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## Partial Determination of the Martha's Vineyard Commission

### DRI 674 M5 Stone Bank Development

September 15, 2023

Dunn Family, LLC/Dunn MV Investments

Reid "Sam" Dunn, Agent

C/O Attorney Robert McCarron, Registered Agent

282 Upper Main Street

P.O. Box 1270

Edgartown, MA 02539

Dear Mr. Dunn:

On the evening of September 7, 2023, the Martha's Vineyard Commission convened to review DRI 674-M5 Stone Bank Development. DRI 674-M5 Stone Bank Development entails modifications made to buildings and grounds that are encompassed in DRI 674-M Stone Bank Condos and DRI 674-M3 Stone Bank Restaurant. DRI 674-M5 Stone Bank Development has been subject to two prior determinations (Partial Determination I dated June 26, 2023 that addressed multiple modifications and Partial Determination II dated July 11, 2023 that addressed metal chimneys). This determination addresses a specific foundation, a specific length of fencing, a specific retaining wall, three specific chimneys and three specific fireplaces. Following a June 20 site visit, and upon consideration of documentation, commentary, and photography, including but not limited to, a staff report, a staff presentation, "Overall Site Plan and Elevations 23-1-23 CORRECTED," "Stone Bank elevations and floor plans 2-8-21," "BUILDING C: SOUTH ELEVATION & RELATED FENCING" drawn by Sam Dunn and stamped by Architect Maurice O'Connor, a report from the Woods Hole Group dated July 19, 2023, the written decision of the Commission for DRI 674-M Stone Bank Condos signed and notarized May 14, 2021, numerous staff photographs taken between February and September of 2023, and remarks by Mr. Dunn, the Commission voted to approve, without a hearing, a foundation/fencing/and retaining wall modification and to not approve, without a hearing, three chimney and fireplace modifications. Specifically, the Commission voted **to approve (without a hearing)** a non-columnar, South-facing foundation and adjacent wire-clad wooden fencing and an adjacent timber retaining wall at a dwelling known as Building D-2 at 30 Union Court in Tisbury. Per a clarification made orally at the September 7, 2023 meeting by the Applicant's Agent, it is understood that the fencing height between the gate on the Eastern side of the dwelling and the bus shelters will be four feet in

height as opposed to the six foot height shown in “BUILDING C: SOUTH ELEVATION & RELATED FENCING” drawn by Sam Dunn and stamped by Architect Maurice O’Connor. Furthermore, the Commission voted **not to approve (without a hearing)** a chimney located atop a mixed-use structure known as Building A at 16 Union Court, a chimney located atop a mixed-use structure known as Building E at 8 Union Court, and chimney located atop a mixed-use structure known as Building F at 2 Union Court, all in Tisbury. It should be noted that a prior Commission vote, taken on July 6, 2023, denied all chimneys (the Applicant had constructed a total of 7 chimneys) at the Stone Bank Development on aesthetic grounds—that is to say the prior vote denied the look of the chimneys. The July 6, 2023 vote did not rule on whether the chimneys themselves and associated fireplaces were authorized. The September 7, 2023 vote denied outright the three aforementioned chimneys at the Stone Bank Development—that is to say the vote disallowed the modification seeking to authorize the existence of the chimneys. The Commission found, based on plans presented as part of the DRI 674 M Stone Bank Condos review, that it could not have reasonably concluded Building A at 16 Union Court, Building E at 8 Union Court, and Building F at 2 Union Court were to be topped with chimneys, nor reasonably discerned fireplaces in those buildings. Accordingly, the aforementioned chimneys and fireplaces constitute **unapproved modifications that have been denied**. The Applicant must either remove both the chimneys mounted on the referenced structures and the fireplaces located within those three structures within 90 days or return to the Commission with a further request for modification seeking approval of an alternative proposal. If either task cannot be performed within 90 days, the Applicant may request in writing a time extension from either the Executive Director of the Commission or the Chair of the Commission.

Thank you for your attention to this Partial Determination.

Respectfully:

Rich Saltzberg  
DRI Coordinator