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Decision of the Martha's Vineyard Commission

DRI 700 97 Iroquois Ave Historic Demolition

1. SUMMARY

- Referring Board:** Building Inspector, Town of Tisbury
- Subject:** Development of Regional Impact #700 97 Iroquois Ave Historic Demolition
- Project:** To lift the home, excavate and pour a new foundation; and renovate the majority of the north facing side of the structure.
- Owner:** Edward and Erin Conway
- Applicant:** Southwest Construction; Paul Weber Architects
- Applicant Address:** 6 Cross Road
Darien, CT 06820
- Deed:** Book 1005, Page 552
- Project Location:** 97 Iroquois Avenue, Tisbury. Map 1-M, Lot 2; approximately 1.36 acres.
- Decision:** The Martha's Vineyard Commission (the Commission) approved the application for the project as a Development of Regional Impact with conditions, at a vote of the Commission on November 12, 2020.
- Written Decision:** This written decision was approved by a vote of the Commission on November 19, 2020.

The permit-granting authorities of the Town of Tisbury may now grant the request for approval of the Applicant's proposal in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law, or may deny the request for approval.

2. FACTS

The exhibits listed below including the referral, the application, the notice of the public hearing, the staff report, the plans of the project, and other related documents are incorporated into the record herein by reference. The full record of the application is kept on the premises of the Martha's Vineyard Commission.

2.1 Referral

The project was referred to the Commission on October 8, 2020 by the *Building Inspector* of the Town of Tisbury, MA for action pursuant to Chapter 831 of the Acts of 1977, as amended (the Act) and the Commission's Standards and Criteria Administrative Checklist for Developments of Regional Impact, DRI Checklist Items 8.1a (Demolition/Exterior Alteration of Historic Structure) and 8.1b (Demolition/Exterior Alteration of a Structure Built before 1900). 8.1a requires review as a Development of Regional Impact with a mandatory public hearing. The DRI Checklist defines demolition as "any act of pulling down, destroying, removing, or razing any building or a substantial portion thereof (more than 50% of the floor area of the historic portion or 25% of any façade of the historic portion visible from the public way), with or without the intent to replace the structure so affected." The project was referred because more than 25% of the north side of the home, the side facing Main Street, would be affected by the proposed renovations.

2.2 Hearings

Notice: Public notice of the hearing on the Application was published in the MV Times on October 29, and November 5, 2020; notice was also published in the Vineyard Gazette on October 30, and November 6, 2020. Abutters within 300 feet of the property were notified by mail on October 27, 2020.

Hearings: The Commission held a duly noticed public hearing on the Application that was conducted pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831 on November 12, 2020, which was closed that same night. The hearing was held entirely using remote conference technology as allowable under Chapter 53 of the Acts of 2020.

2.3 The Plan

The following plans and documents submitted by the Applicant and contained in the Commission's project file constitute "the Plan." All pages are 8.5" x 11" unless otherwise noted.

- P1. Application Package for "Conway Residence West Chop Vineyard Haven, MA" prepared by Paul Weber Architecture, 449 Thames Street Suite 202 Newport, RI 02840 consisting of fifty two (52) 36" x 24" pages, all plans are scaled at ¼" = 1'-0" and dated September 3, 2020 unless otherwise noted including: EXSP100 Existing Site Plan, scale 1" = 20', dated August 22, 2008; EX101 Existing First Floor Plan, dated September 16, 2020; EX102 Existing Second Floor Plan, dated September 16, 2020; EX103 Existing Third Floor Plan, dated September 16, 2020; EX104 Existing Roof Plan, dated September 16, 2020; EX200 Existing Building Elevations, dated

September 16, 2020; EX201 Existing Building Elevations, dated September 16, 2020; EX202 Existing Building Elevations, dated September 16, 2020; D101 First Floor Demolition Plan; D102 Second Floor Demolition Plan; D103 Third Floor Demolition Plan; D104 Roof Demolition Plan; D200 Building Elevations (Demolition); D201 Building Elevations (Demolition); D202 Building Elevations (Demolition); A100 Basement Plan; A100F Basement Framing Plan; A101 First Floor Plan; A101F First Floor Framing Plan; A102 Second Floor Plan; A102F Second Floor Framing Plan; A103 Third Floor Plan; A103F Third Floor Framing Plan; A104 Roof Plan; A200 Building Elevations; A201 Building Elevations; A202 Building Elevations; A300 Building Sections; A301 Building Sections; A302 Building Sections; A303 Building Sections; A310 Wall Sections, scale $\frac{3}{4}'' = 1'-0''$; A311 Wall Sections, scale $\frac{3}{4}'' = 1'-0''$; A312 Wall Sections, scale $\frac{3}{4}'' = 1'-0''$; A313 Wall Sections, scale $\frac{3}{4}'' = 1'-0''$; A314 Wall Sections, scale $\frac{3}{4}'' = 1'-0''$; A315 Wall Sections, scale $\frac{3}{4}'' = 1'-0''$; A316 Wall Sections, scale $\frac{3}{4}'' = 1'-0''$; A317 Wall Sections, scale $\frac{3}{4}'' = 1'-0''$; A400 Details, scale $1\frac{1}{2}'' = 1'-0''$; A401 Details, scale $1\frac{1}{2}'' = 1'-0''$; A402 Details, mixed scales; A700 Interior Elevations, mixed scales; A701 Interior Elevations, mixed scales; A800 Window Schedule; A801 Door Schedule; ELP100 Basement Electrical Lighting & Power Plan; ELP101 First Floor Electrical Lighting & Power Plan; ELP102 Second Floor Electrical Lighting & Power Plan; ELP103 Third Floor Electrical Lighting & Power Plan; F1.0 Proposed Foundation Plan & Sections; S1.0 Proposed 1st Level Deck Framing Plans.

- P2. "Square Footage Calculation" consisting of one (1) page, received October 13, 2020.
- P3. "Materials Narrative for 97 Iroquois" consisting of one (1) page dated October 27, 2020.
- P4. "Existing vs. Proposed Elevations" consisting of three (3) 17" x 11" pages including: A200 South Elevations, A201 North Elevations, and A202 East & West Elevations, all scaled at $\frac{3}{16}'' = 1'-0''$, received October 29, 2020.

2.4 Other Exhibits

- E1. Referral to the MVC from the Tisbury Building Inspector including the Building Permit Application, received October 8, 2020.
- E. TIS.148, 149, & 150 Inventory Reports from the Massachusetts Cultural Resource Information System (MACRIS).
- E. TIS.C Area Form for West Chop; 97 Iroquois Ave mentioned on pages 6 & 17.
- E. Staff Report for DRI 700 97 Iroquois Ave Demolition and Renovation dated October 26, 2020.
- E. Staff PowerPoint Presentation dated November 12, 2020.
- E. Minutes of the Commission's Land Use Planning Committee Pre-Public Hearing Review, October 26, 2020.
- E. Minutes of the Commission's Public Hearing, and Deliberation & Decision, November 12, 2020.

E. Minutes of the Commission's Approval of the Written Decision, November 19, 2020.

2.5 Summary of Testimony

The following gave testimony during the public hearing on November 12, 2020:

- Staff presentation by Christina Mankowski, Historic Structures Planner
- Presentation of the project by Paul Weber, Architect
- Oral testimony from Public Officials speaking for their Boards: None
- Oral testimony from the Public: None

3. FINDINGS

3.1 Project History

The building was originally constructed in approximately 1897 or 1898 in the West Chop Area of Tisbury, located on the west side of Vineyard Haven. Buildings within the West Chop Area comprise a cohesive collection of residential buildings, sharing many of the same architectural details and construction materials. The building, also known as the Jolliffe House, is a 2.5-story, gable-roof building sheathed in wood shingles with lattice underpinning along the foundation line. The building sits back from the road at the end of dirt drive leading off Iroquois Avenue, but can also be seen from Main Street, especially in the fall and winter months when there are fewer leaves on the trees. Fenestration consists of 12/12 and 9/2 double-hung sash windows with molded surrounds. The building features three interior brick chimneys: one on the building's north roof slop, another near the ridge, and a third at the south end of the building.

The proposal for the project is to lift the home in order to pour a new foundation for stability, and to renovate the house for it to be winterized.

3.2 Statutory Authority

The purpose of the Commission, as set forth in Section 1 of the Act, is to "protect the health, safety, and general welfare of island residents and visitors by preserving and conserving for the enjoyment of present and future generations the unique natural, historical, ecological, scientific and cultural values of Martha's Vineyard which contribute to public enjoyment, inspiration, and scientific study by protecting these values from development and uses which would impair them, and by promoting the enhancement of sound local economies."

The Commission has reviewed the proposal as a Development of Regional Impact, using the procedures and criteria that the Commission normally uses in evaluation the benefits and detriments of such a proposal. The Commission has considered the Application and the information presented at the public hearing, including listening to all testimony presented and reviewing all documents submitted during the hearing and review period.

3.3 Benefits and Detriments

Based on the record and testimony presented therein, the Commission finds the following pursuant to Sections 14 and 15 of the Act.

A. THE COMMISSION FINDS THAT THE PROBABLE BENEFITS OF THE PROPOSED DEVELOPMENT WOULD EXCEED THE PROBABLE DETRIMENTS, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(a) OF THE ACT.

A1. The Commission finds that whether the proposed development at this location is appropriate in view of the available alternatives (Section 15(a) of the Act.) is not applicable.

A2. The Commission finds that the proposed development would have a slightly detrimental impact upon the environment relative to other alternatives (Section 15(b) of the Act).

With respect to Open Space, Natural Community and Habitat, the Commission finds no impact.

With respect to Wastewater and Groundwater, the Commission finds no impact.

With respect to Energy, the Commission finds a detriment in the addition of a propane heat source to a previously unheated home.

A3. The Commission finds that the proposed development would have a beneficial effect upon other persons and property (Section 15(c) of the Act).

With respect to Traffic and Transportation, the Commission finds no impact.

With respect to Night Lighting and Noise, the Commission finds no impact.

With respect to Scenic Values, Character, and Identity, the Commission finds a significant benefit in the preservation of a historic home. The proposed architecture is in keeping with the neighborhood and the cultural heritage of the area.

With respect to the Impact on Abutters, the Commission finds no impact.

A4. The Commission finds that the impact upon the supply of needed low- and moderate-income housing for Island residents (Section 15(d) of the Act) does not apply to this application.

A5. The Commission finds that the impact on the provision of municipal services or burden on taxpayers in the making provision therefore (Section 15(e) of the Act) does not apply to this application.

A6. The Commission finds that the proposed development would use efficiently and would not unduly burden existing public facilities (other than municipal) or those that are to be developed within the succeeding five years (Section 15 (f) of the Act).

A7. The Commission finds that the proposed development would not interfere with the ability of the municipality to achieve some of the objectives set forth in the municipal general plan (Section 15(g) of the Act).

With respect to Consistency with/and Ability to Achieve Town Objectives, the Commission finds that the proposal meets zoning.

A8. The Commission finds that the proposed development would not contravene land development objectives and policies developed by regional or state agencies (Section 15(h) if the Act).

B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WOULD BE CONSISTENT WITH THE LAND DEVELOPMENT OBJECTIVES OF THE COMMISSION, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(b) OF THE ACT.

C. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH MUNICIPAL DEVELOPMENT ORDINANCES AND BY-LAWS, TO THE BEST OF THE COMMISSION'S KNOWLEDGE.

D. THE COMMISSION FINDS THAT THE SITE IS IN CONFORMANCE WITH THE REGULATIONS OF DISTRICTS OF CRITICAL PLANNING CONCERN, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(d) OF THE ACT.

The Commission finds that the property is not located in any DCPC.

In sum, after careful review of the Plans and its attendant submittals and the testimony presented by the Applicant and others, the Commission has concluded that the benefits of this proposed development in this location exceed its probable detriments in light of the considerations set forth in Section 14(a) of the Act.

4. DECISION

The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on November 12, 2020 and made its decision at the same meeting. The MVC is approving this proposal because it has demonstrated sensitivity to the architectural vernacular of the building and surrounding area. The decision is based on submitted plans, which the MVC finds are appropriate. Any substantial change to the submitted plans would need further approval.

The following Commissioners, all of whom participated in the hearing and deliberations participated in the decision on November 12, 2020:

- Voting to approve the project: Trip Barnes; Christina Brown; Robert Doyle; Joshua Goldstein; Fred Hancock; James Joyce; Michael Kim; Joan Malkin; Kathy Newman; Linda Sibley; Ernie Thomas; Richard Toole; Christine Todd; and James Vercruysse.
- Voting against: None.
- Abstentions: Ben Robinson; Doug Sederholm.
- Recused: None.

Based on this vote, the Commission approved the application for the project as a Development of Regional Impact.

This Written Decision is consistent with the vote of the Commission on November 12, 2020 and was approved by a vote of the Commission on November 19, 2020.

5. CONDITIONS

After reviewing the proposal for this Development of Regional Impact, the Commission imposes the following condition:

1. Expiration

1.1 The DRI status on this property shall expire when, after receiving a letter of compliance from the MVC stating the structure was built as planned, the local building authority issues a Certificate of Completion.

6. CONCLUSION

6.1 Permitting from the Town

The Applicants must, consistent with this Decision, apply to the appropriate Town of Tisbury Officers and Boards for any local development permits which may be required by law.

The permit-granting authorities of the Town of Tisbury may now grant the request for approval of the Applicant's proposal in accordance with this decision and may place further conditions thereon in accordance with applicable law or may deny the request for approval. Any permit issued by the Town shall incorporate the plan approved by the Commission.

6.2 Notice of Appellate Rights


Any party aggrieved by a determination of the Commission may appeal to Superior Court within twenty (20) days after the Commission has sent the development Applicant written notice, by certified mail, of its Decision and has filed a copy of its Decision with the Tisbury Town Clerk.

6.3 Length of Validity of Decision

The Applicant shall have two (2) years from the date of receipt of the Decision of the Martha's Vineyard Commission contained in this document to begin substantial construction.

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6.4 Signature Block

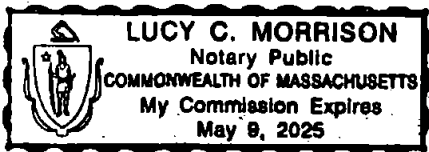

E. Douglas Sederholm, Chairman

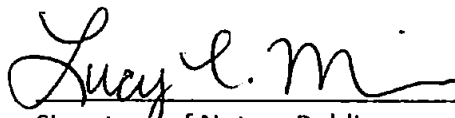
11-25-20
Date

6.5 Notarization of Decision

Commonwealth of Massachusetts
County of Dukes County, Mass.

On this 25th day of November, 2020, before me,
I, Doug Sederholm, the undersigned Notary Public, personally appeared
Lucy C. Morrison, proved to me through satisfactory evidence of
identity, where was/were personal knowledge to be the person(s)
whose name(s) was/were signed on the preceding or attached document in my presence, and who
swore or affirmed to me that the contents of the document are truthful and accurate to the best of
his/her/their knowledge and belief.




Signature of Notary Public

Lucy C. Morrison
Printed Name of Notary
My Commission Expires May 9, 2025

6.6 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: _____
Deed: Book _____, Page _____
Document Number: _____