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## Decision of the Martha's Vineyard Commission

### DRI 612-M – Bradley Square Modification

#### 1. SUMMARY

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- Referring Board: Zoning Board of Appeals, Town of Oak Bluffs, MA
- Subject: Development of Regional Impact #612-M  
Bradley Square Modification
- Project: To modify DRI Decision 612 in order to change the uses, building locations, and configuration of buildings and parking.
- Owner: Island Affordable Housing Fund (Patrick Manning – Executive Director)
- Applicant: Island Housing Trust Corporation (Philippe Jordi - Executive Director)
- 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: The project is modified in the following ways: the total floor space would be reduced from 10,274 sf to 9,320; the existing church would remain in its existing location; the two new buildings would be two stories (28') high instead of three stories (32'); the Bradley One building would have a commercial unit; the Bradley Two building would have one fewer residential units, the parking would be reconfigured and the number of on-site parking spaces would be increased from 11 to 18-20.
- 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 February 19, 2009.
- Written Decision: This written decision was approved by a vote of the Commission on March 5, 2009.

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**

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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 proposed modification was referred to the Commission on December 8, 2008 by the Zoning Board of Appeals 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, Sections 3.102b (a modification to a previously approved DRI). On December 18, 2008 the Martha's Vineyard Commission voted that the changes were significant and required a public hearing as a Development of Regional Impact and was reviewed as such by the Martha's Vineyard Commission. After consultation with Counsel the changes were also found to trigger mandatory referral as a DRI.

### **2.2 Hearings**

Notice: Public notice of a public hearing on the Application was published in the Vineyard Gazette, January 2, 2009. A public hearing was scheduled for Thursday January 15, 2009 but was postponed due to snow. The re-scheduled public hearing was re-advertised in the Vineyard Gazette on January 23, 2009.

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 February 5, 2009.

### **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 "Master 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 November 5, 2008.
- P2 "Bradley Square: Bradley One First Floor Plan", consisting of 11" x 17" sheet of revised 1<sup>st</sup> floor plan, prepared by Hutker Architects, P.O.B. 2347, Vineyard Haven, MA 02568, revised November 5, 2008.
- P3 "Bradley Square: Bradley One Second Floor Plan", consisting of 11" x 17" sheet of revised 1<sup>st</sup> floor plan, prepared by Hutker Architects, P.O.B. 2347, Vineyard Haven, MA 02568, revised November 5, 2008.
- P4 "Bradley Square: Street Elevation (Bradley One)", consisting of 11" x 17" sheet of revised 1<sup>st</sup> floor plan, prepared by Hutker Architects, P.O.B. 2347, Vineyard Haven, MA 02568; revised November 5, 2008.
- P5 "Bradley Square: Street Elevation of Bradley Building #2", consisting of 11" x 17" sheet of revised 1<sup>st</sup> floor plan, prepared by Hutker Architects, P.O.B. 2347, Vineyard Haven, MA 02568, revised November 5, 2008.

## **2.4 Other Exhibits**

- E1. Referral to the MVC from the Oak Bluffs Zoning Board of Appeals on December 8, 2008.
- E2. Staff Report, by Paul Foley (MVC DRI Coordinator) and Mark London (Executive Director), with the assistance of other staff members, December 17, 2008; revised January 9, 2009; revised February 5, 2009.
- E3. Review of MVH Traffic Impact and Access Study, by Charles C. Crevo, Ph.D., P.E. of C3 Consulting Group for the Martha's Vineyard Commission,
- E4. Photographs of the site, taken on February 5, 2009 by MVC staff members, Paul Foley and Mark London.
- E5. Letter from Steve Auerbach and Phyllis Jampol, dated.
- E6. Letter from Bob Falkenburg.
- E7. Letter from Hanson Family.
- E8. Letter from Shabica Trust.
- E9. Letter from Michael Hunter.
- E10. Letter from Herb and Dorothy Wass.
- E11. Letter from Jonathan Ayer.
- E12. Letter from Albert, Robert, Kenneth, and Dennis Rose.
- E13. Letter from Don Lambert, Chairman Oak Bluffs Concerned Citizens.
- E14. Letter from Russell Rogers.
- E15. Letter from Richard and Heather Macedo.
- E16. Letter from Fred Rick Huss.
- E17. Letter from Candace Nichols.
- E18. Letter from Joseph deBettencourt (Oak Bluffs Tree Warden), dated February 5, 2009.
- E19. Minutes of the Commission's Land Use Planning Committee meeting, December 15, 2008.
- E20. Minutes of the Commission's Land Use Planning Committee meeting, February 17, 2009.
- E21. Minutes of the Commission's Public Hearing, February 5, 2009.
- E22. Minutes of the Commission Meeting of February 19, 2009 – Deliberations and Decision.
- E23. Minutes of the Commission Meeting of March 5, 2009 – 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 Philippe Jordi, Matt Cramer, and Richard Leonard.
- Staff reports by Paul Foley, MVC DRI coordinator and Mark London, Executive Director.
- 13 Letters from citizens of Martha's Vineyard.
- Oral testimony from Town Boards or members of Town Boards: Joseph DeBettencourt (Tree Warden).
- Oral testimony from Public: Candace Nichols; Ron Mechur; Don Lambert; Holly Alaimo; Jo Jo Lambert; Steve Auerbach; Jan Meersman; David Wilson; Judy Schubert; and Phyllis Jampel.

## **3. FINDINGS**

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### **3.1 Project Description**

This summary refers mainly to aspects of the proposal that have changed since the original approval.

- The total floor space has been reduced from 10,274 sf to 9,320 sf (reduction of 954 sf, about 9%).
- The Bradley One and Bradley Two will be two stories (28') high instead of the previous three stories (32') high.
- The Denniston Building, the former Bradley Memorial Church, will be renovated in its existing location, instead of being relocated. The footprint is 1,672 square feet, a slight decrease from the existing building and the originally approved plan. The meeting room will be limited to events of 30 people instead of the previous 74, and will be used a maximum of two evenings a week rather than three.
- The Bradley One building will have one additional commercial unit facing Dukes County Ave, for a total of 5 residential units and 1 commercial unit. The footprint increases from 2,032 sf to 3,012 sf (48%).
- The Bradley Two building will be relocated to the east of the Denniston Building. The footprint increases from 2,032 sf to 2,172 sf (4%).
- The service road has been eliminated and replaced by two parking lots with separate curb cuts 60 feet apart where the open space used to be. The number of off-street parking spaces has been increased from 11 to 20 in two parking lots (6,420 square feet).
- There would be one fewer affordable units, though the number of affordable bedrooms remains the same.
- 3 of the 10 residential units would count toward the Chapter 40B subsidized housing inventory below 80% AMI. 2 of the 10 residential units (live/work units) and the commercial unit would be sold at market rate. 1 of the 10 residential units would be sold between 80-100% AMI, 1 between 100-120% AMI, and 3 between 120-140% AMI.
- Of the 18,730 square feet on the property 13,276 sf will be covered with buildings and parking (not including sidewalks), 70% of the lot, compared to slightly over 50% in the previously approved plan

### **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 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.

### **3.3 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 MODIFIED 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 notes that the Commission already approved an earlier plan with similar uses and density at this location. The Commission finds that the modifications address on-site parking, the use of the Denniston building, the overall building floor space, and the building heights. Although some aspects of the original plan are preferable, the Commission finds that the overall benefits still outweigh the overall detriments.

**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 notes that it will be somewhat more difficult to contain stormwater on site due to the decreased amount of vegetated open space.

With respect to Open Space, Natural Community and Habitat, the Commission finds that the modification has significantly less open space and, with the condition to preserve tree number 52 removes one more mature tree than the original proposal.

With respect to Night Lighting and Noise, and Energy and Sustainability, the Commission finds that modification would have no impact.

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

With respect to Traffic and Transportation, the Commission finds that the modification has more on-site parking than the original plan providing some relief to the neighborhood. The provision of a shuttle for larger events in the Denniston Center is no longer needed since there would not be large events.

With respect to Scenic Values, Character, and Identity, the Commission notes that even though the Bradley One building is bigger, it is on the part of the lot zoned for business and is designed to blend in with the commercial streetscape.

With respect to the Impact on Abutters, the Commission finds that the modification will decrease density, and the impact of parking and activity in the area compared to the originally approved proposal.

**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 have one fewer affordable unit than the original plan, but still provides eight 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.

**A5 The Commission finds that the proposed development would have minor 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 modified project will not be significantly different from the originally approved project.

**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).**

The Commission finds that the modification is more in conformity with the Oak Bluffs Master Plan in that it adds a commercial use on the commercial street, and it reduces the scale of the building in the residential area.

**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 has reviewed this development under the provisions of the Martha's Vineyard Commission Act, Chapter 831, including section 14[c], which requires that the Commission find that "the proposed development is consistent with municipal development ordinances and by-laws, or, if it is inconsistent, the inconsistency is necessary to enable a substantial segment of the population of a larger community of which the municipality is a part to secure adequate opportunities for housing, education or recreation". The Commission finds that, while this project is not consistent with local zoning, it significantly advances Islanders' opportunities to secure adequate housing as per Chapter 831 section 14[c], without unduly compromising other legitimate objectives of the Town's zoning bylaws and that, on balance and as conditioned, this project deserves the Commission's approval.

The project will be reviewed by the Town under the provisions of M.G.L. Chapter 40B (which allows an Applicant to supersede zoning requirements provided at least twenty-five percent (25%) of the units are price restricted as affordable) and the Town may approve the project with the granting of a comprehensive permit (40B). The granting of this conditional approval by the Martha's Vineyard Commission in no way impacts, positively or negatively, the Town's authority to grant or to deny this permit.

**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**

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The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on February 19, 2009 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 February 19, 2009.

- Voting in favor: Bill Bennett; John Breckenridge; Christina Brown; Chris Murphy; Katherine Newman; Ned Orleans; Jim Powell; Camille Rose; Doug Sederholm; Casey Sharpe; and Linda Sibley.
- Voting against:
- Abstentions: Holly Stephenson

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 February 19, 2009 and was approved by vote of the Commission on March 5, 2009.

## 5. CONDITIONS

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Note: The following list of conditions supersedes the list of conditions in the original decision.

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. The primary enforcement agent for the compliance of these conditions is the building and zoning enforcement officer of the Town. If the Commission or the Town 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 and/or Town'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 eight of the ten residential units, and resale restrictions for the Denniston Center and office to non-profit or public entities. Eight of the residential 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, 1 units at 120% or less of AMI, and 3 units at 140% or less of AMI.
- 1.2 Commercial Uses:** As offered by the Applicant, the commercial spaces shall not be occupied by a fast food restaurant, a video store, a hardware store, a convenience store, a bank, an auto parts store, a moped/car rental establishment, or any other business that generates more than 120 trips per day per 1000 square feet (based on the current Institute of Traffic Engineers Handbook), without returning for the approval of the Commission.
- 1.3 Live/Work Uses:** As offered by the Applicant, each of the live-work spaces and the commercial space may also be occupied for housing only.
- 1.4 Local Preference:** As offered by the Applicant, local preference to town residents shall be given the four affordable residential units serving households earning 140% or less of the median income, funded in part by Oak Bluffs Community Preservation Act funding.
- 1.5 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 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.
- 1.6 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 two residential live/work units, one commercial unit, eight residential units, the Denniston center, and the office. These legal documents shall include rules and regulations that require that the home business use of the 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 30 people or less, limit its the hours of operations from 8:30am to 9:30pm 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 8:30am to 9:30pm seven days a week.

## **2 Transportation**

- 2.1 Off-Street Parking:** As offered by the Applicant, at least one on-site parking space shall be provided to serve each of the ten residential units. If owners of residential units do not use their parking spaces, these spaces may be sublet upon approval of the condo association.
- 2.2 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 four 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.
- 2.3 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.
- 2.4 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.
- 2.5 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 will be done with the consultation and approval of the Oak Bluffs Tree Warden;
  - 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 Parking:** As offered by the Applicant, in order to minimize the visibility of the parking lots from the street and subject to the approval of the Oak Bluffs Zone Board of Appeals:

- There shall be no parking in advance of the front façade of the Denniston Building.
- The curb cuts and entrance drives in advance of the Denniston Building shall be a maximum of 12' wide and the interior circulation on the property shall be a maximum of 18' wide in order to provide adequate access to the property for emergency vehicles.
- There shall be a hedge or vegetation between the parking lot and the street to screen the parking. However, the screening immediately adjacent to the entrance drives should be low for visibility and to allow the passage of emergency vehicles.
- The two parking spaces that would have to be removed to provide the buffer could be reinstated upon demonstration that the 18 other parking spaces are not adequate.

**3.5 Trees:**

- As offered by the Applicant, the Applicant shall retain at least seven trees including tree #52 and #36 and plant at least five trees as per the landscaping plan. The applicant shall make every effort to retain as many as three additional trees.
- As per the letter of the Oak Bluffs Tree Warden (Joe DeBettencourt) dated February 5, 2009, trees numbered 52 and 36 shall not be cut down and shall be protected. These trees shall not be compromised in any way. These trees shall be protected from damage due to construction. Prior to the start of construction they shall be protected to prevent debarking, such protection for example could be strapping wood to the tree. Digging shall be 15 feet or more from the circumference of the tree, in order to protect the tree roots. The ground cover shall be pervious around the roots to allow rainwater to drain to the roots. The care and maintenance of these trees shall be in compliance with the Shade Tree Bylaw.
- The Applicant has permission to move the Bradley One building back from the street up to an additional 15 feet and adjust the parking lot accordingly in order to abide by Condition 3.5 which prevents digging within fifteen feet or more from tree 52 on Dukes County Avenue.

**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 and maintain 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 31'-9". The maximum height of the two Bradley buildings shall be 28'.
- 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 live/work units, the commercial unit, 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 in the Meeting Hall.

## **7 Stormwater:**

- 7.1 Stormwater:** As offered by the Applicant, stormwater 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 Events:** As offered by the Applicant, the evening use of the Denniston meeting room shall be limited to two meetings per week of no more than 30 people per meeting. No meetings shall be scheduled during Arts Strolls or other major town events that have an impact on neighborhood parking.

**8.2 Type of Use:** As offered by the Applicant, the Denniston Center and office, as 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.

**8.3 Rental Policies:** As offered by the Applicant, 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.

## **9 Substantial Alterations**

As offered by the Applicant, should we, the applicant, wish to substantially alter the use or appearance of the premises from the proposed uses, we shall first return to the Martha's Vineyard Commission to request approval of said alteration.

## **6. CONCLUSION**

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### **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's 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: 2.3; 3.2; 4.1; 4.2; 4.4; 4.5; 4.6; 4.7; 4.8; 5.1; 5.2; 5.3; 6.1; 7.1; and 8.1.

### **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

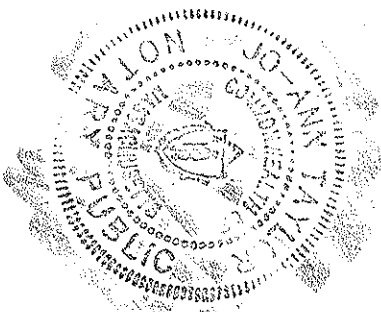
Christina Brown  
Christina Brown, Chairman

March 11, 2009  
Date

### 6.4 Notarization of Decision

Commonwealth of Massachusetts  
County of Dukes County, Mass.

On this 11<sup>th</sup> day of March, 2009, before me,  
Jo-Ann Taylor, the undersigned Notary Public, personally  
appeared Christina Brown, proved to me through satisfactory evidence of identity,  
which was/were driver's license 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.



Jo-Ann Taylor  
Signature of Notary Public

Jo-Ann Taylor  
Printed Name of Notary

My Commission Expires February 11, 2011

### 6.5 Filing of Decision

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

Deed – Book \_\_\_\_\_, page \_\_\_\_\_

Attest:  
Deanne E. Powers Register