



## Martha's Vineyard Commission

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February 7, 2022

Ewell Hopkins  
Chair, Oak Bluffs Planning Board  
PO Box 1327, Oak Bluffs, MA

Dear Ewell,

Thank you for your correspondence of January 24. We have communicated with you on several occasions regarding this matter. You and other town officials were copied on our initial letter of non-compliance to the applicant in August 2021, in which we explained that he would need to comply with the MVC decision or seek a modification. We restated this to the applicant, copying you and other town officials, in September, and further confirmed with you that the town had enforcement authority under the Special Permit for the project. We also copied you on the letter from the MVC compliance committee in December.

That being said, we welcome any comments or information on this matter that you or the Planning Board wish to provide.

Regarding our process, we have communicated repeatedly with the applicant regarding compliance with our order, namely the use of the top floors of the building at 6 Circuit Ave. as short-term rentals rather than workforce housing as described and conditioned in the DRI decision.

The applicant has proposed a modification to the DRI decision to legitimize his practice, namely reducing his requirement for workforce housing. The Commission will need to determine whether this requires a public hearing, and whether to approve the modification. If the modification is not approved, then the applicant will remain out of compliance with the decision.

We expect the Commission to take up this matter in the coming weeks. As always, town boards and officials are welcome to submit testimony at any stage of the process, regardless of whether there is a public hearing. If you need to further communicate with the MVC on this matter, please contact me.

Sincerely,

Adam Turner  
Executive Director

cc: Mark Crossland  
Kim Leaird  
Doug Sederholm  
Joan Malkin  
Alex Elvin



**TOWN OF OAK BLUFFS, MA  
PLANNING BOARD**

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January 24, 2022

**Via Email:** Joan Malkin, Martha's Vineyard Commission

**Re: The Lampost, DRI 670-M**

Dear Adam,

The Oak Bluffs Planning Board is troubled to learn that The Lampost is out of compliance with the conditions set out in DRI 670-M.

**1. Workforce Housing.**

**1.3. The applicant shall provide the MVC with yearly rental documentation proving that the residential units are utilized by island employees.**

Condition 1.3 coupled with the offer of the Applicant as stated below gave the Oak Bluffs Planning Board assurance of applicant compliance with the MVC decision.

**8. Modifications to this Decision.**

**8.1 As offered by the Applicant, the applicant shall not alter the design or use of the premises from the approved plan, uses, and operating conditions without the approval of the Martha's Vineyard Commission.**

As stated in the MVC decision: **The primary enforcement agent for the compliance of conditions is the building and zoning enforcement officer of the Town.**

We ask that you promptly inform the Oak Bluffs Building department and Planning Board of the results of your compliance hearings and take no actions to further modify your decision prior to allowing representatives of these Town offices to formally comment on the implications of your findings.

Based on your hearing results, the Oak Bluffs Planning board wishes to review its approval and the granting of all town permits. Further modifying the current MVC Decision prior to allowing the town of Oak Bluffs ample time for review of the MVC compliance findings could unnecessarily complicate matters and create a precedent for future applications, namely that the MVC is weak and developers can get away with what they want. The Martha's Vineyard Commission must hold this applicant to the original conditions and find relief retroactively.

Sincerely,

Ewell Hopkins, Chairperson  
Mark Crossland, Vice Chair  
Oak Bluffs Planning Board

CC: Adam Turner