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# Martha's Vineyard Commission

## DRI 336-M2 Outermost Inn Modification

### MVC Staff Report – 2022-12-9

#### 1. DESCRIPTION

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- 1.1 **Owner:** Hugh Taylor and Brian Hurley, trustees
  - 1.2 **Applicant:** Hugh Taylor
  - 1.3 **Project Location:** 18 Lighthouse Road (Map 6, Lot 32), Aquinnah
  - 1.4 **Proposal:** Construction of permanent canopy to replace temporary covering for a recently added outdoor seating area.
  - 1.5 **Zoning:** Rural Residential (RR)
  - 1.6 **Local Permits:** Building permit, special permit
  - 1.7 **Surrounding Land Uses:** Residential uses and vacant lots in the RR district; Aquinnah Circle to the south, Gay Head Cliffs to the west. The property is within the Coastal, Island Road, Gay Head Cliffs, and Aquinnah Townwide DCPCs.
- 1.8 **Project History:** The MVC approved DRI 336 with conditions in 1991, allowing the renovation of an existing residential structure for use as a restaurant, including new construction of more than 1,000 ft<sup>2</sup>. Based on available records, it appears that most of the 1991 conditions were never satisfied (see section 3.7 below). A modification including a pavilion and drive-in basement to support the existing wedding events on the property (DRI 336-M) was proposed in 2018 but never reviewed.

The property is currently used as a restaurant and eight guest rooms that have recently been used as employee housing.

Various changes have been made to the property since 1991 without MVC review or approval, including most recently an outdoor seating area with removable tent covering and wooden plank floor connecting to an existing patio. The seating capacity has also expanded over the years, including indoor and outdoor seating areas.

Changes since 1991:

- Seating capacity increased from 34 (MVC) to 67 (Board of Health)
- Parking areas expanded onto abutting property to east
- 400 ft<sup>2</sup> kitchen added around 1996
- 336 ft<sup>2</sup> porch on first floor enclosed around 1996
- 800 ft<sup>2</sup> concrete patio added around 2008 (for use by patrons before or after meals)
- Bar service added for general public around 2000
- 1,200 ft<sup>2</sup> awning added over patio around 2020, with wooden plank flooring
- Two portable toilets added during the pandemic (connected to the septic system)

- Outdoor fire pit added around 2008
- 252 ft<sup>2</sup> outdoor grill area added around 2008 (no longer used)

**1.9 Project Summary:** The proposal is to construct a permanent canopy with metal frame and corrugated metal roof, and expanded concrete pad, to replace a temporary 30'x40' stretch tent over an outdoor seating area. The outdoor seating area and tent were added near the beginning of the Covid-19 pandemic in 2020 to account for safety protocols and provide shade. The applicant has stated that outdoor dining has remained popular even after the protocols were lifted, and that a permanent covering would require less maintenance, including in high winds. The permanent awning would require expanding the existing concrete pad by about 480 ft<sup>2</sup>.

As part of the modification, the applicant is also seeking approval of the following changes that have occurred since 1991.

- Increased seating capacity (see section 3.2)
- Expanded parking on the abutting lot (see section 3.3)
- Bar service for dinner guests

It should be noted that some of the additions listed above may also require modification review.

## **2. ADMINISTRATIVE SUMMARY**

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- 2.1 DRI Referral:** Self-referred, Aug. 31, 2022
- 2.2 DRI Trigger:** 1.3D (Previous DRI)
- 2.3 LUPC:** Sept. 26, Dec. 12, 2022
- 2.4 Public Hearing:** To be determined

## **3. PLANNING CONCERNS**

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- 3.1 Intensity of use:** The project is intended to make better use of existing outdoor seating at the restaurant, and the applicant has stated that it will not lead to any additional seats. However, the outdoor seating areas themselves were not reviewed by the Commission, and the seating capacity of the restaurant (including indoor and outdoor seats) has increased to more than the 34 seats allowed under the 1991 MVC decision. The applicant has stated that the new outdoor seating area replaces some of the indoor seating, which is kept open in the event of rain. According to the applicant, the total square footage of the kitchen and seating areas has increased from about 2,272 ft<sup>2</sup> to 3,714 ft<sup>2</sup> since 1991, and the seating capacity from 34 to 67 seats. Parking capacity has also increased, from about 32 spaces in 1991 to 57 currently, including on the abutting lot to the east.
- 3.2 Wastewater:** The property is in the coastal watershed and has a Title 5 septic system installed in 1989, and a leaching pit installed in 1991. According to the applicant the system was sized for 17 restaurant seats. An abutting property under the same ownership has a three-bedroom system.

The number of restaurant seats has increased from the 34 allowed by the MVC in 1991 to 67 as determined this year by the Aquinnah Board of Health. The Board of Health in November approved

a new 3,274 gallon-per-day septic system for the property, which it determined would be adequate to serve the 67-seat restaurant and eight bedrooms. An engineered septic plan has been provided.

It should be noted that there are about 120 physical seats on the property, but the Board of Health approval limits that to no more than 67 occupied at one time.

The restaurant is dinner- and reservation-only in summer, with a limited brunch program in the fall. The applicant notes that the restaurant's water use is about 1/5 the Title 5 standard, in part because it only serves one meal per day. The restaurant served an average of 90 meals per night last year.

- 3.3 Traffic and transportation:** The 1991 MVC decision required that all parking be on the lot, which originally had 32 spaces. The applicant has since acquired an abutting lot, where some parking also occurs. The project is not expected to lead to an increase in traffic from current levels, although the restaurant's seating capacity, and traffic in general, has increased since 1991. The applicant has stated that the number of vehicles parking on the two lots has reached 50 in the past, but is typically around 25-35 on a busy night. The applicant also notes that while the restaurant is reservation-only, patrons often arrive early and stay late, creating overlap with other reservations. Early arrivals are encouraged to better plan for seating requirements.

A parking plan dated 11/30/22 shows a total of 57 parking spaces, including 26 on the Outermost Inn property, and 31 on the abutting property. Twelve of the spots are for employee parking on the abutting lot. Fourteen of the spots partly coincide with the travel way of an access road that connects properties to the east, although vehicles can still get by. The applicant has clarified that there is alternate access to the lots beyond the parking area.

- 3.4 Stormwater:** The proposed structure would be connected to the existing building and would include V-shaped channels in the canopy that direct runoff away from the structure. A formal drainage plan is still pending.

- 3.5 Character and identity:** According to the applicant, the proposed awning structure "is designed to be light in appearance, utilizing arched corrugated steel roofing to fashion a strong awning without a conventional, bulky, rafter system. We hope to achieve an open feel similar to the roof structure employed at the Tabernacle with open web steel trusses, arched bays of corrugated steel and fine steel uprights as vertical support." Elevation drawings have been provided.

- 3.6 Economic development and housing:** The project will allow the restaurant to continue offering shaded outdoor seating in response to demand that has lasted since the pandemic, without having to maintain and oversee the temporary structure.

There is no expected increase in employees or customers from current levels as a result of the project. However, the applicant estimates that the number of employees has increased from about 14 to 44 since 1991. Almost all are seasonal, and about half are full-time. During Covid, the applicant dedicated the eight guest rooms at the inn to employee housing (two per room), but it is

not clear if the rooms will revert back to inn rooms now that Covid restrictions have been lifted. The inn also provides some offsite housing for kitchen staff from May to October.

### 3.7 Review of conditions:

[1] *The Board of Appeals of the town of Gay head shall review the septic system design and approval to ensure that the system is adequate for the operation of a place of assembly (restaurant) rather than the current usage as a residence; and further, [THE GAY HEAD ZBA VOTED ON 7/18/91 TO APPROVE AN EXPANSION OF THE PROPERTY'S SEPTIC PERMIT TO INCLUDE AN 8-BEDROOM HOUSE AND 26-SEAT RESTAURANT. THE RESTAURANT WAS FOR UP TO 16 GUESTS ONSITE AND 10 FROM OFFSITE.]*

*That the applicant shall install a water meter and said meter shall be monitored weekly for the first year of operation by the Board of Health and the results shall be submitted to the Martha's Vineyard Commission for the files; and further, [THIS WAS REITERATED IN THE ZBA APPROVAL ABOVE, BUT COMPLIANCE COULD NOT BE CONFIRMED.]*

*That the seating capacity of the restaurant shall be no more than 34 seats. [NOT SATISFIED.]*

[2] *The applicant shall submit a plan to the Architectural Access Board for review and shall submit a copy of the response from said board to the building inspector of the town of Gay head and to the Martha's Vineyard Commission for the files; and further, [THIS WAS NOT DONE, PER THE APPLICANT.]*

*That the board of appeals of the town of Gay Head shall consider the location of the proposed restaurant and that in deference to the neighbors, shall consider the establishment of reasonable hours of operation of said restaurant; and further, [THIS COULD NOT BE CONFIRMED.]*

*That in further deference to the neighbors, a lighting plan shall be submitted to the Gay Head Planning Board Plan Review Committee for approval and the approved plan shall be forwarded to the Martha's Vineyard Commission for inclusion in the file; and further, [THIS WAS NOT DONE, PER THE APPLICANT.]*

*That all parking for the proposed restaurant shall be totally within the boundaries of the applicant's lot and shall not encumber nor block any easements or rights of way that may exist on said lot. [NOT SATISFIED.]*

[3] *The applicant shall submit proof that he has satisfactorily met each of the conditions contained herein prior to operation of the facility and prior to receiving a certificate of compliance from the Martha's Vineyard Commission. [NOT SATISFIED.]*