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Decision of the Martha's Vineyard Commission DRI 612 – Bradley Square Housing

1. SUMMARY

- Referring Board: Board of Selectmen, Town of Oak Bluffs, MA
- Subject: Development of Regional Impact #612
Bradley Square
- Project: To move and renovate an existing building to create a cultural center with one residential unit and an office, and to build two new buildings with five residential units each.
- Owner: Island Affordable Housing Fund
- Applicant: Island Housing Trust Corporation (Philippe Jordi - Executive Director); Island Affordable Housing Fund (Patrick Manning - Executive Director); John Early (Contractor & Builder)
- Applicant Address: Island Housing Trust Corp., P.O. Box 779, West Tisbury, MA 02575.
- Project Location: 96 Dukes County Avenue and 8 Masonic Avenue, Oak Bluffs Map 11 Lots 193 & 195 (6,098 sf and 12,632 sf = 0.43 acres).
- Description: To move and renovate the former Bradley Memorial Church into a cultural center (788 sf) and an office (209 sf) on the ground floor with one residential unit on the second floor. The Cultural Center is proposed to be owned and operated by either a non-profit or a municipal entity. There would also be two more buildings with 5 residential units each (5,108 gsf each not including basement). The nine non-market rate units would have permanent rental and resale restrictions.
- 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 June 19, 2008.
- Written Decision: This written decision was approved by a vote of the Commission on July 10, 2008

The permit-granting authorities of the Town of Oak Bluffs 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 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 February 22, 2008 by the Board of Selectmen of the Town of Oak Bluffs, 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, Section 3.401a (Any development, including the expansion of an existing development, which proposes to create or accommodate: a) ten (10) or more dwelling units) and was reviewed as such by the Martha's Vineyard Commission.

2.2 Hearings

Notice: Public notices of public hearings on the Application were published in the Vineyard Gazette, March 7, 2008, April 4, 2008, and May 9, 2008.

Hearings: The Commission held a public hearing on the Application that was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831 on March 20, 2008, that was continued to April 17, 2008, that was continued to May 22, 2008. The written record was left open until Friday May 30, 2008

2.3 The Plan

The following plans and documents submitted by the Applicant and contained in the Commission's project file constitute "the Plan."

- P1 "Site Layout Plan", consisting of one 24" x 36" page of site plan, Scale: 1/8" = 1'-0", prepared by Hutker Architects, P.O.B. 2347, Vineyard Haven, MA 02568, revised June 4, 2008.
- P2 "Bradley Building Floor Plans", consisting of three 24" x 36" sheets of Foundation, 1st, 2nd, 3rd floor, and roof plans, Scale: 1/4" = 1'-0", prepared by Hutker Architects, P.O.B. 2347, Vineyard Haven, MA 02568, revised February 1, 2008.
- P3 "Bradley Building Elevations", consisting of two 24" x 36" sheets of elevation, Scale: 1/4" = 1'-0", prepared by Hutker Architects, P.O.B. 2347, Vineyard Haven, MA 02568, revised February 1, 2008.
- P4 "Bradley Building Sections", consisting of one 24" x 36" sheet of sections, Scale: 1/4" = 1'-0", prepared by Hutker Architects, P.O.B. 2347, Vineyard Haven, MA 02568, revised February 1, 2008.
- P5 "Oscar E. Denniston Floor Plans", consisting of two 24" x 36" sheets of Foundation, 1st, 2nd floor, and roof plans, Scale: 1/4" = 1'-0", prepared by Hutker Architects, P.O.B. 2347, Vineyard Haven, MA 02568, revised February 11, 2008.
- P6 "Oscar E. Denniston Elevations", consisting of two 24" x 36" sheets of Foundation, 1st, 2nd floor, and roof plans, Scale: 1/4" = 1'-0", prepared by Hutker Architects, P.O.B. 2347, Vineyard Haven, MA 02568, revised February 11, 2008.

- P7 "Oscar E. Denniston Sections", consisting of one 24" x 36" sheets of sections, Scale: 1/4" = 1'-0", prepared by Hutker Architects, P.O.B. 2347, Vineyard Haven, MA 02568, revised February 11, 2008.
- P8 "Oscar E. Denniston Floor Plans", consisting of one 24" x 36" sheets of revised 1st floor plan (This change to be reflected in all floors, sections, and elevations), Scale: 1/4" = 1'-0", prepared by Hutker Architects, P.O.B. 2347, Vineyard Haven, MA 02568, revised June 4, 2008.
- P9 "Existing Conditions Plan", consisting of one 24" x 36" sheets of building and tree locations, Scale: 1" = 20', prepared by Sourati Engineering, 107 Beach Road, Suite 202, Vineyard Haven, MA 02568, March 4, 2008.
- P10 "Existing Floor Plans", consisting of one 24" x 36" sheet of floor plans, Scale: 1/4" = 1'-0", prepared by Hutker Architects, P.O.B. 2347, Vineyard Haven, MA 02568, revised June 11, 2007.
- P11 "Existing Elevations", consisting of one 24" x 36" sheet of Elevations, Scale: 1/4" = 1'-0", prepared by Hutker Architects, P.O.B. 2347, Vineyard Haven, MA 02568, undated.

2.4 Other Exhibits

- E1. Referral to the MVC from the Oak Bluffs Board of Selectmen February 28, 2008.
- E2. Staff Report, by Paul Foley, MVC DRI Coordinator, with the assistance of other staff members, 2008-03-20; revised 2008-04-17; revised 2008-05-22; revised 2008-05-29.
- E3. Bradley Square Traffic and Parking Study, by Charles C. Crevo, Ph.D., P.E. of C3 Consulting Group for the Martha's Vineyard Commission, April 2008.
- E4. Photographs of the site, taken on March 18, March 20, and April 2, 2008 by MVC staff member Paul Foley.
- E5. Letters were received from the following citizens of Martha's Vineyard: Taylor Montgomery; Natalie Dickerson; Tracy Mace; Stephen Lewis; Patricia Tankard; Chris Dreyer; Sumner Silverman; Shirley Strother and George Eferink; Donald Muckerheide; Russell Rogers and Nancy Giordano; Thaw Malin III and Karen English-Malin; Elizabeth Rawlins; Alison Shaw and Sue Dawson; Annie Parr; Michael Hunter; Holly Alaimo; James Westervelt; Deirdre Bohan; Judy Hartford and Thad Harshbarger; Sara Crafts; David Perzanowski; Larry Schubert; Moira Fitzgerald; Deborah Dean; Renee Balter; Judith Campbell; Karen Torrance; Martha Adleman; Ann McManus and Mac Starks;
- E6. Letters were received from the following people representing town boards or island organizations: Ron DiOrio (O.B. Affordable Housing); Richard Combra (Highway Dept. Re: Sidewalks); Dianne Wilson (Assessors Re: Tax Revenue); Andre Mallegol (Habitat for Humanity); Julie Willett (Habitat for Humanity); David Vigneault (Exec. Director D.C.R.H.A.); Patrick Manning (Executive Director IAHF); Tim Lowe (V.P. Martha's Vineyard Savings Bank); Keith Gorman (M.V. Museum); Stephen Durkee (O.B. CPC); Renee Balter (O.B. Historical Commission); Adam Wilson (O.B. Zoning Administrator); Members of the Arts District.
- E7. Minutes of the Commission's Land Use Planning Committee meeting, February 11, 2008.
- E8. Minutes of the Commission's Land Use Planning Committee meeting, March 10, 2008.
- E9. Minutes of the Commission's Land Use Planning Committee meeting, May 12, 2008.

- E10. Minutes of the Commission's Land Use Planning Committee meeting, June 2, 2008
- E11. Minutes of the Commission's Public Hearing, March 20, 2008.
- E12. Minutes of the Commission's Continued Public Hearing, April 17, 2008.
- E13. Minutes of the Commission's Continued Public Hearing, May 22, 2008.
- E14. Minutes of the Commission Meeting of June 19, 2008 – Deliberations and Decision.
- E15. Minutes of the Commission Meeting of July 10, 2008 – Approval of the Written Decision.

2.5 Summary of Testimony

The following is a summary of the principal testimony given during the public hearing.

- Presentation of the project by.
 - On March 20: Lindsey Lee; Philippe Jordi; Matt Cramer; Kristen Reiman; George Sourati.
 - On April 17: Philippe Jordi; Patrick Manning; Charlie Crevo.
 - On May 22: Philippe Jordi; Patrick Manning; Bob Wheeler.
- Staff reports by Paul Foley, MVC DRI coordinator; Bill Wilcox, MVC Water Planner; Mark London, Executive Director.
- 53 Letters from citizens of Martha's Vineyard.
- Oral testimony from members of Town Boards was given by the following individuals:
 - On March 20: John Bradford (O.B. Planning Board); David Wilson (O.B. Cottage City Historic District); Ron DiOrio (O.B. Selectmen and Affordable Housing); Thad Harshbarger (O.B. Parking & Traffic and Finance Committee); Kerry Scott (Selectmen).
 - On April 17: Renee Balter (O.B. Traffic & Parking and Historic Commission); Ron DiOrio (Selectmen).
 - On May 22: Roger Wey (Selectmen); Kerry Scott (Selectmen).
- Oral testimony from the Public was received from the following individuals:
 - On March 20: Tristan Israel; Natalie Dickerson (MV NAACP); Tammy Deese; Alison Shaw; Steve Auerbach; Catherine Deese; Phyllis Jampel; Candace Nichols; Taylor Montgomery; Donald Muckerheide; Moira Fitzgerald; Holly Alaimo; Michael Hunter; Larry Schubert; Sarah Young; and Matt Viaggio.
 - On April 17: Candace Nichols (for David Pezanowski); Robert Wheeler; Taylor Montgomery; Judy Drew Schubert; Marie Allen; Nancy Giordano; Marcia Buckley; Charlie Minor; Sean Ramoutar; Arthur Hardy Doubleday (African American Heritage Trail); Sara Crafts; Doug Ruskin; Carol Jones; Natalie Dickerson; Catherine Deese; Richard Leonard; Candy Nichols; Moira Fitzgerald; Holly Alaimo; Larry Schubert; and Donald Muckerheide.
 - On May 22: Marty Nadler; Elaine Weintraub; Shirley Strother; Norman Hall; George Eferink; Jan Meersman; Joe Peters; Nancy Philips; Renee Balter; Patricia Tankard; Sue Dawson; Harvey Beth; Bob Kenicut; Mary Ellen Rogers; Dennis DaRosa; Guinevere Cramer; Candy Nichols; Candy DaRosa; David Wilson; Ann Smith; Diane Stewart; Debbie Dean; Moira Fitzgerald; Sara Crafts; and Barbara Plesser.

3. FINDINGS

3.1 Project Description

- The site is a 0.43-acre lot on the corner of Dukes County Avenue and Masonic Avenue in Oak Bluffs.
- 8 Masonic Avenue (Map 11 Lots 195) is 12,632 sf and zoned primarily residential. 96 Dukes County Avenue (Map 11 Lot 193) is 6,098 sf and is zoned B-1 commercial.
- There is an existing building (The Bradley Memorial Church/Denniston Building) that was built in 1895. The proposal includes moving the 1895 building 70 feet and renovating it into a cultural center (788 sf) and an office (209 sf) on the ground floor with a kitchen and bathroom, and create one residential unit on the second floor.
- The proposal also includes constructing two more buildings with 5 residential units each (5,108 gsf each not including basement). These would have two 913 sf artist live/work units each and two 626 sf one-bedrooms each. On the third floor of each new building would be a market rate 1,004 sf two-bedroom apartment.
- The nine non-market rate units would have permanent rental and resale restrictions limiting them to households earning a range of incomes less than 140% AMI.
- The proposal involves removing 20 of the 27 mature trees on the site, and planting new ones.
- It is proposed to create 11 off-street and 6 on-street parking spaces.
- There is no commercial kitchen included in the project (as had been previously proposed)

3.3 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 evaluating 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 the testimony presented and reviewing all documents and correspondence submitted during the hearing and review period.

3.4 Benefits and Detriments

Based on the record and testimony presented therein, the Commission finds the following pursuant to Sections 14 and 15 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 the proposed development at this location is appropriate in view of the available alternatives (Section 15(a) of the Act.)

The Commission finds that this is an in-town infill project that will allow tenants to walk to the town center, that the project will provides affordable housing for Oak Bluffs and the Island, that the project preserves the historic Bradley Memorial Church, and that it has similar uses and generally fits into the neighborhood, though it will be larger in massing and will also have traffic and parking impacts. .

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

With respect to Wastewater and Groundwater, the Commission finds that the project will be connected to town sewer and that the plans include ways to adequately deal with storm water runoff.

With respect to Open Space, Natural Community and Habitat, the Commission finds that there will be an overall loss of open space and trees due to the development of a long-empty lot. However, the Commission notes that the site is in town, is partly in the B-1 commercial district, and that the project provides a small open space.

With respect to Night Lighting and Noise, the Commission finds that the project will increase night lighting and noise, though this will be limited by use of down-lighting, limits on amplified exterior sound, and ending cultural center activities by 9:30pm.

With respect to Energy and Sustainability, the Commission finds that the project will exceed the Massachusetts Energy Code requirements by 50% and that that the project has been designed for low maintenance.

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

With respect to Traffic and Transportation, the Commission finds that the project is in walking distance to town and schools, will provide a shuttle for activities of more than 30 people at the cultural center (per 2.4), and may provide sidewalks. The Commission notes that the intensity of use of the site will increase pressure in the area from traffic and parking.

With respect to Scenic Values the Commission finds that there are many structures on a small property that are large relative to the average in the area and the fencing would reduce the feeling of open space, though the project will clean up a long-neglected lot.

With respect to Character and Identity, the Commission finds that the project will restore the church exterior and sanctuary, will bring back the cultural use of the building, and will preserve and display artifacts from the Bradley Memorial Church within the building in cooperation with the Martha's Vineyard Museum. The Commission finds that the project will provide a space for community activities. The Commission finds that the project will provide small dwelling units similar to others in the area, as opposed to a few very large houses, that the proposed artists' studios are low-key businesses compared to what could be allowed in B-1 District, and that this will add families, other residents, and activities that should contribute to the vibrancy and diversity of this neighborhood and Oak Bluffs

With respect to the Impact on Abutters, the Commission finds that the project will increase density, massing, traffic, and activity in the area, though it provides a new development on a property that is neglected.

A4 The Commission finds that the proposed development would have a beneficial impact upon the supply of needed low and moderate income housing for Island residents (Section 15(d) of the Act).

The Commission finds that the project will provide nine units of low and moderate year-round housing for a range of incomes and that three of the units will count towards Oak Bluffs affordable housing target. The Commission also notes that all but one of these units is new construction, whereas the Commission generally favors using existing buildings.

A5 The Commission finds that the proposed development would have mixed impacts on the provision of municipal services or burden on taxpayers in making provision therefore (Section 15(e) of the Act).

The Commission finds that the project will generate new property taxes for the Town, but it is unknown whether they will cover the costs of services for the 11 year-round housing units. It also notes that the Town provided \$475,000 of CPA funds for the project. The Commission also notes that the project will place a burden on street parking in the general area, and necessitates the use of a park-and-ride service.

A6 The Commission finds that the proposed development would use efficiently and 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 does not interfere with the ability of the municipality to achieve the objectives set forth in the municipal general plan. (Section 15(g) of the Act).

With respect to the Oak Bluffs Master Plan, the Commission finds that the part of the proposal that deals with the Denniston Building is in line with policies to encourage rehabilitation of aging dwellings as an alternative to new construction, particularly for affordable housing, and to preserve and maintain existing cultural and historic resources. However, it is at odds with policies calling for managing growth in the residential districts in order to stabilize spending for services; alleviating parking problems in neighborhoods adjacent to downtown; and reducing congestion in town.

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) of the Act).

The Commission notes that the development is consistent with the policies of the Martha's Vineyard Commission Regional Policy Plan, adopted by the vote of the Martha's Vineyard Commission, June 1991.

In sum, after careful review of the plan and its attendant submittals and the testimony presented by the Applicant and others, and the addition of conditions such as those relating to wastewater and future traffic mitigation, the Commission has concluded that the probable benefits of this proposed development in this location exceed its probable detriment in light of the considerations set forth in section 14(a) of 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.

The requested project, as a whole, advances the Commission's land development objectives, as outlined in the Martha's Vineyard Commission Regional Policy Plan adopted by the Commission in June 1991, and as noted previously in section A8 of this decision.

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.

The Commission finds that the project may be inconsistent with zoning, but that if it is inconsistent, the inconsistency is necessary to enable a substantial segment of the population of the community to secure adequate opportunities for housing as provided for in the Martha's Vineyard Commission Act, Chapter 831 article 14c. The Commission notes that the project will be reviewed by the Town Zoning Board of Appeals under a Comprehensive Permit as a 40B which allows affordable housing projects to be approved even if they do not adhere to the zoning by-laws. The Commission notes that the project extends some provisions of the B-1 commercial district 30' into a residential district, but that this possibility is provided for in the zoning bylaw.

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 proposed development site is not located within any District of Critical Planning Concern (DCPC).

4. DECISION

The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on June 19, 2008 and made its decision at the same meeting.

The following Commissioners, all of who participated in all hearings and deliberations on this project, participated in the decision on June 19, 2008.

- Voting in favor: James Athearn; John Breckenridge; Christina Brown; Mimi Davisson; Mark Morris; Katherine Newman; Ned Orleans; Jim Powell; Doug Sederholm; Susan Shea; Linda Sibley; Paul Strauss; and Richard Toole.
- Voting against: Chris Murphy
- Abstentions:

Based on this vote, the Commission approved the application for the project as a Development of Regional Impact with the conditions listed in section 5 below.

This written Decision is consistent with the vote of the Commission June 19, 2008 and was approved by vote of the Commission on July 10, 2008.

5. CONDITIONS

After reviewing the proposal for this Development of Regional Impact, the Martha's Vineyard Commission imposes the following conditions in order to increase the benefits and minimize the detriments of the project. The analysis of benefits and the resulting decision to approve the project is based on the proposal as modified by these conditions. These conditions form an integral and indispensable part of this decision.

These conditions are an essential part of this decision and shall be enforced as written. If the Commission finds it necessary to seek judicial relief to enforce the condition, the Applicant, or its successors in title at the time of such proceedings, shall pay the Commission's attorney's fees and costs incurred in obtaining judicial relief.

1 **Uses and Affordability**

- 1.1 Affordability:** As offered by the Applicant, the Applicant's master ground lease shall include permanent affordability restrictions for nine of the eleven residential units, and resale restrictions for the Denniston center and office to non-profit or public entities. Five of the residential units and all four residential artist live/work units shall be sold to income eligible applicants earning no more than 80% to 140% of the median income, including: 3 units at 80% or less of AMI, 1 units at 100% or less of AMI, 3 units at 120% or less of AMI, and 2 units at 140% or less of AMI.
- 1.2 Local Preference:** As offered by the Applicant, local preference to town residents shall be given the four affordable residential units serving households earning 100% or less of the median income, funded in part by Oak Bluffs Community Preservation Act funding.
- 1.3 Homebuyer Application:** As offered by the Applicant, the homebuyer application for the affordable units shall be drafted with the Oak Bluffs Affordable Housing Committee and the Oak Bluffs Art District; and the Dukes County Regional Housing Authority shall administer the application and lottery process. The selection process for any Habitat for Humanity units shall be administered by Habitat.
- 1.4 Master Deed:** As offered by the Applicant, the condominium association's master deed and declaration of trust shall govern the use and maintenance of the property and the condominium units,

including the four residential artist live/work units, seven residential units, Denniston center, and office. These legal documents shall include rules and regulations that require that the home business use of the four artist live/work units be consistent with the surrounding Art District's hours of operations and the Town's by-laws; restrict the Denniston center to a maximum occupancy of 74 people, limit its the hours of operations from 8:30 AM to 9:30 PM seven days a week, and adopt rental policies consistent those used by the Martha's Vineyard Preservation Trust for similar historic properties; and limit the hours of operations for the office to 9AM to 5PM Monday thru Friday. [Note: modified by condition 8.1.]

2 Transportation

- 2.1 Activities:** As offered by the Applicant, activities for more than 30 people shall not be scheduled in the Denniston Center during any major Oak Bluffs events (such as the Annual Oak Bluffs' Fireworks, Illumination Night, Pops Concert), nor during the Art Strolls unless the activities are arts related.
- 2.2 Off-Street Parking:**
- As offered by the Applicant, one on-site parking space shall be provided to serve each of the eleven residential units.
 - If owners of residential units do not use their parking spaces, these spaces may be sublet upon approval of the condo association.
- 2.3 On-Street Parking:** As offered by the Applicant, the Applicant shall recommend that the Town of Oak Bluffs implement the sidewalk plan it has proposed which includes six on-street parking spaces along Masonic Avenue, which would be available to visitors of the Denniston Center and office, among other users. The Applicant shall request that one on-street parking space in front of the Denniston building be designated handicapped parking by the Town of Oak Bluffs.
- 2.4 Shuttle Service:** As offered by the Applicant, during the summer season (June – September) and weekends during the shoulder season (Friday to Sunday, May and October), if the Town's shuttle bus service is not operational, the Applicant shall require any user of the Denniston Center to provide a shuttle bus service to a Town-approved off-site location for activities of 30 persons or more.
- 2.5 Road Improvements:** As offered by the Applicant, the Applicant shall request and coordinate with the Town of Oak Bluffs to paint stop bar pavement marking on Masonic Ave at both ends to improve visibility; paint crosswalk at the same locations; install "no parking to corner" signs at the Masonic and Dukes County Ave intersection, and paint the stop bar and crosswalk with the Town's approval should it be necessary.
- 2.6 Public Transit:** As offered by the Applicant, the Applicant shall request and coordinate with the VTA to install VTA bus route signs at strategic locations, and determine with the VTA whether a bus stop or flag stop is necessary at the Masonic/ Circuit/ Pocasset Ave intersection.
- 2.7 Traffic and Parking Study:** As offered by the Applicant, the Applicant shall cooperate with the Town of Oak Bluffs in the development of a parking and traffic study of the Dukes County Avenue area commissioned by the Oak Bluffs Board of Selectmen. This study should include looking at on-street parking and sidewalks within a quarter mile of Bradley Square.

3 Landscaping

- 3.1 Landscaping Plan:** As offered by the Applicant, a final landscaping plan shall be submitted to and is subject to the approval of LUPC before construction begins. The plan shall include:
- Plant species and locations including the caliper of new trees;

- Fencing;
- An implementation timetable;
- A combination of streetscape trees (e.g. London Plane) and native vegetation;
- Provisions to provide for the care of existing trees, including a pre-construction soil management program, in order to maximize the likelihood that existing trees survive;
- Provisions to provide for the perpetual care of all trees and shrubs, including the obligation to replace any that do not survive.

3.2 Sidewalk:

- As offered by the Applicant, the Applicant shall provide an easement to the Town of Oak Bluffs to allow it to construct a sidewalk on private land along Dukes County Avenue in order to protect existing street trees. Should the Town decide not to construct the sidewalks along Dukes County Avenue and Masonic Avenue, the Applicant shall consider constructing a sidewalk or paths allowing on-street parking for six cars along Masonic Avenue as shown on the site plan.
- Should the Town not construct the sidewalks on Masonic and Dukes County Avenues, the applicant shall return to the Commission before installing any impervious path or sidewalk.

3.3 Driveway: As offered by the Applicant, the driveway providing circulation on the property shall be constructed of pervious material and sloped towards the grass lawn.

3.4 Community Open Space: As offered by the Applicant, a 1,400 SF community open space, located between the Denniston building and the Bradley II building, shall be accessible for and during functions related to the Denniston center.

3.5 Trees: As offered by the Applicant, the Applicant shall retain eight trees and plant seven trees as per the landscaping plan, with plantings.

3.6 Rubbish/Recycling: As offered by the Applicant, the Applicant shall install enclosed rubbish/recycling areas as shown on landscaping plan.

3.7 Fence: As offered by the Applicant, the Applicant shall build a six-foot wooden fence with vine plantings that grow to cover the fencing or a combination of wooden fence and large shrub plantings (between sections of wooden fence) along the property boundary to provide a visual and noise buffer.

3.8 Fertilizers and Pesticides: As offered by the Applicant, all fertilizers shall be slow-release, water-insoluble nitrogen source types. No synthetic pesticides including herbicides, fungicides and/or insecticides shall be used in the maintenance of landscaping.

4 Building Design

4.1 Building Height: As offered by the Applicant, the height of the Denniston building shall be lowered from 33'-6" to 31'-9". The maximum height of the two Bradley buildings shall be 31'-7".

4.2 Restoration of Church: As offered by the Applicant, the Applicant shall preserve, restore, or historically replicate the treatments within the historic Denniston building's sanctuary with the assistance of the Massachusetts Historical Commission and the Cottage City Historic District Commission that shall be permanently protected through the condominium association's master deed and declaration of trust.

4.3 Historic Artifacts: As offered by the Applicant, the Applicant shall preserve the historic artifacts in the Denniston building in conjunction with the Martha's Vineyard Museum, and build an artifact display case within the Denniston center along with storage space in the basement.

4.4 Signage: As offered by the Applicant, signage for the four artist live/work units in the two Bradley buildings and the Denniston center and office shall be limited to the dimensional requirements of the B-1 and R-1 districts.

5 Energy

5.1 Efficiency: As offered by the Applicant, the Applicant shall maximize the energy efficiency of all three buildings by achieving an Energy Star Plus rating (50% or greater energy efficiency than code).

6 Noise and Lighting

6.1 Exterior Lighting: As offered by the Applicant, exterior lighting shall be limited to landscape lighting depicted on the landscape plan extending no more than three (3) feet above the ground, and low-glare wall sconces at each door controlled by motion detectors. All lighting shall be downward shielded to prevent direct light from escaping the property.

6.2 Sound:

- As offered by the Applicant, no amplification shall be allowed outside of the buildings on the Bradley Square property.
- All windows shall be kept closed when indoor amplification is being used.

7 Stormwater:

7.1 Stormwater: As offered by the Applicant, storm water shall be managed using guttered roofs into dry wells and retention of pervious surfaces (landscaping, gravel driveway & parking).

8 Denniston Use and Hours of Operation

8.1 The applicant may expand the hours of use of the office space in the Denniston Center from 8:30 am to 9:30 pm seven days a week.

8.2 There shall be no more than three activities each week with more than 30 participants at the Denniston Center. The Applicant may ask the Commission to review this condition at any time.

8.3 The Denniston Center (the sanctuary and office indicated on the plan) shall only be used for non-profit educational, cultural, and/or religious purposes, and other purposes subsidiary and incidental thereto, as determined by the Oak Bluffs Building Inspector.

8.4 The Denniston Center shall use the Martha's Vineyard Preservation Trust Function Facility Rental Policies (attached) as a guidance document for the rental of the facility.

6. CONCLUSION

6.1 Permitting from the Town

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

The permit-granting authorities of the Town of Oak Bluffs 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. Any permit issued by the Town shall incorporate the plan approved by the MVC and the above conditions.

The Town' building inspector shall not issue a Certificate of Occupancy until it has received a Certificate of Compliance issued by the Executive Director or DRI Coordinator of the Martha's Vineyard Commission confirming that the following conditions in this Decision have been satisfied: 1.1; 1.2; 1.3; 1.4; 2.5; 2.7; 3.1; 3.2; 3.3; 3.4; 3.5; 3.6; 3.7; 4.1; 4.2; 4.3; 5.1; 6.1; and 7.1.

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 Oak Bluffs 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. Should substantial construction not occur during said two (2) year period, this Decision shall become null and void and have no further effect. This time period may be extended upon written request from the Applicant and written approval from the Martha's Vineyard Commission.

6.3 Signature Block

E. Douglas Sederholm, Chairman

Date

6.4 Notarization of Decision

Commonwealth of Massachusetts
County of Dukes County, Mass.

On this _____ day of _____, _____, before me,
_____, the undersigned Notary Public, personally
appeared _____, proved to me through satisfactory evidence of identity,
which was/were _____ 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

Printed Name of Notary
My Commission Expires _____

6.5 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: _____

Deed – Book , page