

**Testimony to the Martha's Vineyard Commission  
Regarding DRI 607  
the Proposed Addition at 10 Sea View Avenue Extension**

**Submitted by Aaron Naparstek,  
6 Saco Avenue, Oak Bluffs**

**June 18, 2008**

**Introduction**

My name is Aaron Naparstek. My family has owned the house at 6 Saco Avenue in Oak Bluffs since 1975. While I realize 33 years makes us recent "wash-ashores" by island standards, our Vineyard home has played an important role in the life of our family. We wish to preserve and protect our home, our neighborhood and our town so that my two sons and their cousins, the next generation of our family, can enjoy Martha's Vineyard as we have. As such, we very much appreciate the Martha's Vineyard Commission's willingness to evaluate the development proposed for 10 Sea View Avenue Extension. The future of our highly visible and historically significant corner of the island depends on the Commission's guidance.

While it is an improvement over the three-story "garage" that has resided on the property for four years now, we believe that the most recent development plans are still a significant detriment to abutters, the town of Oak Bluffs and the island as a whole. While we believe our neighbors have the right to renovate and make reasonable additions to their historically-protected homes, the addition proposed for 10 Sea View Avenue Extension appears to violate a long list of town zoning rules, Copeland Plan District Review Board regulations and Cottage City Historic District guidelines.

In sum, we believe the redevelopment plan for 10 Sea View Avenue Extension must be brought into compliance in the following areas:

**I. Scale and mass:** The proposed addition is too large to reasonably be considered "secondary" to the original building. It fills too much of its lot.

**II. Views:** The proposed addition alters the exterior appearance of the original building in a way that damages the visual integrity of the surrounding viewscape and blocks abutters views.

**III. Historical preservation:** The proposed addition is not architecturally compatible with the character of the Historic District. The North Bluff was added to the town's Historic District, in large part, to prevent out-of-scale development such as this.

**IV. Environment:** The proposed addition would likely create problems with

noise, drainage and sewage.

**V. Enforcement:** If a new addition is allowed to be built, the Town must require that the applicant establish a performance bond or escrow account to ensure that the Commission and the Town's decisions can be meaningfully enforced.

Below, I have provided more detail on each of these areas.

I very much appreciate the Commission members' taking the time to review this testimony. The proposal for 10 Sea View Avenue Extension is the first attempt to renovate a home on the North Bluff since the neighborhood was added to the town's Historic District. It is safe to assume that whatever development is allowed at 10 Sea View Avenue Extension will set the precedent for the neighborhood.

The future of our neighborhood is in your hands.

## **I. Scale and mass**

Cottage City Historic District guidelines mandate, "Additions shall be secondary in scale and mass to the original building while incorporating compatible proportions, materiality, and intent with its design." I.(b)

The proposed addition can not reasonably be considered "secondary" to the original building in scale and mass because:

- It is taller than the original building by approximately 4 feet. The roofline of the proposed addition appears to be lower than the roofline of the original building only due to the downward slope of the lot.
- It is a three-story structure attached to a two-story house.
- It approximately doubles the footprint, mass and habitable square footage of the original building. It is actually quite massive.

The minimum lot size in the R-1 zoning district is 10,000 square feet. Under 4.2.5 of the town's zoning by-law, no dwelling can occupy more than one-third of a lot's area. Zoning regulations, therefore, intend that 6,666 square feet of a lot must remain uncovered by a structure.

- Based on the most recent publicly available submissions by the applicant it would appear that only 5,603 square feet of the lot has been left open – *not including* the new driveway and hardscaping.
- With the proposed addition the new structure would cover at least 1,063 square feet more of the lot than is intended by the town's zoning regulations.

The applicant has argued that his renovation is exempt from zoning regulations because his house is on a smaller, "non-conforming lot."

- Previous Massachusetts court decisions do not appear to support this opinion. The changes to the existing dwelling are not exempt from the zoning by-law or the State Zoning Act because the non-conformity of the lot will be *increased* by the proposed addition. The Courts have made it clear that an increase to a house on a nonconforming, undersized, lot is deemed to “increase the non-conformity of the structure” even if the proposed changes would meet current setback requirements.

According to Appendix A of the Zoning Bylaw, in an R-1 District, the only principal residential use that is allowed as-of-right is a single family dwelling. A dwelling cannot be converted to a duplex without prior approval by the Zoning Board.

- The proposed plan very much appears to be the construction of a second house on a single-family lot. To convert to a duplex, however, the applicant needs a grant of a special permit, approval from the board of health regarding sanitary sewage, and the lot must have no less than 8,000 square feet of open space on the lot, unpaved and unoccupied by any structure.

**We believe the town’s regulations and guidelines require that the proposed addition must be made smaller.**

## **II. Views**

Copeland mandates, “No change to an exterior architectural feature shall radically alter the exterior appearance of the building or structure in such a way as to damage the visual integrity of the surrounding viewscape,” and that “views from abutting properties shall be preserved.” 4.(a)

The proposed addition radically alters the exterior appearance of the building by:

- Approximately doubling its size and mass, giving the appearance of two houses on a single lot.
- Including a fully attached, suburban-style, multiple vehicle garage and hardscaped driveway, entirely inconsistent with the area’s historic character.
- Adding a projecting outdoor deck very much unlike the historic front porches that characterize the neighborhood. The new deck would be facing abutters’ homes.
- Squeezing two additional dormers onto the roof of the original building.
- Attaching a three-story addition to an original two-story structure. From the side view, the proposed addition would be massive.

Additionally, the proposed development:

- Blocks abutters’ views of the ocean, harbor and village green. A smaller addition would not block abutters’ views.
- Adversely impacts visitors’ initial impression of Martha’s Vineyard from two

major gateways to the island, the Oak Bluffs ferry dock and harbor, by crowding what was once an open, airy backyard laid out in line with similar backyards.

Copeland mandates that new buildings “shall allow sufficient passage of air and light.” 4.(b)

- The proposed addition eliminates the open, air- and light-filled backyard that characterized the neighborhood for decades prior to the construction of the illegal three story apartment in 2003. Positioned as it is at the highest point on the bluff, the elimination of air and light would be felt by abutters and visitors.

**We believe that a smaller addition could, potentially, be built in such a way as to preserve views and comply with Historic District regulations.**

### **III. Historic preservation**

Cottage City Historic District guidelines were established “to help preserve the architectural as well as visual character of one of the most historically significant and eclectic residential compositions in the United States.” Specifically, these guidelines were created to ensure “the underlying architectural theme remains consistent throughout the Historic District” in terms of buildings’ *scale, mass, proportions*, materiality and intent.

The Oak Bluffs zoning by-law’s stated goal is to “encourage the most appropriate use of land throughout the town, to preserve the cultural, historical... community” and Cottage City Historic District guidelines mandate, “New Construction shall be architecturally compatible with the character of the Historic District through the means of scale, mass, proportions, materiality and intent while avoiding artificial imitation.” I.(c)

- The proposed renovation would make this house far larger in scale, mass and proportion than the homes in the neighboring “Architectural Ensemble,” as defined by the Martha’s Vineyard Commission. The proposed addition approximately doubles the scale and mass of the existing structure and creates the appearance of two houses on a single lot.
- The built-in, multiple vehicle garage and hardscaped driveway, is more consistent with a post-1960’s mainland suburb than the unique historic character of the Vineyard’s North Bluff.

Cottage City Historic District guidelines mandate, “Roofs shall maintain historic shapes, pitches and details.” II.(c)

- The two new dormers proposed for the roof of the original building are not in character with the historic roof shape, pitch and detail found in the neighborhood’s historically intact houses.

Cottage City Historic District guidelines mandate, “Porches inclusive of frontal porches,

wrap around porches and covered balconies shall be of painted wood while maintaining historic shapes and details.” II.(d)

- The outdoor deck seen in the right side elevation bears little relation to the historic covered front porches prevalent on the North Bluff. When in use, this new outdoor deck would likely generate significant noise for abutters.

Cottage City Historic District guidelines mandate that a renovation “shall include an attempt to return the building or structure to its original detailing and/or use by authentically recreating or uncovering building elements, which may have been removed or obscured over time,” and that, “It is imperative to retain and restore original components and detailing when possible” and it is the intent of the Historic District Commission “to promote the repair and restoration of original building elements, when possible, rather than the replacement of such elements.” I.(d)

**These guidelines would suggest that if a new addition is allowed to be built on this lot then it should be similar in size, scale and character to the original, one car garage that was removed from the property in 2003, prior to the construction of the three-story structure that currently exists on the site.**

#### **IV. Environment**

**Noise:** Section 5.4.2 of the zoning by-law states that “No use shall be permitted within the town which, by reason of excessive noise generated there from, would cause nuisance or hazard to persons or property.”

- The proposed outdoor deck, facing the Read and Naparstek properties, is likely to generate noise and cause nuisance to neighbors. Noise in the neighborhood tends to travel due to the acoustics of having water on three sides of the Moujabber house. We believe that the proposed addition should not be allowed to have a side-facing deck.

**Erosion Control:** Section 5.4.5 states that “site design, materials and construction processes shall be designed to avoid erosion damage, sedimentation, or uncontrolled surface water runoff.”

- The proposed addition significantly increases the amount of impermeable surface area while decreasing the lot’s permeable, absorbent surface area. Run-off from the current illegal “garage” is already creating serious problems for the property directly downhill from the Moujabber lot.

**A smaller addition with no additional outdoor decks and fewer bathrooms than the five proposed in the most recent plan would be more likely not to create negative environmental impacts.**

## **V. Enforcement**

Copeland regulations state that demolition is allowed when existing structures have no relationship to the district and that “there should be a timetable and a budget for both the demolition and the reconstruction as well as satisfactory evidence that adequate financing is available. The Town may require the posting of a performance bond or the establishment of an escrow account to guarantee completion of the such project” 4(c)(iii)

- We believe that it is essential in this case for the applicant to provide a project timetable and budget and to establish a performance bond or escrow account to ensure that any demolition and renovation is consistent with the plans originally approved by the Commission and the town’s governing bodies.

**The unique history of this case would appear to require the town to set up a strong enforcement mechanism to ensure that its decisions are carried out.**

## **Conclusion**

We are not opposed to our neighbors’ renovating or building reasonable additions on to the historically-protected homes of the North Bluff. However, the addition proposed for 10 Sea View Avenue Extension is too large, too detrimental and and not in character with this historically-protected neighborhood. Cottage City Historic District guidelines, Copeland Plan Review Board regulations and the zoning by-laws all suggest that this addition should not be allowed to be built.

What sort of addition would a resident of the historic North Bluff be allowed to build? The town’s various regulations and guidelines seem to suggest that the applicant should be encouraged to build a structure, either attached or detached, equivalent in size and design to the original, one car garage that existed on the property prior to its demolition in 2003.

The plan proposed for 10 Sea View Avenue Extension would be the first major renovation in the North Bluff since the neighborhood was added to the Historic District. Whatever plan is approved for this property is likely to set the precedent for future development for years to come. We wish to preserve and protect our neighborhood and our town for the enjoyment and use of future generations. This case has taxed and We look to the members of the Martha’s Vineyard Commission to help us in this endeavor.