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Martha's Vineyard Commission

C/O Paul Foley

VIA E-MAIL: foley@mvcommission.org

December 11, 2013

Re: Letter read at the Nova Vita hearing 11/21/13 by Selectman Michael Santoro

Dear Board Members:

I have had an opportunity to read the letter read to you by Oak Bluffs Selectman Michael Santoro. I have researched the nexis of the letter and learned the following:

1. Although prefaced by a statement that Mr. Santoro was representing the Board of Selectmen and that this was "voted" by the Board. There was no vote. None is reflected on the minutes of the meeting and, last evening, I appeared before the Board of Selectmen in Oak Bluffs, who justified the letter as a "consensus" based upon an e-mail from an abutter.
2. I have learned that the abutter was Chris Chavtal, who has testified at many of the Nova Vita hearings before your Board and, to my recollection, seldom identified himself as a member of the OB Planning Board and the OB Zoning Board of Appeals, or his discussion as an individual, as required by the Open Meeting Law.
3. I have learned the "growing pattern of non-compliance" referenced in the letter arose from his e-mail to Mr. Santoro and no research was done to verify the circumstances.
4. The letter was written by the executive secretary without full consensus of all Selection before it was issued, and Mr. Santoro took it upon himself to come to the MVC meeting and read the letter and make statements concerning a cease and desist order.
5. Mr. Whritenour, the executive secretary listed in his letter the following:
 - a. The operation of a day care facility without the proper permitting. This was done inadvertently and with the best of intent to provide daycare for MV Hospital employees who were displaced by the unexplained loss of daycare for the employees of the MV Hospital. That use was terminated and will not resume and it has been totally and completely explained to the MVC. Clearly the Selectmen did not know.
 - b. "Unpermitted storage of landscaping materials." Since no time frame is referenced, it is unclear when this was an issue, but at one time, it was addressed by the MVC and the only landscaping equipment that has been on the property in the recent past (at least a year or so), was in landscaping the foliage for the buffer zone as requested by the MVC.

- c. "The operation of a boarding house without the proper permitting". The property was a properly permitted boarding house when the present owners purchased it. Since the purchase it has not been operated as a boarding house. The allegation was nor researched or clear.
- d. "And more recently, construction taking place without a building permit." In fact, Mr. Chavtal came onto the property, uninvited, looked in the windows and saw interior work being done inside. On October 31, 2013, he called the building inspector and asked about a building permit. He called him several times over the weekend, complaining about the work and, the building inspector told me, the he issued a cease and desist order address the complaint. In the early part of the following week, the building inspector when to the site and determined that *no building permit was necessary for the work done* and the cease and desist order was vacated. I attach a copy of documents in support of this situation. This letter was written and presented to the MVC more than two (2) weeks after the cease and desist order was lifted as being unnecessary. Yet, upon inquiry by Mr. Goldstein of the MVC to Mr. Santoro, he only said the cease and desist had been issued and NO MENTION WAS MADE THAT IT HAD BEEN VACATED AS UNNECESSARY.

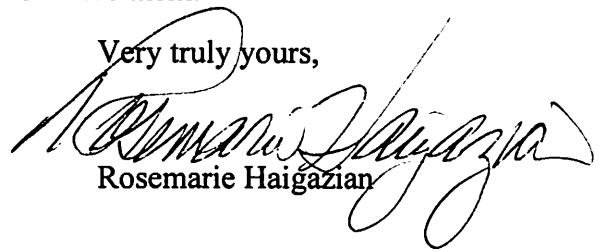
The letter suggests that it was in response to "input" from local residents, but only one e-mail from one abutter was mentioned at the November 10 meeting. I note no input was sought from the Nova Vita congregation members or other neighbors, some of whom have no opposition.

The letter raised of "primary concern" the noise from "amplified music". Obviously, the letter was written without information that the noise situation was addressed by a acoustical engineer, Lawrence Copley and the proposal includes sound deadening provisions agreed to by the applicant and the MVC staff

The "architectural impact" of a large facility is raised without reference to the U.S. Department of Justice advisory publication and the issue of "appropriate screening" is raised without reference to the screening already planted and up-dated by the applicant.

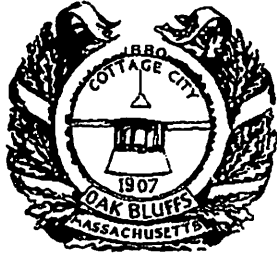
Kindly take the representation by Selectman Santoro as it seems to have been meant, the unsubstantiated accusations, without research or homework, initiated by a Town official, who has been heard many times by the MVC. He is using his Town position and the Board of Selectmen. I stand ready to answer any and answer any questions the MVC members may have, with copies as I have them.

Very truly yours,



Rosemarie Haigazian

RH/shk



DEPARTMENT OF BUILDING AND ZONING

James E. Dunn, Building Inspector
P.O. Box 1327
Oak Bluffs, MA 02557
Ph. 508-693-3554 x 122 Fax 508-693-5375

STOP WORK ORDER

ISSUED TO: Mr. Valci Carvahlo, ALLIANCE COMMUNITY CHURCH, INC
PO BOX 3331, OAK BLUFFS, MA 02557

RE: CONSTRUCTION AT ONE RYAN'S WAY

DATE: October 31, 2013

VIOLATION: CMR 780, CONSTRUCTION WITHOUT A BUILDING PERMIT
FOR WORK IN PROGRESS AS REQUIRED BY MASS. GENERAL LAWS AND THE
2009 IBC SEC. 105

PER ORDER OF THE OAK BLUFFS BUILDING INSPECTOR, CODE ENFORCEMENT OFFICER &
ZONING ADMINISTRATOR

ALL WORK MUST STOP IMMEDIATELY

**Absolutely NO Work to Resume Without The Express Written Permission of The
Oak Bluffs Building Inspector and the Zoning Board of Appeals**

Building Inspector



DEPARTMENT OF BUILDING & ZONING

James E. Dunn, Building / Zoning Official

P.O. Box 1327

Oak Bluffs, MA 02557

Ph. 508-693-3554 X122 * Fax 508-693-5375 * jdunn@oakbluffsma.gov

TO: Whom it may concern

RE: The Alliance Church & Mr. Valci Carvalho

Having received a complaint of alleged unpermitted construction at 1 Ryan's Way, Map 56, Parcel 15.8 I inspected the building on November 4, 2013 and witnessed interior construction in progress. I called Mr. Carvalho and explained that the work required permits and to stop work until those permits were secured.

On November 5, 2013 at approximately 10:30am Mr. Carvalho came to the Oak Bluffs Building Dept. where we discussed the nature of the construction. It was determined that aside from the wiring within the nonbearing wall that had been removed it was not likely that a Building Permit would be required. We agreed to meet on site,

During the site meeting, review and inspection of the work that had been completed to date, it was determined that the demolished partition was not of any structural value and that a Building Permit was not required. Mr. Carvalho told me that he had hired a licensed electrician who would be taking care of the wiring and getting his own permit.

The Stop Work order was lifted and the and no permit will be required for the work proposed by Mr. Carvalho at the time of our meeting.

James E. Dunn
Building & Zoning Official