

October 5, 2010

Martha's Vineyard Commission
Oak Bluffs, MA

BY HAND

RE: Tisbury Market
DRI 485-M5

Ladies and Gentlemen,

This letter contains "offers" to be honored upon approval of applicant's proposal in the above referenced DRI:

1. Foundation. The building will be erected on concrete piles. Foam insulation will fill the floor cavity. The bottom of the floor structure will be at FEMA 100 year flood plain elevation of 8 feet above MSL. (See engineer's attached correspondence verifying this elevation). The area under the structure will be graded into a swale with 4" of crushed stone to receive runoff.

2. Storm Water Runoff. Runoff from the south-facing roofs and from the rear sand parking lot will be led to a bio retention filter between the sand parking area and the wetlands to the south. This bio retention filter will be of identical design to three existing filters on the property.

Runoff from the north-facing roofs will captured by the green roof system, and any excess led to the existing bio retention filter to the north of the building or to the swale under the building.

Decks and porches surrounding the building will be constructed of untreated wood spaced to allow percolation of rainwater into the soil below, over 4" of crushed stone.

3. Affordable Housing. The applicant will make a donation to Habitat for Humanity in the amount of \$3700.

4. Rentals. Any apartment rentals will be at least one month in duration.

5. Energy. The building will exceed the Massachusetts Energy Code by 20% and will be Energy Star Certified.

No new parking will be added, as required by Section 3.1 of the MVC Energy Policy.

6. Signage. There will be no additional signage on Beach Road in connection with this project.

7. Lighting. All exterior lighting will be downward shielded and will be on timers that limit lighting from dusk until 10 PM.

8. Permitted Uses. The property will not be leased or sold to any high traffic generation uses, as defined from time to time by MVC, without returning to the Commission for approval.

9. Landscaping. All fertilizers will be slow release, water insoluble, and nitrogen sourced. No synthetic pesticides, herbicides fungicides or insecticides will be used in the maintenance of landscaping or green roofs.

The green roof will be regularly maintained in good condition.

10. Future Development. The applicant will relinquish any further development rights it holds over Parcels "A" and "B" as shown in the Tisbury Marketplace Condominium Site Plan. For clarification Parcels "A" and "B" are the locations of Saltwater Restaurant and the subject proposal, respectively. The applicant will relinquish any rights to build parking or other facilities in the area bounded by Parcels "A" and "B," the existing parking lot and Lagoon Pond except for boat mooring facilities and access thereto.

The applicant retains building rights to Parcel "C," the area at the confluence of the two main buildings at the Marketplace. (See attached Sketch).

11. Parking and Traffic.

The applicant will grant, and will use his best efforts to ensure that all other condominium owners grant, a shared use path easement across the property of the Tisbury Marketplace to the Town of Tisbury in accordance with a plan and routing as may be approved by the Tisbury Planning Board. The condominium has already voted unanimously to support this, subject to reviewing a final routing and details. (See minutes of meetings attached).

The applicant will assign and mark parking spaces for all Marketplace employees in the rear and side sand parking lots to keep these cars out of the paved customer lot. The condominium already has a policy in place for employees to park in the rear.

The applicant will construct a pedestrian passage through the middle of the center island of the parking lot. *

The applicant will reverse the flow of the parking lot to a clockwise direction, and erect signage to implement this.*

The applicant will institute a deterrent system to keep scofflaws out of the parking lot.*

Sincerely Yours,

Sam Dunn

*Starred items may require majority vote of Tisbury Marketplace Trustees or Owners. In such event Applicant will actively support these items and use its best efforts to ensure approval.