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Decision of the Martha's Vineyard Commission

DRI 223-M3 M.V.C.S. Master Plan and Expansion

1. SUMMARY

Referring Board:	Planning Board, Town of Oak Bluffs, MA
Subject:	Development of Regional Impact #223-M3 Martha's Vineyard Community Services Master Plan Expansion
Project:	A three phase campus master plan to demolish the existing campus (with the exception of the new IWYC Building) and build a new campus with more than 50% more gross square footage than the existing campus on an expanded site.
Owner:	The Martha's Vineyard Regional High School
Applicant:	Martha's Vineyard Community Services
Applicant Address:	111 Edgartown-Vineyard Haven Road, Oak Bluffs, MA 02557
Previous Decisions:	Book 482, Page 803 (1987); Book 509, Page 399 (1988)
Project Location:	111 Edgartown-Vineyard Haven Road, Oak Bluffs. MVCS is located on a 3-acre leasehold within Map 50 Lot 29 (4.9 of 25.2 acres). The proposal would add 1.9 acres of land that is currently woods to the leasehold (Needs to be approved by Legislature because it is public land).
Description:	The Master Plan consists of three phases: Phase One - Build a new 10,000 sf one-story Early Childhood Center (ECC) Building with ECC, Head Start, Support Space and Administration; Phase Two- Move ECC to new building; Move Administration to temporary work trailers; Build new parking area; Demolish existing Admin. and ECC buildings; Build new 17,500 sf two-story Community Services main building to house Administration, ICC, Disability Services & Daybreak; Phase Three - Move Island Counseling Center (ICC), Administration, and Daybreak Program (currently off site) to the new Community Services main building; Demolish existing ICC Building; Remove Work Trailers; Finish Parking and Landscape improvements. The proposal would increase the total gross square footage from 19,278 sf to 30,482 sf (a 58% increase).
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 April 4, 2019.
Written Decision:	This written decision was approved by a vote of the Commission on April 25, 2019.

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. Many of the plans, staff notes, information and correspondence is available on the DRI 223-M3 webpage on the MVC Website: http://www.mvcommission.org/dri/summary/223/54348

Referral

The project was referred to the Commission on November 13, 2018 by the Planning Board 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 1.2 (Modification of a previous DRI); 2.6 (ANR of 3 acres or more in DCPC); 6.1a (Private Place of Assembly); 6.2b (Public Place of Assembly). DRI Checklist 6.1a and 6.2b require mandatory DRI public hearing reviews and the project was reviewed as a Development of Regional Impact by the Martha's Vineyard Commission.

2.2 Hearings

Notice: Public notice of public hearings on the Application was published in the March 21, 2019 M.V. Times.

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 January 24, 2019 and which was continued to February 21, 2019 and continued again to March 7, 2019 and closed at that time with the exception of the written record which was extended to March 18, 2019 at 5:00 pm and closed at that time.

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 "Martha's Vineyard Community Services Master Plan" Prepared by South Mountain Company; May 4, 2018.

P2 "Martha's Vineyard Community Services Master Plan" Prepared by South Mountain Company; September 18, 2018.

P3 Narrative Memo from John Abrams and Ryan Bushey, South Mountain Company; October 29, 2018.

P4 "Martha's Vineyard Community Services Master Plan" Prepared by South Mountain Company; January 24, 2019.

P5 Revised Narrative Memo from John Abrams and Ryan Bushey, South Mountain Company; February 15, 2019.

P6 "Martha's Vineyard Community Services Master Plan" Prepared by South Mountain Company; January 24, 2019 - REVISED February 21, 2019

P7 "Martha's Vineyard Community Services Master Plan" Prepared by South Mountain Company; January 24, 2019 - REVISED March 6, 2019.

2.4 Other Exhibits

E1. Staff Report, by Paul Foley, MVC DRI Coordinator with the assistance of other staff members, November 19, 2018; revised January 24, 2019; and revised again on February 2, 2019.

E2. Four letters from Island Elderly Housing dated January 18, 2019, February 19, 2019; March 7, 2019; and March 18, 2019.

E3. Two letters from Robert Whritenour, Oak Bluffs Town Administrator, on behalf of the Oak Bluffs Board of Selectmen dated February 19, 2019 and March 15, 2019.

E4. Letter from Ewell Hopkins, Chairman of the Oak Bluffs Planning Board, on behalf of the Planning Board dated March 15, 2019.

E5. Letter from Wendy Brophy, a Board Member of Island Elderly Housing, dated March 13, 2019.

E6. Minutes of the Commissions Land Use Planning Committee meeting, September 24, 2018.

E7. Minutes of the Commissions Land Use Planning Committee meeting, November 19, 2018.

E8. Minutes of the Commissions Public Hearing, January 24, 2019.

E9. Minutes of the Commissions continued Public Hearing, February 21, 2019.

E10. Minutes of the Commissions continued Public Hearing, March 7, 2019.

E11. Minutes of the Commission Meeting of April 4, 2019 – Deliberations and Decision.

E12. Minutes of the Commission Meeting of April 25, 2019 – Approval of the Written Decision.

2.5 Summary of Testimony

The following is a summary of the principal testimony given during the public hearing of January 24, 2019.

- Presentation of the project by Juliette Fay (Executive Director of Community Services); Ryan Bushey (Architect from South Mountain Company); John Abrams (Architect from South Mountain Company);
- Staff report by Paul Foley, MVC DRI coordinator.
- Oral testimony from Public Officials: Ewell Hopkins, Chairman of the Oak Bluffs Planning Board;
- Oral testimony from Public: Dorothy Young (Director of Woodside Village IEH); Amy Houghton (Board Member MVCS);

The following is a summary of the principal testimony given during the public hearing of February 21, 2019.

- Presentation of the project by: Ryan Bushey (Architect from South Mountain Company); John Abrams (Architect from South Mountain Company);
- Staff report by Paul Foley (MVC DRI Coordinator); Mike Mauro (MVC Transportation Planner); Bill Veno (MVC Planner)
- Oral testimony from Public Officials: Ewell Hopkins, Chairman of the Oak Bluffs Planning Board;
- Oral testimony from Public: June Manning; Greg Monka ;Dorothy Young (Director of Woodside Village IEH); Peter Vallencourt; Spencer Hilton

The following is a summary of the principal testimony given during the public hearing of March 7, 2019.

- Presentation of the project by: John Abrams (Architect from South Mountain Company).
- Staff report by Paul Foley (MVC DRI Coordinator); Adam Turner (MVC Executive Director).
- Oral testimony from Public Officials: Ewell Hopkins, Chairman of the Oak Bluffs Planning Board;
- Oral testimony from Public: Simone DeSorcy (Board President of IEH); Greg Monka (IEH).

3. FINDINGS

3.1 Project Description

- The MVCS is currently located on a 3-acre leasehold within Map 50 Lot 29 (4.9 of 25.2 acres). The proposal would add a total of 1.9 acres to the leasehold (1.4 acres on the north and .5 acres on the south) that is currently woods which needs to be approved by Massachusetts Legislature because it is public land.
- The site will occupy 4.9 acres within a larger 25.2-acre property owned the High School also occupied by the YMCA and MV Arena and the Skate Park.
- The proposal is a three phase campus master plan to demolish the existing campus (with the exception of the new IWYC Building) and build a new modern campus with more than 50% more gross square footage than the existing campus.
- The proposal is to increase the total gross square footage from 19,278 sf to 30,482 sf (a 58% increase).
- ECC would increase by 3,459 sf; Admin. By 1,882 sf, Disability Services by 4,920 sf, and Daybreak by 300 sf.
- The proposal would increase the total number of parking spots from 76 to 140.
- Staff is estimated to increase from 59 to 79 full time employees and from 37 to 31 part time employees.

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 of the Act.

A. THE COMMISSION FINDS THAT THE PROBABLE BENEFITS OF THE PROPOSED MODIFICATIONS TO THE PREVIOUSLY APPROVED PROJECT 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 modifications at this location are <u>appropriate in view of the available alternatives</u> (Section 15(a) of the Act.)

The Commission finds that the redevelopment and expansion are appropriate and that the previously approved plans at this site were found to be located appropriately. The Commission notes that the proposal will be an improvement both in delivering services to islanders and the working quarters themselves. The expansion will enable the MVCS to more efficiently conduct their mission of service to disadvantaged groups throughout the island.

Outdated and failing buildings have forced staff and clients to spend significant amounts of time in substandard conditions. The project plan details decommissioning of the oldest buildings and integration of

new structures within a campus plan that will accommodate a modest, yet notable increase in usage. This Master Plan will also enable MVCS to bring some of their their satellite programming into this central location.

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

With respect to Wastewater and Groundwater, the Commission finds that part of the site will remain connected to Oak Bluffs sewer and that the applicant will utilize alternative enhanced wastewater technology for additional flows. The Commission notes that the Applicant has offered to connect septic to the sewer when it is available.

The Commission finds that the project offers the following potential benefits: the buildings will not flood. The Commission notes the following potential detriments: The total impervious surface will increase due to a 58% increase in total developed square footage and nearly double the current amount of parking. The Commission notes that the storm water will be controlled through rain gardens and drywells.

With respect to Open Space, Natural Community and Habitat, the Commission finds that the project offers the following potential benefits: The total amount of planned open space will increase; proposed plantings include 180 deciduous and evergreen trees (mostly native) and 200 deciduous and evergreen shrubs; the landscaping will be fertilizer-free once plantings are established.

The Commission notes the following potential detriments: Many mature trees and a large area will be razed where new buildings and expanded parking are proposed; the total amount of clearing will increase given the 1.9 acre commitment of land provided by the MV Regional High School, some of which will be used for the expansion.

With respect to Night Lighting and Noise, the Commission finds that the project offers the following potential benefits: Improved lighting in the name of safety and the project will comply with "Dark Sky" guidelines.

A3 The Commission finds that the proposed modifications would have a minimal 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 offers the following potential benefits: Additional parking throughout the campus to accommodate drivers who now often park along Village Road; establishment of a formal Roadway Association with Island Elderly Housing and the YMCA; and conditions within this decision and plan revisions incorporated during the DRI Process contain a number of improvements for Village Road and its intersections as well as ongoing monitoring and review.

The Commission notes the following potential detriments: Additional traffic will be added to a private road that on occasion does not meet the safety standards of the Fire Department.

With respect to Scenic Values, Character, and Identity: the Commission finds the following potential benefits: The architecture will be modernized and improved compared to the existing, outdated facility design; entryways will better accommodate handicapped clients.

The Commission notes the following potential detriments: The expanded parking removes some of the existing vegetative buffer between Village Road and the MVCS parking and the mature pines scattered among the existing Early Childcare Center; the view of the proposed solar canopies is not similar to the existing character of the rural roadway and needs to be screen with a vegetative buffer.

With respect to the Impact on Abutters, the Commission finds that the project offers the following potential benefits: Increased capacity of existing services and additional programming will benefit ongoing collaboration between MVRHS and MVCS; there will be better connectivity for pedestrians and expanded on-site parking should alleviate parking alongside Village Road.

The Commission notes the following potential detriments: Construction might be temporarily disruptive to abutters and Woodside Village of Island Elderly Housing will experience increased traffic closer to their confines.

A4 The Commission finds that the proposed modifications 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 MV Community Services provides vital health and social services to the Island community especially those individuals and families who earn 80% or less than the Area Median Income and therefore voted not to accept the affordable housing mitigation offered by the Applicant.

A5 The Commission finds that the proposed modifications would have no 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 offers the following potential benefits: There will be increased access to human services programs such as mental health counseling, childcare, disabilities services and veteran's services; there will be a consolidation of services on the new campus that will help provide a higher level of services to the public; the new campus will meet fire safety standards and building code compliance and provide improved access, lighting, overall public safety as well as privacy for MVCS clients.

A6 The Commission finds that the proposed development 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).

The Commission finds that the project offers the following potential benefits: Consolidation of many services to new campus will help provide a higher level of services to the public. The Commission notes the following potential detriments: There is be increased vehicular use of Village Road, which is a private road shared with Woodside Village, but these organizations, and the YMCA, are partnering to jointly manage the road. The road has certain operational deficiencies which must be managed by all three main users of the roadway.

A7 The Commission finds that the proposed modifications to the previously approved project 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).

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

The Commission finds 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, as well as those of the Island Plan, adopted by vote of the Commission on December 10, 2009.

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, 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 MODIFICATIONS TO THE PREVIOUSLY APPROVED PROJECT 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 MODIFICATIONS TO THE PREVIOUSLY APPROVED PROJECT IS CONSISTENT WITH MUNICIPAL DEVELOPMENT ORDINANCES AND BY-LAWS, TO THE BEST OF THE COMMISSION'S KNOWLEDGE.**

D. **THE COMMISSION FINDS THAT THE MODIFICATIONS TO THE PREVIOUSLY APPROVED PROJECT IS ARE 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.**

4. DECISION

The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on April 4, 2019 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 April 4, 2019.

- Voting in favor: Richard Toole, Clarence A. "Trip" Barnes; Christina Brown; Josh Goldstein; James Joyce; Joan Malkin; Ben Robinson; Doug Sederholm, Linda Sibley, Ernest Thomas; and James Vercruysse.
- Voting against: Gail Barmakian.
- Abstentions: None

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 April 4, 2019 and was approved by vote of the Commission on April 25, 2019.

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 <u>Landscaping:</u>

1.1 <u>Landscaping Plan</u>: As offered by the Applicant, a final landscaping including an implementation timetable showing plant species (to be primarily native species) and locations and the location of bike parking is to be submitted for the review and approval of LUPC before construction begins.

1.2 <u>Maintenance</u>: As offered by the Applicant, all landscape plantings shall be maintained as shown on the final approved plan, in perpetuity.

1.3 <u>Fertilizers and Pesticides</u>: As offered by the Applicant, fertilizers shall only be used in the first two years in order to help new plantings become established. 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.

1.4 <u>Irrigation</u>: As offered by the Applicant, irrigation shall only be used in the first two years in order to help new plantings become established.

1.5 <u>Clearing</u>: As offered by the Applicant, the Applicant will minimize the amount of clearing of existing trees during construction to the best of their ability including protecting trees within the future playground areas.

1.6 The final location of the solar canopies and the plantings nearby shall come back to the LUPC for review and approval to ensure proper screening.

2 **Exterior Lighting**

2.1 Lighting Plan: A final lighting plan is to be submitted for the review and approval of LUPC.

2.2 Exterior lighting: As offered by the Applicant, exterior lighting on buildings and pathways shall be limited to that required by code, shall be downward shielded to prevent light spilling off the property and shall be either motion sensitive or on timers to ensure that they are turned off when the building is closed.

2.3 Pathway Lighting: As offered by the Applicant, pathway lighting shall be downward shielded and no higher than 48 inches.

3 **Wastewater:**

3.1 As offered by the Applicant, the applicant shall remain connected to the town sewer for everything but the proposed new ECC building and flow from these buildings will be sized so that there is no net increase in flow.

3.2 As offered by the Applicant, the Applicant shall build an on-site system with advanced treatment for de-nitrification for the new ECC building that will not exceed the MVC Nitrogen Loading Budget for this property. Wastewater testing shall be filed with the MVC, Oak Bluffs Board of Health and the Oak Bluffs Wastewater Commission annually.

3.3 As offered by the Applicant, the total nitrogen load for the property with the building connected to the sewer and the buildings with on-site de-nitrification shall not exceed the MVC Nitrogen Loading Budget for this property.

3.4 As offered by the Applicant, MVCS shall connect the ECC building to the town sewer when the town's sewer capacity is increased and it becomes available for connection.

4 **Energy/Sustainability:**

4.1 As offered by the Applicant, the goal of this project is to create as green a campus as possible in terms of energy production and consumption and waste minimization. The intent is to achieve a net-zero energy impact within five years of project completion.

4.2 The Applicant shall report to the MVC after five years of occupancy on the status of their effort to achieve net-zero energy.

5 **Traffic:**

5.1 The Applicant shall submit a plan to LUPC for review and approval for monitoring Village Road for illegal parking and any maintenance issues.

5.2 The Applicant shall submit a plan to LUPC for review and approval to improve the existing condition of Village Road before construction begins such as improving sightlines, addressing the pavement condition cleaning debris from the road and closing the egress on the curve.

5.3 The Applicant shall make every effort to establish and maintain a road association for Village Road (as offered in 5.5) to address issues that exist and arise on the road jointly with their neighbors.

5.4 The Applicant shall submit their plan to LUPC for review and approval to implement the offers in section 5.7 (Traffic improvements on their leasehold) before a Certificate of Occupancy is issued.

5.5 Prior to issuance of a Certificate of Occupancy for each new building, the Applicant shall provide for review by LUPC the status of the collaborative efforts concerning improvements to Village Road and determine whether sufficient improvement has occurred so that the LUPC is satisfied that the new road is safe for occupancy of the premises. If the Applicant has, despite its best faith efforts, been unable to

achieve the improvements, detailed in Section 5.8 below, with the cooperation of the other parties the LUPC may still authorize the project to proceed.

5.6 As offered by the Applicant, MVCS will work together with IEH, the YMCA and the High School to establish a Road Association for Village Road to develop a plan for long-term success and safety of the road and the neighborhood and to address road improvements and maintenance. Any work on the MVCS leasehold will be the responsibility of MVCS. Any work outside of the leasehold will be a collaborative effort of the Village Road Association with Island Elderly Housing, the YMCA and with MV Regional High School Committee approval.

5.7 As offered by the Applicant, MVCS will undertake the following improvements on their leasehold:

5.7.1 Develop signage program with informational signage, speed limits and stop signs at all exits and notice of elderly neighbors. The signage program shall be reviewed and approved by LUPC.

5.7.2 Improve sightlines especially at curves with better alignment and vegetation maintenance.

5.7.3 Improve pavement condition, especially at intersections.

5.7.4 Pave the driving lanes but leave uncovered parking (except accessible spots) as gravel or other pervious material as reflected on the 3/6/19 "Landscape - Paving and Circulation Plan".

5.7.5 Remove/modify existing curb cuts and traffic circulation routes as reflected on the 3/6/19 "Landscape - Paving and Circulation Plan".

5.7.6 Provide sufficient bike parking on the campus;

5.7.7 Implement a plan that encourages and subsidizes the cost of VT A bus passes for employees.

5.7.8 Will enforce no parking on Village Road and adopt other traffic mitigation measures.

5.8 As offered by the Applicant, MVCS Will make their best effort to ensure that the following improvements off their leasehold (including those which are partially on, when applicable) are implemented with the Village Road Association:

5.8.1 The Speed Limit shall be posted at 20 mph and proper signage indicating that shall be installed.

5.8.2 Delineate roadway markings with a center line;

5.8.3 Ensure the elimination of ad hoc parking along Village Road;

5.8.4 Improve maintenance and enforcement of Village Road;

5.8.5 Consider and develop a plan for future widening of Village Road, if widening is deemed necessary in the future by public safety or regulatory authorities;

5.8.6 Accommodate a safe and mutually acceptable pull-off for the Vineyard Transit Authority (VTA).

5.9 **Construction Management:**

5.9.1 As offered by the Applicant, the applicant shall return to the LUPC for review and approval of a detailed construction management plan to minimize negative impacts and increase efficiency before a Building Permit is issued.

5.9.2 The detailed construction management plan to minimize negative impacts and increase efficiency shall include at least the following:

5.9.2.1 A detailed description of the phases for building and construction;

5.9.2.2 Identify locations where they will stage construction materials;

5.9.2.3 Identify where construction crews will park their personal vehicles;

5.9.2.4 Identify where clients and employees will park during construction;

5.9.2.5 Alternatives if construction takes longer than expected;

5.9.3 Village Road shall be repaired and returned (including the shoulder of the road) to a state at least as good as before construction began before a Certificate of Occupancy is issued.

5.10 **MVC Monitoring**:

5.10.1 The Applicant shall accommodate the MVC Traffic Monitoring program described below. As part of the MVC's regular technical assistance, for at least the next five years the MVC has committed to observe any issues and increase in volume on Village Road. MVC Staff will do the following:

5.10.1.1 Place traffic counters on Village Road twice a year for one week for five years;
5.10.1.2 Perform Turning Movement Count (TMC) and Queue Analysis twice a year for one week for five years;
5.10.1.3 Review MassDOT Crash Data;
5.10.1.4 Review anecdotal evidence of issues on and with Village Road and its tributaries;
5.10.1.5 Commission staff will meet with Village Road Association once a year to review data and findings.

5.11 **Substantial Alterations**

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

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 condition (Section 5) in this Decision has been satisfied as applicable.

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

5-2-19
Date

6.4 Notarization of Decision

Commonwealth of Massachusetts
County of Dukes County, Mass.

On this 2nd day of May, 2019, before me, Lucy C. Morrison, the undersigned Notary Public, personally appeared E. Douglas Sederholm, proved to me through satisfactory evidence of identity, which 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.

LUCY C. MORRISON
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
May 9, 2025

Signature of Notary Public

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

6.5 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: May 7, 2019

Deed – Book 1495, page 527

Document Number: 00002405