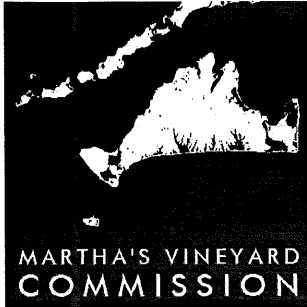




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Decision of the Martha's Vineyard Commission DRI 736 43 Look Street Demolition

1. SUMMARY

Referring Board: Tisbury Building Commissioner

Subject: Development of Regional Impact #736 43 Look Street Demolition

Project: Demolition of a house built in 1900.

Owners: BWP Properties, LLC; Brian Purdy

Applicant: Brian Purdy; Michael Morrison, Reveal Homes LLC

Applicant Address: Brian Purdy
BWP Properties LLC c/o United States Corporation Agents, Inc.
101 Billerica Ave., Bldg. 5, Suite 204
North Billerica, MA 01862

Deed: Recorded Land: Book 1588, Page 304

Project Location: 43 Look Street, Vineyard Haven. Map 8-B, Lot 14 (0.298 acres).

Decision: The Martha's Vineyard Commission (the Commission) denied the application for the project as a Development of Regional Impact, at a vote of the Commission on November 10, 2022.

Written Decision: This written decision was approved by a vote of the Commission on December 15, 2022.

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

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 April 19, 2022 by the Tisbury Building Commissioner 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 older than 100 years*, which is a concurrence review. At the meeting of the Martha's Vineyard Commission on August 11, 2022, the Commission voted to concur with the referral, and accepted the proposal as a development of regional impact requiring review with a mandatory public hearing.

2.2 Hearings

Notice: Public notice of the hearing on the Application was published in the MV Times on August 24 and 31, 2022; notice was also published in the Vineyard Gazette on August 25 and September 1, 2022. Abutters within 300 feet of the property were notified by mail on August 23, 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 September 8, 2022, which was continued to October 6, 2022, and continued again to October 20, 2022. The hearing was closed on October 20, 2022 with the exception of the written record which was left open until 5:00 p.m. on October 31, 2022 and closed at that time. The hearings were 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. Package submitted to the State for 43 Look Street Manufactured Building Program prepared for Brian Purdy and builder Reveal Homes LLC by Professional Building Systems, Inc., consisting of sixty-six (66) pages, including twenty-one (21) 17" x 11" pages: 1-Cover Sheet; 2.1 Front Elevation; 2.2 Rear Elevation; 2.3 Left Elevation; 2.4 Right Elevation; 3.1 1st Story Floor Plan; 3.2 2nd Story Floor Plan; 3.3 1st Story Braced Wall Plan; 3.4 2nd Story Braced Wall Plan; 3.5 1st & 2nd Flr Portal Frame Details; 4.1 1st Story Elect. Plan; 4.2 2nd Story Elect. Plan; 5 Foundation Plan; 6 Cross Section; 7.1 Rafter Detail #1; 7.2 Rafter Detail #1; 8 Connection; 9.1 Typical Plumbing Details; 9.2 Typical Plumbing Details; 10.1 1st Story Heat; 10.2 2nd Story Heat; 11 Door & Window Schedules; and forty-five (45) 8.5" x 11" pages of supplemental information.

- P2. Proposed Elevations Package for DRI 736 43 Look Street prepared for Brian Purdy and builder Reveal Homes LLC by Professional Building Systems, consisting of four (4) pages, no scale, dated March 2, 2022, including: 2.1 3248 - Prestige 2 Story Front Elevation; 2.2 3248 - Prestige 2 Story Rear Elevation; 2.3 3248 - Prestige 2 Story Left Elevation; and 2.4 3248 - Prestige 2 Story Right Elevation.
- P3. Existing Floor Plans and Elevations Package for DRI 736 43 Look Street prepared for Bryan Purdy by builder Reveal Homes, LLC consisting of seven (7) pages, no scale, signed June 15, 2022, including: 1st Floor; 2nd Floor; Front; Rear; Right; Left; and Mortgage Inspection Plan.
- P4. New Sewage Disposal System Plan for proposed four bedroom house plus existing one bedroom guest house for a total of five bedrooms, Map 8-B, Parcel 14, 43 Look Street prepared for BWP Properties LLC by Sourati Engineering Group LLC, consisting of one (1) 36" x 24" page, scale 1" = 20', dated August 2, 2022.
- P5. Revised Elevation Package prepared for Brian Purdy and building Reveal Homes LLC by Professional Building Systems consisting of four (4) 17" x 11" pages, no scale, dated August 9, 2022, including: 2.1 Front Elevation; Left Elevation; Right Elevation; and Rear Elevation, submitted with 10/25/22 Michael Morrison email.
- P6. Sample Floor Plans for The Lavallette design prepared by Professional Building Systems, Inc., consisting of two (2) pages, no scale, received August 29, 2022.

2.4 Other Exhibits

- E1. Referral to the MVC from the Tisbury Building Commissioner, received April 19, 2022.
- E2. Photos of the house, taken from Zillow, consisting of twenty-nine (29) pages, circa 2021.
- E3. HERS Home Energy Rate Certificate, consisting of one (1) page, dated April 15, 2022.
- E4. Memo from Michael Morrison, Reveal Homes to Alex Elvin with responses to staff questions, consisting of two (2) pages, dated June 9, 2022.
- E5. Property Records for 43 Look Street, consisting of five (5) pages, printed on June 16, 2022.
- E6. Structural Report prepared by John Lolley, consisting of one (1) page, dated June 23, 2022.
- E7. Staff Report for C.R. 4-2022 43 Look Street Demolition, consisting of two (2) pages, dated July 8, 2022.
- E8. Staff Presentation for the Land Use Planning Committee on C.R. 4-2022 43 Look Street Demolition, consisting of thirty-six (36) pages, dated July 11, 2022.
- E9. Memo and attachments from Michael Morrison to Alex Elvin regarding salvaging the existing house, consisting of three (3) pages, dated August 4, 2022.

- E10. Staff Presentation for the full Commission on C.R. 4-2022 43 Look Street Demolition, consisting of fifty-one (51) pages, dated August 11, 2022.
- E11. Emails between Michael Morrison and Alex Elvin regarding construction date of the porch, consisting of two (2) pages, dated August 15, 2022.
- E12. Staff Report for DRI 736 43 Look Street Demolition, consisting of two (2) pages, dated August 15, 2022; revised to consist of three (3) pages on September 7, 2022; revised to consist of five (5) pages on October 3, 2022; and revised to consist of six (6) pages on October 20, 2022.
- E13. Rendering of The Lavallette design, consisting of one (1) 25" x 16" page prepared by Professional Building Systems, Inc., received August 29, 2022.
- E14. Emails between Michael Morrison and Alex Elvin with site photos of other work done by Reveal Homes, LLC, consisting of six (6) pages, dated September 6, 2022.
- E15. Staff Presentation for the full Commission on DRI 736 43 Look Street Demolition, consisting of sixty-eight (68) pages, dated September 8, 2022; revised to consist of fifty-four (54) pages on October 6, 2022; revised to consist of sixty (60) pages on October 20, 2022.
- E16. Emails between Michael Morrison and Alex Elvin regarding a third-party evaluation, consisting of three (3) pages, dated between September 20 and September 26, 2022.
- E17. Memorandum from Eric Dray, Eric Dray Consulting, to the Martha's Vineyard Commission regarding architectural peer review for DRI 736 43 Look Street, consisting of eight (8) pages, dated October 4, 2022.
- E18. Emails between Michael Morrison and Alex Elvin regarding revised elevations, consisting of two (2) pages, dated October 17, 2022.
- E19. Letter from the Tisbury Historical Commission Williams Street Historic District Commission, consisting of one (1) page, dated October 19, 2022.
- E20. Memorandum - Addendum from Eric Dray, Eric Dray Consulting, to the Martha's Vineyard Commission regarding the architectural peer review for DRI 736 43 Look Street, consisting of one (1) page, dated October 20, 2022.
- E21. Memo from Michael Morrison to Adam Turner with construction cost breakdown estimates, consisting of three (3) pages, dated October 28, 2022.
- E22. Staff Presentation to the Land Use Planning Committee on DRI 736 43 Look Street Demolition, consisting of sixty-one (61) pages, dated November 7, 2022.
- E23. Letters from the following citizens: Brian Amaral, September 6, 2022; and Stephen Zablotny, September 6, 2022.
- E24. Minutes of the Commission's Land Use Planning Committee Concurrence Review, July 11, 2022.

- E25. Minutes of the Commission's Concurrence Review, August 11, 2022.
- E26. Minutes of the Commission's Public Hearing, September 8, 2022.
- E27. Minutes of the Commission's Continued Public Hearing, October 6, 2022.
- E28. Minutes of the Commission's Continued Public Hearing, October 20, 2022.
- E29. Minutes of the Commission's Land Use Planning Committee Post-Public Hearing Review, November 7, 2022.
- E30. Minutes of the Commission's Deliberation and Decision, November 10, 2022.
- E31. Minutes of the Commission's Approval of the Written Decision, December 15, 2022.

2.5 Summary of Testimony

The following gave testimony during the public hearing on September 8, 2022:

- Staff presentation by Alex Elvin, DRI Coordinator.
- Presentation of the project by Michael Morrison, builder.
- Oral testimony from Public Officials speaking for their Boards: none.
- Oral testimony from the Public: Stephen Zablotny, abutter; Freddie Rundlet, abutter.

The following gave testimony during the re-opened public hearing on October 6, 2022:

- Updated Staff presentation by Alex Elvin, DRI Coordinator.
- Commissioner questions answered by Michael Morrison, builder.
- Oral testimony from Public Officials speaking for their Boards: none.
- Oral testimony from the Public: none.

The following gave testimony during the re-opened public hearing on October 20, 2022:

- Updated Staff presentation by Alex Elvin, DRI Coordinator.
- Presentation of the project by Michael Morrison, builder.
- Oral testimony from Public Officials speaking for their Boards: none.
- Oral testimony from the Public: none.

3. FINDINGS

3.1 Project History and Description

The existing 1,920 ft², three-bedroom, two-story house was built around 1900. It is just outside the William Street Historic District to the east. The house was occupied until recently.

The proposal was to demolish the house and build a larger house in its place. An existing one-bedroom detached structure built in 1970 would have remained in place.

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 impact. The Commission also finds the project would not align with regional planning objectives. The Commission finds the project would not adversely affect the provision of municipal services or burden on taxpayers (Section 15(e) of the Act), or existing public facilities.

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 due its age, architectural style, and contribution to a general development pattern that includes the William Street Historic District to the east and more specifically the stretch of homes on Look Street between State Road and Spring Street. The structure is modest in size and is an example of the American Four-Square style, of which there are only three documented cases on the Vineyard. The house retains its original footprint and general appearance, although most of the original cedar shingles have been replaced with aluminum siding. The Tisbury Historical Commission recommended in October 2022 that the house should be renovated rather than demolished. The historical significance of the structure was the primary factor in the Commission’s decision to deny the demolition.

In regard to other factors, while the Applicant stated that demolition is preferred from a cost perspective, the record did not establish that the house 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 architectural style, and would be inconsistent with 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 detrimental impact on the environment relative to other alternatives (Section 15(b) of the Act).

The Commission notes the project would have a detrimental impact with respect to Energy, in part due to the wasted material associated with the demolition, and in part due to the proposed replacement structure being significantly larger and relying on propane for air and water heating. The Commission notes that while it considers the project to have a detrimental impact on the environment, this finding is not dispositive of its overall decision. The Commission also notes the following:

- The new house would be solar-ready and has a projected HERS rating of 55, meaning its energy use would be about 55% of the “reference home,” according to HERS. A HERS rating of 55 is the maximum allowed by the stretch code. The proposed house is also certified to meet the 2018 International Energy Conservation Code.
- According to the HERS report, air and water heating would be via propane.
- The proposed trim would be Azek (PVC).
- The applicant has inquired about the possibility of offering the house for reuse offsite, but notes that Habitat for Humanity no longer accepts entire house donations. Other salvaging opportunities may still be possible but have not been proposed.

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 the primary factor in the decision), the Commission finds the project would have a significant detrimental effect due to the demolition of a viable historic house as opposed to renovation or expansion; and due to construction of a new building that would be inconsistent with the character of both the original house and the neighborhood. While the house is relatively modest in appearance and was likely built with modest means for its time, the Commission finds that this does not necessarily detract from its historical significance. The Commission acknowledges the house as contributing to the eclectic, year-round character of the neighborhood along Look Street, and as part of the expansion of Vineyard Haven around 1900. The Commission notes the recommendation from the Tisbury Historical Commission that the house be renovated rather than demolished.

The Commission also notes the following with respect to Character and Identity:

Historic Significance

The MVC engaged Preservation Consultant Eric Dray to conduct a third-party evaluation of the existing structure in terms of its architectural significance and relationship to the streetscape; and the proposed structure in terms of its style, appearance, and relationship to the streetscape. Those findings and conclusions are included here.

Age: The town assessor lists the house as built in 1900.

History/Culture: The house is not known to be associated with any significant people or events, although it is part of a general development pattern that includes the William Street Historic District to the east and more specifically the stretch of homes on Look Street between State Road and Spring Street.

Design/Construction: The structure is modest in size and is an example of the American Four Square style. Distinguishing features include nearly symmetrical massing with hipped pyramid roof, mostly symmetrical fenestration on each side, and a front porch spanning the width of the house. The MA Historical Commission documents 1,796 Four Square houses in Massachusetts, but only three on the Vineyard (two in the Edgartown Historic District and one in Oak Bluffs). Of the houses in the Look St. corridor that were built between 1880 and 1920 (see *Contribution to Streetscape/Community*), 43 Look St. is the only one that can be assigned a recognizable style. However, the original wood exterior has been replaced with aluminum siding.

Historic Portion of Existing Structure: The entire house is considered historic.

Integrity / Previous Alterations: According to the peer review, "The overall form, window openings, possibly the windows themselves, the front door, and some of the exposed wood trim all appear to be original. A review of floor plans and interior photographs ... show that the floor plan is typical of Four Square houses - four rooms per floor - and it remains largely intact." The front porch has a hipped roof that matches the main structure, and a beadboard ceiling and interior siding, which would suggest that it was original to the building and later enclosed. The foundation of the porch also appears to match the rest of the building.

Contribution to Streetscape/Community: The property is located on the corner of Look and William Streets, just west of the William Street Historic District, which is on the National Register of Historic Places. The peer review identified the house as part of a development pattern along Look Street between State Road and Spring Street, where the houses face the street and are visually distinct from houses along William Street. It is similar to other properties along the corridor in terms of its lot size and orientation of the house (set back and facing the street). It is also from the same period (1880-1920) as most other houses in the corridor. It is among the largest of that age group in terms of its visible volume, but the among the smallest in terms of its footprint. It is also the only house in that age group with a recognizable style, and the only one with a hipped main roof. The size and spacing of windows are generally similar to the other houses, where all those facing the street have a single front door. Four other houses also have enclosed front porches. All are of wood frame construction, and three have synthetic siding, including 43 Look St. The original siding on 43 Look St. was most likely cedar shingles, which still remain inside the porch.

Historic Designation: The house is not listed in MACRIS or any other historic register.

Visibility: The house is located at the intersection of Look and William Streets, just a few feet from the road in a densely developed area.

Condition: The town assessor lists the property as “Average +10” condition, which is slightly below average for the town. A structural inspection report by John Lolley (dated June 23, 2022) notes various structural issues with the roof/attic, interior, and basement, including water damage to wood, mortar, and insulation; shifting of interior walls and framing, uneven floors, but does not find the house to be unstable overall, and does not make any recommendations in terms of whether the house needs to be demolished.

Other review: The project is not subject to review by any other agencies that could condition or deny the demolition. However, the Tisbury Historical Commission conducted its own review of the proposal at the MVC’s request, making the following points in a letter dated 10/19/22:

- *Foursquare designs were popular in the 1890s-1930s, especially for their affordability.*
- *Most homes in the Look Street neighborhood are historically and architecturally coherent products of the period between 1880-1920, which were significant in the development of Vineyard Haven.*
- *Along with William Street, the fringes of colonial Vineyard Haven that survived the Great Fire, and the rambling summer ‘cottages’ at the of West Chop, Look Street is an important link in the history of the village and town, one that deserves special consideration and (if necessary) thoughtful and nuanced new construction.*
- *The property at 43 Look Street borders the William Street Historic District and, in its original Foursquare design, lends to the story of its neighborhood. For these reasons, we recommend renovation over demolition.*

Replacement Structure / Alternative Solutions

- Plans showed a larger, two-story, single-family home, slightly farther back on the lot.
- The footprint would increase from about 776 ft² to 1,580 ft², and the overall volume (excluding basements and open decks) from 1,920 ft² to 3,479 ft².
- A proposed crawlspace would be used for utilities and storage.
- The new house would have a front-facing deck on the first floor, and stand about 32’7” at the ridge, compared to the existing height of 29’7”.
- Elevations and a conceptual rendering were provided.
- The proposed siding was cedar shingles.
- The new house would be solar-ready and has a projected HERS rating of 55, meaning its energy use would be about 55% of the “reference home,” according to HERS. The proposed house was also certified to meet the 2018 International Energy Conservation Code.
- Bedrooms on the lot would increase from four to five, including the detached structure.
- The applicant stated that demolition was preferred from a cost perspective.

- The applicant inquired about the possibility of offering the house for reuse offsite, but noted that Habitat for Humanity no longer accepts entire house donations. Other salvaging opportunities may have been possible but were not proposed.

Findings and conclusions from the peer review (edited):

Siting

The proposed house, while larger than the existing, is consistent with the existing house in terms of front and right (south) side yard setbacks.

Scale

Footprint: The footprint would be increased to the left (north) and to the rear (east). However, the footprint for the existing house is one of the smaller footprints along Look Street, so the increased footprint from the new house still remains in keeping with the overall setting.

Overall Volume: Based on calculations provided by the applicant, the new house will be 3,479 ft². This would make it the largest house along the Look Street corridor by a significant amount.

Height: The new house measures 32' 7 3/16" in height. Tisbury property cards do not include building heights, but this would likely make it one of the tallest houses along the Look Street corridor.

Design

Style and Form: The proposed house has a design that could be characterized as a modern interpretation of the Queen Anne style which was popular from ca. 1880-1910. The Queen Anne style employed different roof shapes, including corner turrets like that found here, to animate the building's form. There is no precedent for this more elaborate Victorian-era house style and form on Look Street.

Windows and Doors: In comparison to other houses along Look Street, this house has far more fenestration on the front elevation, including extensive, large-scaled windows.

The fenestration pattern on the side elevations of the new house is minimal. There is no precedent along Look Street for both side elevations to be so minimally fenestrated with windows of varying sizes and irregular placement.

Porches: A number of houses in the corridor also have covered one-story front porches. These houses employ roof slope to cover those spaces, thereby incorporating them into the main body of the house.

Materials

Wood shingles are the predominant siding material along Look Street. This was likely due in part, at least for the houses built from ca. 1880-1920, to the fact that wood shingles would have been cheaper to use for these modest houses than clapboard. If wood clapboard is found under the synthetic siding of 43 Look Street, perhaps an argument can be made that clapboard is appropriate in this instance.

CONCLUSION

The siting and footprint of the proposed new house at 43 Look Street are consistent with the overall setting along the Look Street corridor. However, the new house may be contextually inappropriate in terms of scale and design (including turret, windows, doors [...]). Clapboard siding may be appropriate if the original cladding for 43 Look Street was clapboard, otherwise wood shingles would be more appropriate contextually.

The project was revised on October 17, 2022, to eliminate a proposed second-story deck. In response, the peer review consultant stated that this partially addressed the design concerns, but not the larger issue of the Queen Anne-inspired form with corner turret, for which there is no precedent along the Look Street corridor, or the scale of the proposed house, which would still be the largest and among the tallest along the corridor.

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 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).

A6. The Commission finds that the proposed development would use efficiently and 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, but would 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 MVC Island Plan considers “Limited growth harmonizing with character” as suitable for traditional and historic neighborhoods. 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).

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.

The project generally does not advance 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 would be allowable under town 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 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

The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on November 10, 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 November 10, 2022:

Voting to deny the project: Jeff Agnoli, Christina Brown, Jay Grossman, Fred Hancock, Michael Kim, Joan Malkin, Greg Martino, Kathy Newman, Kate Putnam, Ben Robinson, Doug Sederholm, Linda Sibley, Jim Vercruysse

Voting against the motion: none

Abstentions: Trip Barnes, Ernie Thomas, Peter Wharton

Absent: Brian Smith

Based on this vote, the Commission denied the application for the project as a Development of Regional Impact.

This Written Decision is consistent with the vote of the Commission on November 10, 2022, and was approved by a vote of the Commission on December 15, 2022.

5. CONDITIONS

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

6. CONCLUSION

6.1 Permitting from the Town

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

6.2 Notice of Appellate Rights

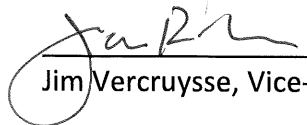
Any party aggrieved by a determination of the Commission may appeal to Superior Court within twenty (20) days after the Commission has sent the development Applicant written notice, by certified mail, of its Decision and has filed a copy of its Decision with the Tisbury Town Clerk.

6.3 Length of Validity of Decision

The denial of this proposal is permanent.

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6.4 Signature Block


Jim Vercruysse, Vice-Chair

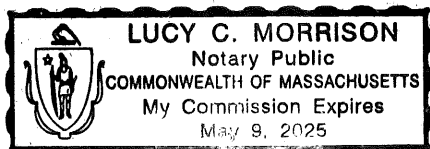
12/19/2022
Date

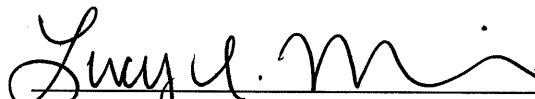
6.5 Notarization of Decision

Commonwealth of Massachusetts

County of Dukes County, Mass.

On this 19th day of December, 2022, before me, Lucy C. Morrison, the undersigned Notary Public, personally appeared Jim Vercruysse, 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 he 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 his knowledge and belief.




Signature of Notary Public

Lucy C. Morrison

Printed Name of Notary

My Commission Expires May 9, 2025

6.6 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: December 27, 2022

Deed: Book 1644, Page 1046

Document Number: 7772 (7772)

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