees at the time, information adequate to confirm the housing status of each employee, and a timetable for implementation.
9. The Applicant shall install sound attenuating fences around the HVAC condensers and laundry vent.
10. A final drainage plan, designed to handle at least a 25-year storm, shall be submitted to the LUPC for review and approval prior to receipt of a Building Permit.
11. A final landscape plan for the property shall be submitted to the LUPC 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 and water.
 - No pesticides or herbicides shall be used in the maintenance of landscaping.
12. A final exterior lighting plan for the property shall be submitted to the LUPC 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.
13. The applicant shall provide a surveyed, dimensional, as-built site plan prior to receipt of a Certificate of Occupancy.
14. Any proposed modifications to DRI 731, as approved herein, including any modification resulting in any change of use or change in intensity of use, shall be referred to the MVC for prior review and approval.

6. CONCLUSION

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.

[The remainder of this page is intentionally left blank]

6.4 Signature Block


Joan Malkin, Chair

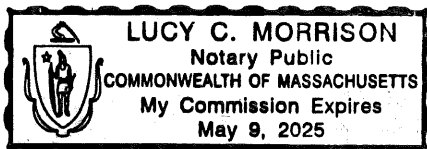
7 Feb 2023
Date

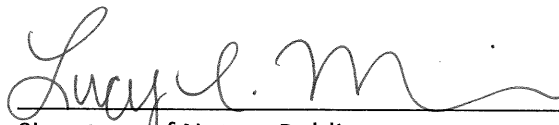
6.5 Notarization of Decision

Commonwealth of Massachusetts

County of Dukes County, Mass.

On this 7th day of February, 2023, 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: February 8, 2023

Deed: Book 11648, Page 1163

Document Number: 699 - 2023

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