

**COMMONWEALTH OF MASSACHUSETTS
MARTHA’S VINEYARD COMMISSION**

Public hearing concerning the
Development of Regional Impact (DRI #614-M7)
Harbor View Hotel Modifications 2020

**MEMORANDUM OF LAW OF THE NEIGHBORS OF THE HARBOR VIEW HOTEL,
IN OPPOSITION TO THE PROPOSED HARBOR VIEW MODIFICATIONS**

INTRODUCTION AND SUMMARY

Since 2018, the Harbor View Hotel (the “Hotel”) has built a fifty-person-plus outdoor bar and restaurant on its back lawn, taking the place of a quiet nine-seat bar tucked away behind the pool; offered charter yacht rides to guests from the dock of an ancillary property at 119 North Water Street, which also operates as a short-term rental facility and unpermitted expansion of the Hotel; used loopholes to work around dining permits; and barraged the neighborhood with the din of horse and buggy rides, golf carts, and a fleet of bicycles navigating Edgartown’s quiet streets. Now, the Hotel wants to build a spa – which includes a nail and hair salon – that will be open to the public. As these commercial activities snowball, the neighborhood is reaching a perilous tipping point.

Threatening the historic character of the North Water Street, Fuller Street, Cottage Street and Starbuck Neck Road neighborhoods, the Hotel’s latest plans expand its commercial uses beyond what is permissible – sadly, in keeping with the Hotel’s recent incremental, creeping pattern of commercialization for which it has pushed the limits of its preexisting nonconforming status too far and beyond what the law protects. Accordingly, the neighbors (the “Neighbors”) of the Hotel submit this memorandum of law in support of their position that the Martha’s Vineyard Commission (the “Commission”) find the probable detriments of the 2020 proposed modifications, or DRI # 614 M-7 (the “2020 Proposed Modifications”), exceed the probable

benefits, as evaluated in light of the considerations set forth in the Martha's Vineyard Commission Act, G.L. c. 831, §§ 14(a) and 15.

As explained below, and as supported by the accompanying letters from over fifty concerned neighbors, residents of Edgartown and the Island, the 2020 Proposed Modifications should not be approved for the reasons that follow:

- (1) The 2020 Proposed Modifications are not essential to the Hotel's financial wellbeing or appropriate for this traditional, historic, residential neighborhood in light of the many available alternatives on the Island and in Edgartown.
- (2) The 2020 Proposed Modifications will adversely affect other persons and property – including an increase in traffic and transportation, a large increase in intensity of use and activity, and, perhaps most importantly, the undermining of an increasingly threatened character of one of Edgartown's most historic neighborhoods – which is likely to be greater than what is ordinarily associated with day spas because of circumstances particular to the Hotel's location in this otherwise residential district.
- (3) The 2020 Proposed Modifications will interfere with the ability of Edgartown to achieve the objectives set forth in Edgartown's Master Plan, which includes preservation of historical and cultural resources and concentrating commercial activity in Edgartown's downtown center.
- (4) The 2020 Proposed Modifications will further contravene land development objectives and policies developed by regional agencies because those objectives and policies encourage tourist growth in town centers and stress limiting growth elsewhere, such as the residential neighborhood where the Hotel is located.

In addition, because the application for the new outdoor bar and restaurant was never presented to or reviewed by the Commission – despite it being a modification of a previous DRI – the Neighbors ask that the Commission require the unpermitted outdoor bar and restaurant (“2019 Bar and Restaurant”) return to its original location and original scale unless and until the Commission properly reviews and approves an application for the 2019 Bar and Restaurant under the criteria enumerated in the Martha’s Vineyard Commission Act.

FACTUAL BACKGROUND

Brief History of the Neighborhood and Harbor View Hotel

North Water Street’s historic ship captain houses and Starbuck Neck Road’s summer cottages, as well as those on Cottage and Fuller Streets, represent the two most significant periods in Edgartown’s history: the development of whaling as Edgartown’s predominant industry during the 19th century and the dawning of summer tourism as a major element in the local economy at the end of the 19th and beginning of the 20th century. National Register of Historic Places Inventory – Nomination Form, U.S. Department of the Interior, National Park Service, prepared by the Massachusetts Historical Commission, 1983, page 13. (Exhibit 1.)

The houses along North Water Street represent Late Georgian and Federal styles (ca. 1775 – 1835). These houses were built during a transition period for Edgartown – when the village “ceased to be a loosely grouped cluster of houses and became a more densely built village.” (Exhibit 1, page 3.) In the decades that followed (ca. 1830 – 1865), North Water Street became known for its Greek Revival Style residential development, unique to Edgartown. “The popularity of the style, its concurrence with a period of local prosperity due to whaling and the strong local building traditions that had developed by the mid 19th century combined during this period to produce a distinctive and idiosyncratic set of house plans and details that appear

throughout the village; in general, high-style examples line North and South Water Streets...” (Exhibit 1, pages 4-5.) North Water Street, together with South Water, holds particular significance as a place where many ship captains built their homes during this period. (Exhibit 1, page 14.)

Just as the whaling industry was declining, Edgartown emerged as a popular summer destination. (Exhibit 1, page 17.) The Starbuck Neck neighborhood represents many of the first summer cottages (ca. 1850 – 1900), which appeared in concert with the Hotel, built in 1891. In fact, 128 North Water Street, which abuts the Hotel, was the very first home built in Edgartown exclusively for summer use. The National Register notes: “[r]esort activity did not significantly affect the Village of Edgartown itself until the 1880s, appearing first in the area known as Starbuck’s Neck at the northeastern end of the District.” (Exhibit 1, pages 17-18.)

Although the emergence of tourism in the mid-19th century became, and remains, an important part of the Vineyard’s economy, it threatened the Island’s fragile ecosystem and cultural values. *The Encyclopedia of New England*, eds. Burt Feintuch and David H. Watters, YALE UNIVERSITY PRESS (2005), page 1485. (Exhibit 2.) As a response, the Martha’s Vineyard Commission was established in 1974 to protect the environmental and cultural resources that made the Island attractive to visitors in the first instance. “Such a program,” the enabling legislation notes, “can protect the natural character and beauty of Martha’s Vineyard and can contribute to the maintenance of sound local economies and private property values.” G.L. c. 183 § 1.¹ This delicate balancing act has guided the Commission’s decisions – and consequently the Island’s development – into the 21st century.

¹ The New England Encyclopedia captures the Commission’s mission well: “The commission helps to promote tourism, without which islanders would suffer severe economic hardship, but it does so with an eye toward protecting the natural beauty that attracts so many visitors. Those who love Martha’s Vineyard seek to preserve its

The Hotel's Prior Applications before the Commission (DRI # 614)

As noted above, the Hotel was built in 1891, pre-dates Edgartown zoning bylaws, and is therefore a preexisting nonconforming use, or legacy use.² In 2006, Scout Real Estate bought the Hotel and, in 2008, applied to the Commission for a badly-needed comprehensive renovation. Julia Rappaport, *Reclaiming Grand Dame of Days Gone by, Harbor View Hotel Completes First Phase*, VINEYARD GAZETTE (May 17, 2007). (Exhibit 3.) The Commission approved DRI # 614. Among the approvals was a “small day-spa for hotel guests,” comprised of *three* treatment rooms. 2008 Special Permit Decision, DRI # 614; Summary of Proposed Development and Impacts, Harbor View Hotel, April 24, 2008. (Exhibit 4; Exhibit 5.) The renovation was planned in two phases. *Id.* In their approval, the Commission ensured that the Hotel consider and accommodate the neighbors’ interests in the renovation plans. Page 6 of the 2008 Decision notes “[w]ith respect to Impact on Abutters, the Commission finds that the Applicant has worked with its neighbors and has apparently addressed their concerns.” (Exhibit 4, page 6, emphasis in original); *see also* Summary of Proposed Development and Impacts, April 24, 2008. (Exhibit 5.)

Since 2008, the Commission has approved various minor modifications to DRI # 614, ranging from a change in office locations to the installation of cooking units in suites. *See* 614-M through 614-M6. The Hotel modified its plans in 2009 to house the spa in the Snow Cottage and expand it from 850 square feet to 1,869 square feet. Significantly, the spa was to remain for hotel guests only (“2009 Modifications” or “614-M”). DRI 614-M Harborview Hotel Modification Summary & Plans, July 15, 2009. (Exhibit 6.) The Commission deemed the 2009

environment even as they welcome tourists. This formula ensures that tourism will continue to be the Island’s primary industry.” (Exhibit 2.)

² Following recent guidance from the Massachusetts Appeals Court, this memorandum uses the term “legacy” in lieu of “grandfathering.” *See Comstock v. Zoning Bd. of Appeals of Gloucester*, 98 Mass. App. Ct. 168, 173 n. 11, *review denied*, 486 Mass. 1106, 157 N.E.3d 608 (2020).

Modifications “not significant enough” to warrant a public hearing. DRI 614-M Harborview Snow Cottage Modification Decision. (Exhibit 7.) The Commissioners based this decision on “the proposal being in keeping with the original scope of the project, the decreased impact on abutters, and the fact that [the Hotel has] to come back to the MVC for modification review for any further changes.” *Id.* In 2012, after a change in ownership, the Commission approved a change in phasing, as well as a change in the location of the office. (“614-M3”).

The Hotel’s current owner, Upland Capital Corporation, purchased the Hotel in January 2018. Steve Myrick, *Harbor View Hotel Changes Hands for \$30 Million*, VINEYARD GAZETTE, (Jan. 16, 2018) <https://vineyardgazette.com/news/2018/01/11/harbor-view-hotel-sold>. (Exhibit 8.) That spring, the Commission approved – without a public hearing – a number of extensive modifications, including modifications to the spa and a net increase of 29 more rooms than approved in 2008 (“2018 Modifications” or “614-M6”). Under the 2018 Modifications, the spa would be located in the Main Building, in a 1,620 square foot addition on the south side. The 2018 floorplans stated that the spa would house four treatment rooms, one couples treatment room, a relaxation room and small men and women’s locker rooms. DRI 614-M6 Harborview Hotel Modifications Main Building Floor Plans 2018-05-30. (Exhibit 9.)

2020 Proposed Modifications (DRI # 614 M7)

The modifications currently under review include the demolition of the existing “Bradley Cottage,” which is comprised of eight guest rooms. In its place, the Hotel would build a 4,625 square foot spa, which would be located on the first floor and in the basement of the new Bradley Cottage, and four guest rooms on the second floor. These modifications would also expand the square footage of the Bradley Cottage. The basement will house six treatment rooms, including two couples treatment rooms. The first floor will include a salon and nail parlor, women and

men's separate relaxation rooms with steam showers, showers, and locker rooms, another treatment room, and a walled garden outside. DRI 614-M7 Harbor View Hotel 2020 Modifications Bradley Cottage Floor Plans 2020-07-29. (Exhibit 10.)

The spa would be open to the general public.

Modifications to the Hotel Made Outside of the Commission Approval Process

The Hotel has recently made a number of changes which the Commission did not review, much less approve:

1. 2019 Bar and Restaurant

The Hotel changed the location of a small bar directly next to the pool to a side lawn outside the pool area and expanded its capacity and offerings without the Commission's approval. (Compare Exhibit 11 with Exhibit 12.) This change was made without the Commission's review despite being a substantial change to a development that is "on a lot which has been, in part or in whole, the subject of a previously approved DRI application." MVC DRI Checklist 1.2, Modifications to Previous DRIs. The original small pool bar was allowed under two special permits issued in 1990 and 1992 (the "1990 Special Permit" and "1992 Special Permit"). (Exhibit 13; Exhibit 14.) The 2019 Bar and Restaurant – dubbed "The Roxy Pool Bar" by the Hotel – moved the bar outside the historic pool area, as defined in the 1990 and 1992 Special Permits (which allowed the service of alcohol on a small wooden deck surrounding the pool) and expanded it to include a 2,600 square foot patio with couches, tables with umbrellas, as well as new outdoor lighting and three firepits that are very intrusive to the neighbors. (Exhibit 12.) In an interview, Mr. Bernard Chiu, the Hotel's owner, refers to the 2019 Bar and Restaurant as an "upscale" restaurant, describing the changes as "a new pool garden, an *expansive* backyard with fire pits, [and] lush gardens" Lisa Pierpont, *Bernard Chiu Talks Grand Vision for Martha's Vineyard Harbor View Hotel*, BOSTON COMMON (July 1, 2019)

<https://mlbostoncommon.com/bernard-chiu-harbor-view-hotel-marthas-vineyard> (emphasis supplied). (Exhibit 15.)

Notwithstanding the 1990 and 1992 Special Permit violations, the 2019 Bar and Restaurant as it is currently built also is in violation of the special permit granted by the Edgartown Zoning Board of Appeals. That special permit notes “the new pool bar will be smaller in size than the existing pool bar.” Special Permit. (Exhibit 16, finding 1.) It continues, “the board finds that the increase of *two seats* at the bar will not result in a significant intensification in the use of the structure.” (Exhibit 16, finding 3.) (Emphasis added.) The old pool bar had nine seats. (Exhibit 11.) The new, 2019 Bar and Restaurant, however, has *fifteen* seats at the bar alone, in addition to the numerous tables and cocktail lounge area seating that surrounds the bar. (Exhibit 12.) The capacity of the 2019 Bar and Restaurant is at least 50 patrons, with standing room for an additional 50 people. (Exhibit 12, figures 8 and 9.) The 2019 Bar and Restaurant serves alcoholic beverages and a full menu. (Exhibit 17.) Walk-in traffic from the public is encouraged.

As part of an attempt to mitigate the impacts of the new bar to the neighbors, the Town of Edgartown Selectmen voted to limit the 2019 Bar and Restaurant’s hours for serving alcohol to 6:00 p.m. The Hotel successfully appealed this decision to the state Alcoholic Beverages Control Commission and is now able to serve alcoholic beverages until 9:00 pm under the 1990 Special Permit, if enforced, or up to 12:30 according to the liquor license, all in an otherwise residential neighborhood. Alcoholic Beverages Control Commission, License # 0116-00177, Memorandum and Order on Appellant’s Motion for Summary Decision, June 18, 2020; Harbor View Hotel Liquor License. (Exhibit 18; Exhibit 19.)

2. 119 North Water Street, aka “Water Street Harbor House”

a. 119 North Water Street as an Expansion of the Hotel

119 North Water Street – branded as the “Water Street Harbor House” by the Hotel – is the location of two major unpermitted commercial expansions of the Hotel. The Hotel has been using 119 North Water Street, which is under the same management as the Hotel (Upland Capital, LLC), as a short-term rental property and de facto adjunct to the Hotel without the Commission or Zoning Board of Appeals approval. (Exhibit 20; Exhibit 21.) On July 5, 2019, the then Building Inspector of Edgartown sent a cease-and-desist letter to Mr. Chiu, instructing Mr. Chiu to “cease[] operating and advertising the Harbor House as a rental property with corresponding full use of the Harbor View’s facilities,” noting that the website for the house states “Water Street Harbor House is owned by the Harbor View Hotel, which means you get to enjoy the high-end amenities of the Harbor View Hotel.” Letter from Leonard Jason, Jr., to Bernard Chiu, July 5, 2019. (Exhibit 22.) The advertisements connecting 119 North Water Street to the Hotel have since been taken down, but neighbors report that hotel guests and service personnel traffic between 119 North Water Street and the Hotel continues. (Exhibit 23.)

b. The Hotel’s Use of the Dock at 119 North Water Street

The Hotel has also been using the dock at 119 North Water Street to offer chartered yacht rides to hotel guests and the general public, as well as jet ski rentals. The Chapter 91 License (issued on October 3, 2019, recorded on November 12, 2019 with the Dukes County Registry of Deeds at Book 1511, Page 796) and Conservation Commission’s Order of Conditions (issued on June 28, 2018, recorded on July 5, 2018 with the Dukes County Registry of Deeds at Book 1471,

Page 352) approving the reconstruction of the dock conditions its use as private and recreational only. (Exhibit 24; Exhibit 25.)

Nonetheless, the “Water Street Harbor House d/b/a The Harborview” requested and received a Commercial Marine License from the Edgartown Board of Selectmen for “Rental of Dockspaces to guests” and “Charter boats” on July 27, 2020. (Exhibit 26.) Boat rentals are advertised on the Hotel’s website; however, the location of the boat launch is undisclosed. (Exhibit 27.) Neighbor accounts, as well as marketing photographs used by the Hotel, reveal that the yacht charters leave from the dock at 119 North Water Street.³ (Exhibit 28.)

Neighbors are increasingly troubled to see 119 North Water Street used as an extension of the Hotel. One has to ask: what’s to stop the Hotel from purchasing more properties in this neighborhood and doing the same?

³ When publicly questioned about the Hotel’s use of 119 North Water Street, the manager of the Hotel stated “any one staying on the grounds or using [Mr. Chiu’s] private jet skis was there at his invitation.” Noah Asimow, *Harbor View Hotel Expansion Plan Sees Pushback from Neighbors*, VINEYARD GAZETTE (Jan. 7, 2021) <https://vineyardgazette.com/news/2021/01/07/harbor-view-hotel-expansion-plan-sees-pushback-neighbors>. (Exhibit 29.) That statement begs the question: why would “Water Street Harbor House d/b/a The Harborview” seek a commercial marine license this past summer?

ARGUMENT

Pursuant to G.L. c. 841, § 14(a), the Commission “shall permit the referring agency” – in this case, the Edgartown ZBA – “to grant a development permit for such development only if [the Commission] finds after such public hearing that...the probable benefit from the proposed development will exceed the probable detriment as evaluated pursuant to section fifteen.” Here, it is clear that the probable detriments of the 2020 Proposed Modifications exceed the probable benefits as evaluated in light of the considerations set forth in the Martha’s Vineyard Commission Act, G.L. c. 831, §§ 14(a) and 15.

A. The 2020 Proposed Modifications are not “essential” or “especially appropriate” in light of the “available alternatives” on the Island.

G.L. c. 831, § 15(a) states “in evaluating the probable benefits and detriments of a proposed development of regional impact the commission shall consider, together with other relevant factors, whether: (a) development at the proposed location is or is not *essential* or *especially appropriate* in view of the *available alternatives* on the island of Martha's Vineyard.” (Emphasis added.)

Not only are the 2020 Proposed Modifications not essential in the basic understanding of the word – i.e., they are not essential to the public’s health and safety – but they are also not essential to the Hotel’s financial wellbeing. When the Hotel applied for its original DRI (DRI 614) in 2008, the Hotel was in need of renovation and upgrade. The Commission-approved improvements, indeed, revitalized the Hotel. Moreover, the recent 2018 Modifications have modernized the Hotel, making it a premiere Island stay and winning the Hotel awards like Best of Martha’s Vineyard for General Excellence. Martha’s Vineyard Magazine, Best of the Vineyard 2020, Lodging, <https://mvmagazine.com/best-of-the-vineyard/lodging>. (Exhibit 30.) The Hotel is doing just fine. The 2020 Proposed Modifications, however, are not essential for

the Hotel's economic vitality in the same way the 2008 application may have been essential, or even a ten-year tune-up like the 2018 Modifications.⁴

Nor are the 2020 Proposed Modifications appropriate for this traditional neighborhood, given its residential character. The Hotel is the sole commercial and sole non-residential use in this neighborhood. The current use as a hotel is historic; however, the proposed spa and additional unapproved commercial activities transform this hotel into something much more akin to an all-inclusive resort or wedding venue. (Exhibit 31; Exhibit 32.) Given the recent construction of the 2019 Restaurant and Bar and use of the dock at 119 North Water Street, the addition of the spa would make it such that a guest might never venture into the town center. Or, that a spa guest may spend the entire day at the Hotel.

The scale of the 2020 Proposed Modifications is more akin to an independently operated day spa, rather than an ancillary "mini-spa" to be used by guests only. Compare the originally-approved spa of three treatment rooms (Exhibit 5, page 3) with the now-proposed spa of seven treatment rooms, a nail and hair salon, extensive men and women's quarters with their own relaxation room, steam room, changing room, locker room, and showers and bathrooms, which opens to a private walled garden with a water feature – all open to the general public (Exhibit 10). Considering the quiet, residential nature of the neighborhood, a spa of this size is inappropriate.

The 2020 Proposed Modifications also would materially increase the intensity of use at the Hotel, due to the increase in number of cars, guests, and activity – far more than a residential

⁴ The Hotel argues that the spa "not an increase in commercialization" but rather necessary for the Hotel to become "more and more relevant." Noah Asimow, *Harbor View Hotel Expansion Plan Sees Pushback from Neighbors*, VINEYARD GAZETTE (Jan. 7, 2021) <https://vineyardgazette.com/news/2021/01/07/harbor-view-hotel-expansion-plan-sees-pushback-neighbors>. (Exhibit 29.)

use at the same location, or, really an inn or hotel on the Island. The turnover of the planned spa would be dramatically different than a hotel room and could result in dozens more patrons per day. Given that a manicure can take as little as 20 minutes per person, the number of persons going in and out of the spa could be as much as three times per hour.

The spa will also increase the year-round use of the hotel overall. As an indoor activity, the spa will be a year-round feature that will increase the hotel's attractiveness to guests in the off-season. In addition, the 2018 spa was to be located in the main hotel building. The 2020 Proposed Modifications place the spa in a separate, higher-traffic and more visible area. This is more likely to attract non-hotel guests to the spa and hotel area.

In fact, there are many available spas located in Edgartown, including many within walking distance or a short drive:

- Bouclé Salon & Spa, 12 N. Water Street;
- Sea Spa, 17 Winter Street & 38 N. Water Street;
- Devine Med Spa, 12A N. Water Street;
- Devine Beauty & Wellness, 12 N. Water Street;
- Wave Lengths Salon & Day Spa, 223 Upper Main Street;
- A Hair Affair, 10 Chambers Way;
- Pure Touch Spa Salon, 3 S. Water Street;
- Shear Inspiration Salon, 38 N. Water Street;
- Relaxation Spa, 236 Edgartown-Vineyard Haven Road;
- Nails by Anneta Martha's Vineyard, 21A N. Water Street.

In fact, it is likely that the proposed spa will take business away from the day spas that are appropriately located in Edgartown's downtown area – particularly the spas and hair salons used

for weddings. For these reasons, the Commission should find that the 2020 Proposed Modifications are not essential or appropriate in view of the available alternatives.

B. The 2020 Proposed Modifications will “adversely affect other persons and property,” which is “likely to be greater than what is ordinarily associated” with day spas “because of circumstances peculiar to the location.”

G.L. c. 831, § 15(c) states “In evaluating the probable benefits and detriments of a proposed development of regional impact the commission shall consider, together with other relevant factors, whether: ... (c) the proposed development will favorably or adversely *affect other persons and property*, and if so whether, because of circumstances peculiar to the location, the effect is *likely to be greater* than is ordinarily associated with the development of the types proposed...” (Emphasis added.)

1. The 2020 Proposed Modifications will adversely impact the traffic and transportation in the neighborhood.

The Hotel has not yet provided the spa’s hours, anticipated number of patrons, and number of employees. These details will have a significant impact on traffic flow and parking options. The Hotel is only accessible via a one-way street, which, during the high season, is already crowded by pedestrians, bikers, and drivers. Parking is already tight. The spa’s presence also raises concerns about traffic on North Water Street during the off-season, where, although North Water Street might not be as crowded with pedestrians, spa patrons are much more likely to drive to the spa in the cold weather. Last, although the details have not yet been provided, the larger spa will presumably require more employees, including additional spa technicians, hair and nail technicians, and cleaning employees. This raises similar transportation, traffic, and parking concerns.

2. The 2020 Proposed Modifications will undermine the neighborhood's historic character and identity – which is already under threat due to the Hotel's unapproved expansions.

By themselves, the 2020 Proposed Modifications will change this neighborhood's character. The neighborhood in which the Hotel is located is part of a nationally-recognized historic district, with a vibrant, commercial Main Street splitting two neighborhoods replete with some of the Commonwealth's finest Greek Revival and Federalist style homes. The Hotel and its surrounding homes are located approximately half a mile away from the busy Main Street. This neighborhood is a quiet, residentially-zoned district (R-5 Residential). The 2020 Proposed Modifications threaten this residential neighborhood's character and charm by bringing more and more commercial activity to the area.

If approved, the 2020 Proposed Modifications would be just the latest commercial venture by the Hotel that will intensify the undesirable changes to this neighborhood. The expansion of the 2019 Bar and Restaurant and activity at 119 North Water Street have increased commercial activity beyond what is acceptable for a residential neighborhood. Importantly, the Island Plan, adopted by vote of the Commission on December 10, 2009, recognizes that many seemingly small changes can add up to a large change in character.⁵

The Hotel is allowed to exist in the neighborhood, due to its preexisting status. The protection of this legacy use, however, is contingent on the Hotel maintaining a similar scale of activities – it is not a portal by which the Hotel is able to usher in new commercial activities without community review and input.⁶ See, e.g., *Powers v. Building Inspector of Barnstable*, 363

⁵ The Island Plan states: “The Island’s visual character – a combination of scenic roads, exquisitely beautiful natural areas, and small town New England architecture – is both at the core of our sense of ourselves and the key to attracting visitors. The addition of many small changes – a large new house here, a roadside stockade fence there – continues to undermine this character.” (Exhibit 33.) (Emphasis added.)

⁶ The Edgartown Community Development Pan notes: “Edgartown center is a densely populated grid of charming narrow ways characteristic of New England maritime villages, a compact area of bustling pedestrian-oriented

Mass. 648 (1973) (change from employee housing to administrative office, and change from a storage place for used furniture to a truck shipping and receiving facility constituted impermissible alteration preexisting nonconforming use); *First Crestwood Corp. v. Bldg. Inspector of Middleton*, 3 Mass. App. Ct. 234, 236 (1975) (addition of stone-crushing machinery to a quarry formerly used only for stone excavation constituted impermissible alteration preexisting nonconforming use). In fact, in *Crawford v. Building Inspector of Barnstable*, the expansion of lawful, preexisting hotel in a residential district beyond its preexisting premises to a pier for commercial purposes was deemed impermissible, because the pier was not “‘customarily incident’ to a nonconforming commercial hotel,” but rather a “new enterprise” across the street from the hotel, despite having the proper permits for the pier. *Crawford v. Building Inspector of Barnstable*, 356 Mass. 174 (1969). And, in *Cape Resort Hotels, Inc. v. Alcoholic Licensing Bd. of Falmouth*, the transition of the property from a “full-service resort hotel” that offered bingo, dances, and movies to the “largest entertainment complex on Cape Cod” with three nightclubs and lodging constituted impermissible dramatic change in nature and purpose of use. *Cape Resort Hotels, Inc. v. Alcoholic Licensing Bd. of Falmouth*, 385 Mass. 205, 212 (1982).

Here, the nature and purpose of the use made of the hotel’s facilities are quickly changing. Up until the most recent ownership, the property was operated as a full-service hotel whose primary purpose was to provide lodging and meals for overnight guests. In recent years, by contrast, the offerings that were ancillary or “merely incidental” for the guests have been dramatically scaled up and marketed to the public as the Island’s premier wedding and event venue. (Exhibit 32.) Of course, a preexisting nonconforming use may be “improved and made more efficient.” *Cape Resort Hotels*, 385 Mass. at 215. But these changes are permissible only

activity, which abruptly gives way to quiet residential and open space lands that dominate the remainder of the town.” (Exhibit 34.)

if “they are ordinarily and reasonably adapted to the original use and do not constitute a change in the original nature and purpose of the undertaking.” *Id.* (internal citations omitted.) The change in use at Bradley Cottage – from guestrooms to a full-service, public spa – constitutes an impermissible alteration of the protected preexisting use, i.e., it would *not* be a protected legacy use and thus would be subject to challenge. Taking a step back, the potential change from guestrooms to spa, together with the change from the small pool bar to an extensive outdoor bar and restaurant, would represent a change from a modest historic inn to a one-stop-shop wedding and event palace. (See Exhibit 31.)

The Island of Martha’s Vineyard has made a commitment to retaining the unique character of established, traditional neighborhoods. As noted in a past denial of a similar project, the Commission places “great importance on the community’s desire to limit the impacts of commercial sprawl that would render the Island like so many other places off-Island that have become overrun by inappropriate development that forever changes the character of established places and neighborhoods.” Decision of the Martha’s Vineyard Commission, DRI 335 M-3, M.V. Hotel (Jack E. Robinson), July 28, 2005. (Exhibit 35.) This project will fundamentally change this residential neighborhood by further promoting commercial activity.

3. The 2020 Proposed Modifications will have an adverse impact on abutters.

The 2020 Proposed Modifications are likely to have an adverse impact on abutters, negatively impacting their enjoyment of their properties. Until December 21, 2020, the abutters had not been approached by the Hotel or consulted with respect to the 2020 Proposed Modifications and other recent changes, including the 2019 Bar and Restaurant – despite the initial plan having been submitted in September 2020 to the Edgartown Zoning Board of Appeals. The Hotel rushed together a zoom presentation on December 29, 2020 – between Christmas and New Year’s – presenting the plans for the spa and introducing a new “Historic

Preservation Fund” for historic preservation at the Hotel and in Edgartown. Although little details have been disclosed, the Fund appears to target the preservation of historic structures – but not use. If the Fund is aimed at placating the Neighbors’ concerns about the spa and the 2019 Bar and Restaurant, its goals are misplaced. The Neighbors are concerned that the Bradley Cottage’s *use* as a spa is not in keeping with the neighborhood’s character; their concerns are not with the structure. To say it differently, the Commission should be equally concerned with preserving the character of the neighborhood – as with preserving its historic architecture.

The increase in intensity of use will no doubt increase the noise emanating from the Hotel. Although the noise emanating from the spa is unlikely to rise to the level of the 2019 Bar and Restaurant, the volume of bachelorette and wedding parties booking the spa and event spaces should not be underestimated, particularly in the outdoor garden space. Already, the 2019 Bar and Restaurant is becoming a key part of a wedding weekend at the Hotel. (Exhibit 32, figure 16.) The spa is just the next step. Traffic – vehicular and pedestrian – as well as parking is also a concern of the abutters, as addressed above.

What’s more, hotels with day spas open to the public typically allow spa guests to access the hotel’s other services, like the gym or pool. Here, one can easily imagine a member of the public booking a service at the new spa in the morning, having lunch at the 2019 Bar and Restaurant, spending the afternoon at the pool, and finishing the day with cocktails on the front porch and late-night drinks at the 2019 Bar and Restaurant with firepits blazing.⁷ If a policy such as this were implemented, the number of persons at the Hotel could easily double on a given day.

⁷ In fact, Mr. Chiu has stated that this scenario is, indeed, his “vision” for the Hotel: “My dream day for a guest is to go for a swim, enjoy a cocktail sitting near the fire pit, have a wonderful meal at Bettini or Roxana and then finishing off the evening overlooking the water on our veranda.” Lisa Pierpont, *Bernard Chiu Talks Grand Vision for Martha’s Vineyard Harbor View Hotel*, BOSTON COMMON (July 1, 2019) <https://mlbostoncommon.com/bernard-chiu-harbor-view-hotel-marthas-vineyard>. (Exhibit 15.)

These impacts to the abutters are particularly acute and “likely to be greater than is ordinarily associated” with a day spa due to its connection with the Hotel, and the availability of the Hotel’s amenities. In a quiet neighborhood, any increase in commercial activity is sure to be felt. In comparison, the impacts felt by abutters from a spa downtown would likely be far less.

C. The 2020 Proposed Modifications will “interfere with the ability of the municipality to achieve the objectives set forth in the municipal general plan.”

G.L. c. 831, § 15(g) states “In evaluating the probable benefits and detriments of a proposed development of regional impact the commission shall consider, together with other relevant factors, whether: ... (g) the proposed development will aid or interfere with the ability of the municipality to achieve the objectives set forth in the municipal general plan...”

The Edgartown Master Plan identifies preservation of historical and cultural resources as one of its priorities. For example, some of its objectives are to “maintain buildings and places in a manner consistent with their architectural and functional setting” and to “establish a method to review designs for new and reconstructed dwellings and buildings to ensure compatibility with existing neighborhoods and the Town’s character.” (Exhibit 36.) This sentiment is again emphasized in the Master Plan’s policy section:

Much of what makes Edgartown livable is its man-made community. The historic charm of old downtown Edgartown and the surrounding residential area, with its narrow streets and concentration of 18th and 19th century architecture, is a valued example of early New England town organization.

(Exhibit 36.)

Indeed, the Master Plan instructs town planners and review boards to “promote the educational, cultural, economic and general welfare of the inhabitants and property owners of Edgartown through the preservation, improvement and maintenance of buildings and places of distinctive architectural and historical significance to the Town.” (Exhibit 36.) Some of the

identified goals in the Edgartown Community Development Plan is to “encourage more year ‘round business in the ‘downtown’” and to “revitalize the town center.” (Exhibit 34.)

The proposed spa would not normally be allowed under the Edgartown Zoning Bylaw, even if unattached from the Hotel. The Edgartown Zoning Bylaw does allow small scale businesses in residential districts with a special permit; however, the Bylaw imposes a maximum of four employees on the premises. (Exhibit 37.) Although the Hotel has not provided employee details for the spa, based on the floor plans (which show seven treatment rooms and a nail and hair salon), one can presumably anticipate the number of services offered requires more than four employees for financial viability; and therefore, it is unlikely that the spa would be considered a small-scale business under the local Bylaw. (Exhibit 37.)

The 2020 Proposed Modifications run contrary to Edgartown’s Master Plan because they drive business away from the town center, into a residential neighborhood. Notably, the Hotel is essentially an island of commercial activity – located far away from any other commercial venture. Edgartown already has a playground for tourists: Main Street.

D. The 2020 Proposed Modifications will “further contravene land development objectives and policies developed by regional or state agencies.”

G.L. c. 831, § 15(h) states “In evaluating the probable benefits and detriments of a proposed development of regional impact the commission shall consider, together with other relevant factors, whether: [...] (h) the proposed development will further contravene land development objectives and policies developed by regional or state agencies.”

The Island Plan has a similar goal as the Edgartown Master Plan: concentrating commercial activity in the town center. (Exhibit 33.) The Island Plan, adopted by vote of the Commission on December 10, 2009, places an importance on limiting commercial activity to town centers:

Objective D1: Preserve and reinforce the traditional settlement pattern of the Island. The Island’s traditional settlement pattern, with three main town centers, several villages, and a rural countryside, has been disrupted by the spread and visibility of development throughout the Island. We can not only limit further deterioration, but we can restore many of the areas where recent development is not in keeping with traditional development patterns.

(Exhibit 33.)

Strategy D1-1: Limit significant new development in outlying areas. *We should avoid creating new areas of commercial development, new town centers, or large, dense neighborhoods in other parts of the Island. In rural areas, large and dense new subdivisions should remain prohibited, though we should allow smaller clusters of housing when they are combined with open space protection, especially for affordable housing.*

(Exhibit 33.) (Emphasis added.)

Moreover, the Island Plan notes that traditional neighborhoods should have “limited growth harmonizing with character.” (Exhibit 33.) And, the Island Plan emphasizes that tourist services should remain in the town centers:

Strategy L6-1: Keep retail activities and visitor services concentrated in vibrant, walkable, town centers. Lively, easily accessible commercial districts, each with the anchor businesses that are necessary for the conduct of daily life, are essential components of a healthy community and a strong economy. We should keep these activities in the town centers (see section 2 – Development & Growth) and avoid retail development in other areas including the Airport Business Park or strip development along roads.

(Exhibit 33.)

The 2020 Proposed Modifications, which include a spa open to the public, are located outside the town center. The Commission should deny the 2020 Proposed Modifications because they directly contradict the goals of the regional plans.

CONCLUSION

For all the reasons discussed above, the Commission should deny the 2020 Proposed Modifications because the probable detriments of these changes outweigh any potential benefits. Edgartown has worked hard to preserve its historic and cultural resources. The Hotel's proposed modifications, and the number of unapproved changes, threaten to irreversibly undermine the efforts of the town. In addition, because the application for the new outdoor bar and restaurant was never presented to or reviewed by the Commission – despite it being a modification of a previous DRI – the Neighbors ask that the Commission require the unpermitted 2019 Bar and Restaurant return to its original location and original scale.

Respectfully submitted,

Neighbors to the Harbor View Hotel,
by their attorneys,

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SUGARMAN, ROGERS, BARSHAK & COHEN, P.C.

101 Merrimac Street

Boston, MA 02114

617-227-3030

Neighbors

Jim Swartz, 1 Starbuck Neck Road

Lynn Allegaert, 14 Thayer Street

Geoffrey Caraboolad, 63 Fuller Street

Robert and Linda Forrester, 128 N. Water Street

Joseph E. Smith, Jr., 1 and 3 Ox Pond Meadow

Edwin Brooks, 40 Fuller Street

Richard Zannino, 18 Starbuck Neck Road and 27 Thayer Street

Ann Dickinson, 15 Starbuck Neck Road

Louise Neuhoff, 14 Starbuck Neck Road

4810-7305-4936, v. 1

**COMMONWEALTH OF MASSACHUSETTS
MARTHA'S VINEYARD COMMISSION**

Public hearing concerning the
Development of Regional Impact (DRI #614-M7)
Harbor View Hotel Modifications 2020

**APPENDIX OF EXHIBITS TO THE MEMORANDUM OF LAW OF
THE NEIGHBORS OF HARBOR VIEW HOTEL**

- EXHIBIT 1** National Register of Historic Places Inventory – Nomination Form, U.S. Department of the Interior, National Park Service, prepared by the Massachusetts Historical Commission, 1983.
- EXHIBIT 2** *The Encyclopedia of New England*, eds. Burt Feintuch and David H. Watters, YALE UNIVERSITY PRESS (2005).
- EXHIBIT 3** Julia Rappaport, *Reclaiming Grand Dame of Days Gone by, Harbor View Hotel Completes First Phase*, VINEYARD GAZETTE (May 17, 2007).
- EXHIBIT 4** 2008 Special Permit Decision, DRI # 614 Harbor View Hotel Expansion, approved by the Martha's Vineyard Commission on July 24, 2008.
- EXHIBIT 5** Summary of Proposed Development and Impacts, prepared for staff of the Martha's Vineyard Commission, DRI # 614 Harbor View Hotel, April 24, 2008.
- EXHIBIT 6** DRI 614-M, Harbor View Hotel Modification Summary & Plans, Snow Cottage, July 15, 2009.
- EXHIBIT 7** DRI 614-M, Harbor View Snow Cottage Modification Remand Letter, August 14, 2009.
- EXHIBIT 8** Steve Myrick, *Harbor View Hotel Changes Hands for \$30 Million*, VINEYARD GAZETTE, (Jan. 16, 2018)
<https://vineyardgazette.com/news/2018/01/11/harbor-view-hotel-sold>.
- EXHIBIT 9** DRI 614-M6, Harbor View Hotel Modifications, Main Building Floor Plans, May 30, 2018.
- EXHIBIT 10** DRI 614-M7, Harbor View Hotel Modifications, Bradley Cottage Floor Plans, July 9, 2020.

- EXHIBIT 11** Photograph of Old Pool Bar, Kelly Dillon Photo Website, <https://kellydillonphoto.com/melissa-mike-marthas-vineyard-wedding-edgartown-lighthouse-harbor-view-hotel/>.
- EXHIBIT 12** Photographs of New Pool Bar, Harbor View Hotel website, various webpages.
- EXHIBIT 13** 1990 Special Permit, Edgartown Zoning Board of Appeals, recorded with the Edgartown Town Clerk's Office on July 12, 1990.
- EXHIBIT 14** 1992 Special Permit, Edgartown Zoning Board of Appeals, recorded with the Edgartown Town Clerk's Office on April 16, 1992 and with the Dukes County Registry of Deeds on May 14, 1992, at Book 580, Page 001.
- EXHIBIT 15** Lisa Pierpont, *Bernard Chiu Talks Grand Vision for Martha's Vineyard Harbor View Hotel*, BOSTON COMMON (July 1, 2019) <https://mlbostoncommon.com/bernard-chiu-harbor-view-hotel-marthas-vineyard>.
- EXHIBIT 16** 2019 Special Permit, Edgartown Zoning Board of Appeals, recorded with the Edgartown Town Clerk's Office on May 3, 2019 and with the Dukes County Registry of Deeds on June 14, 2019, at Book 1498, Page 911.
- EXHIBIT 17** 2020 Menu, Roxy Pool Bar, Harbor View Hotel Website.
- EXHIBIT 18** Alcoholic Beverages Control Commission, License # 0116-00177, Memorandum and Order on Appellant's Motion for Summary Decision, June 18, 2020.
- EXHIBIT 19** Harbor View Hotel Liquor License, May 2019.
- EXHIBIT 20** Upland Capital Corporation Website, Water Street Harbor House, <https://uplandcapital.net/portfolio/20-straight-wharf/>.
- EXHIBIT 21** Water Street Harbor House General Webpage.
(Note: this website has recently been removed.)
- EXHIBIT 22** Letter from Edgartown Building Inspector/Zoning Officer Leonard Jason, Jr., to Bernard Chiu, July 5, 2019.
- EXHIBIT 23** Photographs of Hotel bellhop on North Water Street, Summer 2020.

- EXHIBIT 24** Chapter 91 License, issued to Water Street Harbor House, LLC, recorded with the Dukes County Registry of Deeds on November 12, 2019 at Book 1511, Page 796.
- EXHIBIT 25** Conservation Commission Order of Conditions, issued to Bernard Chiu – Water Street Harbor House LLC, recorded with the Dukes County Registry of Deeds on July 5, 2018 at Book 1471, Page 352.
- EXHIBIT 26** Commercial Marine License, issued to Water Street Harbor House d/b/a The Harborview, on July 27, 2020, on file with the Edgartown Board of Selectmen.
- EXHIBIT 27** Harbor View Hotel Website, Things to Do, Barton & Gray Boat Rentals, <https://www.harborviewhotel.com/barton-gray/>.
- EXHIBIT 28** Harbor View Hotel Instagram Photograph, @harborviewhotel, September 7, 2020.
- EXHIBIT 29** Noah Asimow, *Harbor View Hotel Expansion Plan Sees Pushback from Neighbors*, VINEYARD GAZETTE (Jan. 7, 2021) <https://vineyardgazette.com/news/2021/01/07/harbor-view-hotel-expansion-plan-sees-pushback-neighbors>.
- EXHIBIT 30** Martha’s Vineyard Magazine, Best of the Vineyard 2020, Lodging, <https://mvmagazine.com/best-of-the-vineyard/lodging>.
- EXHIBIT 31** Harbor View Hotel Website, Property Map, <https://www.harborviewhotel.com/accommodations/map/>.
- EXHIBIT 32** Photographs from the Harbor View Hotel’s official wedding Instagram account, @edgartownweddings, and Harbor View Hotel’s Website Wedding Page, <https://www.harborviewhotel.com/meet-celebrate/weddings/>.
- EXHIBIT 33** Island Plan, adopted by the Martha’s Vineyard Commission on December 10, 2009, Relevant Excerpts, https://www.mvcommission.org/sites/default/files/docs/Island_Plan_Web_Version.pdf.
- EXHIBIT 34** Edgartown Community Development Plan, prepared by the Martha’s Vineyard Commission, 2004, Relevant Excerpts, https://www.mvcommission.org/sites/default/files/docs/edgcd_planfinal_hotlinks.pdf.
- EXHIBIT 35** Decision of the Martha’s Vineyard Commission, DRI 335 M-3, M.V. Hotel (Jack E. Robinson), July 28, 2005.

EXHIBIT 36

Edgartown Master Plan, Edgartown Town Planning Board, April 1990, Relevant Excerpts, <https://www.edgartown-ma.us/home/showpublisheddocument?id=12090>.

EXHIBIT 37

Edgartown Zoning Bylaw, as amended April 2019, Relevant Excerpts, <https://www.edgartown-ma.us/Home/ShowDocument?id=12660>.

EXHIBIT 1

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See instructions in *How to Complete National Register Forms*
Type all entries—complete applicable sections

1. Name

historic Edgartown Village Historic District (preferred)

and/or common Downtown Edgartown

2. Location

street & number Multiple - see attached list

N/A not for publication

city, town Edgartown

N/Avicinity of

state Massachusetts code 025

county Dukes

code 007

3. Classification

Category	Ownership	Status	Present Use	
<input checked="" type="checkbox"/> district	<input type="checkbox"/> public	<input checked="" type="checkbox"/> occupied	<input type="checkbox"/> agriculture	<input checked="" type="checkbox"/> museum
<input type="checkbox"/> building(s)	<input type="checkbox"/> private	<input type="checkbox"/> unoccupied	<input checked="" type="checkbox"/> commercial	<input type="checkbox"/> park
<input type="checkbox"/> structure	<input checked="" type="checkbox"/> both	<input type="checkbox"/> work in progress	<input checked="" type="checkbox"/> educational	<input checked="" type="checkbox"/> private residence
<input type="checkbox"/> site	Public Acquisition	Accessible	<input checked="" type="checkbox"/> entertainment	<input checked="" type="checkbox"/> religious
<input type="checkbox"/> object	N/A in process	<input type="checkbox"/> yes: restricted	<input checked="" type="checkbox"/> government	<input type="checkbox"/> scientific
	<input type="checkbox"/> being considered	<input checked="" type="checkbox"/> yes: unrestricted	<input type="checkbox"/> industrial	<input type="checkbox"/> transportation
		<input type="checkbox"/> no	<input type="checkbox"/> military	<input type="checkbox"/> other:

4. Owner of Property

name Multiple ownership - see attached list

street & number

city, town

N/Avicinity of

state

5. Location of Legal Description

courthouse, registry of deeds, etc. Dukes County Registry of Deeds

street & number Main Street

city, town Edgartown

state Massachusetts 0253

6. Representation in Existing Surveys

Inventory of the Historic Assets
title of the Commonwealth has this property been determined eligible? yes no

date 1983 federal state county local

depository for survey records Massachusetts Historical Commission/Edgartown Town Ha

city, town Boston/Edgartown

state Massachusetts

7. Description Edgartown Village Historic District, Edgartown, Mass.

Condition		Check one	Check one	
<input checked="" type="checkbox"/> excellent	<input type="checkbox"/> deteriorated	<input checked="" type="checkbox"/> unaltered	<input checked="" type="checkbox"/> original site	
<input type="checkbox"/> good	<input type="checkbox"/> ruins	<input checked="" type="checkbox"/> altered	<input type="checkbox"/> moved	date <u>N/A</u>
<input type="checkbox"/> fair	<input type="checkbox"/> unexposed			

Describe the present and original (if known) physical appearance

Portions redacted

The Town of Edgartown, in which the Edgartown Village Historic District is located, is one of six incorporated communities on the island of Martha's Vineyard, which lies approximately five miles off the southeastern coast of Massachusetts. The entire town covers an area of 29.77 square miles at the southeastern end of the island where the principal natural features are the area's flat fields and woodlands as well as Edgartown Harbor, which is an inlet enclosed by the main body of Martha's Vineyard, South Beach and Chappaquiddick Island. The year-round population of the town is 3,000, increasing to 15,000 during the summer. The Edgartown Village Historic District is situated on the west side of Edgartown Harbor and covers an area of approximately 150 acres. Located in its boundaries are approximately 500 buildings, of which the vast majority are wood-frame houses of the 19th and early 20th centuries. Intrusions, defined as buildings constructed after 1933 (see below) number approximately 77.

Edgartown Village is laid out on a modified grid that curves slightly to follow the shoreline of Edgartown Harbor which it abuts. With the exception of a small area that extends out along Main Street, the majority of the village is bounded by Water Street (North and South) and Pease's Point Way (North and South); within the boundary formed by these two sets of streets, most other streets either run parallel to Water Street (Summer, School, Fuller, and Church Streets) or at approximate right angles to Water Street (High, Cooke, Winter, Morse and other streets). The origin of this grid precedes the establishment of a village in this location and dates from the original division of water lots among the island's settlers in the 1650s when long, rectangular parcels were laid out along the western shore of Edgartown Harbor. Within the village, east-west streets such as Main, Cooke, High and Winter Streets extend along the side lot lines of 17th century water lots, preserving elements of the area's early history. North-south streets such as Water Street, Pease's Point Way and Planting Field Way date from the mid 17th century when they were the first used by English settlers to gain access to planting fields and the waterfront; it is possible that these roads followed pre-existing Indian paths. Subsequent north-south streets such as Summer, School and Fuller Streets were laid out mostly during the 19th century when the village developed as a densely built area.

Within the village, buildings sit closely together on small lots, many of which are bordered by white picket fences. The village's narrow streets and lanes are lined with trees, including many elms, lindens and chestnuts. The bulk of the building stock is of post-and-beam (timber-frame) construction with an exterior wall fabric of wood clapboard or shingle painted white. The remainder of the buildings are covered with unpainted wood shingles and clapboards. Within the district there are only five masonry buildings, all of which are built of red brick. Because of the small size of the village, there tends to be a mixing of residential, commercial and institutional land uses; however, in general, commercial

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and institutional buildings are located along lower Main Street, North Water Street, Winter and Dock Streets, while all other areas are primarily residential.

Due to the separation of Martha's Vineyard from the mainland, its relative isolation from other sections of Massachusetts and its status as a county unto itself (Dukes County), local architecture tends to be conservative and idiosyncratic, both in its use of architectural ornament and in its retention of vernacular building traditions long after they had passed out of use elsewhere in the state. During the 19th century, architectural styles often remained popular ten to twenty years longer than on the mainland and frequently overlapped the introduction of more progressive styles. Architectural styles that are well represented in the village include vernacular timber-frame houses and cottages, the Federalist style, and the Greek Revival style. Less numerous, but significant in the development of the village are examples of later styles such as the Italianate, Second Empire, Queen Anne, Colonial Revival and Arts and Crafts styles.

Because of the village's two major periods of significance (late 18th and 19th century related to whaling and late 19th and 20th century related to summer tourism) the second of which is ongoing to the present, all pre-1933 houses, commercial buildings and institutional buildings have been designated as contributing parts of the district, except in cases where such buildings have been altered beyond recognition; in these latter cases, such buildings are designated as intrusions. All buildings built after 1933 have been designated as intrusions, not as an aesthetic judgment, but rather, based on date of construction alone. Typical intrusions are one-story ranch and Colonial Revival style houses which exist in relatively greater numbers toward the village's periphery and in lesser numbers near its center. Other categories of intrusions include wood-frame two-story commercial buildings recently constructed along lower Main and Dock Streets and also former boathouses that have been converted to cottages along the east side of North Water Street. In general, most intrusions share the same scale and materials as contributing structures and thus are not visually disruptive to the district. No industrial buildings exist within the district either as contributing parts or intrusions.

In the following analysis of building types and styles, building names and numbers (in parentheses) refer to buildings included in the Edgartown Architectural Inventory (1973 and 1983) on file at the Massachusetts Historical Commission.

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First Period Colonial: ca.1650s-1775

Within the district are at least twelve buildings which are traditionally associated with the early settlement of the town or which preserve architectural elements related to the period of the village's first settlement. Although most houses of the period have been remodelled and many have been moved during the 19th century to reorient them on houselots, several of the village's earliest houses retain settings that reflect their construction prior to the development of the village's grid of streets and the more usual local custom of building houses close to the street. Characteristic of houses that preserve elements of their original settings are the Captain D. Fisher House of ca.1704 on North Water Street (53), the Coffin-Dunham House on South Water Street (76), a central-chimney cottage at 119 South Water Street (362) and the Thomas Cooke House of ca.1765 (357) on Cooke Street.

While no high-style Georgian buildings of the period exist, remaining houses preserve good examples of the popular central chimney cottage and house plans with full facades (i.e., five bay center-entry) and half facades (i.e., three bay with the entry set off center and two windows grouped on one side of the entry). Three-quarter houses and cottages (with facades of four bays consisting of an entry flanked by two windows on one side and one window on the other) may have been built during this period, although most remaining examples appear to date from the early 19th century. Houses of the period are enclosed by pitched roofs; no gambrels are known to exist from this period. Only one hip roofed house (Daggett House-39) is attributed to this period. Good examples of central chimney houses with full facades are the Thomas Cooke House (357), the Captain Chase Pease House on South Summer Street (190) and the Captain D. Fisher House (53) which has been extended by the addition of two bays. The Mills House/Vineyard Gazette Office on South Summer Street (196-Photograph E) with its attributed date of 1760 may be the district's most ambitious house of the period, as it seems to be the only local example of the center-hall double-chimney plan that grew out of high-style Georgian architecture. Well preserved half-houses remain in the Pease-Eliot Houe of ca.1760 at 123 Main Street (358) and the Coffin-Dunham House (76) which has been modified by the moving of its main entry.

Similar in plan and proportions to the houses described above, but lacking a full second story, cottages of the period remain in examples that preserve the central chimney plan with a full facade such as 37 Cooke Street (359) and the Vincent House of ca.1700 off Main Street (28). Central-chimney half cottages of the period are represented by the houses such as the Marchant House on Pease's Point Way North (130-Photograph A).

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Second Period: Late Georgian and Federal Styles: ca.1775-1835

Corresponding to the period during which Edgartown Village ceased to be a loosely grouped cluster of houses and became a more densely built village, the Second Period is represented by approximately 70 houses, the majority of which are vernacular central-chimney structures; however, a modest but significant number of ambitious Federalist style houses also exist. The largest number of houses of the period exist on earlier streets, particularly North and South Water Streets, and along newly laid out streets such as sections of South Summer and School Streets.

Variation One - Half Houses and Cottages: Built throughout the village, but slightly less popular than the three-quarter house plan (see below), the half house plan is characterized by a one- or two-story timber-frame structure with a low-pitched roof and a chimney set off center, either directly behind the sidehall entry or between the two principal first story rooms. The facades of houses of this type contain three bays arranged asymmetrically with an entry in one of the outermost bays and paired windows on one side of the entry. Characteristic of the largest number of houses and cottages of this type are the Morgan Smith House on South Water Street (86), the Obed Fisher House on South Summer Street (200- Photograph C) and the Marchant House on Pease's Point Way North (130- Photograph A). Decorative detailing of houses of this type is generally simple, consisting of moulded window frames and caps, splayed window lintels (occasionally) and narrow entries with transoms, moulded caps and pilasters (occasionally). A small number of two-story half-houses built late in the period have hip roofs, such as the Camdon House on South Water Street (80- Photograph F).

Variation Two - Three-Quarter Houses and Cottages: The most distinctive local house type that emerged during this period was the three-quarter plan timber-frame house with a central chimney or off-center chimney. Examples of this type were built throughout the period both as two-story houses and as one-story cottages. In houses and cottages of this type, the facade consists of four bays, arranged with two windows on one side of and one window on the other side of an off center entry; in two-story houses, the second story contains four windows across the facade. Generally houses of this type are enclosed by pitched roofs such as the Coffin House on South Summer Street (194-Photograph D), although a small number that appear to have been built in the 1830s have hip roofs, such as the former Methodist Church Rectory on South Water Street (90-Photograph G) and the three-story Jared Fisher/Bliss House on North Water Street (17- Photograph H).

The decorative detailing of three-quarter houses and cottages is more varied than that of half-houses. Common to many buildings of the period

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are splayed wooden window lintels and moulded cornices. Houses that date from the end of the period frequently have moulded window frames and door frames with decorative corner blocks, such as those at the Reynolds House on South Water Street (88) and the Simpson House on Simpson's Lane (286). Entries possess a variety of late Georgian and Federalist style decorative details such as pilasters supporting a pediment with a semi-circular transom as at the Mickleham House (95) and pilasters supporting an entablature and cornice (both with and without pediment) as at the E. Lewis House (229), the Dennis Courtney House (204) and the Tristram Butler House (33).

Variation Three - Full Facades (Symmetrical center entry): Reflecting the greater wealth of those who built larger houses and corresponding to changes in house plans throughout Massachusetts during the Federal period, houses with symmetrical center entrance (five bay) facades possess a greater variety of plans and decorative details than other houses of the period in Edgartown. Central chimney plans seem to have lost their popularity for ambitious houses prior to the 1790s, after which no examples are known to have been built. Most common for ambitious houses was the central-hall, double chimney plan enclosed either by pitched roofs such as the Robert Wimpenny House of 1791 on North Water Street (7) and the Teller House of ca.1800 on South Summer Street (198-Photograph C) or by a hipped roof such as the Collins and Mayhew Houses of ca.1820 on South Water Street (91 and 93). Another plan that enjoyed limited popularity for ambitious houses was the center-hall, end chimney plan, enclosed by a low hip roof such as the R. Coffin House on South Water Street (81-Photograph I). Decorative details for houses of this type tend to be more individualized than for cottages but still within the repertory derived from builders' guides and pattern books. The most lavish details are generally confined to entries and open entry porches like those of the Timothy Coffin House on South Water Street (66); however, many entries of the period have been replaced with Greek Revival style entries during the mid 19th century.

Greek Revival Style Residential Development: ca.1830-1865

Accounting for approximately 125 houses within the district, the Greek Revival style is by far the dominant architectural style in Edgartown. More than half of the buildings of this period were built between 1835 and 1850. The popularity of the style, its concurrence with a period of local prosperity due to whaling and the strong local building traditions that had developed by the mid 19th century combined during this period to produce a distinctive and idiosyncratic set of house plans and details that appear throughout the village; in general, high-style examples line North and South Water Streets and streets adjacent to Main Street with

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simpler vernacular buildings that exhibit only minor traits of the style located toward the edges of the 19th century village.

The largest number of houses built during the period were one-and-one-half story cottages; of these, the overwhelming majority have gabled, three-quarter facades trimmed with corner pilasters, boxed cornices, splayed window lintels (frequent) and pilastered entries. Examples range from the fairly simple house at 115 South Water Street (361) to highly ornate, ambitious houses such as the Sirson Coffin House on Winter Street (299) with its Doric porch and pedimented facade with a central Palladian window. Similarly ambitious examples of the type are the Captain Consider Fisher House on Morse Street (277) with its splayed window lintels and modified Palladian window with an ogee arch, the Thaxter House on Davis Lane (356) and the Gustavus Baylies House on Pease's Point Way North (120). In several cases, cottages of this type have been enlarged after construction to create two full stories such as houses on Morse Street (268) and North Summer Street (188).

This same gabled, three-quarter plan was also widely used for ambitious two-story houses. Notable examples of this type include the Captain John Morse House (266) with its two-story Doric porch and floor-to-ceiling windows at the facade; the former Seaside House or Tristram Butler House (33-Photograph K) with its one-story Doric porch and railings with turned balusters; and the Failing House of 1838 (18) with its pointed-arch Palladian window in the gable, all of which are on North Water Street. A simpler version is illustrated by the Jared Coffin House on South Summer Street (194-Photograph D).

Houses with sidehall floor plans which were a dominant type throughout much of Massachusetts during this period exist only as isolated examples in Edgartown. Similarly, center-entry, symmetrical facades are rare during the period and generally occur only on the most ambitious houses. Particularly noteworthy examples are the Captain Holmes Smith House on South Summer Street (213), the Captain Abraham Osborne House of ca.1840 on South Water Street (78) and the Dr. Daniel Fisher House of ca.1837 on Main Street (327-Photograph J). The Smith House is unique for its flushboard facade that consists of pilasters supporting an entablature and cornice above which is an ornate panelled parapet that conceals the cottage's gable. In marked contrast to the Smith House, the Fisher House is the town's most lavish example of Greek Revival style architecture, one which preserves a conservative center hall plan and hip roof, but which possesses ornate parapet railings and papyrus capitals at the main entry.

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One particularly noticeable feature of local Greek Revival architecture is its retention of Federalist style details well into the 1840s and perhaps, the 1850s. Characteristic of these details are the arched windows and Palladian windows which appear in the gable of many houses and cottages.

Victorian Architectural Styles: ca.1850-1900

Prior to the development of summer houses in parts of Edgartown Village, few houses were built in the various Victorian styles that followed the Greek Revival style. In general, those styles that are present in Edgartown exist as isolated examples, built in scattered locations throughout the village.

The most common examples of early Victorian architecture are several sidehall and three-quarter cottages with steeply pitched roofs, lattice-work verandas across the facades, bay windows and (occasionally) Gothic decorative details. The most fully developed example of this type is the Gothic style Butler-Ferris House on Church Street (309). More typical of the majority are the E. Marchant House on South Summer Street (364) and the house at 128 Main Street (374). A unique example of Carpenter Gothic architecture exists in the Captain Joseph Holley House (253) on Cottage Street.

The Italianate style is represented by several undecorated sidehall cottages and by several ambitious houses of which the Charlotte Inn of 1865 on South Summer Street (195-Photograph N) with its central gable, paired brackets, arched windows and cupola is the most fully developed example. Other well preserved examples include the Victorian Inn (65-altered) and the Captain Smith House (35).

Second Empire style architecture is limited to two cottages and the Dr. Shiverick House on Pease's Point Way South (135), which seems to have been an Italianate or Greek Revival style house that was remodelled in the 1860s or 1870s.

Although numerous buildings within the district possess porches and decorative shingling that were added during Queen Anne style renovations, fewer than six buildings possess fully developed Queen Anne style designs; of these, the Ivy Lodge on South Water Street (79) and the Captain Mudgett House of ca.1890 on South Summer Street (201-Photograph O) are representative of the best. Both buildings possess asymmetrical floor plans with complex hip roofs, decorative gables and porches with turned posts.

Other buildings in the district, especially summer houses, possess Queen Anne-influenced designs; typically houses in this category have little

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exterior ornamentation and frequently possess a mixture of Colonial Revival, Shingle Style and Arts and Crafts style details. The largest number of houses of this type were built between 1895 and ca.1920 at the north end of the district on sites overlooking the harbor and Nantucket Sound, on Starbuck Neck Road, Gaine's Way, North Water and Fuller Streets. Houses such as #7 and 9 Starbuck's Neck Road with their asymmetrical massing, shingled exteriors, gambrel roofs and minor Colonial Revival style details represent the most lavish houses of this type (Photograph P). Simpler cottages and bungalows in a similar style exist on side streets away from waterfront locations; typically they are one-and-one-half stories high with hip roofs or pitched roofs with a central dormer and recessed porches at the facade. Characteristic cottages of the period are the M. Mello House on North Summer Street (177) and the Richard Colter House at 42 Morse Street (278).

The most recent historic style that has been designated as contributing to the district's historical significance is the Colonial Revival style, specifically that phase of the style which became concerned with archaeological accuracy during the 1920s and 1930s. Major examples of the style tend to combine locally popular details of the late 18th and early 19th centuries in an abundance rarely found on buildings of the period. Typical of this phase of the Colonial Revival style is the Ghrisky House at 6 Fuller Street (166), a two-story, three-quarter house with 12/12 sash, pilastered entry with a raised panel door, and a modillioned cornice. Several houses of the 18th and early 19th century such as the Timothy Coffin House on North Water Street (32) possess Colonial Revival style details that were added during restorations during the early 20th century.

Institutional Buildings

There are six public (government-owned) buildings within the district on North Water, Church and Main Streets, the oldest of which is the Edgartown Town Hall (338), a former Methodist Church that was designed by Frederick Baylis and built in 1828. Originally a Federalist style, wood-frame meetinghouse, this building was modified during the mid 19th century by its conversion to the town hall and again in the 20th century by the Colonial Revival style rebuilding of its first story. Nearly opposite the Town Hall is the Dukes County Court House (325), a two-story brick building of mixed Greek Revival and Italianate design. Built in 1859 and designed by Frederick Baylis, the Court House is unique in the district for its scale and design. A second, county-owned building is the County Jail, a brick and wood frame structure built in the Italianate style during the 1860s (369); still used as a jail, this building possesses the scale and plan of houses of the period. Other public buildings include the small Renaissance Revival style Public Library that was built in

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the early 20th century (41), a former Fire Station built in the early 20th century and now converted to a Police Station (306) and a lighthouse (Lighthouse of Massachusetts Thematic National Register; pending.)

Four 19th century schoolhouses remain in the district, although all have been converted to other uses. Of these the Federalist style Thaxter Academy of 1825 (352) and the transitional Federalist/Greek Revival style Davis Academy (351) preserve plans and details that are characteristic of academy buildings of the early 19th century before town governments assumed responsibility for maintaining high schools. Similar in scale, but having Greek Revival and Italianate style details are the former North and South Public Schools, built in 1850 (128 and 238-Photograph M).

Privately owned institutional buildings consist of six churches and their related parish halls. Of these six, four were designed by Frederick Baylis, a local architect of the early and mid 19th century. Five of the six church buildings are constructed of wood framing, while only one (St. Andrew's) is built of brick.

The town's earliest extant church is the Federated Church (202) which was designed by Baylis and built in 1828. Derived from Asher Benjamin pattern books, this Federalist style building consists of a two-story church hall with a shallow facade pavilion containing two entries with decorated panels. Rising from the pavilion is a two-stage tower and spire that bear Adamesque decorations. Also designed by Frederick Baylis are the Greek Revival style Baptist Church of 1839, now a residence (225-Photograph L) and the Whaling Church of 1842 (326). The former Baptist Church has a temple front with four Doric columns which support a flushboard pediment with an oculus. Set behind the columns, the main body of the facade possesses splayed window and door frames. Perhaps Edgartown's most imposing Greek Revival style building, the Old Whaling Church has a temple front of six monumental Doric columns supporting a pediment above which rises a clock tower in two stages, the upper stage of which is decorated with a crenellated parapet.

Late 19th and early 20th century church buildings include the Gothic Revival style St. Andrew's Episcopal Church of 1899 (181), the windows of which are stained glass designed by Louis Tiffany. More eclectic in its style is St. Elizabeth's Roman Catholic Church of ca.1933-1934 (336), a Mission style building. A much simpler late Victorian style church/meeting hall remains in use by St. Elizabeth's Parish at the corner of Pease's Point Way South and High Street.

Commercial Buildings

Edgartown's commercial district extends over three blocks of Main Street near the harbor, portions of North and South Water Street, Dock Street

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and sections of School Street, Mayhew Lane, Kelley Street, Church Street, Simpson's Lane and Winter Street. With the exception of Main, Dock and North Water Streets, most commercial buildings are former houses converted to commercial use. Along Main, North Water, Dock and Church Streets are a variety of commercial buildings that date from the early 19th to the mid 20th century. Most buildings are free-standing wood-frame structures that are built close to their neighbors, providing the appearance of row construction.

Remaining from the 1830s are three Federalist and Gothic style structures: Gothic Hall (318), the former Customs House of ca.1830 (316) and an unnamed structure with an ornate Federalist cornice (319). Few, if any, commercial blocks were built during the mid 19th century. More characteristic of the town's commercial architecture at this time were one-story offices and stores, with gable facades and, occasionally, with ornate false fronts such as the Greek Revival style Gouldsey Office (308) and the more conservative Edgartown National Bank Building of 1855 (60).

Commercial architecture of the late 19th and early 20th centuries continued to employ the same materials and scale as earlier buildings, but with new decorative details. Among buildings of this period, the building at the corner of Winter and North Water Streets (50) preserves the best examples of late turn-of-the-century Queen Anne/Arts and Crafts style storefronts. The major new commercial building type of the period was the guest house/inn of which the Queen Anne style Harbor View Hotel of ca.1895 on North Water Street was the largest.

Industrial Architecture

No industrial architecture exists within the district.

Archaeology

The historic archaeological resources of the Edgartown area are presently unevaluated. However, the district should be considered to contain sub-surface archaeological remains of past activities associated with over 200 years of human occupation.

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Museums and Preservation Efforts

There are four museums within the district: the Bliss House (17) on North Water Street which is owned by the Society for the Preservation of New England Antiquities, the Thomas Cooke House (357) on Cooke Street which is operated as an historic house museum by the Dukes County Historical Society, the Vincent House (28) located between Main Street and Pease's Point Way North on a lot to which it was moved by the Martha's Vineyard Historic Preservation Society, and the Whaling Church (326) which was restored for use as a public hall by the Martha's Vineyard Historic Preservation Society in 1981. Active preservation organizations currently include the Martha's Vineyard Historic Preservation Society, the Dukes County Historical Society, and the Edgartown Historic Advisory Committee. With the exception of the foregoing museums, preservation efforts in Edgartown have been undertaken mostly by individuals interested in restoring single structures.

8. Significance Edgartown Village Historic District, Edgartown, Mass.

Period	Areas of Significance—Check and justify below			
<input type="checkbox"/> prehistoric	<input checked="" type="checkbox"/> archeology-prehistoric	<input checked="" type="checkbox"/> community planning	<input type="checkbox"/> landscape architecture	<input checked="" type="checkbox"/> religion
<input type="checkbox"/> 1400-1499	<input checked="" type="checkbox"/> archeology-historic	<input type="checkbox"/> conservation	<input type="checkbox"/> law	<input type="checkbox"/> science
<input type="checkbox"/> 1500-1599	<input type="checkbox"/> agriculture	<input checked="" type="checkbox"/> economics	<input type="checkbox"/> literature	<input type="checkbox"/> sculpture
<input checked="" type="checkbox"/> 1600-1699	<input checked="" type="checkbox"/> architecture	<input checked="" type="checkbox"/> education	<input type="checkbox"/> military	<input checked="" type="checkbox"/> social/ humanitarian
<input checked="" type="checkbox"/> 1700-1799	<input type="checkbox"/> art	<input type="checkbox"/> engineering	<input type="checkbox"/> music	<input type="checkbox"/> theater
<input checked="" type="checkbox"/> 1800-1899	<input checked="" type="checkbox"/> commerce	<input checked="" type="checkbox"/> exploration/settlement	<input type="checkbox"/> philosophy	<input type="checkbox"/> transportation
<input checked="" type="checkbox"/> 1900-	<input type="checkbox"/> communications	<input checked="" type="checkbox"/> industry	<input checked="" type="checkbox"/> politics/government	<input type="checkbox"/> other (specify)
		<input type="checkbox"/> invention		

Specific dates Multiple **Builder/Architect** Multiple - see text

Statement of Significance (in one paragraph)

Portions redacted

The Edgartown Village Historic District possesses integrity of location, design, setting, materials, and workmanship from its several periods of development. The district possesses significant historical associations with the early settlement of Martha's Vineyard, the development of whaling as the Island's principal business during the 19th century and the establishment of summer tourism as a major element in the local economy at the end of the 19th and the beginning of the 20th century. The Village also possesses associations with the individuals who were regionally prominent in the whaling trade. Furthermore, the district contains a distinctive grouping of a range of building types, architectural styles and streetscapes which reflect these historical themes and periods, as well as some of Martha's Vineyard's finest examples of popular 19th and early 20th century design. The Edgartown Village Historic District thus meets criteria A, B and C of the National Register of Historic Places.

Early Settlement and Political Incorporation

Located at the southeast corner of Martha's Vineyard, Edgartown is the largest and oldest of six incorporated towns on the Island. Known as Great Harbor and first settled by Thomas Mayhew in 1641, Edgartown was the Island's only settlement until 1671 when a second village, known as Takemmy (now West Tisbury) was established at the center of the Island. The establishment of other small villages occurred during the 17th and 18th centuries; however, none of these additional villages rivalled Edgartown in size and importance until the early 20th century.

In 1641, a Grant of Township was made to Thomas Mayhew, Sr., a missionary, and his son Thomas, Jr., in Watertown, Massachusetts for the area known as Great Harbor. The Mayhew family, along with the Daggett and several other families, cleared the land east of Pease's Point Way to establish the settlement on the site of the present village. Great Harbor until that time had been inhabited by the Algonquin Indian Sachem, Nunnepog, also referred to in various records as Nunpauket, Nunpaug and Nunpog. Although occupied continuously by the English after 1641, Great Harbor remained unincorporated until July of 1671 when it was incorporated as Edgartown at Fort James, New York. From 1671 to 1682, Martha's Vineyard and therefore Edgartown were part of New York. It was not until March of 1682 under the Charter of William and Mary that Martha's Vineyard was consolidated with the Massachusetts Bay Colony and thereafter placed under the administration of the General Court. The name of Edgartown derives from the fourth son of the Duke of York, Edgar, who died at four years of age.

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Between 1671 and 1880, the boundaries of Edgartown remained essentially unchanged. In 1880, the northwest area of town was incorporated as "Cottage City," a name which it retained until 1907, when it was re-incorporated as the present town of Oak Bluffs (see Martha's Vineyard Campgrounds; NR 1978). Since 1671, Edgartown has been the seat of provincial government for Dukes County on Martha's Vineyard, at first by virtue of its size and age, and later, after 1692, by provincial sanction.

The population statistics of Edgartown between 1650 and 1900 reflect successful periods of development as well as those of decline. In 1653, twelve years after initial settlement, approximately 75 individuals were residing in the Great Harbor settlement. By 1694, there were over 200 inhabitants and thirty-five houses in the area; by 1757, 900 inhabitants; and by 1920, almost 1,400. The period between 1820 and 1860 was the one of most dramatic growth corresponding with the burgeoning whaling industry; population increased from almost 1,400 residents in 1820 to 2,200 residents in 1860. Between 1860 and 1890, the population decreased from 2,200 in 1860 to 1,200 in 1900, in part reflecting the separation of Oak Bluffs. In 1900, population figures began a second ascent, continuing to the present, as the whaling industry gave way to a resort economy.

The Development of Street Pattern

The first street within Great Harbor was Main Street, laid out in 1641 perpendicular to the harbor; it was not officially recorded by metes and bounds until 1773. Nineteen years later, in 1660, Pease's Point Way was laid out. In 1653, Planting Field Way was laid out from the intersection of Pease's Point Way and the northern end of Main Street toward fields northwest of the village. Mob Street, laid out in 1762 and no longer existing, ran into the southwesternmost end of South Water Street. Mill Path, leading to Great Harbor from the southwest, led to the Takemmy settlement.

Of particular significance in the physical development of Edgartown are North and South Water Streets, where many ship captains built their homes. These streets form a continuous road intersected at the mid-section by Main Street, and represent most of the harbor lot frontage. In 1703, they were considered alleys and were not formally laid out by metes and bounds until March, 1786. Also laid out during the earliest settlement of the town was Meeting Houe Way, which led from Water Street to the Meeting House on the site of the Edgartown Cemetery (1768). Subsequently, it became Commercial Street and is now known as Cooke Street. Pilgrim's Alley, a path leading from South Water Street to Pease's Point Way, became an official street in the 19th century and is now known as High Street.

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Economic Base 1750-1860: Whaling

The historical and architectural significance of Edgartown during the 19th century derive primarily from the economic success of the whaling industry and secondarily on other marine related activities. Edgartown was the Island's center for whaling activities from the mid 17th century until the 1860s. Second in importance to whaling were the general fisheries and the by-products of marine animals, particularly herring and shellfish. Another important industry relating to the sea prior to the Revolution was the manufacture of salt from the evaporation of sea water. Used in the processing of fish for shipment, salt continued to be produced after the Revolution, although in diminishing amounts, until ca.1840 when its production ceased.

Although farming did not carry the importance in Edgartown that marine related activity did, it sustained much of the town's growth from the mid 17th century to the end of the 18th century. The areas to the north of the District (Planting Field) and to the south of the District (the Plains) were the common farming areas of the Town. In addition to these areas, West Tisbury (Takemmy) and "Up-Island" (Chilmark and Gay Head) were substantial agricultural communities.

Of all island industries, farming was the most severely affected by the Revolutionary War. In 1778 General Sir Charles Grey led British troops in a raid that resulted in the destruction of virtually all of the Island's livestock and crops, leaving little for the inhabitants and bringing about a depression from which local farming did not recover until after the Revolutionary War. As a result of this depression, the Island's population diminished during the War and recovered only as whaling began to emerge as the mainstay of the local economy during the early 19th century.

Whaling on Martha's Vineyard pre-dates English settlement and was practiced by the Island's Indian inhabitants. When English settlers arrived in 1641-1642, the Indians instructed them in the use of harpoons; soon thereafter, the settlers began to develop more sophisticated whaling techniques.

In this period, "drift" whales were exceptionally plentiful and were either acquired after beaching or through shallow water harpooning; whale oil was produced commercially on a small scale for local use in lighting and heating houses as early as 1669 in Edgartown.

By the late 1720s, shallow water and shore whaling were widely practiced and continued to be so until the early 1770s, when a shift to deep water whaling occurred. Initially, deep water whaling was confined to the

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waters of the Northeast coast; however, as the industry developed and as the Balaena Mysticetus whale became less plentiful, the search for Spermaceti whales took whalers to southern waters. Sea voyages necessarily lasted much longer, from two weeks to as long as five years for the arctic voyages that took place in the 1840s.

The whaling business increased in importance until the onset of the Revolutionary War. As with the farming industry, whaling suffered from the economic disruptions that accompanied the War; however, a gradual recovery was made at the turn of the 19th century and Edgartown soon became a thriving whaling port, although farming and other sea-related activities remained highly important to the local economy.

In the years between 1820 and 1865, local whaling reached the height of its development. By 1825, Edgartown was known world-wide as a major whaling port and the birthplace of mariners, many of whom sailed out of other ports such as New Bedford. Between 1835 and 1845 alone, there were 110 whaling captains in Edgartown. Their affluence and influence are apparent in the extensive number of captains' houses, public buildings and churches that date from this period. Herman Melville derived his inspiration for Moby Dick while sailing with Edgartown Captain Valentine Pease during this period.

Of the numerous related businesses which grew up around whaling, the largest single enterprise was the production of whale oil and candles by Dr. Daniel Fisher & Company, whose factory stood near the corner of Pine and Main Streets. Based in part on its contract to supply oil to all the lighthouses in Massachusetts, including the Harborlight Lighthouse at Starbuck's Neck (Lighthouses of Massachusetts Thematic National Register Nomination; pending), this company became Edgartown's largest industry by 1850; the profits generated by this business remain visible in the opulent Dr. Daniel Fisher House on Main Street (327-Photograph J).

Other industries of lesser significance allied to the sea and its products were cooperages, block and tackle makers and boat building. Of greater significance was coastal traffic between the West Indies and New England, which contributed substantially to the town's rapid development. Popular fashions requiring the use of whalebone as well as household items and decorative objects enlivened with scrimshaw detailing contributed to the cottage production of goods made with the waste products of the whale oil industry. At mid century, whaling and manufacture of whaling products ranked as the third leading industry in Massachusetts after shoes and cotton.

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During this period, New Bedford was the largest whaling port in the world, followed in Massachusetts by Nantucket and then by lesser ports such as Edgartown and Provincetown. In addition to whaling, the latter group relied substantially on a variety of fishing and sea-related activities as well as agriculture. Nantucket's superiority over Edgartown is also partially attributable to her greater proximity to the Atlantic whaling grounds. At mid century (1855), the height of the whaling industry, Bristol County (New Bedford and Fairhaven) had 388 vessels and 8,821 hands employed; Nantucket 44 and 1,106 (respectively); and Dukes County (Edgartown) 12 and 360 (respectively). Statistics from ten years later indicate clearly the waning of the whaling industry. Bristol County reported 193 vessels and 2,843 employees, while both Dukes County and Nantucket had seven vessels each and 180 and 156 employees, respectively. Nantucket suffered in part because the larger ships required by long-distance whaling had difficulty passing over sand bars at the harbor entrance. Some Nantucket activities shifted their bases of operation to Edgartown around mid century; however, by the 1860s an overall drop off in the industry was undeniable.

The decline of the whaling trade in the second half of the 19th century was brought about by numerous factors, most of which were regional or national in scope. Most important was the gradual depletion of the whale population, even in arctic waters. Second, the discovery of petroleum in Pennsylvania in 1859 and the subsequent development of petroleum-derived lighting oils provided an inexpensive substitute for whale oil. Of lesser importance, but factors nonetheless, were changes in clothing styles and decorative tastes that weakened markets for the cottage production of whalebone products. Finally, the outbreak of the Civil War in 1861 both disrupted trade and brought about a major break in several industries, including whale oil production.

Economic Base 1860-Present: Summer Resort

At the time that the whaling industry was in the last stages of decline, Martha's Vineyard's popularity as a summer resort was beginning in earnest. Methodist "camp meetings" were held in the rural western end of the Town of Edgartown as early as 1835. By 1880, religious camp meetings as well as recreational vacationing had developed to the extent that the western portion of Edgartown incorporated as Cottage City, and by 1907 as Oak Bluffs (see Martha's Vineyard Campgrounds; NR 1978).

Resort activity did not significantly affect the Village of Edgartown itself until the 1880s, appearing first in the area known as Starbuck's Neck at the northeastern end of the District. Starbuck's Neck derives its name from Samuel Starbuck, an early 18th century settler who purchased the land beginning at the present lighthouse and bordering the Salt Tidal

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Pond, northwest to Fuller Street. Due to its projecting bluff and panoramic ocean views, it was an ideal site for summer "cottages." The people who built their houses here were by and large either the original investors in the Cottage City development or from established Boston and New York families. The first houses appeared here in the early 1880s although the largest number and most lavish examples were built between 1895 and 1920 (Photograph P). Presently, the resort community at Starbuck's Neck stretches from the Lovewell House (1) on North Water Street, the east side to (150) on Fuller Street. The Harbor View Hotel, sited on the west side of North Water Street facing the Edgartown Harbor directly at the location of the Harborlight Lighthouse, is the first larger hotel of this period to be built in the District.

Between the late 1920s and the early 1940s, as Martha's Vineyard and Edgartown gained widespread recognition as a resort community, bungalow cottages and Colonial Revival style buildings began to appear as infill among the earlier buildings in the district. By the 1940s, however, new building construction had slowed considerably due to the density of buildings, and restoration of the numerous historic buildings within the district began to occur.

As the focus of a relatively wealthy summer community, most buildings have received to a great degree accurate and sensitive restorations and the 19th century character of Edgartown has been carefully preserved.

Architects and Building Tradesmen

The overall significance of Edgartown's architecture is discussed in Section 7, Description. The contributions of the only known professional architect to have designed buildings in the district will be reviewed here.

Most of the houses within the Edgartown Village were not designed by architects, but by local builders and carpenters as well as ship builders and whaling captains, assisted by popular builders' guides of the time, such as those produced by Asher Benjamin in the early decades of the 19th century. However, one architect trained as such made a significant contribution to the architecture of Edgartown, especially public buildings: Frederick Baylis (1795-1884). Born in Edgartown, he was the son of Reverend Frederick Baylis, Sr. (1774-1836). The latter was educated at Harvard Divinity School and was the last missionary active in converting Martha's Vineyard's Indians to Christianity. In the tradition of his father, Frederick Baylis, Jr. also attended Harvard. Following his graduation in 1813 and until the early 1820s he resided on the Island of Nantucket. This period of residency coincided with the boom in whaling-related development on Nantucket, prior to its

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shift to the Vineyard. It would therefore not be surprising to find buildings of his design there.

Frederick Baylis is thought to have been responsible for the design of a number of residential buildings in Edgartown, although none have yet been positively identified. His major and best documented contribution to the architecture of the town was in the design of public buildings; six (possibly seven) of these employ his designs. The most outstanding, an exceptional building due to its fully developed Greek Revival design, large scale and enormous proportions is the Whaling Church (326) of 1842 on Main Street. Two buildings designed by Baylis in 1828 are the Methodist Church (338), now the Edgartown Town Hall on Main Street, and the Federated Church (202) on South Summer Street. Two on School Street --the South School (238) ca.1840, now the Edgartown Boys and Girls Club and a former Methodist Church (225) ca.1840, now a private residence-- are similar in scale, proportion and use of a broad tympanum with a centered ocular window. Quite different from his other buildings in the use of brick rather than frame construction is the Dukes County Courthouse (325) of 1859, located on the corner of Main and Church Streets. Although records do not indicate such, it is likely that he also designed the Edgartown National Bank (60), built in 1859 and located at the corner of Main and South Water Streets. As with the Courthouse, the use of brick with wood trim, granite lintels, sills and foundation as well as its proportions, suggest their relationship.

Archaeology

The identification, evaluation and excavation of historic archaeological data following an explicit research design has potential to contribute significant information toward our understanding of the Edgartown Village area in the past. For the historical period, archaeological evidence may exist which pertains to questions concerning early settlement patterns, 18th-20th century changes in lifeways, class stratification, trade networks and land use.

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#10: GEOGRAPHICAL DATA - VERBAL BOUNDARY DESCRIPTION

The district is bounded by a tidal pond and Edgartown Harbor (east and north); the back lot lines of houses on the south side of High Street and the pre 20th century lot lines of the Edgartown Cemetery (south); a Civil War Memorial Park and an irregular line formed by the back lot lines of houses on upper Main Street, Oliver Street, Planting Field Way, Pease's Point Way and Gaine's Way (west and north). These boundaries have been selected to include those portions of the village that were densely built during the 19th century (especially during the period of ca.1825-1875) as well as sections of the village that were enlarged and developed as a summer resort during the late 19th and early 20th centuries (especially Gaine's Way, outer Fuller Street and Starbuck's Neck).

9. Major Bibliographical References

See continuation sheet.

10. Geographical Data

Acreeage of nominated property 130.15

Quadrangle name Edgartown Quadrangle,

Quadrangle scale 1"=25,000'

UTM References Massachusetts - Dukes County

A

1	9	3	7	4	1	0	0	4	5	8	3	5	2	0
Zone		Easting				Northing								

B

1	9	3	7	4	3	3	0	4	5	8	3	0	6	0
Zone		Easting				Northing								

C

1	9	3	7	3	9	0	0	4	5	8	3	0	6	0
Zone		Easting				Northing								

D

1	9	3	7	3	2	6	0	4	5	8	2	4	4	0
Zone		Easting				Northing								

E

1	9	3	7	2	9	4	0	4	5	8	2	6	8	0
Zone		Easting				Northing								

F

1	9	3	7	3	1	6	0	4	5	8	3	2	0	0
Zone		Easting				Northing								

G

Zone		Easting				Northing								

H

Zone		Easting				Northing								

Verbal boundary description and justification

See continuation sheet.

List all states and counties for properties overlapping state or county boundaries

state	code	county	code
N/A			
state	code	county	code

11. Form Prepared By

Virginia A. Fitch, Preservation Planner (MHC) with Brien Pfeiffer
name/title of ACT for Massachusetts and Victoria DeStefano, Town of Edgartown

organization Massachusetts Historical Commission date August-September 1983

street & number 294 Washington Street telephone (617) 727-8470

city or town Boston state Massachusetts 02108

12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:

national state local

As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

State Historic Preservation Officer signature Peterson H. Weslowski 10/19/83

State Historic Preservation Officer
title Massachusetts Historical Commission date

For NPS use only

I hereby certify that this property is included in the National Register

date

Keeper of the National Register

Attest: _____ date

Chief of Registration

Assessor's Map 19A

EDGARTOWN

HARBOR

SALT POND (TIDAL)

EDGARTOWN

HARBOR

Assessor's Map 19B

Assessor's Map 20B

Assessor's Map 20A

Assessor's Map 20C

Assessor's Map 20D

Assessor's Map 29B



EDGARTOWN VILLAGE NATIONAL REGISTER
HISTORIC DISTRICT

MAP COMPILED FROM EDGARTOWN ASSESSOR'S MAPS
Scale: 1"=100' reduced approximately 50%
no date, current to April 1983

- KEY:**
-  - indicates boundaries of district
 -  - indicates division between Assessor's Maps
 -  - indicates intrusions
 -  - indicates lot numbers



Edgartown Beach

Trapps Pond

Eel Pond

Lily Pond

Sheriff's Pond

Edgartown
(BM 12)

Clevelandtown

HARBOR
EDGARTOWN

Chappaquiddick Pt

Chappaquiddick Beach

Pumping Sta

Water Tank
MILL HILL

Snows Pt

Sampson Hill

Long Pt



H. 86 North Water Street [EDG.17]. (Photograph: Victoria L. DiStefano, February 1982)



K. North Water Street Streetscape. [R-L:] 74, 72, 70, 68, 66 North Water Street. View facing west. (Photograph: Victoria L. DiStefano, February 1982)



P. Starbuck's Neck, view facing west. (Photograph: Victoria L. DiStefano, February 1982)

EXHIBIT 2

EDITED BY BURT FEINTUCH & DAVID H. WATTERS



The Encyclopedia of
New England

foreword by DONALD HALL

Forest Service; the 8-mile Franconia Notch Parkway leading to a 6,440-acre state park; and the Crawford Notch Valley, filled with red maples and yellow birches on the hillsides.

The best fall foliage in Vermont runs along Interstate 91 from White River Junction to Newport and from the Connecticut River valley to the hills of the Northeast Kingdom. The splendor of Vermont's foliage can also be viewed from the Green Mountain Flyer, a vintage train that offers tourists a 26-mile ride from Burlington through central Vermont's countryside.

Throughout October, notable foliage trips through Massachusetts include Routes 2 and 4 from Boston to Lexington and Concord. Flaming, brilliant hillsides can be viewed from the observation towers at Mount Tom on U.S. Route 5 in Holyoke, and at Mount Sugarloaf off Route 116 near Amherst.

Rhode Island's Blackstone River valley presents a variety of activities for the avid leaf-peeper. One may choose to travel by car, airplane, or helicopter from North Central Airport, by train aboard the Providence and Worcester Railroad, by canoe along the Blackstone River, or by bicycle aboard the six-passenger Blackstone Valley Surrey.

Among the most popular drives in Connecticut are along U.S. Route 7 running south to north along the course of the Housatonic River and the approximately 20-mile drive off Interstate 84 through the lush Farmington Valley.

The phenomenon of leaf-peeping is an important part of New England's cultural and economic landscape. Each of the New England state tourism offices offers foliage hotlines during the season, furnishes maps for car touring, and provides assistance and information about tour packages and other sightseeing attractions allied to leaf-peeping. For example, leaf-peepers may enjoy carriage rides and hayrides on country lanes, sample the foods and crafts of harvest festivals, and, in short, experience the pleasures of a pared-down, rural lifestyle. Leaf-peeping is a seasonal pleasure that reflects a deeply felt connection between New England's past and present. It is also an important industry in all six states.

Anastasia Redmond Mills, ed., *Fodor's National Parks of the East: Plus Seashores, Forests and Wildlife Refuges*, 3d ed. (1998); Ogden Tanner and the editors of Time-Life Books, *New England Wilds* (1974); White Mountains Attractions Association, *Autumn in New Hampshire's White Mountains* (1994).

Donna Jean Zane

Lowell National and State Parks

Lowell National Historical Park offers tours and exhibits that interpret the pioneering role

of the city of Lowell, Mass., in America's Industrial Revolution. The park also works with local government and the private sector to preserve historic structures, particularly the 5.6-mile power canal system, and 19th- and early-20th-century textile mills. The park's mission is to interpret themes related to industrialization, such as labor, immigration and ethnicity, technology, capital, urbanization, the environment, and industrial decline. Lowell Heritage State Park works cooperatively with the national park in historical interpretation and preservation, offers its own interpretive programs, and maintains three recreation areas in Lowell. Approximately 500,000 people visit Lowell National Historical Park each year; the majority of these visitors come during the summer months, when canal tours and other special events are offered.

Established by Congress in 1978, Lowell National Historical Park grew out of a local movement to build on Lowell's history and to revitalize the city after decades of industrial decline. Its significance long recognized by historians, Lowell may be considered America's first successful planned industrial city. Development for cotton textile manufacturing was undertaken in the 1820s by a group of Boston merchant-industrialists, later dubbed the Boston Associates. Their innovative practices in labor relations, industrial technology, and business organization earned them great renown and great fortunes. Lowell's early fame centered on its unique workforce of Yankee "mill girls": young women recruited from the farms of New England. Images of happy mill girls and benevolent paternalistic labor relations may belie the true experiences of Lowell's workers before the 1850s, when the arrival of immigrant workers and a series of strikes occurred. Nevertheless, the development of the mill girl system and other innovations in labor, technology, and capital support Lowell's claim to historical eminence.

The centerpiece of the national park is the Boott Cotton Mills Museum. It includes a re-created 1920s cotton mill weave room, with 88 operational power looms. The Working People Exhibit is dedicated to the social history of the workers, from the Yankee mill girls to later immigrant workers. The Suffolk Mill Turbine exhibit features a restored 19th-century turbine and power transmission system. Tours begin at the Visitor Center, which also screens an introductory video. The park's canal tours, offered during warm-weather months, take visitors by boat through parts of the extensive canal system. Re-created turn-of-the-century trolleys allow visitors to experience a historical mode of urban transportation. The park also sponsors a walking tour to view the bars, clubs, diners, and other favorite haunts of the Beat

writer Jack Kerouac. An exhibit at the Boott Cotton Mills Museum called *A Time for Play* provides an opportunity to investigate the games of yesteryear. Another tour explores how the development of household technology affected the leisure time of housewives at the turn of the century.

Foremost among special programs is the Lowell Folk Festival, held on the last weekend of July. It is organized by the park in conjunction with community organizations. The Tsongas Industrial History Center, a joint venture between the park and the University of Massachusetts at Lowell, offers educational programs to school groups. In cooperation with the Sports Museum of New England, the Lowell National Historical Park also offers a series of baseball movies that complement the park's presentation of recreational activities in Lowell's history.

Lowell Heritage State Park was created in 1976 to interpret Lowell's industrial history, a role now performed largely by the national park. Today the state park maintains three recreational areas in Lowell, including Francis Gate Park, situated along the Pawtucket Canal, which is the site of a restored lock chamber and flood control gate complex. Along the Merrimack River, the Vandenburg Esplanade includes a concert pavilion, a bathhouse and beach, and the Bellegarde Boat-house. The Lowell-Dracut-Tyngsboro State Forest, encompassing 1,200 acres, offers trails for hiking and biking.

Robert F. Dalzell, Jr., *Enterprising Elite: The Boston Associates and the World They Made* (1987); Thomas Dublin, *Women at Work: The Transformation of Work and Community in Lowell, Massachusetts, 1826-1860* (1979); Thomas Dublin and Paul Marion, *Lowell: The Story of an Industrial City* (1992); National Park Foundation, *The Complete Guide to America's National Parks* (1996).

James Beaucheyne

Martha's Vineyard Reflecting on Martha's Vineyard, John Updike wrote, "When I think of the Vineyard, my ankles feel good—bare, airy, lean." Martha's Vineyard, an island 7 miles off the Cape Cod coast of Massachusetts, has been a vacation destination since the mid-19th century. The Vineyard, as it is popularly known, offers beaches as its primary attraction, as well as several outdoor activities, in a charming, picture-perfect setting.

Tourism is Martha's Vineyard's most important industry. The six-community, 100-square mile island's population swells from about 15,000 off-season to 102,000 during the summer. Tourism brings in millions of dollars a year. Summer visitors have included celebrities from Ulysses S. Grant to Bill Clinton. Although the Vineyard's popularity has brought

profits, it has also brought crowding and damage to the delicate landscape.

Tourism began on the Vineyard in the mid-19th century. In 1835, in the midst of the religious revival known as the Second Great Awakening, island Methodists came together for a camp meeting near the town of Oak Bluffs. The campground came to be known as Wesleyan Grove and continued to be the site of revival meetings every August, each year growing larger and larger. By the mid-1850s, the congregation had swelled to 12,000 people, and some worshipers began to build summer cottages on the campground, returning year after year for vacations.

At the same time, the reputation of Martha's Vineyard as an ideal vacation spot was growing. Wesleyan Grove attracted increasing numbers of visitors who were interested in combining the religious climate of the campground with the attractions of a summer resort. Prayer meetings and preaching competed with more secular offerings, including ocean bathing, croquet, and berry picking. The communal tents erected by early worshipers were gradually replaced by cottages built by visitors from Providence and New Bedford and Fall River, Mass. These tiny, brightly painted Carpenter Gothic cottages are still in use on the grounds of the Martha's Vineyard Camp Meeting Association today; over 200 are listed on the National Register of Historic Places. By the late 19th century a full-scale resort surrounded the campground, complete with a grand hotel, elaborately decorated summer cottages, brass bands, a skating rink, and the Flying Horses Carousel, the oldest operating carousel in America.

Martha's Vineyard is notable because it has traditionally been an amenable vacation locale for African Americans, who were not welcomed at most resorts in the past. Blacks have lived on the Vineyard from as early as 1703, and African American visitors were recorded at Vineyard Grove, a Baptist camp meeting near the original Methodist campground, as early as the mid-19th century. Early in the 20th century, Martha's Vineyard began to attract well-established, affluent African Americans as vacationers. The town of Oak Bluffs, the historical center of the African American vacation community, continues to attract a sizeable African American crowd.

Visitors come to Martha's Vineyard to enjoy its myriad activities, from hiking to boating and fishing. In addition to the premier attraction—its beaches—the Vineyard offers a many-faceted natural landscape, with woodlands and freshwater ponds as well as sand dunes. Among the Vineyard's most dramatic landmarks are the red clay cliffs at Gay Head, a National Historic Landmark and a site sacred to the Wampanoag people.

Visitors also enjoy the island's human environment—its architecture, summer theater, and museums. Martha's Vineyard is known for its famous residents—a wide variety of celebrities from popular musicians to political figures. A celebrity auction is held each year to support local charities. The fame of its well-known visitors has not always brought good publicity: the island made headlines after Senator Edward Kennedy's tragic 1969 accident at Chappaquiddick, a small island at the eastern end of Martha's Vineyard. Dyke Bridge, the site of the accident, has become a minor tourist destination in its own right.

But while the popularity of Martha's Vineyard has brought prosperity, it has led to environmental problems. For example, tourist traffic has contributed to the erosion of the cliffs at Gay Head. The Martha's Vineyard Commission was established in 1974 to preserve the island's fragile ecosystems. The commission helps to promote tourism, without which islanders would suffer severe economic hardship, but it does so with an eye toward protecting the natural beauty that attracts so many visitors. Those who love Martha's Vineyard seek to preserve its environment even as they welcome tourists. This formula ensures that tourism will continue to be the island's primary industry.

Cindy Aron, *Working at Play: A History of Vacations in the United States* (1999); Dona Brown, *Inventing New England: Regional Tourism in the 19th Century* (1995); Ellen Weiss, *City in the Woods: The Life and Design of an American Camp Meeting on Martha's Vineyard* (1998); Dorothy West, *The Wedding* (1996).

Rachelle Friedman

Mohawk Trail Identified on road maps as Route 2 and known by locals simply as the trail, the Mohawk Trail is one of the oldest continuously used roadways in New England. Between its eastern end at Greenfield, Mass., and its western terminus at Williamstown, Mass., the trail spans more than 50 miles of mountainous and scenic terrain and offers access to 50,000 acres of state parks and forests. It was the first toll-free interstate turnpike; constructed in 1786 and known as the Slumpike, it was used then primarily for transporting settlers and goods by oxcart. Since 1975, when it was rebuilt as the nation's first highway suitable for automobile tourists, the Mohawk Trail has been promoted as a symbol of New England's Native American legacy. The trail is said to be the main route by which the "warlike" Mohawks of northern and western New York raided the more peaceful Indians of what is now western Massachusetts.

The history of the Mohawk Trail is a factor of its varied topography. Like a miniature version of such overland routes as the Oregon

Trail, the Mohawk Trail follows two river valleys—the Deerfield to the east and the Hoosac to the west—but also spans the forboding terrain in between. The Mohawks had ample reason for traveling the trail's precipitous course. Near the eastern terminus of the trail lay two of New England's most important inland fishing sites—Salmon (now Shelburne) Falls on the Deerfield River and Peskeomskut (now Turners Falls, the site of Captain William Turner's infamous massacre of an encampment of Native Americans during King Philip's War) on the Connecticut River. Today, Turners Falls, Greenfield, and Shelburne Falls are significant population centers, and each town serves the area's mixed economic base. The central segment of the trail has in recent years become a focus for ecotourism; it runs parallel to the rapid course of the Deerfield River and attracts white-water and fly-fishing enthusiasts.

In the years of imperial conflict among rival European nations and their native allies, the Mohawk Trail was a route of war and captivity. Travelers along the Mohawk Trail today can see several stone monuments that mark the sites of prerevolutionary frontier garrisons ("the lines of forts") erected by the English to protect New England's northwestern extremity against threats posed by the French in Canada and their Mohawk and Abenaki allies.

These obscure markers rising from the overgrown grass stand in austere contrast to more recent and colorful displays. As the trail became a tourist route in the early 20th century, it sprouted a wide variety of attractions and facilities, from the Bridge of Flowers in Shelburne Falls to the mid-20th-century tourist cabins that line the road, now mostly in disrepair. Among the most interesting are the Indian Trading Posts, white-owned and operated establishments at which customers can purchase all manner of both genuine and spurious native memorabilia. Like the tourist image of the trail itself, the trading posts represent a national, as opposed to merely local, "Indian" mythology at work. Included among their displays are teepees, buffalo, and totem poles, all of which are associated with trans-Mississippi native cultures and Hollywood images. In a strange mix of fact and fantasy, one of the posts features the well-marked burial site of Elizabeth Nichols, "the first white woman killed on the Mohawk Trail." Ironically, this same trading post offers its grounds several times a year for use by an intertribal Native American powwow.

Douglas Edward Leach, *Flintlock and Tomahawk: New England in King Philip's War* (1958); Jill Lepore, *The Name of War: King Philip's War and the Origins of American Identity* (1998); Massachusetts Historical

EXHIBIT 3



Work crews are buzzing at Starbuck's Neck; hotel has remained open to guests and public throughout construction.
Mark Lovewell

Reclaiming Grand Dame of Days Gone by, Harbor View Hotel Completes First Phase

Julia Rappaport Thursday, May 17, 2007 - 8:00pm

There's nothing like a deadline to keep a project rolling full steam ahead. In this case, the deadline is a mother in law's visit. The project to be finished in time for one of the Vineyard's busiest weekends is phase one of a three year, \$77 million plan to restore and enhance the former Harbor View Hotel on North Water street in Edgartown.



Owner Alan Worden has a vision for his hotel. — *Mark Lovewell*

"My mother in law is coming to stay in one of the cottages over Memorial Day weekend," explained Alan Worden, principal of Scout Real Estate Capital LLC, a Nantucket and New York city-based real estate development firm that owns the hotel.

He nodded and said no more.

Although a few kinks are still being worked out - on Tuesday afternoon, the hotel's famous broad porch was being sealed and all of the new porch furniture was temporarily stored inside - the first phase of the newly named Harbor View Hotel and Resort is nearly complete. The lobby was open for business, the smell of fresh paint hung in the air, and finishing touches were under way on landscaping and on the renovated captain's cottages out back. The entire complex was bright and buzzing with activity.

In December 2006, Scout Real Estate bought the Harbor View Hotel and Kelley House for \$45.1 million. The hotel, once known as the grand dame among Vineyard hotels, originally opened in 1891. The shingle style building soon became a popular place to take in the views of the Edgartown Light, the outer harbor and Chappaquidick. Today it is the largest hotel on the Island and is home to the Coach House restaurant.

Mr. Worden said he was inspired to start Scout Real Estate in 2003 after what he dubbed The Worst Vacation Ever. He and his family were spending a week in an old part of old Florida. They walked into a hotel that had come highly recommended only to be met by artificial turf on the porch outside and a faded pink recliner in the lobby. The bedroom had foam pillows. When they asked the concierge for recommendations on what to do, they were met with a nod in a distant direction. "There's Main street," he recalled being told. After three days the family moved to another hotel.

"We had invested a whole week in this hotel and they ruined it," Mr. Worden said. From then on, he said he was determined to provide a luxurious vacation experience to consumers that matched the quality of their vacation destination. "Live the location," he quipped while sitting in one of the new plush couches in the hotel's renovated lobby.



Now open railings allow for better views across outer harbor from famous broad wraparound porch.
— Mark Lovewell

Mr. Worden enlisted designer Linda Woodrum, known for her work on the television program Dream House and in Coastal Living magazine, and Luann Gleason, director of research and marketing for Scout. "We all got here and were mesmerized by what we saw. There was a jewel outside that was not being realized," Ms. Woodrum said.



Cherise Moffatt welcomes you to the Harbor View. — *Mark Lovewell*

During her first visit to the hotel, Ms. Woodrum recalled she was standing in the lobby with Mr. Worden when Mrs. Gleason reportedly shouted: "I can't take this anymore! Get me a ladder!" She then tore down the curtains that had long adorned the lobby windows, blocking the view and darkening the room. "The people at the front desk started clapping," Mrs. Gleason said. "Can you imagine working here and never being able to see what's outside?"

With added help from the New York architectural firm Hart/Howerton, the lobby has since been expanded and opened with windows that are double the size of what they once were. The walls are hung with nautically themed black and white photographs by Alison

Shaw. Baskets of shells sit on antique wicker tables.

The porch now wraps around the entire building and a new rail allows for better views. The exterior of the building has been repainted white. Two of the cottages in back have been rebuilt, transforming eight rooms into four convertible one-bedroom suites, each with a private outdoor shower and garden.



Designer Linda Woodrum (left), with Luann Gleason. — *Mark Lovewell*

The hotel has purchased 40 bicycles and by the beginning of the season, they will also have kayaks and a lobster boat available for guests to rent.

Former hotel guests provided more help for the early stage of the renovation project. Mrs. Gleason spoke directly with 150 guests that had stayed at the hotel in the past few years, and she used a consultant to survey 250 more.

"People would say, 'You're not going to change my hotel,' " she recalled. "It's a treasure of a place for the family. People don't want it changed because they want to come back." The group worked hard to ensure that they would.

The first phase of the project involved renovating 8,000 square feet in four and a half months. Mr. Worden estimated that roughly 100 workers were on the property each day since the project began. Throughout, the hotel remained in full operation. "I live on

an island," said Mr. Worden, a Nantucket resident, of his decision to stay open. "I know there are limited choices."

Work on the hotel will pause beginning Memorial Day and resume in October. Next winter, planned work includes renovating the rest of the main building, the remaining cottages and building a new pool. A third phase, slated for the following winter pending permitting approval, will include demolishing the old motel - style unit that is attached to the northeast corner of the hotel and adding a new spa and fitness center.



Renovated lobby is bright, airy and open. — *Mark Lovewell*

This week Mr. Worden and his team said they had spoken with the former longtime head of housekeeping for the hotel. "She said, 'I just feel like I'm in the nicest house in Edgartown,' " he said.

And at that point, the trio knew they had been successful. They had created a home away from home for guests and staff alike, a home a mother in law would be proud of.

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EXHIBIT 4

copy



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Decision of the Martha's Vineyard Commission

DRI 614 – Harbor View Hotel Expansion

1. SUMMARY

- Referring Board: Historic District Commission, Town of Edgartown, MA
- Subject: Development of Regional Impact #614
Harbor View Hotel Expansion
- Project: Addition, demolition, renovation, and new construction at the Harbor View Hotel.
- Owner: Scout Harbor View Property 1 LLC; Sean Murphy (Lawyer/agent)
- Applicant: Scout Harbor View Property 1 LLC; Sean Murphy (Lawyer/agent)
- Applicant Address: 12 Oak Street, Nantucket, MA 02554
- Project Location: 131 North Water Street, Edgartown Map 20b Lot 107 (3.88 acres)
- Description: Addition, demolition, renovation, and new construction at the Harbor View. The reconfiguration and renovation of the function facilities of the 1st floor of the main hotel building will add 5,436 square feet. There would be 6,057 square feet of new space on the 2nd, 3rd and 4th floors. The Mayhew Building would be demolished and replaced with 5 smaller cottages. Other hotel facility changes are a new swimming pool, a Children's Program Room, a small day-spa for hotel guests, a transient guest lounge, and new landscaping. The total square footage of all buildings would rise from 91,277 sf to 113,564 sf, an increase of 19,287 sf. The number of units would drop from 116 to 68, rooms would drop from 120 to 117, and bedrooms would go from 134 to 139. The project will be done in two phases.
- 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 July 10, 2008.
- Written Decision: This written decision was approved by a vote of the Commission on July 24, 2008.

The permit-granting authorities of the Town of Edgartown 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 April 11, 2008 by the Historic District Commission of the Town of Edgartown, 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 3.301a and 3.301b. 3.301 Any development of commercial, storage, office and/or industrial lands or building(s), or any private educational facility that has: a) new construction totaling 2,000 square feet or more of floor area in one or more buildings; or b) new construction of addition(s) or auxiliary building(s) totaling 1,000 square feet or more of floor area, such square footage resulting in a total square footage of 2,000 feet or more. The project was reviewed as a Development of Regional Impact by the Martha's Vineyard Commission.

2.2 Hearings

Notice: Public notice of a public hearing on the Application was published in the Vineyard Gazette, May 2, 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 Thursday May 15, 2008 that was continued to June 5, 2008 and continued for the sole purpose of keeping the written record open until June 18. The public hearing was closed on June 19, 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 "Harbor View Hotel, DRI #614, Summary of Proposed Development, Prepared for the Martha's Vineyard Commission", consisting of the following 11 plans, elevations, and before and after images, May 15, 2008
- P2 "Harbor View Hotel - Existing and Proposed Overlay Plan", Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., May 15, 2008.
- P3 "Harbor View Hotel - Main Building Existing and Proposed Front Elevations", Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., May 15, 2008.
- P4 "Harbor View Hotel - Mayhew, Fisher, and Pease Cottages Elevations: Cottage Type 1", Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., May 15, 2008.
- P5 "Harbor View Hotel - Martin Cottage Elevations: Cottage Type 2", Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., May 15, 2008.
- P6 "Harbor View Hotel - Bradley and Morse Cottage Elevations: Cottage Type 3", Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., May 15, 2008.

- P7 "Harbor View Hotel – Snow Cottage Existing", Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., May 15, 2008.
- P8 "Harbor View Hotel – Snow Cottage Proposed Elevation", Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., May 15, 2008.
- P9 "Harbor View Hotel – Before and After View of Path", Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., May 15, 2008.
- P10 "Harbor View Hotel – Before and After View from Harbor", Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., May 15, 2008.
- P11 "Harbor View Hotel – Before and After View from the Road", Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., May 15, 2008.
- P12 "Harbor View Hotel – Bradley Cottage: Existing", Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., May 15, 2008.
- P13 "Harbor View Hotel – Historic District Commission Submission: Phase III Architecture & Phase II Landscape", Consisting of 50 Pages, Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., March 4, 2008.

2.4 Other Exhibits

- E1. Referral to the MVC from the Edgartown Historic District Commission April 11, 2008
- E2. Staff Report, by Paul Foley, MVC DRI Coordinator, with the assistance of other staff members, April 28, 2008 and revised May 15, 2008.
- E3. Photographs of the site, taken on June 19, 2008 by MVC staff members, Paul Foley and Mark London.
- E4. Letter from Patricia Rogers, dated May 1, 2008.
- E5. Letter from Lynn Allegaert, dated May 13, 2008.
- E6. Letter from Richard Leonard, dated May 15, 2008.
- E7. Letter from Margaret White, dated May 13, 2008.
- E8. Letter from Adam Bresnick, dated January 1, 2008.
- E9. Letter from Patricia and Robert Wheeler, dated May 15, 2008.
- E10. Letter from Jay Banker, dated May 11, 2008.
- E11. Letter from Doris Ward, dated May 8, 2008.
- E12. Letter from Kristin Buck, dated May 12, 2008.
- E13. Letter from Michael McCormack, dated May 7, 2008.
- E14. Letter from Christina Cook, dated May 15, 2008.
- E15. Letter from Andre Mallegol, dated May 15, 2008.
- E16. Minutes of the Commission's Land Use Planning Committee meeting, April 28, 2008.
- E17. Minutes of the Commission's Land Use Planning Committee meeting, June 30, 2008.

- E18. Minutes of the Commission's Public Hearing, May 15, 2008.
- E19. Minutes of the Commission's Continued Public Hearing, June 5, 2008.
- E20. Minutes of the Commission Meeting of July 10, 2008 – Deliberations and Decision.
- E21. Minutes of the Commission Meeting of July 24, 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: Sean Murphy; Thad Hyland; Alan Worden; John Daly; John Murray.
- Staff reports by Paul Foley, MVC DRI coordinator; Bill Wilcox, MVC Water Planner; Mark London, Executive Director.
- Letters from citizens of Martha's Vineyard.
- Oral testimony from Town Boards or members of Town Boards:
- Oral testimony from Public: Lynn Allegaert; Patricia Rogers; Patricia and Robert Wheeler.

2.6 Party Status

- The following individuals requested and was granted party status: Patricia Rogers

3. FINDINGS

3.1 Project Description

- The proposal includes additions, demolition, renovation, and new construction at the Harbor View Hotel in Edgartown.
- The site is an almost four-acre (3.88 acres) lot that has been the campus of the Harbor View Hotel since 1891.
- The form of ownership will change to a hotel/condo structure in which individual owners will own the guest suites but the Applicant anticipates the majority of those will be put back into the rental program.
- The improvements would include the reconfiguration and renovation of the function facilities of the 1st floor of the main hotel building with the addition of 5,436 square feet and the addition of 6,057 square feet of space within the existing footprint on the 2nd, 3rd and 4th floors.
- Demolition of the Mayhew Building (a 1970-era motel-like structure) and replacement of it with 5 smaller cottages.
- Renovation of the existing Captain Snow cottage. The Captain Morse and Captain Bradley cottages will be removed and two new cottages constructed in their place.
- Other hotel facility changes consist of a new swimming pool, a Children's Program Room, a fitness center, a small day-spa for hotel guests, a transient guest lounge, and new landscaping.
- The total square footage of all building would rise from 91,277 sf now to 113,564 sf. An increase of 19,287 sf.
- The number of units would drop from 116 to 68, the number of rooms would drop from 120 to 117, and the number of bedrooms would rise from 134 to 139.
- The pool would be relocated and be solar heated.
- The project will be done in two phases: Phase I will include the renovation/rebuilding of the Bradley, Morse, and Snow cottages, construction of the Martin and Pease Cottages. Phase II will

be the renovations to the Main Building, and Function Rooms, and the demolition of the Mayhew Building and construction of the Penniman and Fisher Cottages.

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 beneficial in view of the available alternatives (Section 15(a) of the Act.)

The Commission finds that the proposed renovations to the Harbor View Hotel, which has been located at this site since 1891, would represent a beneficial upgrading to this facility which is important to the character and economy of Edgartown and the Island as a whole.

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 hotel is and will remain connected to the Town sewer. The Commission notes that they plan to replace 3 gallon per flush toilets with new 1.6 gallon per flush toilets. They will also replace aging fixtures and create a water conservation program, thus reducing the amount of wastewater generated by the property. The Commission notes that the Applicant has taken measures to improve the stormwater runoff situation.

With respect to Open Space, Natural Community and Habitat, the Commission finds that the buildings will have a greater overall footprint, with a corresponding reduction of open space, but notes that the in-town site is and will be professionally landscaped.

With respect to Night Lighting and Noise, the Commission finds that all exterior lighting will be down lighting.

With respect to Energy and Sustainability, the Commission finds that the project will make the hotel buildings more energy efficient, that all new construction and renovations shall be high performance and well insulated, and that the Applicant will design and construct the buildings to meet the federal EnergyStar standards and exceed the Massachusetts Building Code by at least 20%.

A3 The Commission finds that the proposed development 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 renovations will not significantly change the capacity of the hotel, though they may increase its use in the off-season.

With respect to Scenic Values, Character, and Identity, the Commission finds that the project is in keeping with the character of the old hotel and the area.

With respect to the Impact on Abutters, the Commission finds that the Applicant has worked with its neighbors and has apparently addressed their concerns.

With respect to the Construction Process, the Commission finds that the project will be constructed in phases during the off-season between Columbus Day Weekend and early May for Phase 1 and September to June for Phase 2.

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 Applicant has offered an affordable housing contribution of \$107,072 to the Edgartown Affordable Housing Committee upon receipt of the Certificate of Occupancy for the entire project. The Commission notes that the applicant has offered to continue to provide housing for 97 employees (mostly seasonal) at a reduced cost.

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).

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).

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, 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 is subject to Special Permit review by the Zoning Board of Appeals and review by the Edgartown Historic District Committee.

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 July 10, 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 July 10, 2008.

- Voting in favor: James Athearn; John Breckenridge; Christina Brown; Pete Cabana; Mimi Davisson; Chris Murphy; Jim Powell; Doug Sederholm; Susan Shea; and Richard Toole.
- Voting against: None
- 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 July 10, 2008 and was approved by vote of the Commission on July 24, 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 Building Materials

- 1.1 As offered by the Applicant, prior to the removal of the Morse, Bradley and Snow cottages the Harbor View shall:
 - a) Donate the furnishings, bedding, linens, etc. that are not being re-used to families identified by Martha's Vineyard Community Services and the Dukes County Regional Housing Authority.
 - b) Remove all usable building materials from the structures and provide them at no cost to any island residents that desire to take them from the site.

2 Affordable Housing and Employee Housing

- 2.1 As offered by the Applicant, the applicant shall make a contribution of \$107,072 to the Edgartown Affordable Housing Committee upon receipt of the Certificate of Occupancy for the finished project.
- 2.2 As offered by the Applicant, the applicant shall provide affordable housing for a portion of its employees annually by renting 22 houses seasonally and 3 houses year-round at market rates and only requiring the employees to reimburse a percentage of the cost.
- 2.3 As offered by the Applicant, the applicant shall continue to provide furnishings, bedding and other items to affordable housing.

3 A.D.A.

- 3.1 As offered by the Applicant, the property shall comply with all ADA regulations including having 6 accessible units (5% of the available units, per ADA regulations) and 4 accessible parking spaces.

4 Traffic, Parking

- 4.1 As offered by the Applicant, the applicant shall:
- a) maintain the entrances and exits to the property as they were prior to the proposed renovations,
 - b) limit its function capacity to 306 people,
 - c) provide alternate transportation and parking for any non-hotel guest function (ie: people not staying at the hotel) of over 140 people that occurs between June 15 and October 15,
 - d) provide traffic mitigation by providing 55 employees with bus passes annually, continuing to provide van transportation for its guests to and from the boats and airport, continuing to require that its employees that do drive (other than those employees parking at the Fuller Street lot, which are senior employees) to park at the Edgartown Park and Ride lot and take the shuttle to town, and continuing to provide bicycles for its guests to use at their leisure.
- 4.2 As offered by the Applicant, the applicant shall provide parking for 63 vehicles (4 of which are handicapped spaces) on the property and 14 guest parking spaces and 12 employee spaces at the Fuller Street parcel thereby keeping the overall guest parking at 77 spaces. The new parking lot at the rear of the property shall not be paved with asphalt, but shall have a pervious surface.

5 Recycling

- 5.1 As offered by the Applicant, the applicant shall continue its recycling plan consisting of the recycling of glass, office paper, newspapers, cardboard, metals, computers, waste paints and solvents, brass keys, refrigerant gas, grease from the fryers, old batteries, televisions, waste oil from lawnmowers, conversion of old towels into rags, old sheets into drop cloths and copper piping. The applicant shall continue to donate linens and bedspreads to staff, the Boys & Girls Club and others in need.

6 Landscaping

- 6.1 As offered by the Applicant, a final landscape plan shall be submitted to and is subject to the approval of the LUPC prior to the initiation of the landscaping. This landscaping shall include extensive screening between the subject property and the abutting properties to continue to provide its neighbors privacy.

7 Lighting

- 7.1 As offered by the Applicant, all of the exterior lighting on the property shall be down lighting.

8 Stormwater

- 8.1 As offered by the Applicant, the water runoff on the property shall be directed to dry wells and recharged in to the groundwater. A presently impervious parking lot is being replaced by a pervious parking lot. The applicant shall install a drain to alleviate runoff on to Fuller Street from

the southern entrance from the property to Fuller Street to the specifications of the Edgartown Highway Department.

9 Water

- 9.1 As offered by the Applicant, dual flush toilets shall be installed in the employee areas and public areas. The present 3.0 gallon flush toilets in the units shall be replaced by 1.6 gallon flush toilets.

10 Energy

- 10.1 As offered by the Applicant, the outdoor pool, which is currently heated by oil shall be solar heated.
- 10.2 As offered by the Applicant, all project improvements contemplate green systems and materials wherever possible to address the energy inefficiency of the pre-2007 buildings. The applicant shall:
- a) Install a high-efficiency propane HVAC system that shall be as energy efficient as possible and exceed energy performance & CFC reduction criteria.
 - b) Implement guest programs for energy savings, light sensors, fan timers, motion controls, etc.
 - c) Make all new construction and renovations high performance, well insulated, including icynene insulation.
 - d) Install low-energy insulated windows in all new construction
 - e) Retrofit the property with propane rather than oil.
 - f) Implement a lighting plan for the property that shall reduce the amount of incandescent lighting on the property through a combination of compact fluorescent bulbs and LED lighting.
 - g) Make the roofs of all new buildings a light color to reduce glare and heat gain
 - h) Install televisions and the few appliances that are in some units that shall be EnergyStar rated.
- 10.3 As offered by the Applicant, the applicant is presently seeking and anticipates receiving LEED Certification.
- 10.4 As offered by the Applicant, all of the above shall exceed the Massachusetts Building Code by a minimum of 20%. As the specific insulation and windows have not yet been selected, the Applicant shall provide a final lighting plan and energy analysis to the MVC staff at the time of the building permit application showing that the project meets federal Energy Star standards and exceeds the Massachusetts Building Code by at least 20%.
- 10.5 As offered by the Applicant, the applicant is currently purchasing all of its electricity from hydroelectric and wind energy plants in Maine. The applicant will continue this practice so long as it remains economically feasible.

11 Community Benefits

- 11.1 As offered by the Applicant, the applicant and/or a foundation established by the applicant shall make contributions to the community in the annual amount of \$50,000 in direct grants and \$50,000 of in-kind donations.
- 11.2 As offered by the Applicant, the applicant shall continue to provide function space in the off-season to Island non-profit groups at cost.

12 Phasing and Minimizing of Impact of Project

- 12.1 As offered by the Applicant, the construction of the improvements at the property shall occur under the following schedule:
- a) Phase 1 (removal and replacement of Captain Snow Cottage, Captain Bradley Cottage and Captain Morse Cottage, construction of Captain Martin and Captain Pease Cottage, installation of lock-offs in the Captain Huxford Cottage) will occur from October 15, 2008 until June 30, 2008.
 - b) Phase 2: (removal of Mayhew Building, removal and replacement of pool, construction of Captain Penniman and Captain Fisher Cottages, Main Building construction) will occur from early September, 2009 until June 30, 2010.
- 12.2 All work shall be coordinated so as to provide the least amount of impact to the abutters and neighborhood.
- 12.3 The restaurant and pub shall remain open during construction excepting those times when safety concerns dictate closure.

13 Hotel / Condominium Structure

- 13.1 In order to ensure that the property remains a hotel, the MVC sets the following conditions:
- a) No unit shall be occupied by any owner or guest for more than ninety (90) consecutive days, nor may the owner or guest re-occupy any unit within thirty (30) days of a continuous ninety (90) day stay, nor may the owner or guest stay more than four (4) months in any calendar year.
 - b) No owner, occupant, or guest may claim residency at this location, with the exception of the apartment presently occupied by Bob Carroll.
 - c) In at least 85% of the units, whenever an owner or guest of the owner of a unit is not occupying the unit it must be available for transient rental or placed in a rental program.
 - d) All occupants of a unit, whether an owner, guest, or hotel guest shall not use the unit until they have checked in with the hotel's front desk.

14 Minor Modifications to Proposed Buildings

- 14.1 In order to allow the applicant flexibility in dealing with the Edgartown Historic District Commission and abutting neighbors as to porch enclosures, the applicant may make minor modifications to the layout of the units and porches so long as said modifications do not increase the number of units, rooms or bedrooms or the footprint of the buildings.

6. CONCLUSION

6.1 Permitting from the Town

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

The permit-granting authorities of the Town of Edgartown 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: 3.1; 4.1; 4.2; 6.1; 7.1; 8.1; 10.1; 10.3; 10.4; 11.1; and 12.2.

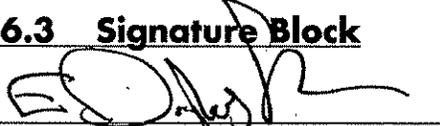
6.2 Notice of Appellate Rights

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 Edgartown 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

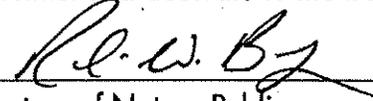

E. Douglas Sederholm, Chairman

8-6-08
Date

6.4 Notarization of Decision

Commonwealth of Massachusetts
County of Dukes County, Mass.

On this 6TH day of AUGUST, 2008, before me, ROBIN W. BRAY, the undersigned Notary Public, personally appeared E. DOUGLAS SEDERHOLM, proved to me through satisfactory evidence of identity, which was/were MY PERSONAL KNOWLEDGE to be the person(s) whose name(s) was/were signed on the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her/their knowledge and belief.


Signature of Notary Public

ROBIN W. BRAY
Printed Name of Notary
My Commission Expires 01/21/2011

6.5 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: 8-6-08
Deed - Book _____, page _____
1157-481

EXHIBIT 5

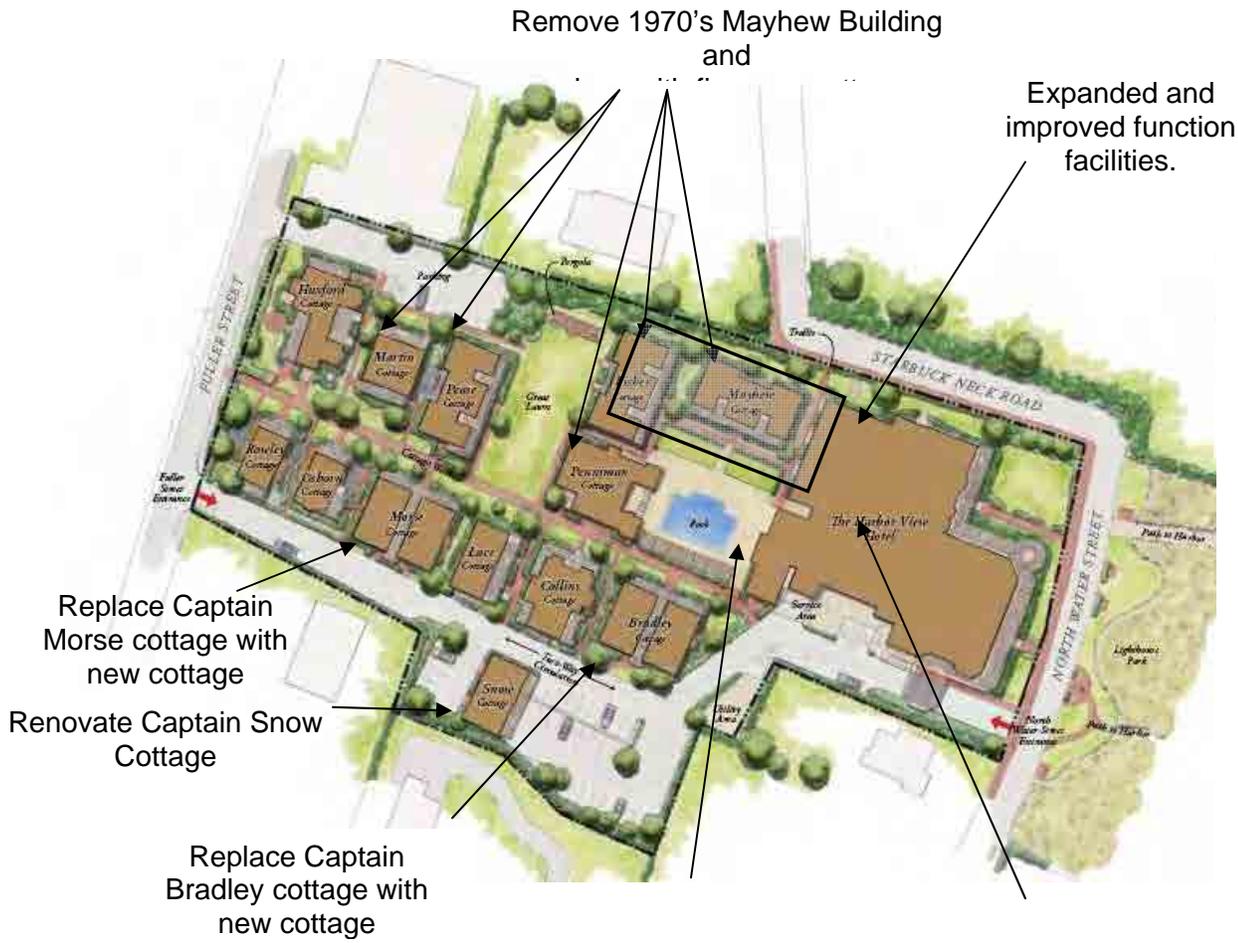


SUMMARY OF PROPOSED DEVELOPMENT AND IMPACTS

HARBOR VIEW HOTEL

Prepared for Staff of the Martha's Vineyard Commission
April 24, 2008

The applicant seeks to make several improvements to the Harbor View Hotel property located on North Water Street, in Edgartown, Massachusetts. The improvements include the addition of 5,436 s/f to allow for the reconfiguration and renovation of the function and public facilities of the 1st floor of the Main Hotel building, the addition of 6,057 square feet of space within the existing footprint on the 2nd, 3rd and 4th floors. Demolition of the Mayhew Building (a 1970-era motel-like structure) and replacement of it with 5 smaller cottages. Renovation of the existing Captain Snow cottage. The Captain Morse and Captain Bradley cottages will be removed and two new cottages constructed in their place. Other hotel facility improvements consist of a new swimming pool, a Children's Program Room, a fitness center, a small day-spa for hotel guests, a transient guest lounge, and new landscaping.



Relocate and reconstruct pool area with solar heating system. Renovate pool grille area for guests.

Added 3rd and 4th floors between existing 4th floor areas

OVERVIEW:

The proposed renovations are:

1. The renovation, reconfiguration and expansion of the hotel function space to allow for larger functions, especially in the shoulder season and off-season when the hotel draws group business (ie: corporations and associations) for meetings and conferences. The reconfiguration will also provide a better, more efficient use of the function space. It will also allow the hotel to host larger indoor functions, at the present time the largest function room only holds 140 people, with the new function space there are 3/ 77 person function rooms that can open up to 1 / 231 person function room, thereby allowing for larger indoor functions that are presently held outside on the lawn. In order to limit any impact of the altered function space, the applicant will offer to: i) voluntarily limit its function capacity to 301 people, ii) provide alternate transportation and parking for any off-site function (ie: people not staying at the hotel) of over 140 people that occurs between June 15 and October 15,
2. The creation of 6,057 s/f of space within the existing footprint on the second, third and fourth floors of the Main Hotel building.
3. Removal of the 1970's motel style Mayhew Building and replacing its 29, 820 s/f building and 51 rooms with 5 cottages consisting of 28,857 s/f and 38 rooms/41 bedrooms.
4. The complete renovation of the Captain Snow Cottage from a 2,164 s/f building with 2/2 bedroom suites to a 3,118 s/f cottage with 2/3 bedroom suites that can be up to 4 rooms.
5. The replacement of the Captain Bradley Cottage (2,164 s/f, 6 individual rooms) with a 7,284 s/f cottage consisting of 6/2-bedroom suites with a total of 12 rooms.
6. The replacement of the Captain Morse Cottage (1,600 s/f, 2 rooms, 4 beds) with a 7,284 s/f cottage consisting of 6/2-bedroom units with a total of 12 rooms.
7. The installation of 5 lock-off rooms within the existing units at the Captain Huxford Cottage.
6. The construction of a number of new or improved hotel facilities to enhance the guest experience: a new, solar heated swimming pool, renovation of the existing poolside area to encompass retail space and formalize the existing pool side grill,

a children’s program room, and in one of the cottages, a small basement fitness center (1,160 s/f), a day spa of 850 s/f with three treatment rooms, and a 400 s/f transient guest lounge. All of these improvements are designed for the use of the existing guests of the hotel and are not intended to be used by the public.

These renovations will allow the Harbor View to continue to drive business to the island and the town of Edgartown in the shoulder seasons and off-season by providing better function space, year round use of the cottages and an improved experience for all of the guests.

Detailed Specifications:

A. Main Building

1. First Floor

The four present function rooms, Edgartown Room (2110 s/f), Tisbury Room (660 s/f), Chilmark Room (660 s/f) and Menemsha Room (1323 s/f) have a combined square footage of 4,525 square feet and accommodate a total of 306 people with a maximum capacity of 140 people in one room.

The proposed plan is to reconfigure and improve (better flow, soundproofing of function space and fixed windows) the existing function space. There will be an increase of 675 square feet of function space that will consist of 5 function rooms of which three of them have movable dividers that will allow for a single function up to 231 people rather than the existing 140 person maximum function. The overall function space occupancy shall remain the same.

Summary of square footage and occupancy for present and proposed function facilities:

	PRESENT		PROPOSED	
	S/F	Occupancy	S/F	Occupancy
Edgartown Room	2110	140	816	50
Edgartown Room #2	---	---	400	25
Chilmark	600	40	1346	77
Tisbury	660	44	1372	77
Menemsha	1235	82	1346	77
TOTAL	4605	306	5280	306

In addition to the improved and reconfigured function space, the other improvements proposed to the first floor area are the renovation of the pool-side grill, addition of a “kids program room”, and the replacement of the present pool.

Pool Grill/Retail: Currently, the pool-side grill consists of an outdoor grill and beverage bar located under an awning. The planned improvements consist of creating direct access to the kitchen and a 1,089 square feet dual purpose retail space (e.g., for sales of Harbor View logo products and other goods) and a serving bar where hotel guests may purchase grab-and-go breakfast items (coffees, teas and pastries), fast food lunches (sandwiches, hamburgers, and salads), and light dinner pool-side meals in the evening.

Kids Program Room: In order to serve the needs of families, the Harbor View proposes to construct a “kids program room” (525 square feet) attached to the rear of the Main Hotel Building located immediately adjacent to the pool-side grill. This room will be a convenient drop-off point where parents can sign their children up for morning, afternoon, or evening programs and it will be a gathering point for organizing field trips and other programs. Smaller children will do arts and crafts here, it will be a gathering place on rainy days for other children and it will serve as an evening movie venue for children.

Pool: The present pool is heated with oil heat that entails using the hotel’s main oil burners to produce the heat. With the proposed renovations the pool will be relocated slightly to the south and replaced with a new, solar heated pool and new pool deck.

Basement: The present basement of the Main Hotel Building is 7,455 s/f. A portion of the present configuration of basement beneath the front porch, the Coach House Restaurant, and the lobby consist of an unusable crawl space; the balance consists of a mechanical room (1,200 square feet), employee break room and locker spaces (1,500 square feet), a food and beverage and admin space (670 square feet), engineering (1,260 square feet), a storage and loading space (3,240 square feet), and laundry (2,700 square feet). The proposed basement of the Main Hotel Building will be 11,500 s/f and consist of a 967 s/f office for 10 employees [from food & beverage, housekeeping, security and engineering], storage and maintenance areas of 10,173 s/f (laundry, housekeeping, mechanical [4460 s/f], food and beverage storage, engineering [3,900 s/f], employee areas [1,813 s/f] and circulation/mechanicals of 920 s/f.

2. Second, Third and Fourth Floors:

Present configuration and uses: The second, third and fourth floors consist of two 1-bedroom guest suites each with a private bath, 35 individual guest rooms with a private bath and a private apartment occupied by Robert Carroll on a portion of the fourth floor. The total square footage of the 2nd, 3rd and 4th floors is 21,810 square feet.

Proposed configuration and uses: 6,057 square feet of new space will combined with the existing rooms on the 2nd, 3rd and 4th floors without altering the footprint of

the building or exceeding the existing height of the building. The existing space will be renovated and reconfigured with the additional space to allow for larger units. When completed there shall be 7 units (3/1-bedroom and 4/2-bedroom) with 11 rooms on the second floor. Other improvements to the second floor will consist of reconfiguring and renovating two existing hotel rooms in to an executive office suite (745 s/f).

The third and fourth floor improvements will consist of renovating and reconfiguring the existing 21 rooms with the additional space to allow for larger units. This will result in 10 units (6/2-bedroom and 4/3-bedroom) with 13 rooms.

Summary of square footage, units and rooms for, 2nd, 3rd & 4th floors:

	PRESENT					PROPOSED			
	S/F	UNITS	ROOMS	BEDROOMS		S/F	UNITS*	ROOMS	BEDROOMS
Second Floor	8409	16	16	16		9426	7	11	11
Third Floor	8409	16	16	16		9426	10	13	24
Fourth Floor	4992	5	5	5		9015	Incl in 3 rd	Incl in 3rd	Incl in 3rd
TOTAL	21810	37	37	37		27867	17	24	35

* not including 745 s/f executive offices

B. Cottages

1. Present configuration and uses: In addition to the Main Building, presently the Harbor View has the Mayhew Building which is a 1970's motel style building abutting Starbucks Neck Road and 8 cottages. The Mayhew Building is a 29,820 s/f building with 51 individual hotel rooms. The 8 cottages range from 1,600 s/f to 5,435 square feet (with a total square footage of 23,780 s/f) and have a total of 32 rooms. There will not be any change to 5 of the cottages as they have been recently restored. There is parking for 77 cars on this property and 26 additional spaces on an adjacent lot on Fuller Street that has been used for guest and employee parking.
2. Proposed configuration and uses: The proposed plan involves the removal of the Mayhew Building and replacing it with five free standing cottages that are more aesthetically appealing and give the property more of a feel of a neighborhood, the renovation (which will likely involve demolition) of the Captain Snow Cottage, the replacement of the Captain Morse and Captain Bradley Cottages with two new cottages.

Mayhew demolition and replacement with five cottages:

The Mayhew has aged, is architecturally out of place and is extremely inefficient for energy consumption. The 29,820 square feet of space and 51 rooms will be

replaced by five new cottages totaling 28,857 s/f (which is 963 s/f less than the existing square footage) and containing 19 units consisting of 42 rooms.

The five cottages replacing the Mayhew Building are:

Captain Mayhew Cottage: A 6,480 s/f cottage consisting of 4/2-bedroom units with lock-offs and 1/3-bedroom unit with a lock-off for a total of 11 rooms. The cottage will have a full basement with a 1,000 s/f of office space, storage and mechanicals.

Captain Fisher Cottage: A 6,480 s/f cottage consisting of 4/2-bedroom units with lock-offs and 1/3-bedroom unit with a lock-off for a total of 11 rooms. The cottage will have a full basement with a 1,100 s/f of office space, storage and mechanicals.

Captain Pease Cottage: A 6,480 s/f cottage consisting of 4/2-bedroom units with lock-offs and 1/3-bedroom unit with a lock-off for a total of 11 rooms. The cottage will have a full basement for storage and mechanicals.

Captain Martin Cottage: A 2,294 s/f cottage consisting of 2/2-bedroom units with lock-offs for a total of 4 rooms. The cottage will have a full basement for storage and mechanicals.

Captain Penniman Cottage: A 7,123 s/f cottage consisting of 1/3-bedroom unit with a lock-off and 1/4-bedroom unit with a lock-off for a total of 4 rooms. The first floor of the Captain Penniman Cottage will also house a mini-spa for guests (850 s/f), business center (200 s/f), guest transient lounge (400 s/f), restrooms and storage (850 s/f). The cottage will have a full basement for storage and mechanicals.

Captain Snow Cottage: The present Captain Snow Cottage is a 2,164 s/f cottage consisting of 2/3-bedroom units. The renovation of the Captain Snow Cottage, that will likely involve demolition and removal due to the proposed improvements in energy efficiency, will take place in the same footprint of the existing cottage and result in a 3,118 s/f cottage consisting of 2/3-bedroom units, each with a lock-off for a total of 4 rooms. The cottage will have a full, walk-out basement as presently exists consisting of a 1,400 s/f office, mechanicals and storage.

Captain Bradley Cottage: The present Captain Bradley Cottage is a 2,164 s/f cottage consisting of 6/1-bedroom units. The present will building will be taken down and replaced with a 7,284 s/f cottage consisting of 6/2-bedroom units with lock-offs for a total of 12 rooms. The cottage will have a full basement for storage and mechanicals.

Captain Morse Cottage: The present Captain Morse Cottage is a 1,600 s/f cottage consisting of 2/2-bedroom units. The present will building will be taken down and replaced with a 7,284 s/f cottage consisting of 6/2-bedroom units with lock-offs for a total of 12 rooms. The cottage will have a full basement for storage and mechanicals.

Captain Huxford Cottage: The Captain Huxford Cottage is a 4,834 s/f cottage consisting of 6/2 bedroom units. There will not be any change to the footprint or the square footage, however, in order to maintain the number of rentable rooms on the property 5 lock-offs would be installed to provide a total of 11 rooms. The cottage has a full basement in place that is presently used for storage. The proposed use of the basement would be for a small fitness center for guests (1,160 s/f) with the remainder for storage and mechanicals.

3. Summary, square footage, rooms and units for cottages

COTTAGE	PRESENT					PROPOSED			
	S/F	UNITS	ROOMS	BEDROOMS		S/F	UNITS*	ROOMS	BEDROOMS
Bradley	2164	6	6	6		7284	6	12	12
Morse	1600	2	2	4		7284	6	12	12
Mayhew	29820	51	51	51		6480	5	10	11
Fisher	---	---	---	---		6480	5	10	11
Pease	---	---	---	---		6480	5	10	11
Martin	---	---	---	---		2294	2	4	4
Penniman	---	---	---	---		7123 *	2	4	7
Snow	2164	2	2	6		3118	2	4	6
Huxford**	4834	6	6	12		4834	6	11	11
TOTAL	40582	67	67	79		5137 7	39	77	83

* includes 850 s/f mini-spa, 200 s/f business center, 400 s/f guest transient lounge, 850 s/f restrooms and storage on 1st floor

** No change to footprint or square footage. Increase of rooms through lock-outs

C. ADA Summary

The Harbor View has engaged Deborah Ryan, Esq. as an ADA consultant for the project. Ms. Ryan is the former long-time Executive Director of the Massachusetts Architectural Access Board and considered one of the foremost experts on compliance and accessibility in Massachusetts. The property will comply with all ADA regulations including having 6 accessible units (5% of the available units, per ADA regulations).

D. Energy efficiency and lighting

The present buildings are not energy efficient and energy use on the property is extremely inefficient and wasteful. For example, the pool is presently heated by oil and in order to heat the pool the main boilers for the property must be used, many parts of the cottages and Main Building are either poorly insulated or not insulated at all and are electric heat, almost all of the windows and doors are very low efficiency,

the lighting is all incandescent, the property is heated with oil rather than propane, on a cold winter's night the property will use 150-175 gallons of oil per night and 60-100 gallons on a normal winter night.

Following is a summary of the proposed improvements:

- Site Issues:
 - The new parking lot at the rear of the property will not be paved with asphalt, but rather have a pervious surface with a bio-retention system.
 - An improved drainage system should reduce the runoff and drainage by 20%
 - The exterior lighting will be low level, low wattage, downward lighting.
- Water
 - Dual flush toilets will be installed in the employee areas and public areas
 - The present 3.0 gallon flush toilets in the units will be replaced by 1.6 gallon flush toilets.
- Energy

All project improvements contemplate green systems and materials wherever possible to address the energy inefficiency of the pre-2007 buildings. Energy use was and remains extremely wasteful but plans call for the following improvements:

- Installing a high-efficiency propane HVAC system; currently have obsolete oil & electric heating & cooling systems - a cold winter's night requires 150-175 gallons of fuel oil, 60-100 gallons on a normal winter night.
- Guest programs for energy savings, light sensors, fan timers, motion controls, etc. will be implemented and existing recycling programs will be expanded
- The Harbor View is presently purchasing all of its electricity from a wind farm in Maine and shall continue to do so in the future so long as it is economically feasible.
- Low energy windows shall be installed in all new construction
- The HVAC system shall be as energy efficient as possible and exceed energy performance & CFC reduction criteria.
- The heated pool which is presently heated with oil shall be solar heated, thereby saving 2500 gallons of oil per year.
- The property is being retrofitted with propane rather than oil.
- The lighting plan for the property reduces the amount of incandescent lighting on the property through a combination of compact fluorescent bulbs and LED lighting.
- The roofs of all new buildings will be of a light color to reduce glare and heat gain
- When the kitchen was renovated this fall all new, highly efficient appliances and refrigeration were installed resulting in a savings of

- over 1000 gallons of propane per year (Vulcan info x 8 ranges? and 31,000 kwh of electricity per year
- The televisions and few appliances that are in some units shall be EnergyStar rated.

Geo-thermal heating was considered but it was not an option as the payback period was well in excess of 10 years and the consultant was not confident we had enough space to use such a system.

- Recycling: The Harbor View has a recycling plan consisting of the recycling of glass, office paper, newspapers, cardboard, metals, computers, waste paints and solvents, brass keys, refrigerant gas, grease from the fryers, old batteries, televisions, waste oil from lawnmowers, conversion of old towels in to rags, old sheets in to dropcloths and copper piping. The Harbor View also donates linens and bedspreads to staff, the Boys & Girls Club and others in need. The applicant will offer to continue the recycling plan in the future.

As the specific insulation and windows have not yet been selected the applicant will provide a final energy analysis to the MVC staff at the time of the building permit application showing that the project meets federal Energy Star standards and exceeds the Massachusetts Building Code by at least 20%.

E. Campus, Traffic and Parking

Campus:

Open Space: While none of the property would be considered “open space” under the MVC Open Space Preservation Policy as it is already developed property, the owners have used care to leave as much open space as possible. The property is 3.88 acres. At the present time 2.85 acres of the property are visually open space, consisting of 2.09 acres (74% of the lot) of open space and pervious walkways, 33,233 square feet of impervious parking and the pool. At the completion of the project there will still be 2.5 acres (64% of the lot) of visually open space, this open space consists of 1.7 acres of open space and pervious walkways, 4,500 square feet of pervious parking and 28, 733 square feet of impervious parking and the pool. There is presently not any pervious parking on the property and the proposed plan calls for the parking lot that is entered from Fuller Street to become pervious with a bio-retention system and shall remain as a pervious lot.

A detailed lot coverage comparison is attached as Appendix B.

Landscaping: There is not a final landscape plan for the property. However, the Harbor View has worked with its neighbors throughout this project and will be screening extensively between its property and the abutting property to continue to provide its neighbors privacy. A final landscape plan will be submitted to the LUPC prior to the initiation of the landscaping.

Lighting: All of the lighting on the property will be down lighting.

Traffic:

The proposed use of the property will not have any increase on the traffic or parking for the property. Specifically, a) the entrances and exits to the property remain as they were prior to the proposed renovations, b) the number of parking spaces has not decreased although the number of rentable rooms has decreased from 120 to 117; c) the Harbor View has offered to: i) voluntarily limit its function capacity to 301 people, ii) provide alternate transportation and parking for any off-site function (ie: people not staying at the hotel) of over 140 people that occurs between June 15 and October 15, and, iii) provide traffic mitigation by providing 55 employees with bus passes annually, continuing to provide van transportation for its guests to and from the boats and airport, continuing to require that its employees that do drive (other than those employees parking at the Fuller Street lot, which are senior employees) to park at the Edgartown Park and Ride lot and take the shuttle to town, and continuing to provide bicycles for its guests to use at their leisure.

Parking:

The present configuration of the property provides parking for 77 vehicles (4 of which are handicapped spaces) on the property and parking for 26 vehicles (the majority of which are used by employees but are also used by guests) on an adjacent lot on Fuller Street. The proposed configuration will provide parking for 63 vehicles (4 of which are handicapped spaces) on the property and the present parking at the Fuller Street parcel will incorporate 14 guest parking spaces and 12 employee spaces thereby keeping the overall guest parking at 77 spaces.

COMMUNITY BENEFITS

1. Harbor View and Kelley House Community Foundation contributions to date:
 - a. Purchased street lights for North Water Street
 - b. Donated \$25,000 to the YMCA
 - c. Refurbished the town owned park across from the Harbor View for all to enjoy.

2. Morgan Woods/Habitat/Community Services
Last fall the Harbor View donated kitchen cabinets, countertops, appliances, furniture and bedroom sets to help twenty-one (21) families as they moved in to their new homes at Morgan Woods and four (4) additional families identified by Community Services. The Harbor View also donated enough furniture to Habitat for Humanity to fill 3 bedrooms. The majority of this furniture was less than 4 years old and the estimated value of this furniture was over \$100,000.

3. Use of Harbor View by various community groups
The Harbor View is used by numerous community groups for meetings and fundraisers, including the NAACP, Habitat for Humanity MV Boys & Girls Club and MV Hockey Boosters. The Harbor View has always, and will continue to provide the space to the non profit groups at cost. A full list of the groups that have previously used the Harbor View is included in the appendix. The Harbor View shall continue to offer the non-profit groups and other similar community groups the use of the property at cost.

This Foundation was established by the Harbor View to formalize our giving to the community and shall continue to make similar contributions to the community.

EMPLOYEE HOUSING

The Harbor View and Kelley House presently provide housing for 97 of their employees through 22 rental houses and another 46 employees through temporary housing at the properties at an annual cost of \$480,000. Most are seasonal a few are year round.

AFFORDABLE HOUSING OFFER

The applicant is proposing to add an additional 22,000 square feet to the property. Therefore, based upon the MVC Affordable Housing Policy for Non-Residential Developments, Section d (\$7,000 for the first 8,000 square feet and \$2.00 per square foot for every square foot over 8,000 square feet), the applicant will offer \$35,000 (\$7,000 + \$2.00 x14,000) for affordable housing. The applicant shall also offer to provide affordable housing for employees annually by renting 22 houses seasonally and 3 houses year-round at market rates and only requiring the employees to reimburse only a percentage of the cost.

BENEFITS AND DETRIMENTS SUMMARY

1. **The proposed development at this location is appropriate in view of the available alternatives.** The Harbor View Hotel has been at this location since 1891 and has worked with its neighbors to balance the needs of the hotel's guests with its location in a neighborhood. The proposed renovations are all contained within the Harbor View's existing campus. The Harbor View is in need of renovation and rejuvenation, the project as designed provides the economics necessary to achieve these upgrades with as minimal impact as possible. These improvements will allow the Harbor View to continue to be the year-round institution and economic engine it has been in the past.

2. **Impact on the environment – wastewater and groundwater; open space, natural community and habitat; night lighting and noise, energy consumption:**

Wastewater and groundwater: The impact on wastewater will be essentially neutral as the use of the property will not increase by a great measure. The property is and has been on the town wastewater system for years. With the replacement of numerous 3 gallon per flush toilets with new 1.6 gallon per flush toilets and dual flush toilets, the replacement of aging fixtures, and a water conservation program the amount of wastewater generated by the property will be reduced. The proposed project will have a neutral impact on groundwater as the property is on town water, however, the amount of impervious parking surface has decreased by 15%. The water runoff will be directed to dry wells and recharged in to the groundwater.

Open space, natural community and habitat: While none of the property would be considered "open space" under the MVC Open Space Preservation Policy as it is already developed property, the owners have used care to leave as much

open space as possible. The property is 3.88 acres. At the present time 2.85 acres of the property are visually open space, consisting of 2.09 acres (74% of the lot) of open space and pervious walkways, 33,233 square feet of impervious parking and the pool. At the completion of the project there will still be 2.5 acres (64% of the lot) of visually open space, this open space consists of 1.7 acres of open space and pervious walkways, 4,500 square feet of pervious parking and 28, 733 square feet of impervious parking and the pool.

There is no natural community or habitat as the property has been developed for over 100 years.

Night lighting and noise: There will be no change in any night lighting. All new lighting will be down lighting. There is a likely reduction in noise as it is anticipated that the enlarged function space will relieve some of the outdoor wedding receptions.

Energy consumption: The project meets and exceeds the MVC DRI Energy Policy, specifically:

2.1.1 Location: Locate development to minimize auto use and encourage walking.

The project is located in walking distance of Edgartown. The applicant provides transportation to its guests to and from the boats and airport to discourage guests from bringing their own automobile. The applicant provides bicycles to its guests.

2.1.3 Transportation: Encourage use of public transit, bicycles, and walking.

The applicant provides bicycles for its guests to use at their leisure. The applicant provides van transportation for its guest to and from the boats and the airport. The applicant encourages its employees to use the VTA for transportation to Edgartown and for those that do drive the majority are required to park at the Edgartown Park and Ride lot and take the shuttle to town. The applicant has offered to provide 55 of its employees with VTA bus passes.

2.2.1 Site Design: Incorporate or Provide for Renewable Energy Generation.

The outdoor pool, which is currently heated by oil will be solar heated creating a savings of 2500 gallons of oil per year.

2.2.3 Landscaping: Make landscaping choices with energy concerns in mind.

The project calls for the use of gray water from the laundry to be treated and used for drip irrigation in many of the flower beds.

2.3.1 Building Efficiency: Design and construct building to meet the federal EnergyStar standards and exceed the Massachusetts Building Code by at least 20%.

All new construction and renovations shall be high performance, well insulated, including icynene insulation. At the present time the Main Building has a wall insulation value of R-9.46, the attic has a value of R-0,

the ceilings have a value of R-16.34, the floor value is R-0, windows of u-value.50 as well as numerous drafts and ventilation. The majority of the Main Building will be renovated during the project resulting in dramatically increased wall insulation values, attic insulation values, ceiling insulation values, floor insulation values, window u-values, and the elimination of the drafts and ventilation issues. The present Mayhew Building has a rated wall insulation value of R-9.46, an R-19 rating for the ceiling, a floor rating of R-0, windows of u-value.50 as well as numerous drafts and ventilation. The cottages that will replace the Mayhew Building will result in dramatically increased wall insulation values, attic insulation values, ceiling insulation values, floor insulation values, window u-values, and the elimination of the drafts and ventilation issues. The Captain Snow Cottage, the Captain Morse Cottage and the Captain Bradley Cottage are all un-insulated buildings with electric heat. The cottages replacing them shall have dramatically increased wall insulation values, attic insulation values, ceiling insulation values, floor insulation values, window u-values, and the elimination of the drafts and ventilation issues.

The lighting plan for the property reduces the amount of incandescent lighting on the property through a combination of compact fluorescent bulbs and LED lighting.

The roofs of all new buildings will be of a light color to reduce glare and heat gain

All appliances in the units shall be EnergyStar rated.

All of the above will exceed the Massachusetts Building Code by a minimum of 20%.

As the specific insulation and windows have not yet been selected the applicant will provide a final lighting plan and energy analysis to the MVC staff at the time of the building permit application showing that the project meets federal Energy Star standards and exceeds the Massachusetts Building Code by at least 20%.

2.3.2 Renewable Energy: Design all buildings to provide for the incorporation – now or in the future- of renewable energy

The swimming pool will be heated with solar energy. The applicant is currently purchasing all of its electricity from a wind farm in Maine. The applicant has offered to continue this practice so long as it remains economically feasible.

3. Impact on persons and property – traffic and transportation; scenic values; character and identity; impact on abutters:

Traffic and parking: The project will have a neutral impact upon traffic as the present use of the property will not increase. The project will not have any

additional impact upon parking and the applicant has provided sufficient parking spaces for the uses on the property. Specifically, the entrances and exits to the property remain as they were prior to the proposed renovations, the number of parking spaces has not decreased although the number of rentable rooms has decreased from 120 to 117; the applicant has offered to: i) voluntarily limit its function capacity to 301 people, ii) provide alternate transportation and parking for any off-site function (ie: people not staying at the hotel) of over 140 people that occurs between June 15 and October 15, and, iii) provide traffic mitigation by providing 55 employees with bus passes annually, continuing to provide van transportation for its guests to and from the boats and airport, continuing to require that its employees that do drive (other than those employees parking at the Fuller Street lot, which are senior employees) to park at the Edgartown Park and Ride lot and take the shuttle to town, and continuing to provide bicycles for its guests to use at their leisure.

Scenic values: There will be a neutral impact upon scenic values as all of the proposed improvements are within the existing campus.

Character and identity: The project will have a neutral impact upon the character and identity of the island as the uses on the property have not changed.

Impact on abutters: The impact upon abutters will be minimal as the location of the proposed buildings have been discussed with the abutters and the abutters concerns have been addressed with landscaping and relocation of buildings, additionally, the increased use of the interior function space as opposed to the outdoor area should reduce noise.

4. **Impact on the supply of needed low and moderate income housing:** The applicant has offered an affordable housing contribution of \$35,000. Additionally, the applicant has offered to provide affordable housing for its employees by renting 22 houses seasonally and 3 houses year-round at market rates and only requiring the employees to reimburse only a percentage of the cost. To date, annually the applicant has provided housing for 97 of their employees through 22 rental houses and another 46 employees through temporary housing at the properties at an annual cost of \$480,000.
5. **Impact on municipal services and burden on taxpayers:** The project will have a neutral impact upon municipal services and the burden on taxpayers as there is no change to the existing use of the property.
6. **Consistency with and ability to achieve town, regional, state plans and objectives:** The project is not inconsistent with any town, regional or state plan.
7. **Consistency with land development objectives of the Commission**
The project is consistent with the land development objectives of the Commission as it conforms with the Regional Plan and the Energy Plan. Specifically, Section I-11, Section III (Employee Housing) and Section V (Hotel/Inn Transport).

8. **Conformity to zoning:** The project as proposed will require a Special Permit from the Edgartown Zoning Board of Appeals pursuant to Section 11.9(d) and (e) for the expansion of a pre-existing, non-conforming structure(s) and the expansion, extension and alteration of pre-existing, non-conforming use. Upon receipt of same the property will be in compliance with zoning.
9. **Conformity to DCPC regulations:** There are no DCPC regulations on the property.

APPENDIX A

OVERALL SUMMARY OF LODGING SQUARE FOOTAGE, UNITS, ROOMS & BEDROOMS:

DESCRIPTION	PRESENT					PROPOSED			
	S/F	UNITS	ROOMS	BEDROOMS		S/F	UNITS	ROOMS	BEDROOMS
Main Hotel 2 nd	8409	16	16	16		9426	7	11	11
Main Hotel 3 rd	8409	16	16	16		9425	10	13	24
Main Hotel 4 th	4992	5	5	5		9015	Incl in 3 rd	Incl in 3 rd	Incl in 3 rd
Bradley	2164	6	6	6		7284	6	12	12
Morse	1600	2	2	4		7284	6	12	12
Mayhew	29820	51	51	51		6480	5	10	11
Fisher	---	---	---	---		6480	5	10	11
Pease	---	---	---	---		6480	5	10	11
Martin	---	---	---	---		2294	2	4	4
Penniman	---	---	---	---		7123*	2	4	7
Snow	2164	2	2	6		3118	2	4	4
Huxford	4834	6	6	12		4834	6	11	11
Collins*	5435	5	8	8		5435	5	8	8
Luce*	3717	3	4	6		3717	3	4	6
Osborne*	1900	2	2	2		1900	2	2	2
Rowley*	1966	2	2	2		1966	2	2	2
TOTAL	75410	116	120	134		92261	68	117	136

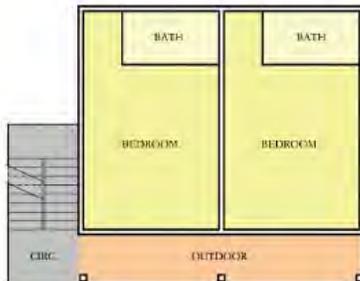
APPENDIX B LOT COVERAGE COMPARISON:

Lot Coverage

	Present	Proposed
Total Lot Area, SF	168,742	168,742
Building Footprint, SF	43,875	59,211
% of Lot Area	26%	35%
Building Footprint w/o 1st Floor Porches	33,465	46,205
% of Building Coverage	76%	78%
1st Floor Porches, SF	10,410	13,006
% of Building Coverage	24%	22%
Open Space, SF	124,867	107,703
% of Lot Area	74%	64%
Parking, SF	37,143	30,071
% of open space	30%	28%
% of lot area	22%	18%
Pervious Parking, SF	0	4,500
% of parking area	0%	15%
Impervious Parking, SF	37,143	25,571
% of parking area	100%	85%

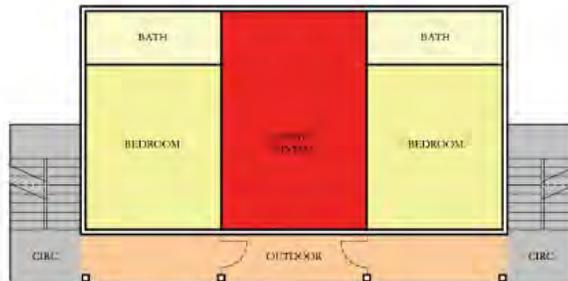
APPENDIX C TYPICAL UNIT LAYOUT

Previous Standard



1x

New Standard



+/- 1.3x

- Approximately 30% more area per 2 bedroom unit
- Decreased bedroom square footage
- Added amenity: living/dining room
- Increased life safety: (2) stairs for each cottage
- Increased amenities: added baths/outdoor space

APPENDIX D

ECONOMIC IMPACT STUDY

EXHIBIT 6



SNOW COTTAGE PROPOSED RENOVATION SUMMARY JULY 15, 2009

The Harbor View Hotel and Resort proposes to amend their approved plans from the Martha's Vineyard Commission [DRI #614] and Edgartown Zoning Board of Appeals to remove the first floor spa (850 s/f) and restrooms/storage (850 s/f) from the Penniman Cottage and reconstruct the Snow Cottage to incorporate a new spa with an English garden. Due to the current economic conditions the originally proposed two phase renovation plan has been altered to a multi phased plan. The first phase of this plan will be the construction of the spa to increase year round business to the hotel and the town of Edgartown.

Following is a summary of the proposal:

Snow Cottage present configuration:	5,359 s/f building consisting of 2/3-bedroom units (2,164 s/f) and office, mechanicals and storage (3,195 s/f)
Snow Cottage permitted configuration [2008]:	6,313 s/f building consisting of 2/3-bedroom units with a lock-off for a total of 4 rooms (3,118 s/f) and office, mechanicals and storage (3,195 s/f)
Snow Cottage proposed configuration:	6,792 s/f building consisting of a spa (1,869 s/f), retail(217 s/f), solarium (890 s/f), bathrooms and showers (1,077 s/f) and office, mechanicals, storage and circulation (2,130 s/f)

HIGHLIGHTS:

- a. Same footprint as approved building except for a portion of the north side will be extended approximately 9 feet for the solarium entry area, however, the rear decks will be smaller than the present decks and shall be partially enclosed.
- b. Spa is for hotel guests and will generally operate from 7:30am – 9:00pm.
- c. The use of the building as a spa will eliminate the present use of the lower floor of the building as a storage facility that is used frequently by staff for most of the supplies for the property.
- d. Will reduce noise impacts to the abutters as the deck space is reduced and due to its use as a spa it will eliminate the nighttime use of second floor decks that are closest to the abutters along the westerly boundary.
- e. There will be a temporary decrease in rentable rooms (2/ 3-bedroom units) until the next phase is completed at which time the room counts are anticipated to remain equal to the counts in the 2008 approval.
- f. All products used in the spa will be organic.
- g. The amount of pervious space will be increased as a parking lot is being replaced with an English garden.
- b. The five (5) parking spaces utilized by the proposed English garden will be relocated in the reconfigured parking area on the south side of the building

EXHIBIT 7



August 14, 2009

Leonard Jason Jr.
Building Inspector
Edgartown, MA

Subject: DRI 614-M Harborview Hotel Snow Cottage

Lenny,

Hello, The Martha's Vineyard Commission (MVC) was asked by Scout Harbor View Property 1 LLC, through their lawyer, Sean Murphy, and Director of Construction, John Daley, to review a modification to the approved DRI 614 Harborview Hotel Decision. I am writing to inform you that on Thursday August 13, 2009 the Martha's Vineyard Commission decided that the proposal to switch the uses of the Penniman and Snow Cottages at 131 North Water Street, Edgartown (Map 20b Lot 63.2; the Snow Cottage) is not significant enough to warrant a public hearing and voted to approve the modification to Development of Regional Impact 614. You may proceed with the local permitting process.

The proposal is to amend their approved plans from the MVC [DRI #614] to switch the uses of the Penniman and Snow Cottages. This would include removing the first floor spa (850 sf) and restrooms/storage (850 sf) from the approved Penniman Cottage and reconstruct the Snow Cottage to incorporate a new spa (1,869 sf) with an English garden instead of the approved two 3-Bedroom condominiums and storage. The Snow Cottage will have a slightly larger foot print with a small bump out facing onto the new garden (see attached plans). Also, due to the current economic conditions the originally proposed two phase renovation plan has been altered to a multi phased plan.

Commissioners decided that this use does not require a public hearing and approved the modification based on the proposal being in keeping with the original scope of the project, the decreased impact on abutters, and the fact that they have to come back to the MVC for modification review for any further changes. If you have any questions please do not hesitate to let me know.

Sincerely,

Paul Foley
DRI Coordinator
Martha's Vineyard Commission

CC: Sean Murphy, esq.

T 508-693-3453 – f 508-693-7894 – P.O. BOX 1447 – 33 New York Avenue – Oak Bluffs, MA 02557
INFO@MVCOMMISSION.ORG – WWW.MVCOMMISSION.ORG

EXHIBIT 8



Timothy Johnson

Harbor View Hotel Changes Hands for \$30 Million

Steve Myrick *Thursday, January 11, 2018 - 2:19pm*

UPDATED Tuesday, January 16, 2018 - 12:10pm

The historic Harbor View Hotel in Edgartown has been sold to Upland Capital Corporation, a Boston-based asset management and real estate investment firm founded by Edgartown seasonal resident Bernard Chiu.

The sale closed Wednesday afternoon. The purchase price was \$30 million, according to land records. The seller is Scout Harbor View Property LLC, a partnership group. According to town records, the assessed value of the hotel and associated condominium properties is \$24.2 million.

Mr. Chiu, a former seasonal resident of Nantucket, has owned a home in Edgartown for the past three years and was a summer visitor for many years before that.

“It’s a lovely property,” he said, speaking to the Gazette by phone Thursday. “I have a passion and love for that. I live in the neighborhood, I love the area. It’s a very iconic hotel and you can’t get a better location for a beautiful property in the United States.”

Mr. Chiu said he plans immediate improvements in customer service and guest experience. He also plans to renovate the 127-year-old resort property beginning this fall.

“I would like to renovate the hotel and bring it back to what it was, and what it should be,” Mr. Chiu said. “We’re excited to do that.”

The new owner said part of the hotel will be closed when renovations begin, but part will remain open.

He said he plans no changes in the name of the hotel or the attributes that make it special, but hopes to elevate its reputation as a premier hotel in the northeastern United States.

“We would never change it, it’s such a beautiful name,” said Mr. Chiu. “It’s all about love and passion. I’m so proud to own it and also to do all the work to bring it to the next level. I think it will benefit the town, the neighborhood and the Island.”

Mr. Chiu is a Hong Kong native who has been a United States citizen for more than 30 years, according to a biography on his company’s website.

He founded Upland Capital to manage his family’s assets and real estate investments. Before that, he founded Duracraft Corporation, a home comfort appliance manufacturing and marketing company. He later became chairman of First Act Inc., a company that sells musical products.

Home to 130 rooms and two restaurants, the hotel stands at the end of North Water street, overlooking the Edgartown lighthouse.

Known as the grande dame of Island resort properties in its heyday, the hotel is steeped in Vineyard history. It was once a favorite of well-heeled New Yorkers who came to stay for the summer, enjoying a pristine view of Nantucket Sound and Cape Pogue from the wide verandas that remain a signature feature of the property today.

The hotel ushered in a new era for the town when it opened in 1891. Founders were Dr. Thomas Walker, a leading physician in Edgartown, and Luther T. Townshend of Watertown, a summer visitor. Each pledged a subscription of \$5,000 to raise capital for the construction of the hotel, which was faced with 100,000 cedar shingles imported from New Brunswick.

In 1965 the hotel was bought by the late Robert Carroll, a prominent Edgartown businessman, and his partner Allan Jones, a former state senator and Cape Cod businessman. At the time it was part of the Treadway Inn chain.

In 1986, Mr. Carroll sold the hotel to Robert Welch and Mr. Jones's son Stephen C. Jones of Iyanough Management in Hyannis.

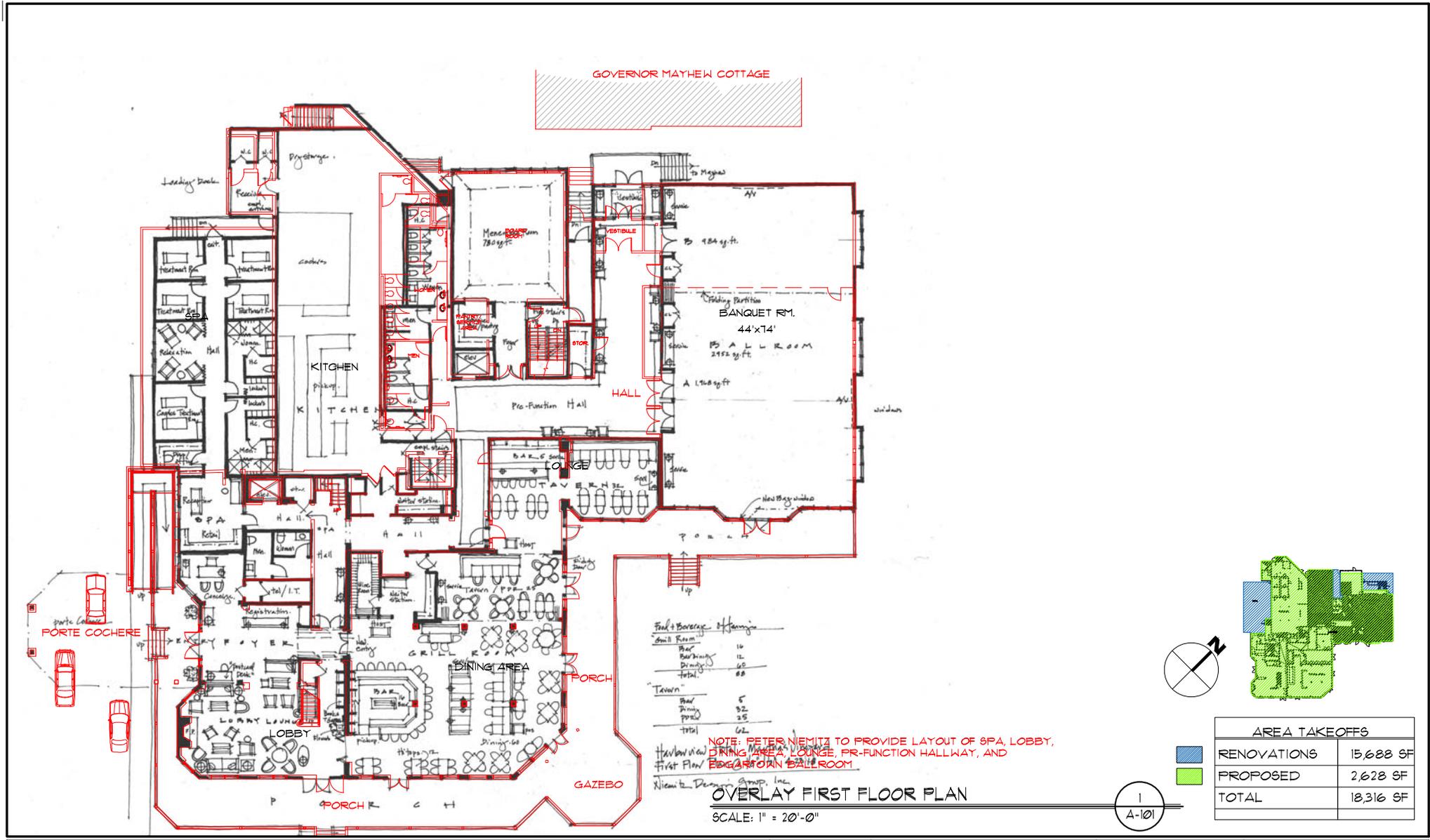
The hotel last changed hands in 2006, when it was sold to Scout Real Estate Capital LLC, a Nantucket-based investor group. The partnership has undergone several changes since then. The 2006 purchase price for the hotel was \$32.5 million.

The new owner has retained Scout Hotel Resort Management to continue as the management company.

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EXHIBIT 9



Food & Beverage - Harmonie

Swirl Room	10
Bar	12
Dining	65
Total	87

Tavern

Bar	5
Dining	32
Pool	25
Total	62

NOTE: PETER NEMITZ TO PROVIDE LAYOUT OF SPA, LOBBY, DINING AREA, LOUNGE, PR-FUNCTION HALLWAY, AND EDGARTON BALL ROOM.

OVERLAY FIRST FLOOR PLAN
SCALE: 1" = 20'-0"



AREA TAKEOFFS	
RENOVATIONS	15,688 SF
PROPOSED	2,628 SF
TOTAL	18,316 SF

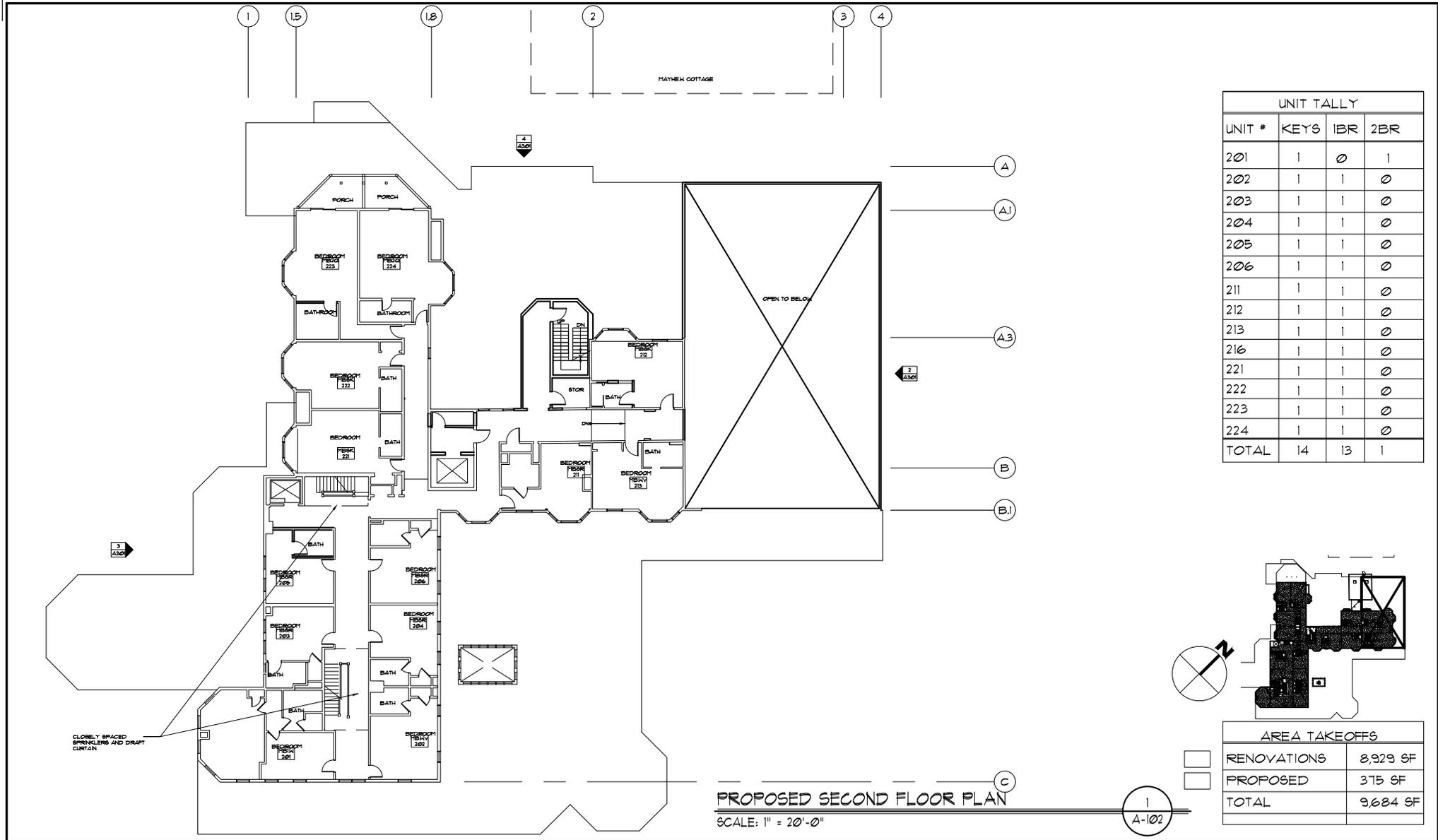
BEACON ARCHITECTURAL ASSOCIATES
145 South Street Boston, MA 02111-2802
phone 617/ 357-7171 fax 617/ 357-1832
www.beaconarch.com

DATE: 05-02-2018
SCALE: 1"=20'-0"
BAA#: 17-672

Harbor View Hotel
Edgartown, MA

Main Building
First Floor Overlay B

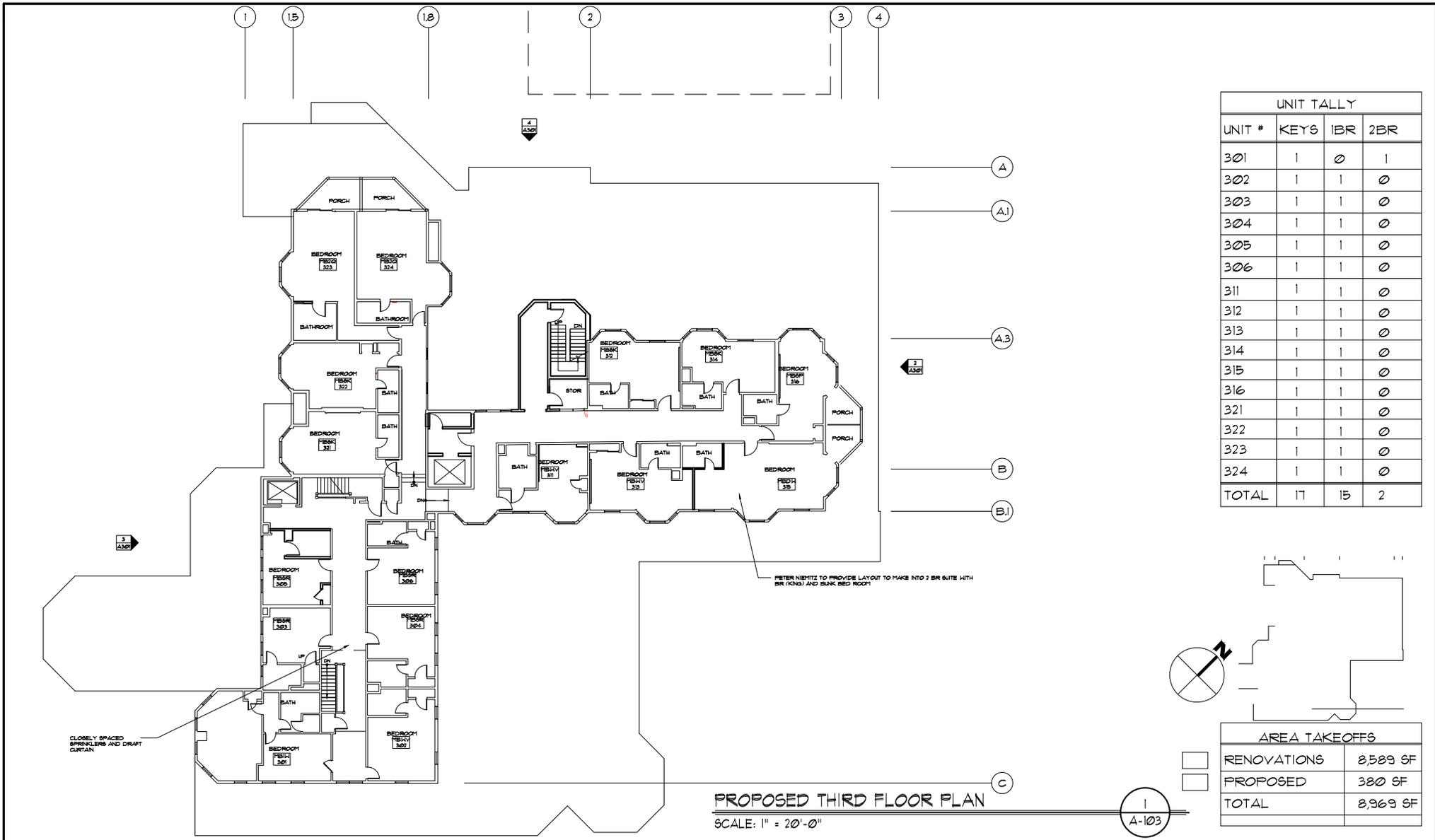
INFO:
SKETCH #:
A-101 OB



UNIT TALLY			
UNIT #	KEYS	1BR	2BR
201	1	0	1
202	1	1	0
203	1	1	0
204	1	1	0
205	1	1	0
206	1	1	0
211	1	1	0
212	1	1	0
213	1	1	0
216	1	1	0
221	1	1	0
222	1	1	0
223	1	1	0
224	1	1	0
TOTAL	14	13	1

AREA TAKEOFFS	
RENOVATIONS	8,929 SF
PROPOSED	375 SF
TOTAL	9,684 SF

PROPOSED SECOND FLOOR PLAN
SCALE: 1" = 20'-0"

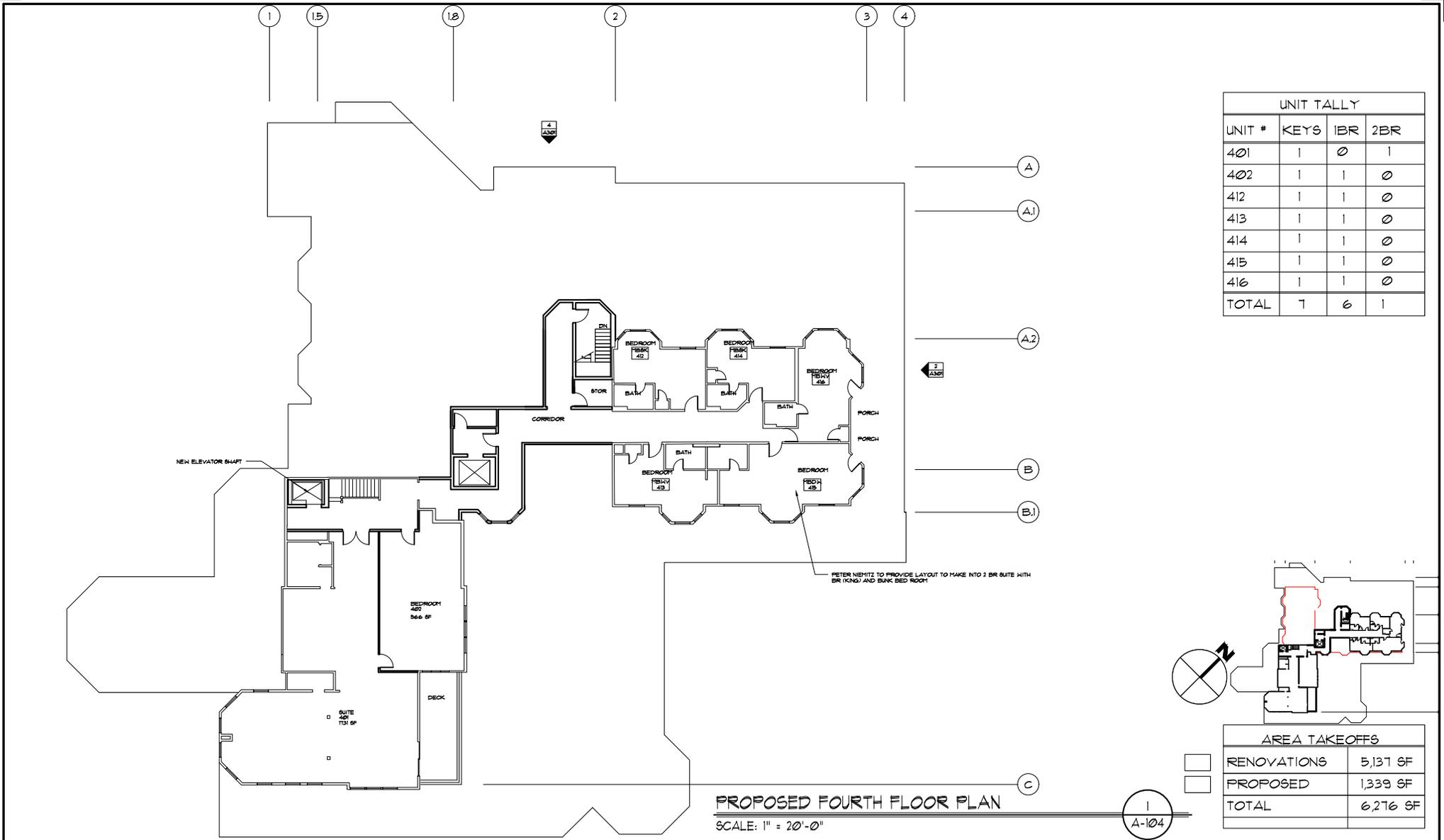


UNIT TALLY			
UNIT #	KEYS	1BR	2BR
301	1	0	1
302	1	1	0
303	1	1	0
304	1	1	0
305	1	1	0
306	1	1	0
311	1	1	0
312	1	1	0
313	1	1	0
314	1	1	0
315	1	1	0
316	1	1	0
321	1	1	0
322	1	1	0
323	1	1	0
324	1	1	0
TOTAL	17	15	2

AREA TAKEOFFS	
RENOVATIONS	8,589 SF
PROPOSED	380 SF
TOTAL	8,969 SF

PROPOSED THIRD FLOOR PLAN
SCALE: 1" = 20'-0"

1
A-103



UNIT TALLY			
UNIT #	KEYS	1BR	2BR
401	1	0	1
402	1	1	0
412	1	1	0
413	1	1	0
414	1	1	0
415	1	1	0
416	1	1	0
TOTAL	7	6	1

AREA TAKEOFFS	
RENOVATIONS	5,131 SF
PROPOSED	1,339 SF
TOTAL	6,276 SF

PROPOSED FOURTH FLOOR PLAN
SCALE: 1" = 20'-0"

BEACON
ARCHITECTURAL ASSOCIATES

145 South Street
Boston, MA 02111
T 617.357.7171
www.beaconarch.com

DATE: 05-02-2018
SCALE: 1"=20'-0"
BAA#: 17-672

Harbor View Hotel
Edgartown, MA

Main Building
Fourth Floor Plan

INFO.:
SKETCH #:
A-104

EXHIBIT 10



THESE DRAWINGS ARE THE SOLE PROPERTY OF NIEMITZ DESIGN GROUP, AND ARE NOT TO BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF NIEMITZ DESIGN GROUP.

OWNER AND ALL CONTRACTORS TO CHECK AND VERIFY EXISTING DIMENSIONS AND CONDITIONS IN FIELD BEFORE STARTING CONSTRUCTION AND TO NOTIFY NIEMITZ DESIGN GROUP OF ANY MATERIAL OR DETAIL CHANGES.

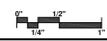
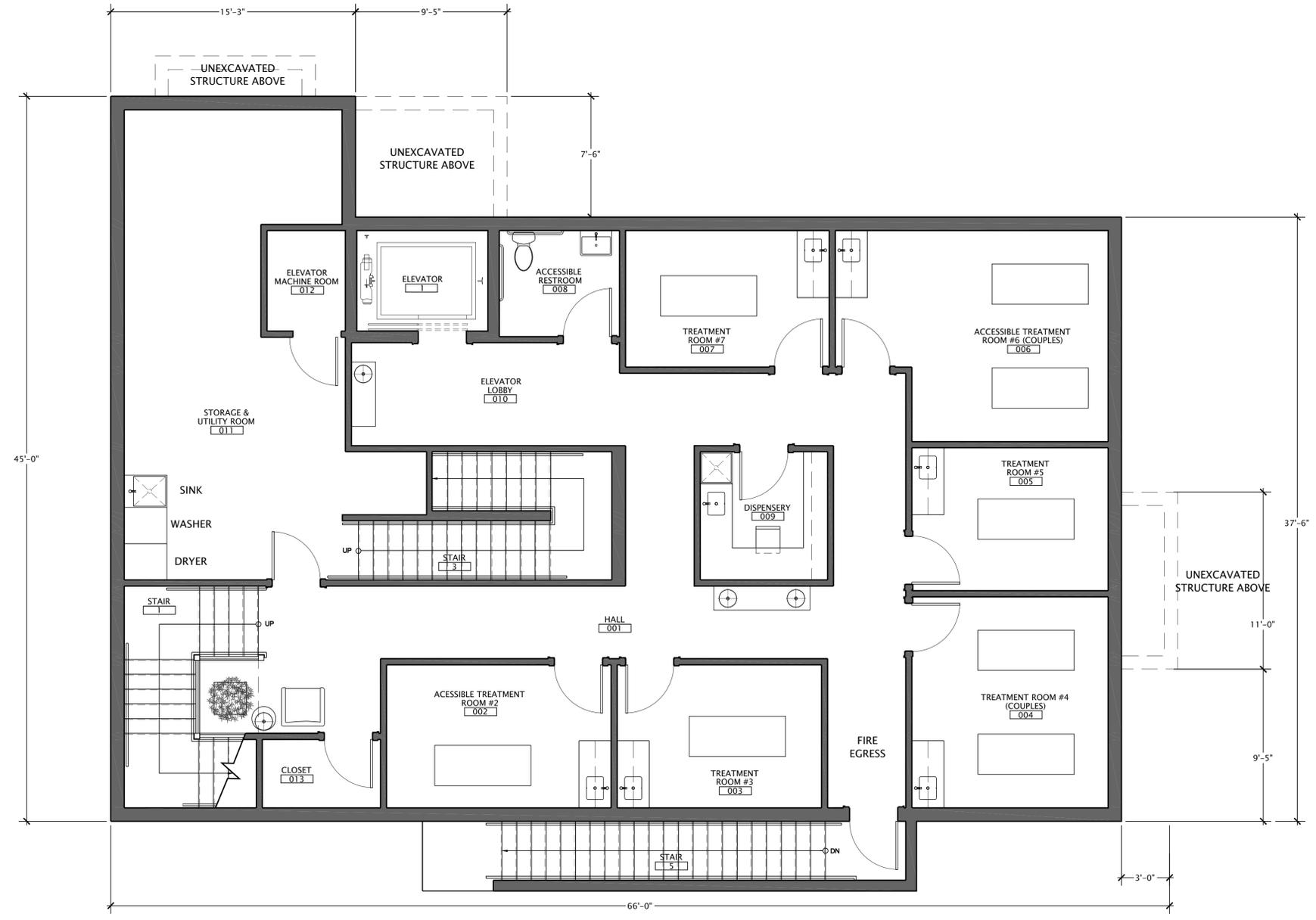
SCHEMATICS 7.29.2020
SCHEMATICS 7.21.2020

HARBORVIEW HOTEL
BRADLEY COTTAGE
EDGARTOWN, MA

DWG TITLE
LOWER LEVEL
FURNITURE
PLAN

DWG SCALE: 1/4"=1'-0"

ID-1.40





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SCHEMATICS 7.29.202

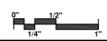
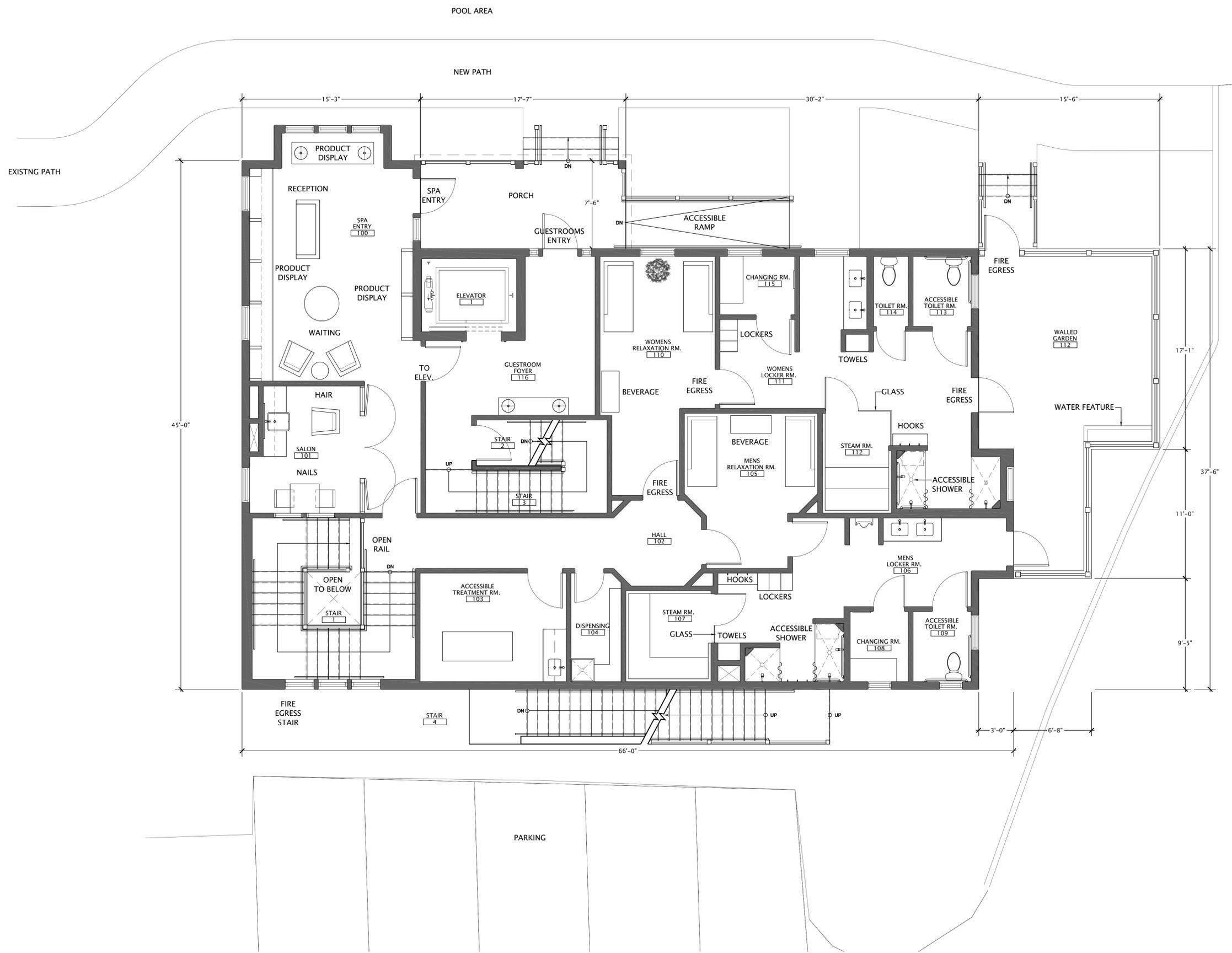
SCHEMATICS 7.21.202

HARBORVIEW HOTEL
BRADLEY COTTAGE
EDGARTOWN, MA

DWG TITLE
FIRST FLOOR
FURNITURE
PLAN

DWG SCALE: 1/4"=1'-0"

ID-1.41





THESE DRAWINGS ARE THE SOLE PROPERTY OF NIEMITZ DESIGN GROUP, AND ARE NOT TO BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF NIEMITZ DESIGN GROUP.

OWNER AND ALL CONTRACTORS TO CHECK AND VERIFY EXISTING DIMENSIONS AND CONDITIONS IN FIELD BEFORE STARTING CONSTRUCTION AND TO NOTIFY NIEMITZ DESIGN GROUP OF ANY MATERIAL OR DETAIL CHANGES.

SCHEMATICS 7.29.2020
SCHEMATICS 7.21.2020

HARBORVIEW HOTEL
BRADLEY COTTAGE
EDGARTOWN, MA

DWG TITLE
2ND FLOOR
FURNITURE
PLAN

DWG SCALE: 1/4"=1'-0"

ID-1.41

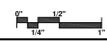
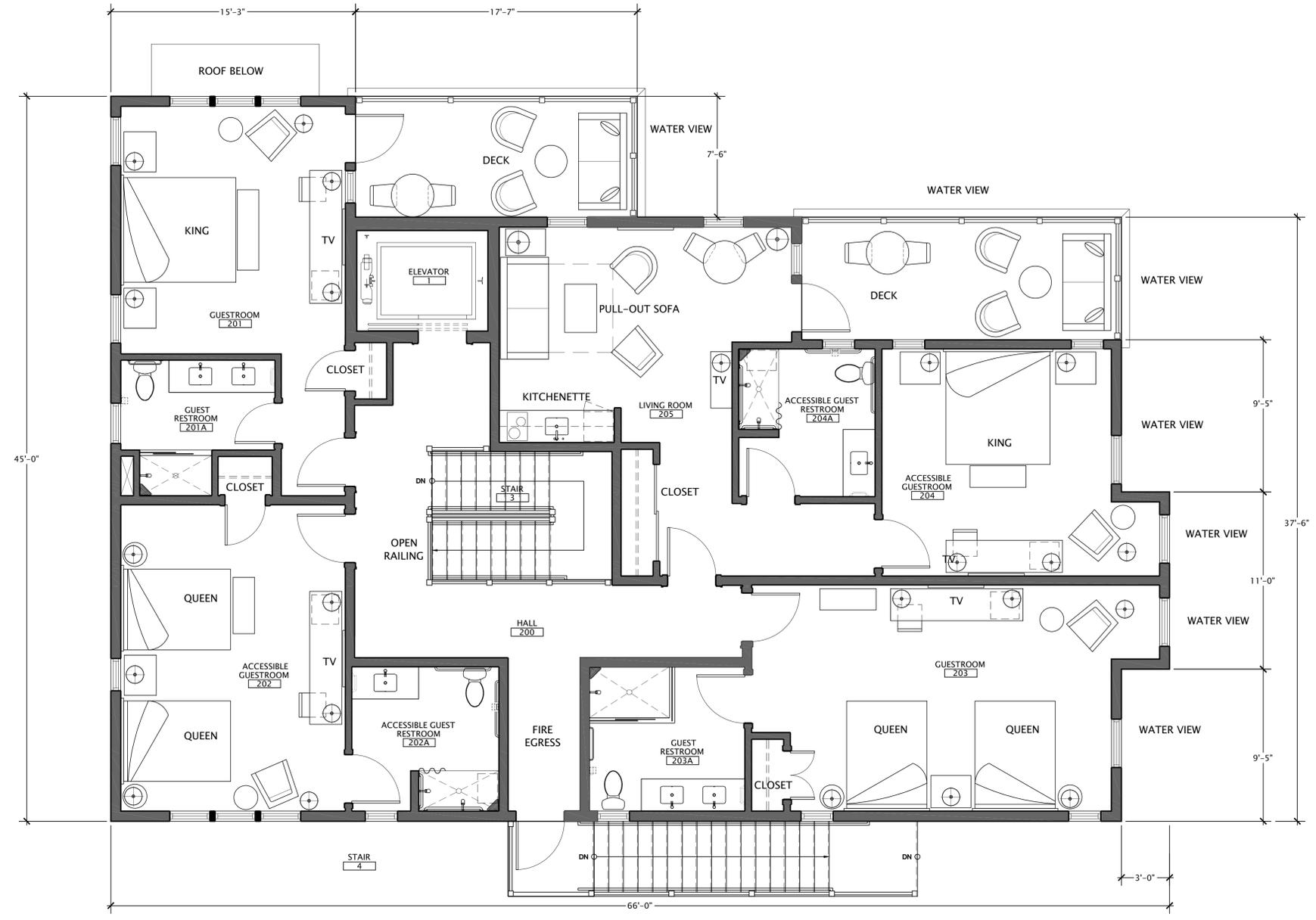


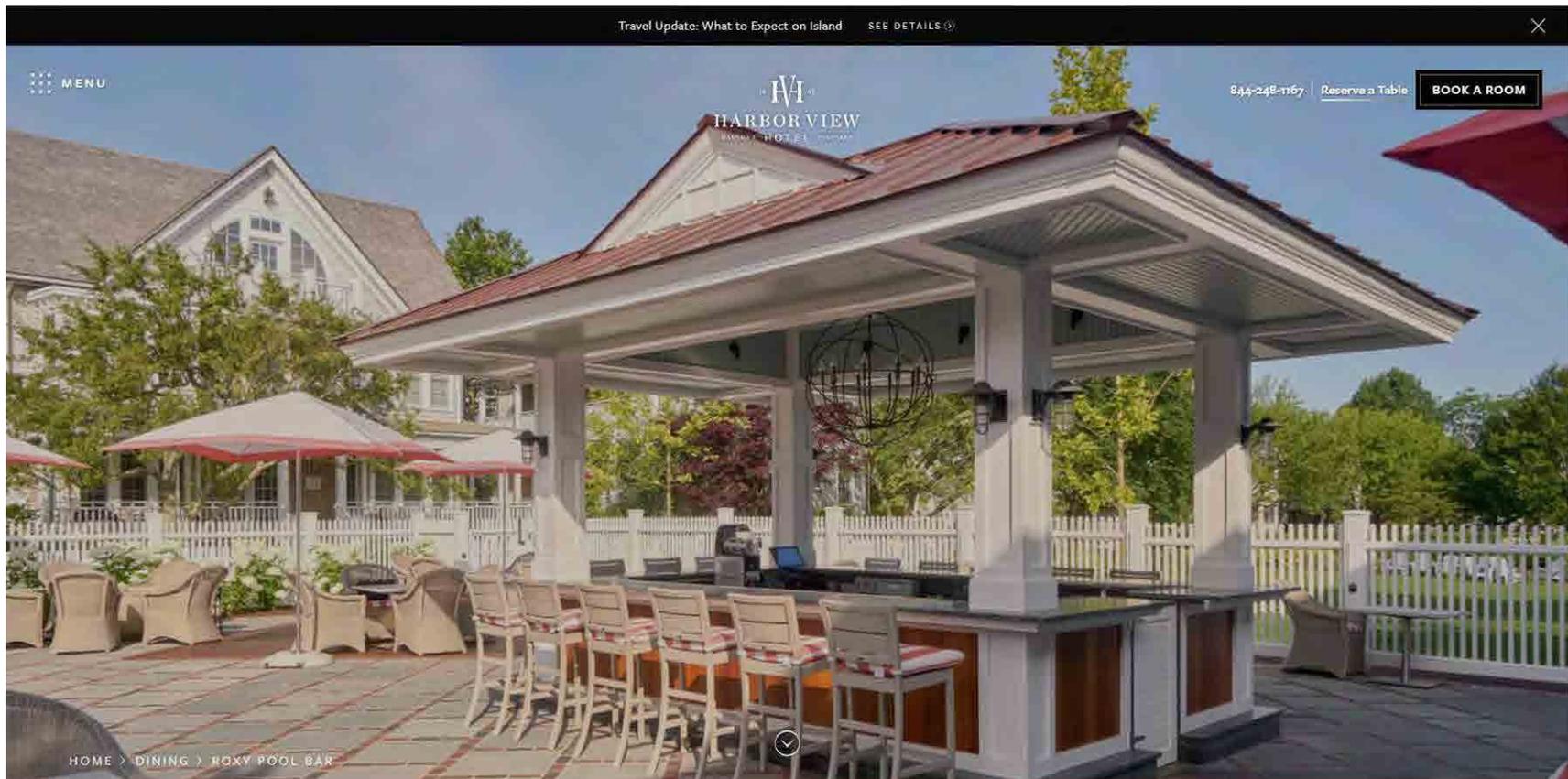
EXHIBIT 11



Old Pool Bar, Kelly Dillon Photo Website.

<https://kellydillonphoto.com/melissa-mike-marthas-vineyard-wedding-edgartown-lighthouse-harbor-view-hotel/>

EXHIBIT 12



Harbor View Hotel Website, Main Page for the Roxy Pool Bar. Figure 1.

<https://www.harborviewhotel.com/dining/roxy-pool-bar/>



HOTSPOT: HERE

THE ROXY POOL BAR

Life is thrilling! Especially when there's a new spot in which to "carpe diem": the Roxy Pool Bar. Sprinkled with coral and white pillows, umbrellas, cushy chairs on a brick and bluestone patio, this is surely one of the most outstanding highlights of being a Harbor View Hotel guest. Set right by the pool and a dazzling landscaped garden, let the relaxation begin with a flute of champagne and a cup of clam chowder. Overseen by culinary director Hart Lowry, whose provenance includes James Beard award winning restaurants in Boston and Manhattan, The Roxy sets the mood for another perfect day. Round up your friends at the firepit or pull up a chair at the bar and celebrate. Relax in the sun or sip quietly under the shade of an umbrella. The decision is yours. One choice, however, is clear: The Roxy is simply the place to be.



HOURS OF OPERATION

POOL BAR

Closed for the season.
We will reopen for the
2021 season.



Harbor View Hotel Website, Main Page for the Roxy Pool Bar. Figure 2.

<https://www.harborviewhotel.com/dining/roxy-pool-bar/>

MENU

perfect day. Round up your friends at the fireplace or pull up a chair at the
and celebrate. Relax in the sun or sip quietly under the shade of an
umbrella. The **BETTINI** **BETTINI CLUB** **ROXY POOL BAR** **PRIVATE DINING**
simply the place to be.



POOL BAR

Closed for the season.
We will reopen for the
2021 season.

844-248-1167 | Reserve a Table

BOOK A ROOM

(508) 627-3761

RESERVE A TABLE



THE LATEST



ISLAND EVENTS

STEAMSHIP VEHICLE RESERVATION

Harbor View Hotel Website, Main Page for the Roxy Pool Bar. Figure 3.
<https://www.harborviewhotel.com/dining/roxy-pool-bar/>



Harbor View Hotel Website, Gallery. Figure 4.
<https://www.harborviewhotel.com/gallery/>



Harbor View Hotel Website, Gallery. Figure 5.
<https://www.harborviewhotel.com/gallery/>



Harbor View Hotel Website, Gallery. Figure 6.
<https://www.harborviewhotel.com/gallery/>



Harbor View Hotel Website, Gallery. Figure 7.
<https://www.harborviewhotel.com/gallery/>



Harbor View Hotel Website, Gallery. Figure 8.
<https://www.harborviewhotel.com/gallery/>



Harbor View Hotel Website, Gallery. Figure 9.
<https://www.harborviewhotel.com/gallery/>



Harbor View Hotel Website, Gallery. Figure 10.
<https://www.harborviewhotel.com/gallery/>

Roxy Pool Bar

Life is thrilling! Especially when there's a new spot in which to "carpe diem": the Roxy Pool Bar. Sprinkled with coral and white pillows, umbrellas, cushy chairs on a brick and blue stone patio, this is surely one of the most outstanding highlights of being a Harbor View Hotel guest.

Set right by the pool and a dazzling landscaped garden, all your worries will dissolve with a flute of champagne and a grilled flatbread pizza.

The Roxy sets the mood for another perfect day. Round up your friends at the firepit or pull up a chair at the bar and celebrate. Relax in the sun or sip quietly under the shade of a beautiful umbrella. The decision is yours.

One choice, however, is clear:
The Roxy is simply the place to be.



Harbor View Hotel Website, Digital Brochure. Figure 11.
<https://www.harborviewhotel.com/digital-brochure/>

EXHIBIT 13



Town of Edgartown
Office of
Zoning Board of Appeals
Edgartown, Massachusetts
02539

Edgartown, Mass.
Town Clerk's Office

June 12, 1990
Rec'd For Record
AT 10 H 12 M A M

DECISION OF THE BOARD OF APPEALS
ON THE APPLICATION OF
HARBOR VIEW HOTEL, JONATHAN LOUIS, MANAGER

Case No. 14-90
Date Filed: May 17, 1990

At a meeting of the Board of Appeals held on June 6, 1990 it was voted (5-0) to grant a special permit to Harbor View Hotel, Jonathan Louis, manager, with reference to the premises located at 131 North Water Street (Assessor's Map 205, Lot 107) to allow food and beverages to be served on the deck of the pool area. Conditions placed on the permit are 1) that food and beverages be served on the wooden deck area only as shown on the plan, 2) hours of service limited from 10:00 a.m. to 9:00 p.m. and 3) review of the special permit by the ZBA in August.

The decision of the Board of Appeals, together with each Board member's reasons for the decision and a record of all proceedings, are on file in the office of the Town Clerk under Case No. 14-90.

Board of Appeals

Hope G. Waingrow
Hope G. Waingrow
Assistant

Note: This decision was filed in the office of the Town Clerk, together with the reasons for the decision, on June 12, 1990. Appeals, if any, should be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws and should be filed within 20 days of the filing of this decision in the office of the Town Clerk.

July 11, 1990

I hereby certify that no appeal has been filed in the twenty day period following the date of filing this decision.

Attest:

Wanda M. Williams
Wanda M. Williams
Assistant Town Clerk

EXHIBIT 14

2000.001



Town of Edgartown
Office of
Zoning Board of Appeals
Edgartown, Massachusetts
02539

Edgartown, Mass.
Town Clerk's Office
April 16 1992
Filed for Record
AT 10:42M AM

Case No: 18-92
Date Filed: March 6, 1992

DECISION OF THE ZONING BOARD OF APPEALS
ON THE APPLICATION OF
HARBORVIEW HOTEL, M.V. ASSOCIATES

At a public hearing held in the Selectmen's Meeting Room, Town Hall, Main Street on April 8, 1992 at 7:30 p.m. the Edgartown Zoning Board of Appeals voted (5-0) to grant a special permit to continue to serve food and beverages in the pool area and further to serve food and beverages on "The Green". The following conditions were placed on this permit: 1) There will be no serving of food and beverages on the porch, although the consumption of food and beverages on the porch is permitted. 2) The outdoor service of food and beverages will be permitted in the pool area. 3) Service and entertainment on the green will cease no later than 10:30 p.m. 4) The green area will be cleared of guests and lights will be out no later than 11:00 p.m. 5) There will be no lighting of the green, lights will be in the tents only. 6) There will be no more than three night functions per week on the green. 7) There will be no more than three daytime functions per week on the green. 8) There will be no amplification of any kind on the grounds of the Harborview. 9) This permit will be reviewed in October of 1992.

The decision of the Board of Appeals, together with each Board member's reasons for the decision and a record of all proceedings, are on file in the Office of the Town Clerk, Town Hall under Case No. 18-92.

Board of Appeals,

[Signature]
Pamela M. Dolby, Assistant

Note: This decision was filed in the Office of the Town Clerk together with the reasons for the decision, on April 16, 1992. Appeals, if any, should be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws and should be filed within 20 days of the filing of this decision in the Office of the Town Clerk.

May 6, 1992

I hereby certify that no appeal has been filed in the twenty day period following the date of filing this decision.

Attest:

[Signature]
Karen R. Medeiros
Assistant Town Clerk

Edgartown, Mass. *May 14 1992*
at *1* o'clock and *01* minutes *P.M.*
Received and entered with Dukes County Deeds
book *580* page *001*

Attest:

[Signature]
RATNER

EXHIBIT 15



The new look the owners at Harbor View Hotel.

Some investors can tell when a build is for love or money. Obviously, owners need to make a profit, but when passion is mixed in, well, it's in the air. For 25 years, Bernard Chiu walked by the 128-year-old Harbor View Hotel in Edgartown in Martha's Vineyard. He owned a house nearby, and the grand dame never always caught his eye. As the owner of Upland Capital, Chiu has built an empire of well-located residential and commercial properties in the Back Bay, Beacon Hill, Cambridge and other Boston areas and Nantucket, as well as golf clubs in New Hampshire and Massachusetts, among other places. He knows a winner when he sees one. But Harbor View was different. His heart skipped a beat whenever he looked at it. This was emotional.

"This hotel is spectacular. It is iconic," says Chiu, who stayed as a guest dozens of times over the years. "It is irreplaceable." Actually, not quite true. Chiu mapped out the property when it hit the market two years ago. And he replaced a lot. "The bones were here—it's a gorgeous structure—but we updated everything, including IT infrastructure and modern mechanical systems. There's a new pool garden, an expansive backyard with fire pits, herb gardens ("I like to say at Harbor View, every day is *Valentin's Day*"), renovated luxury guest suites, a Presidential Skyhouse four-bedroom penthouse, meeting and event rooms, and full-service wedding facilities. There are two new upscale restaurants—an international tapas bar and a modern American farm-to-table restaurant—each named after his daughters,

Rozana and Britna, featuring world-class executive chef Patrick Maximiano—and what the island regards as The Veranda. "Families return here every year," Chiu says. "And one of the things everybody talks about are the great memories they have on the veranda looking at the harbor and the lighthouse."

Legacy is important to Chiu, who has his own in this country. He grew up in Hong Kong and moved to Boston in part to head up Duracell's an appliance company that was sold to Honeywell for \$300 million. Since then, he's continued his entrepreneurial streak in the music industry as well as real estate. Family is a priority (his daughters and son-in-law are involved in his work), and so are vacations.

With that in mind, Chiu says he's elevated the Harbor View experience for vacationers with such amenities as complimentary Mercedes vehicles, bikes, a forthcoming spa and a comprehensive concierge service that accommodates just about any request you could imagine. In short, Harbor View is a full-service luxury resort that Chiu managed to conceive and construct in 16 months.

Chiu's mission is about honoring the hotel's past and loving it enough to ensure another 128 years. "My dream day for a guest is to go for a swim, enjoy a cocktail sitting near the fire pit, have a wonderful meal at Bertini or Rozana and then finishing off the evening overlooking the water on the veranda," he says. "That is my vision." (31 North Water St., Edgartown, 844.248.1167; harborviewhotel.com) ■

Lisa Pierpont, *Bernard Chiu Talks Grand Vision for Martha's Vineyard Harbor View Hotel*, BOSTON COMMON (July 1, 2019)

<https://mlbostoncommon.com/bernard-chiu-harbor-view-hotel-marthas-vineyard>

EXHIBIT 16



*Town of Edgartown
Zoning Board of Appeals
Post Office Box 1065
Edgartown, Massachusetts 02539*

Telephone
508-627-6160

Fax
508-627-6128

Case # 14-2019
Date Filed: 10 April 2019



Bk: 1498 Pg: 911 Doc: DECIS
Page: 1 of 2 06/14/2019 12:50 PM

Edgartown, Mass
Town Clerk's Office
M 21 3, 2019
Rec'd for Record
AT 3^H 17^M P M

DECISION OF THE ZONING BOARD OF APPEALS
ON THE REQUEST FOR A SPECIAL PERMIT

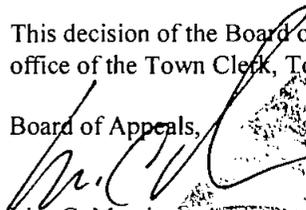
Applicant/Owner: Harborview Hotel Owner LLC
Book 1484 Page 46

At a meeting held in the Selectmen's Room, Town Hall, on Wednesday, 1 May 2019, the Edgartown Zoning Board of Appeals voted unanimously (5-0) to grant a special permit under section 11.9 (f) of the zoning bylaw to permit the construction of a replacement pool bar at the Harborview Hotel located at 131 North Water Street, Assr. Pcl. 20B-107 in the R-5 Residential District – all according to the plans and elevations submitted by Beacon Architectural Associates dated 29 March 2019 and 5 March 2019.

1. The proposal conforms to the requirements of the bylaw and will not be more detrimental to the neighborhood than the existing pool bar. The new pool bar will be smaller in size than the existing pool bar and located on the opposite side of the pool area.
2. The Harborview was granted a special permit in 1992 (Case No. 18-92) to serve food and beverages in the pool area.
3. A special permit is required because the construction of the pool bar constitutes a change or alteration of a nonconforming use (commercial) in a residential neighborhood. The board finds that the increase of two seats at the bar will not result in a significant intensification in the use of the structure or have any appreciable impact on town services.
4. No abutters, town board or departments, or members of the general public had any objection to the project.

This decision of the Board of Appeals and a record of proceedings are on file in the Zoning Board office and in the office of the Town Clerk, Town Hall under Case No: 14-2019.

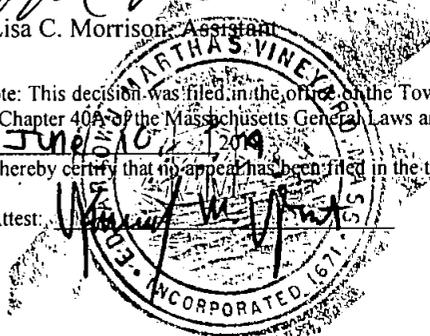
Board of Appeals,


Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 3 May 2019. Appeals, if any, should be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws and should be filed within 20 days of the filing of this decision in the office of the Town Clerk.

June 10, 2019
I hereby certify that this appeal has been filed in the twenty-day period following the date of filing this decision.

Attest:



**THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF EDGARTOWN
BOARD OF APPEALS**

Date: 5/24/2019

Certificate of Granting of Variance or Special Permit

(General Laws Chapter 40A, Section 11)

The Board of Appeals of the town of Edgartown hereby certifies that a Variance or Special Permit has been granted

To Harborview Hotel Owner LLC
Address c/o Sean Murphy - PO Box 1270
City or Town Edgartown MA 02539

affecting the rights of the owner with respect to land or buildings at 131 North Water Street, Assr. Pcl. 20B-107

The said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said variance – special permit, and that copies of said decision, and of all plans referred to in the decision, have been filed with the town clerk.

The Board of Appeals also calls to the attention of the owner or applicant the General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town clerk that twenty days have elapsed after the decision has been filed in the office of the town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.

Martin Tomassian

Chairman



Lisa C. Morrison

Assistant to the Zoning Board of Appeals

Received and entered with the Register of Deeds in the County of Dukes County

ATTEST: Paulo C. DeOliveira, Register

Dukes County Registry of Deeds

EXHIBIT 17



STARTERS

LOCAL OYSTERS*

pink peppercorn & tarragon mignonette, fresh horse-radish cocktail sauce, M/V Sweet Reaper hot sauce

1/2 dozen 18 | dozen 36

CLAM CHOWDER

island harvested fresh clams, pancetta, brown butter drizzle, oyster crackers 12

CRISPY CALAMARI

fennel, jalapeno, spicy marinara, caper aioli 14

SALAD

ARUGULA & WATERMELON SALAD

cucumber, pistachio, ricotta salata, summer herbs, lemon-honey vinaigrette 14

BABY KALE CAESAR

grilled croutons, parmesan 14

ADD FROM THE GRILL: CHICKEN 6 SHRIMP 7 SALMON 8 STEAK 9

FLATBREADS

MARGHERITA

san marzano tomato, for di latte mozzarella, basil, parmesan 16

LEMON GARLIC CHICKEN

parmesan bechamel, caramelized onion 19

TRUFFLED MUSHROOM

fontina, gruyere, lemon zest 18

MAINE LOBSTER

fresh lobster meat, lemon mascarpone, roasted celery, tarragon 36

SANDWICHES

CHEF'S WAGYU BURGER*

swiss cheese, grilled onion relish, special sauce, iceberg, pickles 22

FRIED CHICKEN SANDWICH

buttermilk herb ranch, chipotle bbq sauce, pickled jalapeno, tomato, iceberg 15

CAPRESE SANDWICH

burrata, basil, heirloom tomatoes, aged balsamic, toasted ciabatta 13

LOBSTER ROLL

lemon crème fraiche, bibb lettuce, celery 35

CHOICE OF FRIES OR SIDE SALAD

TRUFFLE ADD-ON +7

EXHIBIT 18



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chairman

**HARBOR VIEW HOTEL OWNER LLC D/B/A HARBOR VIEW HOTEL
131 NORTH WATER ST.
P.O.BOX 7
EDGARTOWN, MA 02539
LICENSE#: 0116-00177**

MEMORANDUM AND ORDER
ON APPELLANT'S MOTION FOR SUMMARY DECISION

The Licensee, Harbor View Hotel Owner LLC d/b/a Harbor View Hotel, has moved for summary decision on an appeal it filed with the Alcoholic Beverages Control Commission pursuant to M.G.L. c. 138, § 67. In its motion, and the sole issue on appeal, is whether the Edgartown Licensing Authority lawfully rolled back the Licensee's hours for its poolside bar to 12:00 pm – 6:00 pm. For the foregoing reasons, the Commission allows the Licensee's motion for summary decision.

BACKGROUND

Harbor View Hotel Owner LLC d/b/a Harbor View Hotel (the "Licensee" or "Harbor View Hotel") holds an all alcoholic beverages license issued pursuant to M.G.L. c. 138, § 12, located at 131 North Water Street, Edgartown, Massachusetts.

In October 2019, the Licensee applied for an alteration of premises to relocate its poolside bar.

On December 30, 2019, the Town of Edgartown Licensing Authority (the "Local Board") approved the Licensee's alteration of premises application. However, without advance notice to the Licensee, it added a condition to limit the hours of operation of the pool bar from 12:00 p.m. to 6:00 p.m. and had it printed on the Licensee's license.

The Licensee timely appealed the Local Board's rollback of hours to the Alcoholic Beverages Control Commission (the "Commission") and a hearing was scheduled for the appeal on March 26, 2020.

On March 4, 2020, the Local Board informed the Commission that it declined to appear at the

scheduled appeal hearing. The March 26th hearing was then postponed due to the Commonwealth's State of Emergency to be rescheduled to another date.

On June 15, 2020, the Licensee filed a Motion for Summary Decision on its pending appeal. The following day, counsel for the Local Board informed the Commission that it would not file any opposition to the Licensee's Motion for Summary Decision.

DISCUSSION

The only issue on appeal to the Commission, and the only issue before the Commission in the Licensee's Motion for Summary Decision, is whether the Local Board's rollback of the Licensee's hours to 12:00 pm to 6:00 pm was lawful.

It is well settled that § 12 licensees are statutorily permitted to make sales from 11:00 am to 11:00 pm and sales between those hours may not be curtailed by any licensing authorities.

Section 12 of Chapter 138 provides, in relevant part:

The hours during which sales of such alcoholic beverages may be made by any licensee as aforesaid shall be fixed by the local licensing authorities either generally or specially for each licensee; provided, however, that no such sale shall be made on any secular day between the hours of two and eight o'clock antemeridian and that, except as provided in section thirty-three, **no such licensee shall be barred from making such sales on any such day after eleven o'clock antemeridian and before eleven o'clock postmeridian**

(Emphasis supplied). Accord Casa Loma Inc. v. Alcoholic Beverages Control Comm'n, 377 Mass. 231 (1979); Herbert J. Allen, Inc. d/b/a Roy's Pub (ABCC Decision Sept. 19, 1991).

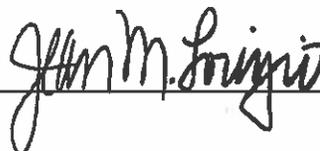
Therefore, the Local Board's rollback of hours, insofar as they were rolled back to hours between 11:00 am and 11:00 pm, was unlawful.

CONCLUSION

The Alcoholic Beverages Control Commission **ALLOWS** the Licensee's Motion for Summary Decision in its Appeal of Harbor View Hotel Owner LLC d/b/a Harbor View Hotel. Based on the above order, the Commission remands the matter to the Local Board to remove the rollback of hours and issue the Licensee a new liquor license which does not contain this restriction.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Dated: June 18, 2020

You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty (30) days of receipt of this decision.

This document is important and should be translated immediately.
Este documento es importante y debe ser traducido inmediatamente.
Este documento é importante e deve ser traduzido imediatamente.
Ce document est important et devrait être traduit immédiatement.
Questo documento è importante e dovrebbe essere tradotto immediatamente.
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως.
这份文件是重要的，应立即进行翻译。

cc: Kevin P. O'Flaherty, Esq.
James Lampke, Esq.
Frederick G. Mahony, Chief Investigator
Local Licensing Board
Administration, File

EXHIBIT 19

LICENSE

ALCOHOLIC BEVERAGES

Town of Edgartown, Massachusetts
Board of Selectmen

HEREBY GRANTS A

INNHOLDER

**License to Expose, Keep for Sale, and to Sell
All Kinds of Alcoholic Beverages
TO BE DRUNK ON THE PREMISES**

To: Harbor View Hotel Owner, LLC d/b/a Harbor View Hotel

On the following premises described as:

Located at 131 North Water Street. Entrances and exits to the same. Hotel with
four floors, cellar storage, pool, work room, plus nine additional outbuildings.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules or regulations made thereunder by the licensing authorities. This license expires December 31, 2019, unless earlier suspended, cancelled or revoked.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures
this _____ day of May 20 19

The Hours during which Alcoholic
Beverages may be sold are:

Open May, 2019 _____

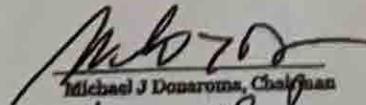
9:00 a.m. to 12:30 a.m. Weekdays. _____

10:00 a.m. to 12:30 a.m. Sundays _____

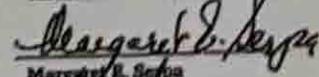
No sales or service or alcoholic beverages after _____

12:30 a.m. All patrons must be off _____

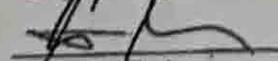
the premises by 1:00 a.m. _____



Michael J. Donaroms, Chairman



Margaret E. Seppa



Arthur Smalbeck

Board of Selectmen

License subject to conditions on reverse side

SHALL BE DISPLAYED ON THE PREMISES IN A CONSPICUOUS POSITION WHERE IT CAN EASILY BE SEEN

CONDITIONS BY SELECTMEN ON ISSUANCE OF LICENSE:
(if entertainment license is issued)

1. All windows and doors shall be closed during hours that entertainment is in progress.
2. Minimum amplification of entertainment indoors.

**CONDITIONS PLACED BY ZONING BOARD OF APPEALS ON
APRIL 8, 1992:**

1. There will be no serving of food and beverages on the porch, although consumption of food and beverages on the porch is permitted.
2. The outdoor service of food and beverages will be permitted in the pool area.
3. Service and entertainment on the green will cease no later than 10:30 p.m.
4. The green area will be cleared of guests and lights will be out no later than 11:00 p.m.
5. There will be no lighting of the green; lights will be in the tents only.
6. There will be no more than three night functions per week on the green.
7. There will be no more than three daytime functions per week on the green.
8. There will be no amplification of any kind on the grounds of the Harbor View.

EXHIBIT 20



Edgartown, MA

PROPERTY INFORMATION

On Edgartown Harbor

Walk to downtown

Enjoy Amenities of Harbor View Hotel, including pool and resta

Central Air

Off Street Parking

Square Feet: 2,079

3 Beds | 4 Baths

[View on map](#)

[Contact us to book](#)

VISIT OUR WEBSITE

WaterStreetHarborHouse.com

About Water Street Harbor House

119 NORTH WATER STREET, EDGARTOWN, MA

Water Street Harbor House is an elegant Edgartown vacation rental home. Conveniently located at 119 North Water Street in Edgartown, MA, this an idyllic Martha's Vineyard vacation experience. The stunning property features a classically styled covered porch, and front entryway that opens dramatic, open-designed Dining and Living Room with floor-to-ceiling windows that maximize the grand views. French doors open onto an expansive deck with sweeping views of the Edgartown Lighthouse. There are a total of three bedrooms, each with en suite bath, including a second-floor Master Suite with vaulted ceilings, and private deck. Accommodates up to 8 people.

Why Water Street Harbor House is One of the Best Places to Stay in Martha's Vineyard?

Combine the best of in-town and waterfront living. Stay in the heart of historic Edgartown Village on prestigious North Water Street. Walk out your the restaurants, shops, ferry, theater and other downtown attractions. Or, stay home to enjoy dining al fresco and relaxing on expansive decks overlooking Edgartown Harbor and Lighthouse. If you are boater, ask about availability on our private deep-water dock with direct access from the back of the

Water Street Harbor House is owned by the Harbor View Hotel, which means you get to enjoy the high-end amenities of the Harbor View Hotel, including pool and restaurant. The Harbor View Hotel is located right across the street, which is convenient for accommodating extra guests. To learn more about Harbor View Hotel, go to <https://www.harborviewhotel.com/>.

EXHIBIT 21



Water Street Harbor House



Edgartown
Massachusetts

- [Water Street Harbor House](#)
- [Marina | Boat Slips for Rent](#)
- [2020 Rates & Availability](#)
- [Contact Us](#)

Water Street Harbor House

Water Street Harbor House

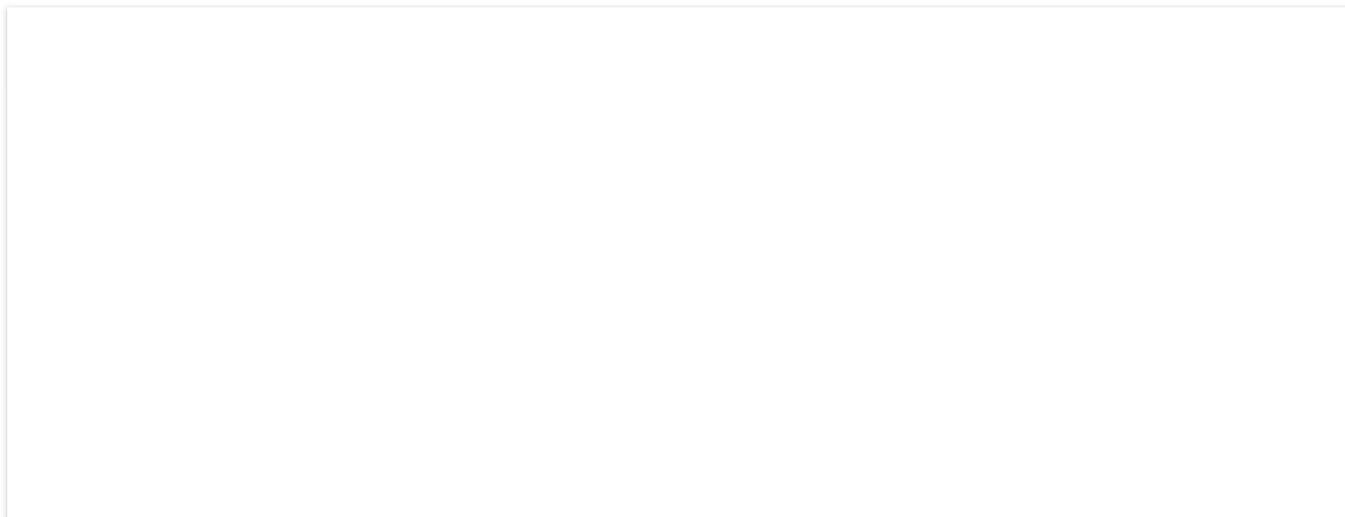
3 Bedrooms | 3 Bathrooms | House in Edgartown

from \$4500 per /wk

[Book Now](#)

Details

Property Details





Front of House from North Water Street

3 Bedrooms, 3 Bathrooms, Sleeps 8

Water Street Harbor House is located at 119 North Water Street in Edgartown, MA. This elegant vacation rental home offers an idyllic Martha's Vineyard vacation experience. Stay in the heart of historic Edgartown Village on prestigious North Water Street. Enjoy dining al fresco or lounging on two expansive decks overlooking Edgartown Harbor and Lighthouse. Combine the best of in-town and waterfront living.

This stunning property features a classically styled covered porch, and front entryway that opens into a dramatic, open-designed Dining and Living Room with floor-to-ceiling windows that maximize the grand views. French doors open onto an expansive mahogany deck with sweeping views of the Edgartown Lighthouse. There are a total of three bedrooms, each with en suite bath, including a second-floor Master Bedroom Suite with vaulted ceilings, and private deck. The professionally landscaped yard stretches to a sandy shoreline at the harbor's edge, leading to a 150-foot private deep water dock that will accommodate up to 10 boats. Ask about boat slip availability on our private deepwater dock on Edgartown Harbor.

- 3 bedrooms (2 Kings, 2 Bunk Beds)
- 3 bathrooms
- 2,079 square feet
- Master bath dual vanity sinks and shower
- Open living room, dining room, kitchen
- Hardwood floors
- Elegantly furnished
- Fully-equipped kitchen with granite countertops and stainless steel appliances
- Ample closet space
- LED TVs (living room, each bedroom)
- iPad equipped (operates music and TV units)
- Comcast cable
- High speed wireless internet
- Climate controlled (A/C and heat)
- Washer and dryer
- Iron and ironing board
- Beach towels
- Hairdryer (each bathroom)
- Housekeeping
- Arrival Time 4:00 PM
- Departure Time 10:00 AM

This property has 2 King(s), 2 Bunk(s).

Booking Calendar

Amenities

Policies

Reviews

Click for Rates

For availability and further information, contact

Call us at **617-391-3702** or submit the form below.

Your Name (required)

Your Email (required)

Subject

Your Message

(required)To help us filter out spam, please answer this question. Which number is bigger 1 or 5?

Send



Water Street Harbor House

- [Water Street Harbor House](#)
- [Marina | Boat Slips for Rent](#)

- [2020 Rates & Availability](#)
- [Contact Us](#)

Rates & Availability

- [2020 Rates & Availability](#)
- 2020 Rates & Availability

©:year Upland Capital Corporation, All Rights Reserved. 745 Boylston Street, Boston MA 02116 · 617-226-8200

Copyright © All Rights Reserved 2017-2020 Water Street Harbor House
119 North Water Street · Edgartown · MA · 02539 · United States (617) 391-
3702 assistant.property.manager@uplandcapital.net

EXHIBIT 22



TOWN OF EDGARTOWN
BUILDING INSPECTOR
P. O. Box 5158
EDGARTOWN, MASSACHUSETTS 02539

TELEPHONE
(508) 627-6115

July 5, 2019

Water Street Harbor House, LLC
Bernard K. Chiu, Manager
c/o Upland Property Management
745 Boylston Street STE 601
Boston, MA 02116

Re: Zoning Violations at 119 South Water Street, Edgartown, MA

Dear Mr. Chiu:

It has come to my attention that you are operating a single family home located at 119 North Water, Edgartown, Massachusetts (the "Property"), owned by Water Street Harbor House, LLC (the "Harbor House"), as an adjunct facility to the nearby hotel/inn known as the Harbor View Hotel (the "Harbor View"). Since you do not have the necessary permits to operate the Harbor House as a commercial operation, I order you to cease and desist, effective immediately, from doing so. You must furnish this office with adequate proof, within ten (10) business days, that you have ceased operating and advertising the Harbor House as a rental property with corresponding full use of the Harbor View's facilities. You have the right to appeal my order to the Edgartown Zoning Board of Appeals within thirty (30) days.

The Property is located in the R-5 Zoning District. Hotels and inns are not uses by right under Section 2.3.A in the district, but rather new construction of an inn or hotel requires a special permit under Section 2.3.B(3). As you know, the Harbor View itself is a preexisting, nonconforming use, and the Board of Appeals has allowed, by a series of special permits, its alteration or expansion. Modifications to the legal right to operate the Harbor View have also been approved and conditioned by the Martha's Vineyard Commission, a regional planning body. Both of those regulatory bodies have a placed a

Bernard K. Chiu, Manager
July 5, 2019
Page 2 of 2

limitation on the number of rooms that the Harbor View can operate.

The Harbor House has posted on-line advertisements for the rental of the Property at <https://waterstreetharborhouse.com>, a copy of which I attach as Exhibit "A". The advertisement states (in part): "Water Street Harbor House is owned by the Harbor View Hotel, which means you get to enjoy the high-end amenities of the Harbor View Hotel" You do not have the right to operate the Property as an adjunct facility to the Harbor View, and the Harbor View has not obtained the necessary permits to expand to 119 North Water Street. Accordingly, the rental advertisement and use establishing a connection between the two facilities must cease, as noted.

You have a right to appeal this order by filing an appeal to the Zoning Board of Appeals in or within thirty days pursuant to G. L. c. 40A, § 8.

Very truly yours,



Leonard Jason, Jr.
Building Inspector/Zoning Officer

cc: James Hagerty, Town Administrator (w/encl.)
Ronald H. Rappaport, Town Counsel (w/encl.)

EXHIBIT A



Water Street Harbor House



Edgartown
Massachusetts

- [Water Street Harbor House](#)
- [Marina | Boat Slips for Rent](#)
- [Rates & Availability](#)
- [Contact Us](#)

119 North Water Street in Edgartown

In-Town on the Waterfront

About Water Street Harbor House | 119 North Water Street, Edgartown, MA

Water Street Harbor House is an elegant Edgartown vacation rental home. Conveniently located at 119 North Water Street in Edgartown, MA, this property offers an idyllic Martha's Vineyard vacation experience. The stunning property features a classically styled covered porch, and front entryway that opens into a dramatic, open-designed Dining and Living Room with floor-to-ceiling windows that maximize the grand views. French doors open onto an expansive mahogany deck with sweeping views of the Edgartown Lighthouse. There are a total of three bedrooms, each with en suite bath, including a second-floor Master Bedroom Suite with vaulted ceilings, and private deck. Accommodates up to 8 people.

Why Water Street Harbor House is One of the Best Places to Stay in Martha's Vineyard?

Combine the best of in-town and waterfront living. Stay in the heart of historic Edgartown Village on prestigious North Water Street. Walk out your front door to the restaurants, shops, ferry, theater and other downtown attractions. Or, stay home to enjoy dining al fresco and relaxing on expansive decks overlooking Edgartown Harbor and Lighthouse. If you are boater, ask about availability on our private deep-water dock with direct access from the back of the property.

Water Street Harbor House is owned by the Harbor View Hotel, which means you get to enjoy the high-end amenities of the Harbor View Hotel, including the pool and restaurant. The Harbor View Hotel is located right across the street, which is convenient for accommodating extra guests. To learn more about the Harbor View Hotel, go to <https://www.harborviewhotel.com/>.

Book early. Martha's Vineyard summer rentals book up fast, and the Water Street Harbor House is one of the nicest, most convenient places to stay in Edgartown, MA.

[View our property gallery](#). Check out [rates and availability](#). [Contact Us Today](#) for North Water Street Edgartown MA homes for rent.

...

Testimonials

Beautiful home, perfect location! I look forward to going back.

Jack B.



Water Street Harbor House

- [Water Street Harbor House](#)
- [Marina | Boat Slips for](#)

Rates & Availability

- [Rates & Availability](#)

EXHIBIT 23



Photographs of Hotel bellhop on North Water Street, Summer 2020.

EXHIBIT 24

Dukes - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 9/11/2020 10:12:50 AM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
6554	LICENCE		01511/796	11/12/2019	
Property-Street Address and/or Description					
119 NORTH WATER ST LIC NO 14978					
Grantors					
WATER STREET HARBOR HOUSE LLC, MASSACHUSETTS COMM					
Grantees					
WATER STREET HARBOR HOUSE LLC					
References-Book/Pg Description Recorded Year					
Registered Land Certificate(s)-Cert# Book/Pg					

The Commonwealth of Massachusetts



2019 00006554

Bk: 1511 Pg: 796 Doc: LIC
Page: 1 of 6 11/12/2019 03:50 PM

No. 14978

Whereas, Water Street Harbor House, LLC

of -- Edgartown -- in the County of -- Dukes -- and Commonwealth aforesaid, -- has applied to the Department of Environmental Protection for a license to -- construct and maintain floats and piles and maintain an existing pier extension ----

and has submitted plans of the same; and whereas due notice of said application, (~~and of the time and place fixed for a hearing thereon,~~) has been given, as required by law, to the -- Board of Selectmen -- of the Town of -- Edgartown. ----

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said ----

Water Street Harbor House, LLC --, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to -- construct and maintain floats and piles and maintain an existing pier extension -----

in and over the waters of -- Edgartown Harbor -- at 119 North Water Street --, in the -- Town -- of -- Edgartown -- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 14978 (2 sheet(s)).

The structures hereby authorized shall be limited to the following uses: noncommercial docking and boating access to navigable waters.

Existing structures and/or uses previously authorized under DEQE License No. DPW 853 (1982) shall be maintained in accordance with the terms and conditions of said license and plans.

This license will expire thirty (30) years from the date of License issuance. By written request of the licensee for an amendment, the Department may grant a renewal for the term of years not to exceed that authorized in the original license.

SPECIAL WATERWAYS CONDITIONS:

1. In accordance with any license condition, easement, or other public right of lateral passage that exists on the subject property lying between the high and low watermarks, the Licensee shall allow the public in the exercise of such rights to pass freely over all structures within such intertidal area. Accordingly, the Licensee shall place and maintain, in good repair, a public access sign on both the easterly/westerly sides of the pier extension authorized herein, adjacent to the mean high water shoreline. Said signs shall be designed in accordance with the signage specifications provided by the Department, attached hereto, and be posted **within sixty (60) days of License issuance**. Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structure(s) or property not intended for lateral passage.

2. The Licensee shall allow the public to pass on foot, for any purpose and from dawn to dusk, within the area of the subject property lying seaward of the high water mark. This condition shall not be construed to prevent the Licensee from taking reasonable measures to discourage unlawful activities by users of the area(s) intended for public passage, including but not limited to trespassing on the adjacent private areas and deposit of refuse of any kind or nature in the water or on the shore. Further, the exercise by the public of free on-foot passage in accordance with this condition shall be considered a permitted use to which the limited liability provisions of M.G.L. c.21, s.17c apply.

3. All foam material used for dock floatation shall be closed-cell polystyrene foam appropriate for marine use or shall be properly encapsulated.

4. All seasonal structures when removed from the water shall be stored landward of the mean high water shoreline and outside of wetland resource areas. Said storage shall be in conformance with any applicable local, state or federal requirements.

5. Vessels shall be moored such that they do not become grounded at any tide.

6. No dredging (including, but not limited to effects of prop wash) is permitted herein.

7. All work authorized herein shall be completed within five (5) years of the date of license issuance. Said construction period may be extended by the Department for one or more one year periods without public notice, provided that the Applicant submits to the Department, thirty (30) days prior to the expiration of said construction period, a written request to extend the period and provides an adequate justification for said extension.

8. Within sixty (60) days of completion of the licensed project, the Licensee shall request in writing that the Department issue a Certificate of Compliance in accordance with 310 CMR 9.19. The request shall be accompanied by a certification by a registered professional engineer licensed in the Commonwealth that the project was completed in accordance with the License.

Duplicate of said plan, number 14978 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP, Division of Wetlands and Waterways.
9. This License authorizes structure(s) and/or fill on:
 - Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.
 - Commonwealth Tidelands. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.
 - Great Pond of the Commonwealth. The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.
 - Navigable River and Streams. The Licensee shall not restrict the public's right to use and pass freely, for any lawful purpose, in the Waterways.

No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.

10. Unless otherwise expressly provided by this license, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

The amount of tidewater displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- Water Street Harbor House, LLC -- by paying into the Edgartown Waterways Improvement Fund -- two dollars and zero cents (\$2.00) -- for each cubic yard so displaced, being the amount hereby assessed by said Department. (1 cu. yds. = \$2.00)

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of Dukes.

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this 3rd day of October in the year two thousand nineteen.

Commissioner *Mark Sly*

Department
of Environmental
Protection

for Program Chief *David E. Hill*

THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said -- Water Street Harbor House, LLC --

of the further sum of -- nine hundred fifty-one dollars and zero cents (\$951.00) --

the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

BOSTON,

Approved by the Governor.

Charles D. Baker
Governor

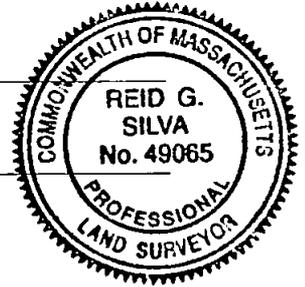
I certify that this plan has been prepared in conformity with the rules and regulations of the Registers of Deeds of the Commonwealth of Massachusetts.

I hereby certify that the property lines shown on this plan are the lines dividing existing ownerships, and the lines of the streets and ways shown are those of public or private streets or ways already established, and that no new lines for the division of existing ownership or for new ways are shown.

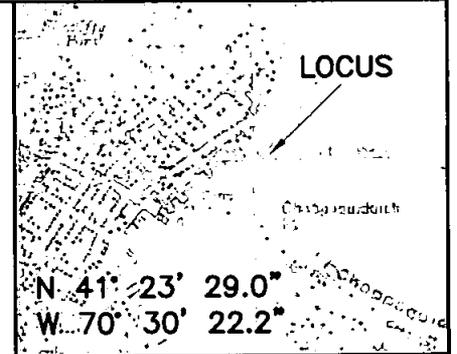
Date: JUNE 21, 2019

Reid G. Silva

Professional Land Surveyor



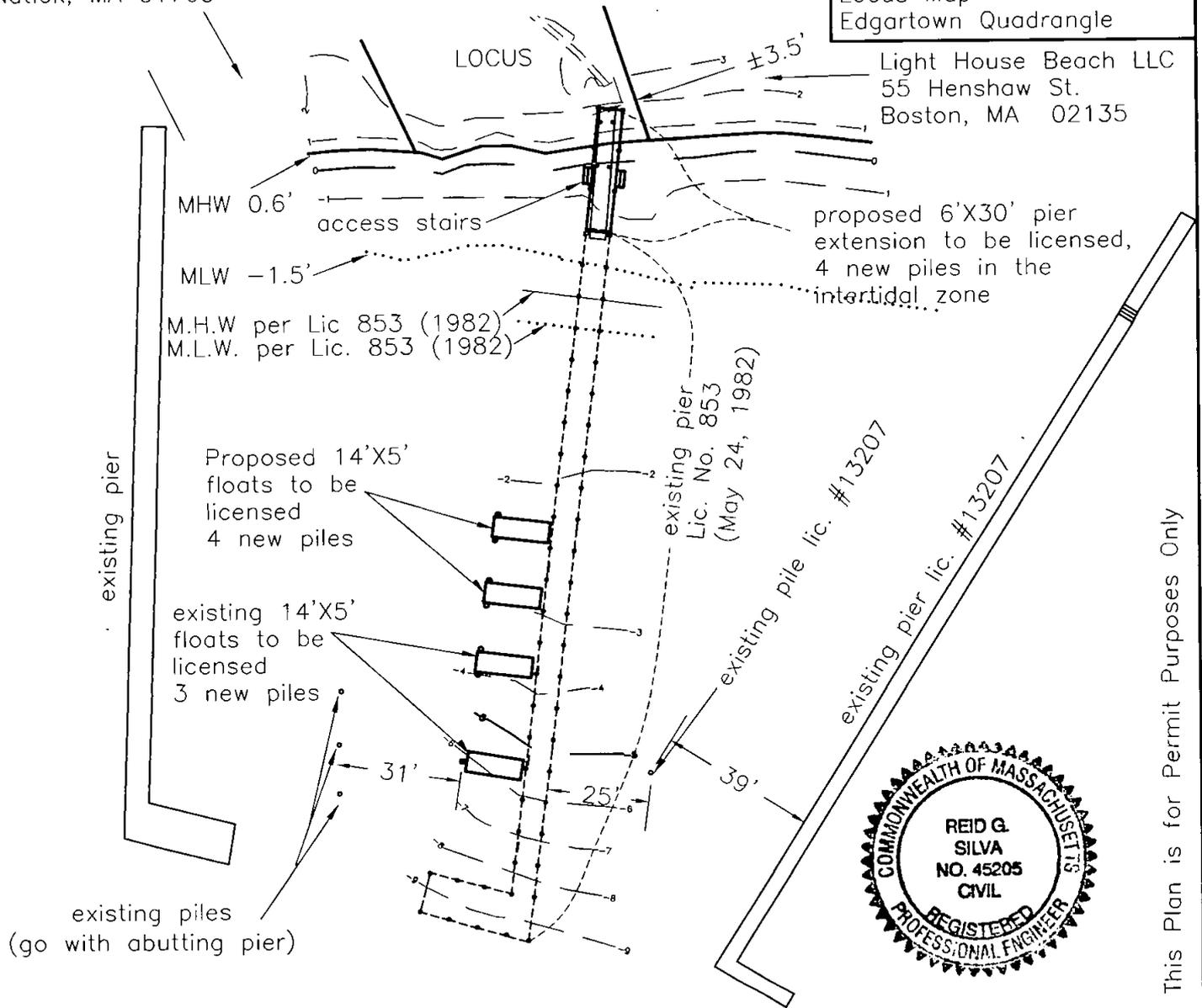
PLAN 1in. = 40ft..
Elevations are in feet
Datum: NAVD 1988
MHW = + 0.6'
MLW = - 1.5'



Locus Map
Edgartown Quadrangle

Edgartown Lighthouse LLC
c/o Townsend & Morey III
0 Milk St.
Natick, MA 01760

Light House Beach LLC
55 Henshaw St.
Boston, MA 02135



Displacement of additional piles between MLW and MHW is 0.6 cu.yds.

Plan Accompanying Petition of WATER STREET HARBOR HOUSE LLC to license and maintain a timber pier extension, and 4 floats at 119 North Water Street, EDGARTOWN HARBOR, EDGARTOWN, MASS. April 7, 2019 1" = 40'

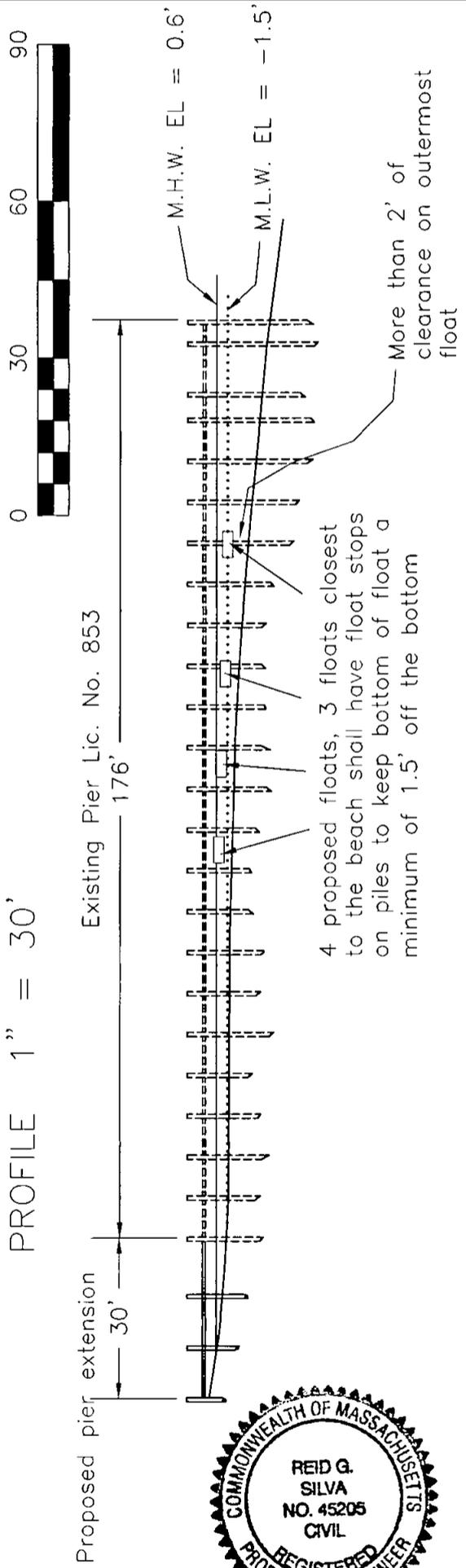
Vineyard Land Surveying & Engineering
P.O. Box 421, West Tisbury, MA 02575

Sheet 1 of 2 Job No. 1054

LICENSE PLAN NO. 14978
Approved by Department of Environmental Protection of Massachusetts
David E. Hill OCT - 3 2019
[Signature]

This Plan is for Permit Purposes Only

W18-5405



REID G. SILVA
NO. 45205
CIVIL
REGISTERED PROFESSIONAL ENGINEER
COMMONWEALTH OF MASSACHUSETTS

Reid G. Silva
6/21/2019

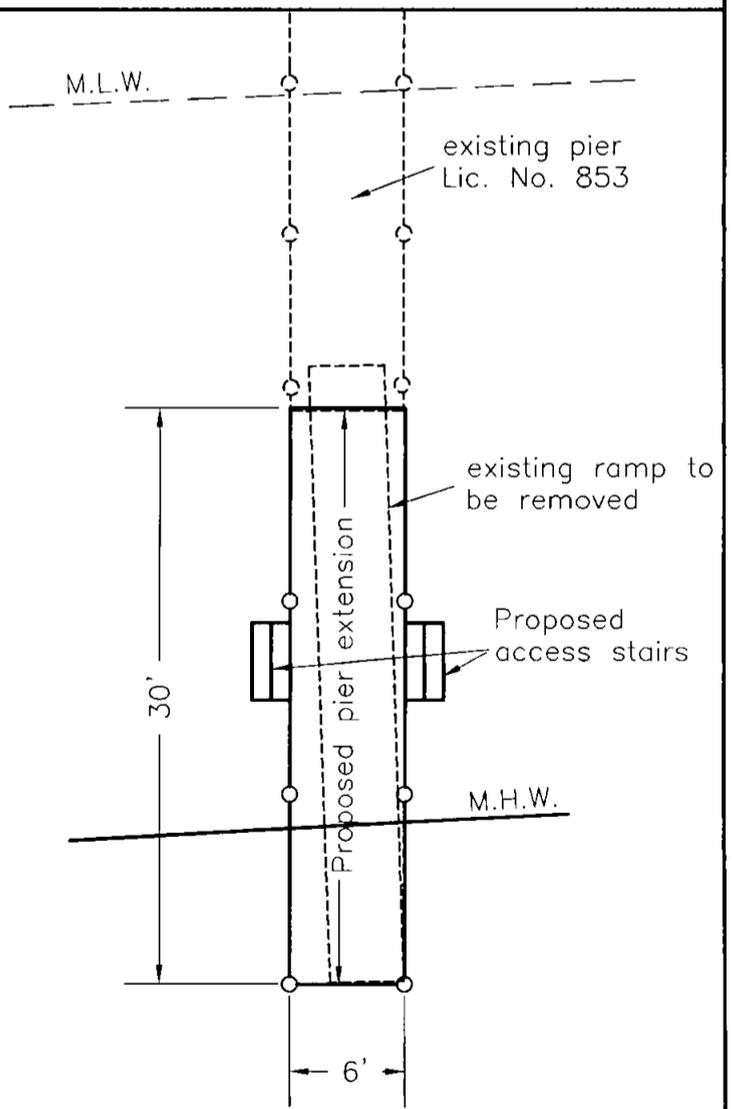
This Plan is for Permit Purposes Only

LICENSE PLAN NO. **14978**
Approved by Department of Environmental Protection
Date: **OCT - 3 2019**



PROPOSED FLOATS 1" = 10'

0 10 20



PLAN VIEW 1" = 10'

0 10 20

EXHIBIT 25



2018 00003731

Bk: 1471 Pg: 352 Doc: ORD
Page: 1 of 8 07/05/2018 03:23 PM

Edgartown, Mass
Town Clerk's Office
June 28 2018
Rec'd for Record
AT 2:16 PM



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and the Edgartown Wetlands Protection Bylaw

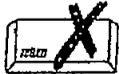
Provided by MassDEP:
SE20-1505
MassDEP File #

eDEP Transaction #
Edgartown 18-18
City/Town

A. General Information

Please note:
this form has
been modified
with added
space to
accommodate
the Registry
of Deeds
Requirements

Important:
When filling
out forms on
the
computer,
use only the
tab key to
move your
cursor - do
not use the
return key.



1. From: The Edgartown
Conservation Commission

2. This issuance is for
(check one): a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:
Bernard Chiu - Water Street Harbor House LLC
a. First Name b. Last Name

% VLS
b. Organization

P.O. Box 421
d. Mailing Address

West Tisbury MA 02575
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):
a. First Name b. Last Name

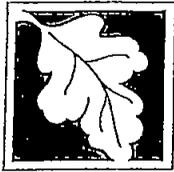
c. Organization

d. Mailing Address

e. City/Town f. State g. Zip Code

5. Project Location:
119 N. Water Street Edgartown
a. Street Address b. City/Town

19B S.1
c. Assessors Map/Plat Number d. Parcel/Lot Number



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

eDEP Transaction #

City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Dukes
 a. County 1447 b. Certificate Number (if registered land) 233
 c. Book d. Page

7. Dates: 1 May 2018 13 June 2018 28 June 2018
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Site Plan
 a. Plan Title VLS
 b. Prepared By 25 Apr. 1 2019 c. Signed and Stamped by
 d. Final Revision Date e. Scale
 f. Additional Plan or Document Title g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. Public Water Supply
- b. Land Containing Shellfish
- c. Prevention of Pollution
- d. Private Water Supply
- e. Fisheries
- f. Protection of Wildlife Habitat
- g. Groundwater Supply
- h. Storm Damage Prevention
- i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection
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 City/Town

B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:

 a. square feet of BVW

 b. square feet of salt marsh

24. Stream Crossing(s):

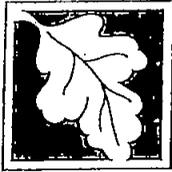
 a. number of new stream crossings

 b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



Massachusetts Department of Environmental Protection
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Provided by MassDEP:

MassDEP File #

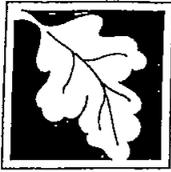
eDEP Transaction #

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number SE 20-1505"
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

eDEP Transaction #

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- 17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
- 18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

D. Findings Under Municipal Wetlands Bylaw or Ordinance

- 1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
- 2. The Edgartown Conservation Commission hereby finds (check one that applies):
 - a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw

2. Citation

- 3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

see attached

Additional Conditions - Water Street Harbor House LLC – Bernard Chiu
SE20-1505
Edgartown File No. 18-18

This order permits the licensing, maintenance, and widening of a portion of the existing pier from 4-feet to 6-feet and the addition of two seasonal floats and four pilings as shown on the site plan dated 25 April 2018, Vineyard Land Surveying, and as described in the notice of intent and supporting documents

19. Only untreated lumber is to be used for the extension, floats, and pilings
20. During the off-season, floats are to be stored in an upland location away from the resource area.
21. No rafting of boats off the ends of the pier or floats is permitted.
22. Pier is for private, recreational use. No commercial activities are permitted.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

eDEP Transaction #

City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

28 June 2018

1. Date of Issuance

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

X [Signature]

X [Signature]

X [Signature]

X [Signature]

by hand delivery on

by certified mail, return receipt requested, on

28 June 2018

Date

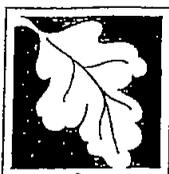
Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

eDEP Transaction #

City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

ATTEST: Paulo C. DeOliveira, Register
Dukes County Registry of Deeds

EXHIBIT 26

Number
FY21-6

The Commonwealth of Massachusetts
Town of Edgartown

Fee
\$100.00

This is to Certify that Water Street Harbor House d/b/a The Harborview
119 N. Water St

IS HEREBY GRANTED A
COMMERCIAL MARINE LICENSE

In accordance with the provisions of the Commercial Marine By-Law:

Rental of Dockspaces to guests

Charter boats

This license is granted in conformity with the Statutes and ordinances
thereto, and expires June 30, 2021

Arthur Smadbeck, Chairman

July 27, 2020

Date

Michael J. Donaroma

Margaret E. Serpa
Board of Selectmen

RENEWAL APPLICATION

COMMERCIAL MARINE ACTIVITY LICENSE

To the Board of Selectmen

In accordance with the provisions of the Commercial Marine License By-Law adopted October 29, 2001 and approved February 22, 2002 by the Office of the Attorney General of the Commonwealth, the Undersigned hereby applies for the renewal of a License to continue to operate a commercial marine activity in Edgartown Harbor.

PLEASE PRINT IN BLACK INK OR TYPE

NAME ON LICENSE Water Street Harbor House, LLC

DOING BUSINESS AS _____

BUSINESS LOCATION 119 North Water Street, Edgartown, MA

MAILING ADDRESS (P.O. Box #) c/o Upland Management, 745 Boylston Street, Suite 601, Boston, MA 02116

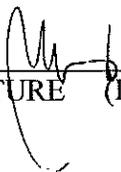
DESCRIPTION OF BUSINESS Rental of dock spaces; Charter boats

BUSINESS PHONE [REDACTED] HOME PHONE _____ FAX# _____

I hereby certify and swear under penalties of perjury that:

1. The renewal license will be for the same premises and activity now licensed.
2. The licensee has complied with all laws of the Commonwealth relating to taxes.

Bernard Chiu, Manager
PRINT NAME


SIGNATURE (Individual, Partner, Authorized Corporate Officer)

COMMERCIAL MARINE LICENSE FEES - \$100.00 - resident \$300 - Non-resident

Do Not Write Below This Line – For Official Use Only

Received: Date: _____

CML Lic. Fee Pd: Resident - \$100.00 _____; Other: - \$300.00 _____

Fee for use of Pier - \$ 300.00 _____ Using public loading zone _____

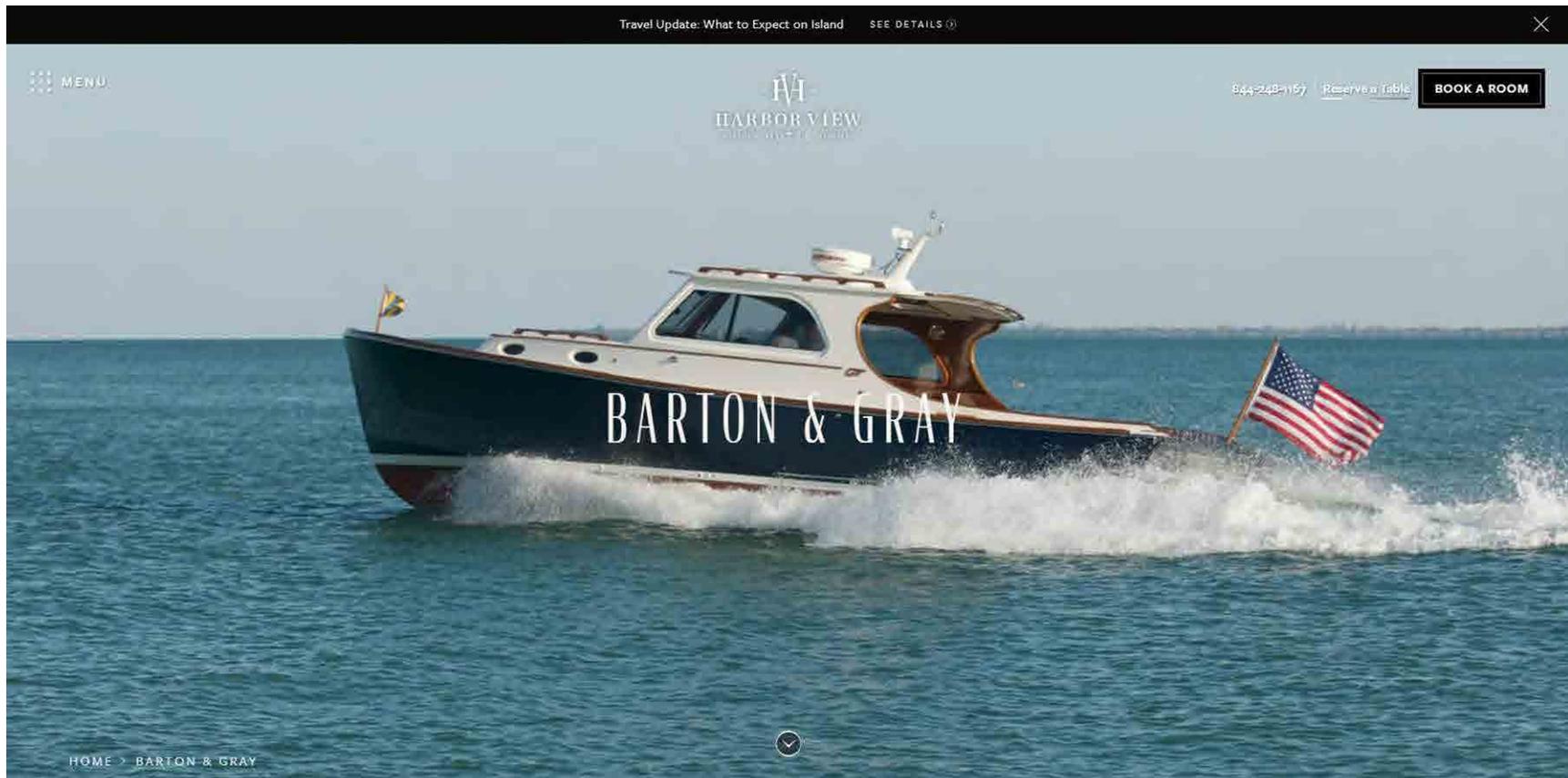
Application Approved: Date: _____, _____

License Issued: Date: _____, _____ # _____ Prior# _____

Application Disapproved: Date: _____, _____

Statement of reason for disapproval: _____

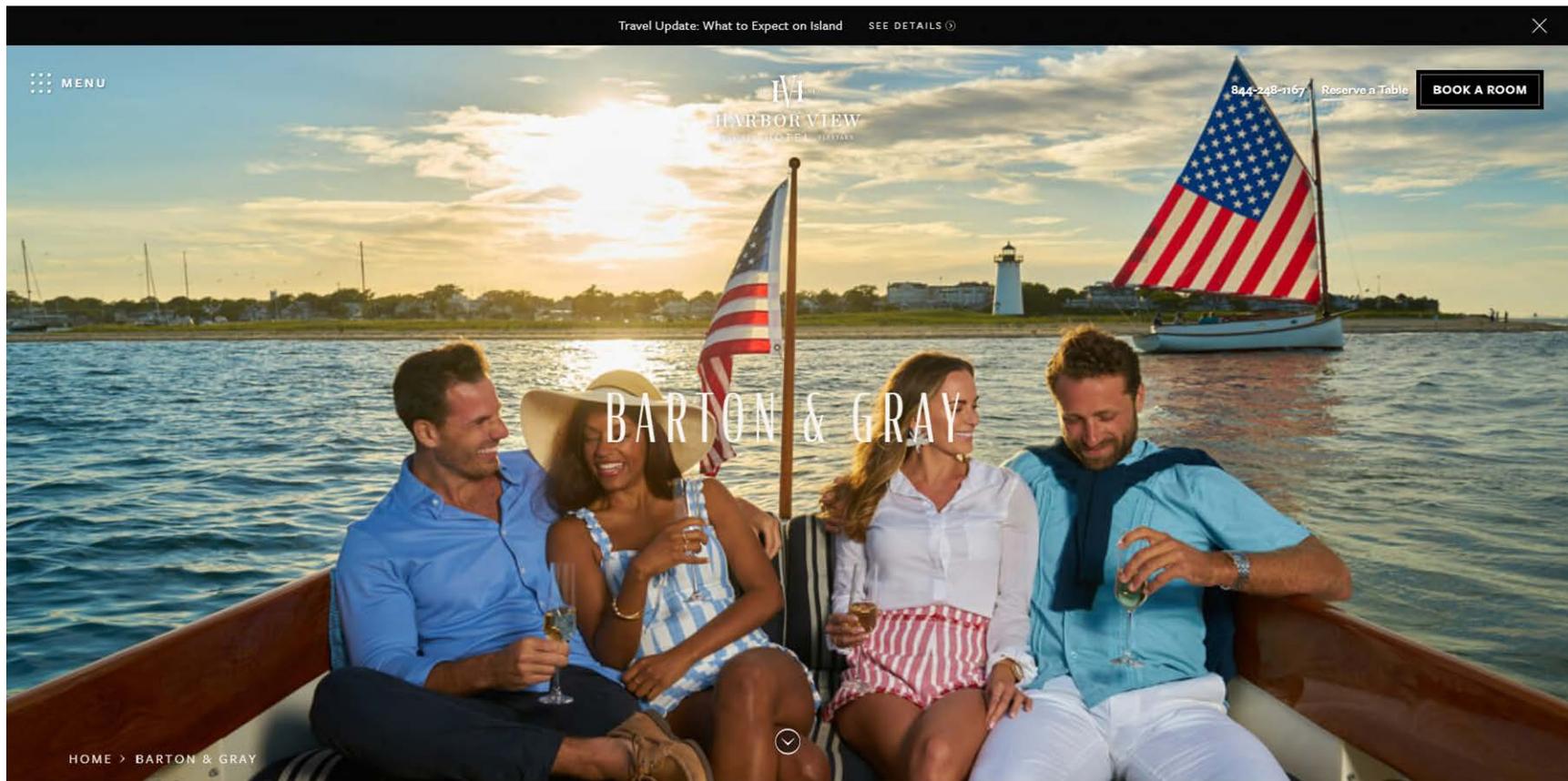
EXHIBIT 27



Harbor View Hotel Website, Things to Do. Figure 1.
<https://www.harborviewhotel.com/barton-gray/>



Harbor View Hotel Website, Things to Do. Figure 2.
<https://www.harborviewhotel.com/barton-gray/>



Harbor View Hotel Website, Things to Do. Figure 3.
<https://www.harborviewhotel.com/barton-gray/>



OCEAN ESCAPES WITH BARTON & GRAY

Harbor View Hotel has partnered with Barton & Gray, one of the most unique clubs in North America, to provide guests and members with an exclusive opportunity to reserve a luxury yachting charter this summer. Cruise around near by sites like Menemsha, Cape Poge, Nantucket, and Cuttyhunk aboard a 36-foot Hinckley Picnic Boat EP, captained and cared for by a United States Coast Guard licensed crew. As you explore the sea, your Hinckley Boat will be provisioned with everything you will need. For more information please contact the Front Desk/Concierge directly by calling 508-627-7000.

\$1950 for a 4 Hour Island Journey:

10am-2pm or 3pm-7pm

\$2950 for a Nantucket Extended 6 Hour Outing:

8am -2pm or 3pm - 9pm

INQUIRE 

GET SOCIAL

SHARE YOUR VIEW WITH #HARBORVIEWHOTEL



Harbor View Hotel Website, Things to Do. Figure 4.
<https://www.harborviewhotel.com/barton-gray/>

EXHIBIT 28



 harborviewhotel • [Follow](#)
Harbor View Hotel

 harborviewhotel Wishing all of our Harbor View friends a Happy Labor Day!

1w

 harborviewhotel
#harborviewhotel #hvh
#edgartown #marthasvineyard
#mv #vineyardhaven #oakbluffs
#capecod #Nantucket

256 likes

SEPTEMBER 7

Add a comment...



Harbor View Hotel Instagram,
@.

EXHIBIT 29



Historic hotel has another major expansion plan in the works; a Jan. 21 hearing is set before the MVC. *Mark Alan Lovewell*

Harbor View Hotel Expansion Plan Sees Pushback from Neighbors

Noah Asimow *Thursday, January 7, 2021 - 6:42pm*

A proposal by the historic Harbor View Hotel to continue its long-term, \$55 million renovation project and expand its spa is seeing considerable pushback from North Water street neighbors, who have called for additional public scrutiny by the Martha's Vineyard Commission.

Recent modifications to the project that include a major expansion to the hotel spa were set to come before the commission for a hearing Thursday, but have since been delayed at the request of the applicant, according to the commission's website. The hearing is now set for Jan. 21.

A grande dame of Edgartown's vibrant hospitality industry, the exclusive 117-room Harbor View hotel and resort has a long, 130-year history on the otherwise quiet, residential corner of at the intersection of North Water street and Starbuck's Neck, overlooking the Edgartown lighthouse. The hotel and its cottages, as well as the Bettini restaurant and pool bar, have undergone extensive renovations in the past two years.

A group of neighbors have registered growing concerns about the changes in public meetings and letters to town boards, among other things challenging the hotel's liquor license with the state Alcoholic Beverage Control Commission and taking the hotel and town to court over the pool bar, which remains the subject of ongoing litigation.

The most recent proposed modifications set to come before the commission include a plan to tear down the Bradley Cottage on the western side of the property, increase the square footage from 7,080 to 9,650 and add a 4,600-square-foot spa. A renovation of the Pease Cottage on the north section of the property would add one room. The Harbor View has also already completed renovations on other buildings that differ slightly from previous plans submitted to the commission.

In an 11-page letter to the commission, neighbors and their attorneys are raising a red flag over the changes, requesting a full public hearing review of what they say are dramatic modifications to a plan approved in 2018. The commission's land use planning subcommittee voted in late October to recommend a full public hearing.

The commission has already received 37 letters about the project, the majority of them from neighbors and residents who say it is an unnecessary expansion of a commercial development in a residential zone.

In response, the hotel has attempted to quell the concerns, hosting Zoom sessions with more than 50 neighbors and residents, according to new general manager Scott Little. The hotel also plans to announce a historic preservation program that would be funded through a separate room fee and focus on community landmarks, like Memorial Wharf, Mr. Little said.

Mr. Little, who took over as general manager in November after previously working at the Kelley House, told the Gazette by phone that the hotel was focused on working with the community throughout the renovation process. He said many recent changes, including a reduction in window air conditioning units and decreased trash pickup, have come at the request of neighbors.

"We have already recognized the need to mend some fences, so to speak," Mr. Little said.

Bob Forrester, who lives in a house adjacent to the hotel at 128 North Water street, said the neighbors had long had a working relationship with the hotel. But Mr. Forrester expressed deep concern that the recent series of incremental changes to the hotel were not part of the plans presented in 2018.

"If you look at any one piece of it, it is not too worrisome," he told the Gazette by phone. "But if you look at the gestalt, if you step back and look at the whole fabric, this is a fundamental change in the character of that area."

Although the request before the commission is for modifications to a 2018 plan, the hotel renovation plans actually date back more than a decade. In 2008, the MVC approved a sweeping, two-phase restoration that would have increased the hotel's overall building footprint from about 90,000 to 110,000 square feet.

That project, which was financed by Lehman Brothers, hit snags when the investment firm went bankrupt shortly after the approval.

A decade later, the hotel came under new ownership when Bernard Chiu, founder and CEO of Boston-based Upland Capital, purchased the hotel for \$30 million. Upland quickly sought to restart the investments, receiving approval from the commission in the summer of 2018 for an extensively modified project that would reduce overall square footage by 8,000 square feet but add 29 more rooms than in the initial 2008 plan.

While portions of the project have already been completed, including the renovations to the hotel's main building and Mayhew Cottage that add seven rooms, the commission still needs to decide whether the other changes represent a large enough divergence from the 2018 approval to merit a new review.

In letters, neighbors contend the greatly expanded spa would be open to the public, rather than just hotel guests, and represents a significant expansion of the hotel's commercial use. "The addition of a commercial spa at the hotel is yet another major project that would add to the commercialization of this historic, residential neighborhood," one wrote.

Mr. Little said the spa would be marketed exclusively to hotel guests, although he conceded the facility could be used by members of the public.

"We're not in the spa business, we're in the hotel room business," he said.

An LLC registered to Mr. Chiu also purchased a house across from the hotel at 119 North Water Street in 2017, according to land records. In letters, neighbors expressed concerns about the use of the property for weddings and jet ski rentals from the hotel's dock.

Mr. Little said the building is a home that belongs to Mr. Chiu, and that any one staying on the grounds or using his private jet skis was there at his invitation.

The Harbor View isn't the only Edgartown hotel renovation that has drawn the ire of neighbors in recent months. The Hob Knob inn, a boutique hotel and spa on Edgartown's Upper Main street, has been before the commission for the better part of a year for a proposed expansion that would double its size. Neighbors have lambasted the project, also characterizing it as an unnecessary commercial expansion in a residential neighborhood.

With hotels struggling during the pandemic, Mr. Little said the changes at the Harbor View are needed adaptations in a challenging economic climate.

“Things have changed since the last 130 years at the Harbor View . . . it is a commercial enterprise in a residential neighborhood, and that use is grandfathered in,” Mr. Little said. “The spa, for example, that’s not an increase in commercialization. That is us becoming more and more relevant.”

Mr. Forrester had another view.

“We want to have a successful hotel,” he said. “But this goes really far beyond just a neighbor to neighbor thing. It is like somebody coming into the town and saying, we’ll paint the Whaling Church pink. It is a real shock to the character, I think. And I hope it can be resolved.”

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Subscribe (<http://vineyardgazettestore.com>) or become a Friend of the Vineyard Gazette (<https://www.vineyardgazettestore.com/product/6/view>) and receive our free newsletters and free and discounted tickets to Gazette events along with our award-winning news and photography.

EXHIBIT 30

Best of the Vineyard 2020

More than 8,800 voters cast nearly 72,000 votes in 97 categories. The results are in, so without further ado, we know about Martha's Vineyard according to you.

LODGING

Best of the Vineyard 2020 Lodging



Share

Best Budget-Friendly Lodging: [Edgartown Commons](#)

20 Pease's Point Way North, [Edgartown](#), [508-627-4671](#), [edgartowncommons.com](#)

Runner-up: [The Surfside Hotel](#)

This Year

2020

Previous

2019



2018



7 Oak Bluffs Avenue, [Oak Bluffs](#), 508-693-2500, [mvsurfside.com](#)

Don't look for frills at Edgartown Commons. Instead expect a prime location just outside downtown, a pool and playground, and kitchens in all thirty-five units. Pet-friendly Surfside is located in the heart [of Oak Bluffs](#).



2017

Lodging: [Winnetu Oceanside Resort](#)

31 Dunes Road, [Edgartown](#), 508-627-4747, [winnetu.com](#)

Runner-up: [Lambert's Cove Inn](#)

90 Manaquayak Road, [West Tisbury](#), [800-535-0272](#), [lambertscoveinn.com](#)

Happy kids make for happy parents. With Winnetu's complimentary children's day program (think: face painting and beach trips), kiddie pool, and antique fire truck rides, the whole family will be smiling. Lambert's Cove has yard games, a pool, and four alpacas to befriend.



2016

Best Hotel, [General Excellence: \[Harbor View Hotel\]\(#\)](#)

131 North Water Street, [Edgartown](#), [508-627-7000](#), [harborviewhotel.com](#)

Runner-up: [Lambert's Cove Inn](#)

90 Manaquayak Road, [West Tisbury](#), [800-535-0272](#), [lambertscoveinn.com](#)

Fresh off a renovation and redesign, the grande dame of Vineyard hotels has never looked better, with updated rooms and a new restaurant. The view of the Edgartown Lighthouse remains unchanged. Another recently renovated property, Lambert's Cove Inn has farmhouse charm, fine dining, and modern comforts.



2015

Best Romantic [Getaway: \[Lambert's Cove Inn\]\(#\)](#)

90 Manaquayak Road, [West Tisbury](#), [800-535-0272](#), [lambertscoveinn.com](#)

Runner-up: Harbor View Hotel

131 North Water Street, Edgartown, 508-627-7000, harborviewhotel.com

An acclaimed restaurant in an old farmhouse, a fire pit made for stargazing, plush rooms, and an English garden will have you falling in love at Lambert's Cove. Harbor View Hotel offers private cottages and fabulous water views.



EXHIBIT 31



- 1 BRADLEY COTTAGE
- 2 COLLINS COTTAGE
- 3 LUCE COTTAGE
- 4 MORSE COTTAGE
- 5 OSBORNE COTTAGE
- 6 ROWLEY COTTAGE
- 7 SNOW COTTAGE
- 8 THE ROXANA
- 9 HUXFORD COTTAGE
- 10 HISTORIC BUILDING
 - BETTINI RESTAURANT
 - BETTINI'S CLUBHOUSE
 - VERANDA
 - EDGARTOWN BALLROOM
 - MENEMSHA ROOM
 - CHILMARK ROOM
 - GYM
- A BETTINI RESTAURANT
- B BETTINI'S CLUBHOUSE
- C ROXY POOL BAR
- D GREAT LAWN
- P PARKING

18 **HV** 91

HARBOR VIEW
 MARTHA'S HOTEL VINEYARD

EXHIBIT 32

Instagram

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RENTALS



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Engage!19

POSTS

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Harbor View Hotel's Wedding Instagram Account, @edgartownweddings. Figure 1.



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edgartownweddings Another amazing wedding weekend in the books! We hosted 3 beautiful weddings this past weekend; we are so lucky to do what we do!
Planning & Design: @kgeventsdesign | Florals: @morriceflorist | Photography: @ruthelleenphoto | Chiavari Chairs and Chargers: @bigskytentpartyrentals | Entertainment: @mikebenjaminmusic | Cake: @valcakesmy | Print: @the.paper.studio | Hair & Makeup: @seaspasalon

122w



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#weddingphotography #wedding #weddings #weddingday #weddinginspiration



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SEPTEMBER 10, 2018

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1963

Harbor View Hotel's Wedding Instagram Account, @edgartownweddings. Figure 2.



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Harbor View Hotel



edgartownweddings Cocktail hours on the lawn are the perfect time to relax and enjoy the wedding festivities!

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#weddingparty #realwedding

#instawedding #bridalinspiration

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 edgartownweddings What could be more #charming than a string-light lined tent on a warm summer night?
 @dwpmv

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MARCH 31, 2018

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Harbor View Hotel



edgartownweddings Best view on the Island with @vineyardsound serenading your guests during cocktail hour; what could be better? Happy birthday to our sweet bride @abbeyniezgoda 🎉 @timcorreiraphotography

#hvhweddings #marthasvineyard #wedding #sayidoattheview #bride #edgartown #harborviewhotel #viciatdoartown



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Edgartown, Massachusetts



edgartownweddings Spring is just around the corner! Where will you be spending your first moments together as a married couple? 📷

@laurelleplusdale

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#weddings #weddingday

#weddinginspiration #weddingideas

#weddingparty #realwedding

#instawedding #bridalinspiration

#weddingstyle #weddingdecor

#weddingdesign

#weddingphotographer

#weddingplanner #weddingseason

#marthasvineyard #Edgartown

#edgartownlighthouse #hvhweddings

#marthasvineyardwedding

#harborviewhotel #sayidoattheview

#sayyestothevenue #weddingdress

#bridal #weddinginspo



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MARCH 6, 2019

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Harbor View Hotel's Wedding Instagram Account, @edgartownweddings. Figure 6.



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Edgartown, Massachusetts



edgartownweddings Dressed in their best, these fellas are ready to get this groom married: 📷
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#weddingphotography #wedding
#weddings #weddingday
#weddinginspiration #weddingideas
#weddingparty #realwedding
#instawedding #bridalinspiration
#weddingdesign
#weddingphotographer
#weddingplanner #weddingseason



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Edgartown Lighthouse



edgartownweddings Such a stylish bride tribe! What are your favorite wedding color combos? 📷
@laurelleplusdale
#hvhweddings #marthasvineyard
#wedding #sayidoattheview #bride
#edgartown #bridesmaids
#harborviewhotel.

49w



artistrybyshannon Love the ribbons! ❤️❤️



49w Reply



gabbymuzzarelli Bride tribe looking gorgeous ❤️😍



49w 1 like Reply



97 likes

FEBRUARY 6, 2020

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Harbor View Hotel's Wedding Instagram Account, @edgartownweddings. Figure 8.



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Edgartown, Massachusetts



edgartownweddings That's one way
to make an entrance! 📸
@karinbelgrave

#weddingphotography #wedding
#weddings #weddingday
#weddinginspiration #weddingideas
#weddingparty #realwedding
#instawedding #bridalinspiration
#weddingstyle



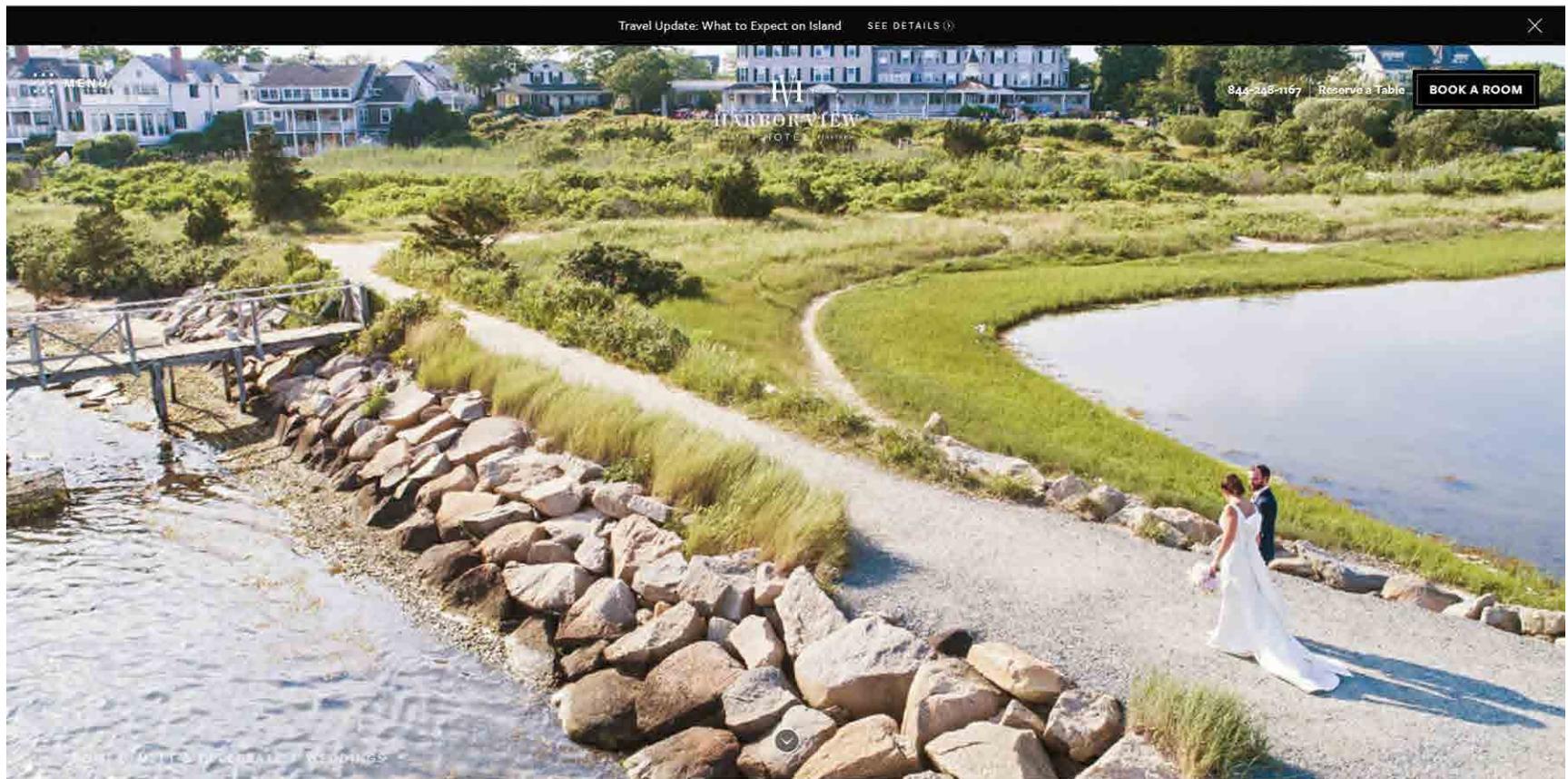
92 likes

APRIL 16, 2018

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Harbor View Hotel's Wedding Instagram Account, @edgartownweddings. Figure 9.



Harbor View Hotel Website, Weddings & Parties Webpage. Figure 10.

A MARTHA'S VINEYARD WEDDING

The Most Romantic Place to Say I Do... Vows of love whispered on the Great Lawn. Corks popping in the Gazebo. Family photographs crystallized by the sea. A magnificent backdrop for all the special moments you will share.



Our experienced staff is here to help you plan and execute the perfect wedding. From your first contact with our event manager, Makenzie, to the team in food and beverage, concierge services and hotel management, you will feel confident that Harbor View Hotel has the location, facilities and experience to deliver a beautiful and memorable wedding for you and your loved ones.

Contact Makenzie Wall, Event Manager to start planning your wedding today.

START PLANNING TODAY.

[VIEW OUR DIGITAL BROCHURE](#) ↗

[REQUEST A PROPOSAL](#) ↗

[GET INSPIRED](#) ↗

Harbor View Hotel Website, Weddings & Parties Webpage. Figure 11.

SOMETHING BLUE, EVERYTHING NEW

NO SKIMPING ON ROMANCE

There are no don'ts at a Harbor View Hotel Wedding...only I do's. Every detail for your dream wedding is accounted for by our veteran wedding professionals. We provide nuptial accouterments from crisp white linens to china, crystal, and flatware. Take advantage of our local knowledge and vendor recommendations as well as day-of facilitation. Our packages include special rates for weekend events like rehearsal dinners, post-wedding brunches, and accommodations for your out-of-town guests. Your perfect day is our pure goal.



Harbor View Hotel Website, Weddings & Parties Webpage. Figure 12.



PURE BLISS

THE PERFECT WEDDING, INSIDE AND OUT

You've found your life partner. Now it's time to celebrate. Harbor View Hotel offers the largest selection on Martha's Vineyard of dazzling indoor and outdoor locations for your Big Day. Exchange your vows overlooking Edgartown Harbor. Indulge in a reception on the Great Lawn. Dance until the wee hours in the Edgartown Ballroom. This is your dream day. Love it.



Harbor View Hotel Website, Weddings & Parties Webpage. Figure 13.

THE ULTIMATE WHITE WEDDING
FOR YOU, A WINTER WONDERLAND

Snow glistens like fairy dust, sprinkling the island. Winter on Martha's Vineyard is an extraordinary kind of wonderland. So are our winter weddings. Sugar plums and ice castles, white chiffon and pink icing... our world is the stuff of fairytales. Just for you, love.



Harbor View Hotel Website, Weddings & Parties Webpage. Figure 14.



READY, SET... WED!

EXPECT A JET-SET ITINERARY FOR YOUR WEDDING GUESTS

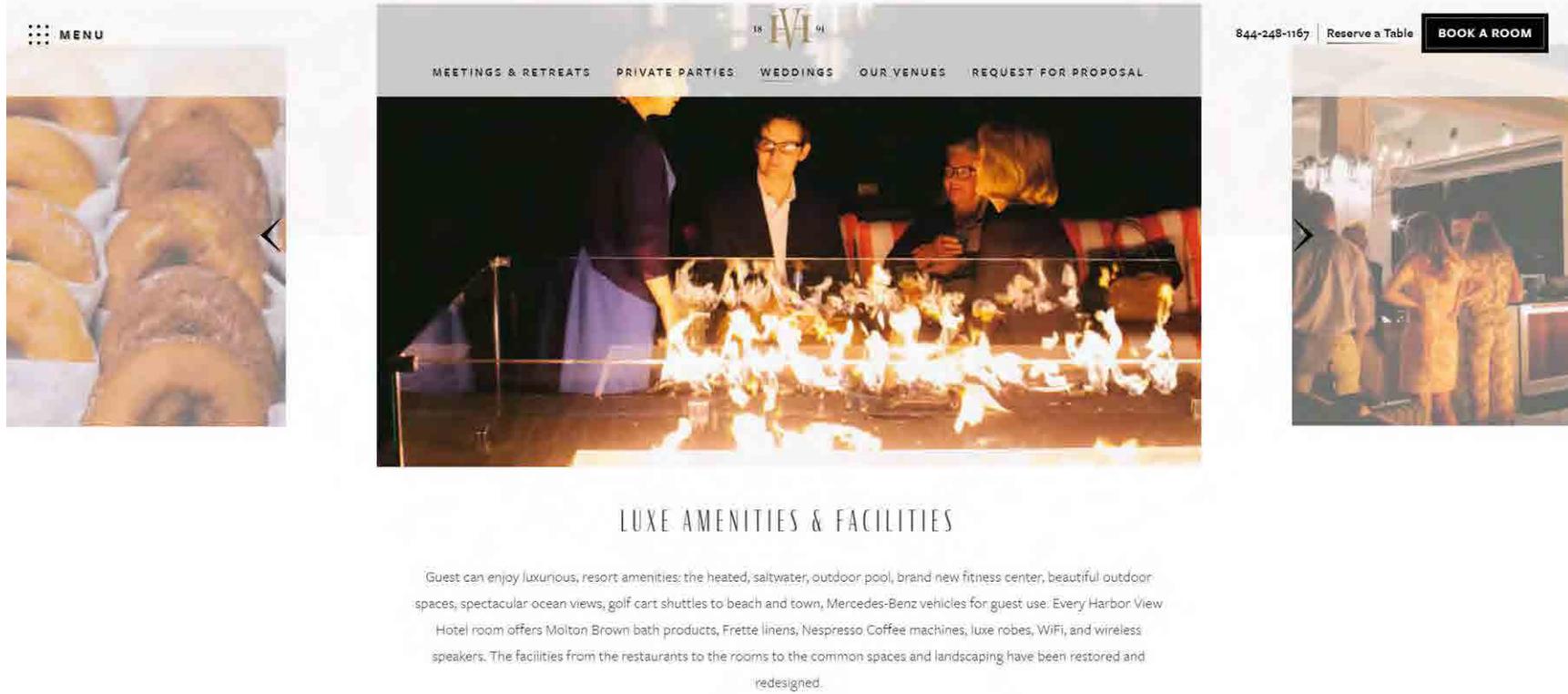
As if Harbor View Hotel's one-of-a-kind setting is not magical enough, lest you forget, Martha's Vineyard is a world class destination. Your wedding guests can enjoy a stunning array of activities. Take a sunset cruise on a Hinckley Yacht. Charter a deep sea fishing boat and snag some striped bass. Break bread on a sunset picnic on Lighthouse Beach. Golf on a course that more than one POTUS has enjoyed. Swim, shop, run, bike...the list goes on and on. It's the island way.

“

BETTER THAN WE DREAMED OF!

My husband and I had our wedding ceremony and reception at the Harbor View in September and it was better than we dreamed of! Everyone we worked with was helpful, professional and made our wedding something we will never forget... My husband and I were able to relax with our guests and didn't have to worry about a thing the day of our

Harbor View Hotel Website, Weddings & Parties Webpage. Figure 15.



Harbor View Hotel Website, Weddings & Parties Webpage. Figure 16.

EXHIBIT 33

introduction

Land

Challenge 2: Character and scenic values are deteriorating.

The Island's visual character – a combination of scenic roads, exquisitely beautiful natural areas, and small town New England architecture – is both at the core of our sense of ourselves and the key to attracting visitors. The addition of many small changes – a large new house here, a roadside stockade fence there – continues to undermine this character.

Challenge 3: Suburban sprawl is consuming the countryside.

Development is taking large amounts of land, fragmenting habitat, and increasingly forcing residents to drive to get to work, store, or school. Commercial development on the outskirts of town – notably Upper State Road in Tisbury, Upper Main Street in Edgartown, and the North Tisbury business district – has allowed for larger-scale businesses without destroying historic downtowns. Yet these are essentially car-oriented, commercial strips that are poor environments for pedestrians and undermine the Vineyard's character. Downtowns are increasingly being turned over to seasonal shops, empty in winter.

Challenge 4: It is getting harder to get around.

Traffic jams at key intersections are already problematic in the summertime. However, since we have reached the capacity of much of our road network, future growth threatens to lead



to serious gridlock for much of the year. We have successfully avoided widening roads (other than the widening of the Edgartown-Vineyard Haven and Edgartown-West Tisbury Roads) or putting in traffic lights that would undermine the Island's character.

However, increased traffic will increase pressure to make these types of road "improvements." Growth in the bus system is constrained by financial limitations. We have 37 miles of off-road bike paths, but there are gaps at critical places in the network and on-road bicycle accommodation is deficient in many locations.

Challenge 5: Public access is limited.

Property owners are increasingly resistant to allowing public access to private lands, ending the traditional informal access to land and beaches. This is turning us into an island where we cannot get to the water, though public control of some large beaches, such as State and South Beaches, has been secured.

Challenge 6: Zoning is outdated.

In an attempt to deal with increased development in the early 1970s, towns adopted zoning regulations using standard zoning formulas from off-Island (e.g. large single-use areas with uniform lot sizes and setbacks). In retrospect, much of our zoning has many important flaws, forcing development to sprawl into rural areas and prohibiting traditional settlement patterns by banning small lot sizes in town while allowing new buildings that are out of scale with their neighborhoods.

development & growth

Objective D1: Preserve and reinforce the traditional settlement pattern of the Island.

The Island's traditional settlement pattern, with three main town centers, several villages, and a rural countryside, has been disrupted by the spread and visibility of development throughout the Island. We can not only limit further deterioration, but we can restore many of the areas where recent development is not in keeping with traditional development patterns.

Strategy D1-1: Limit significant new development in outlying areas.

We should avoid creating new areas of commercial development, new town centers, or large, dense neighborhoods in other parts of the Island. In rural areas, large and dense new subdivisions should remain prohibited, though we should allow smaller clusters of housing when they are combined with open space protection, especially for affordable housing.

Strategy D1-2: Restore and improve areas that were developed in problematic ways in the past.

There are many ways that we can "heal" areas which were developed in ways that undermine the Island's traditional development patterns. Car-oriented, mainly single-use commercial areas can be transformed into mixed-use, pedestrian-oriented areas better linked to the historic town centers. Destroyed or fragmented habitat in rural areas can be restored, as can the character of country roads with overly visible new development.

Objective D2: Reduce the amount of future development, especially in environmentally sensitive areas.

A development approach that results in an amount of development somewhere between Scenarios 1 and 2, with less total growth than what is currently permitted, especially in environmentally sensitive locations, would provide a better balance between allowing for a reasonable amount of growth and the desire to protect the qualities of Martha's Vineyard.

Achieving the objective of reducing the total amount of future development – for the whole Island or for specific areas – would involve using a combination of several of the following techniques that deal directly with density. In addition, some of the other strategies throughout the Island Plan will likely also result in less overall new development. (See also the recommendations about commercial and industrial development in section 6.4.)

Strategy D2-1: Use the Vineyard Land Use Guidance Map to guide decisions affecting development on the Island.

The Vineyard Land Use Guidance Map, described in section 2.4, is central to changing the amount and especially the location of future development. It shows which parts of the Island should have little or no development – such as the Resource Protection Areas – and where additional development is desirable, or at least more acceptable – such as the Business and Opportunity Areas. It should provide the

framework for other measures that should be adopted by each Town and the MVC, such as the other tools described below.

Strategy D2-2: Change zoning regulations affecting density.

The most straightforward single tool is to change zoning regulations to increase or decrease the minimum lot sizes required to build multi-family buildings, single-family houses, guest houses, and accessory units, as well as nonresidential development. This might include reducing or enlarging the districts where each of these uses is permitted. It could also be more permissive or restrictive about having more than one dwelling unit on a property – guest houses, accessory units, and assisted living or retirement communities – in certain areas. For example, in Resource Protection Areas (explained in section 2.4), it would be desirable to increase the minimum lot sizes for main houses, or at least for guest houses. In Business and Opportunity Areas, the extent of zones where multi-family housing is allowed could be enlarged. Also, allowing more accessory units in certain areas is a way to accommodate more families without making a major change to the neighborhood's character. In older neighborhoods, revising the lot dimensions so they are similar to what they were when the areas were first built would reinforce the traditional character, and would allow for infill development. A related measure is to be more permissive about the construction on substandard lots in areas where growth is favored.

development & growth

Land Use Guidance Map - Characteristics and Possible Policy Changes				
	Characteristics	Suitability	Town Policy Changes	MVC Policy Changes
TOWN AREAS				
Main Town Centers	Traditional main business, institutional, & higher-density residential areas.	Moderate growth harmonizing with character.	Carefully align zoning with existing pattern. Provide sewer connections.	Raise DRI thresholds (review fewer projects) upon adoption of area plan. DRI Policies more flexible.
Business and Opportunity Areas	Newer business areas and centrally located disturbed areas.	Considerable growth.	Revise zoning to allow higher-density, mixed use. Provide sewer connections.	Raise DRI thresholds (review fewer projects) upon adoption of area plan. DRI Policies more flexible.
Traditional Neighborhoods	Historic areas and traditional higher-density neighborhoods.	Limited growth harmonizing with character.	Carefully align zoning with existing pattern.	DRI Thresholds remain the same, or could go down at town's request.
Newer Neighborhoods	Post-war, lower-density subdivisions close to town.	Moderate growth within basic parameters to limit impacts.	Generally align zoning with existing pattern.	DRI Thresholds remain the same.
Neighborhood or Open Space	Existing or potential lower density neighborhoods or open space.	Low density housing and/or open space.	Zoning changes to limit development and preserve habitat.	DRI Thresholds may be lowered (review more projects).
Major Open Space	Large open space.	Open space. Avoid or strictly limit development.	Zoning changes to strictly limit development, preserve habitat, etc.	DRI Thresholds may be lowered (review more projects).
RURAL AREAS				
Critical Resource Protection Areas	Critical source habitat; wellhead protection; farms, critical scenic, high hazard	Avoid development if possible. If not, strictly limit development.	Zoning changes and project review to carefully limit or manage development.	DRI Thresholds lowered (review more projects)
Resource Protection Areas	Core habitat.	Very limited, well-managed development.	Zoning changes to limit development and preserve habitat.	DRI Thresholds may be lowered (review more projects).
Lightly Settled Areas	Rural areas with low housing density.	Limited, well-managed development.	Requirements for some habitat preservation.	DRI Thresholds may be lowered (review more projects).
Heavily Settled Areas	Rural areas with higher business or housing density.	Moderate growth harmonizing with character.	Policies remain the same.	DRI Thresholds remain the same.
Traditional Neighborhoods	Historic areas and traditional higher-density neighborhoods.	Limited growth harmonizing with character.	Carefully align zoning with existing pattern.	DRI Thresholds remain the same, or could go down at town's request.

livelihood & commerce

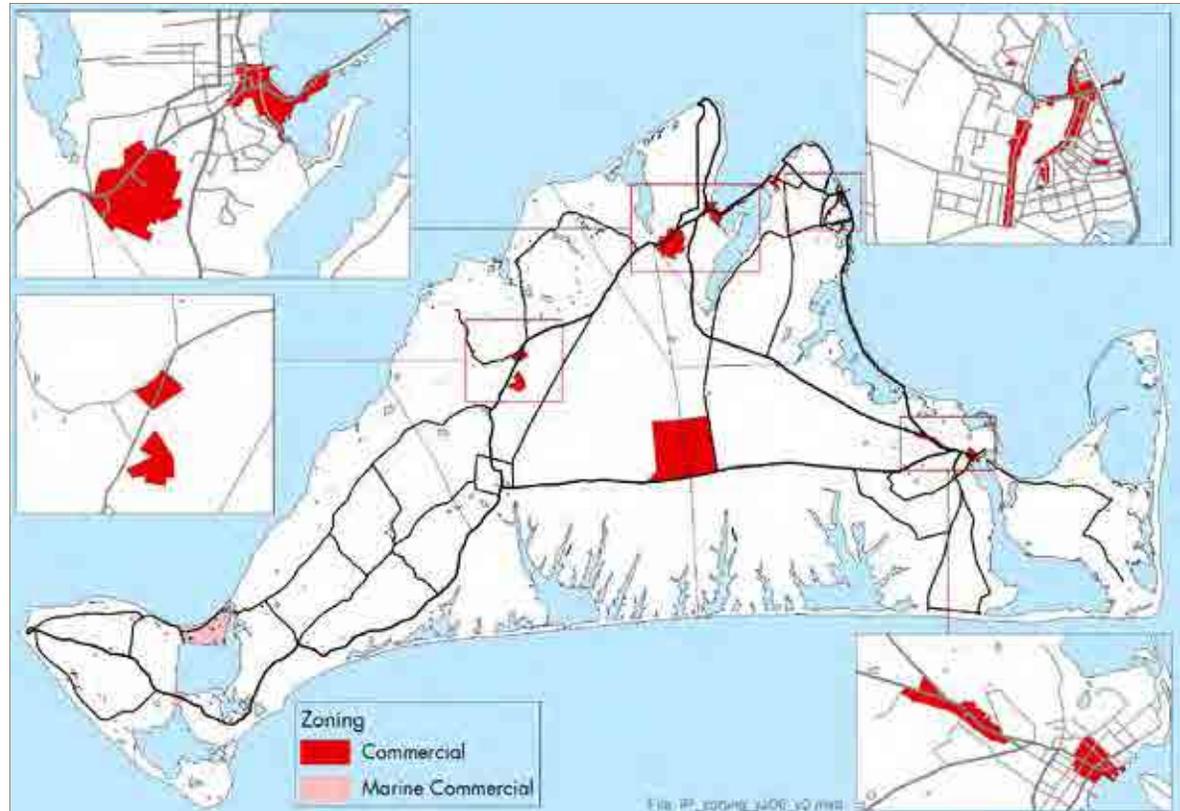
Objective L6: Locate commercial activities appropriately and ensure that there is sufficient commercial land for future needs.

Strategy L6-1: Keep retail activities and visitor services concentrated in vibrant, walkable, town centers.

Lively, easily accessible commercial districts, each with the anchor businesses that are necessary for the conduct of daily life, are essential components of a healthy community and a strong economy. We should keep these activities in the town centers (see section 2 – Development & Growth) and avoid retail development in other areas including the Airport Business Park or strip development along roads.

Strategy L6-2: Ensure that each town center has a full range of essential anchor businesses.

In order to have a vibrant downtown that offers the basic services needed by nearby residents, each town center should have a grocery store, pharmacy, post office, and bank. Tools that might be used to achieve this include providing property tax incentives for land owners and/or business owners who accommodate these businesses, using publicly owned land or buildings for such activities, and zoning some areas for these uses.



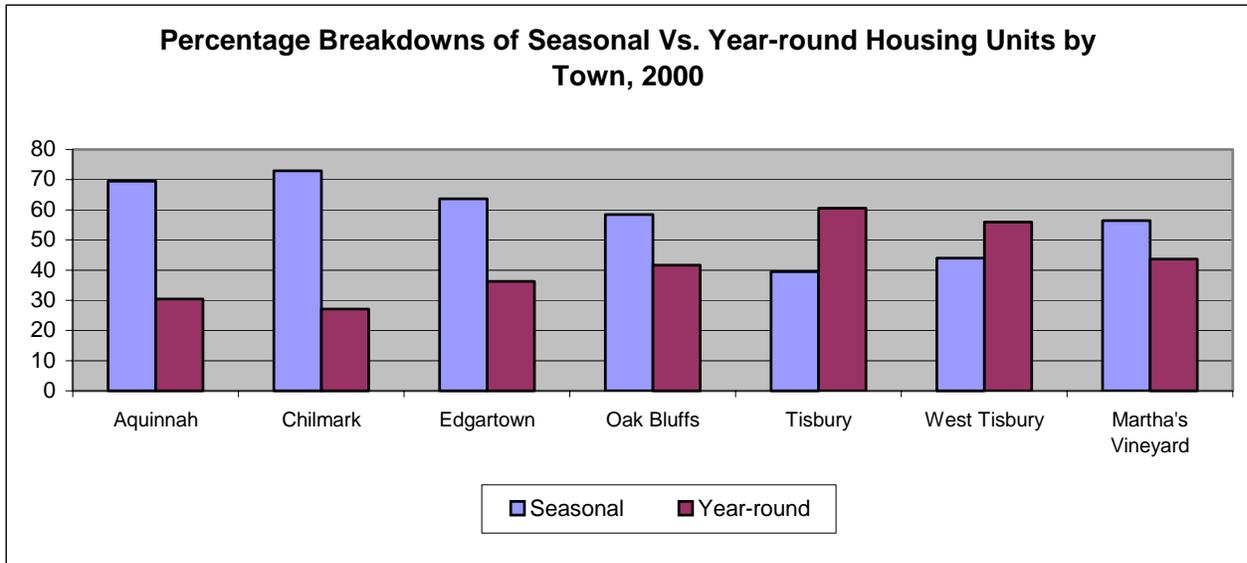
Commercial Zoning: The Island's commercial districts represent about 2% of the area of the Island.

Strategy L6-3: Ensure that there is sufficient land to satisfy the range of needed commercial activities.

We need appropriate in-town places to locate the new businesses discussed in this section, including small manufacturing, service businesses, incubator industries, wholesale and industrial uses including truck storage and construction staging and storage areas. The MVC and town planning boards should prepare an analysis of existing and projected

commercial needs and compare this to available and potential commercial space based on existing zoning. The aim is to have enough land for current and projected needs, but to avoid zoning too much land for business, in that commercial zoning can undermine the stability of existing residential areas (owners hesitate to invest in existing buildings hoping they will eventually sell for commercial development). A related challenge is to protect desirable, but "weaker" activities from gentrification; for

EXHIBIT 34



Source: U.S. Census

It is easy to understand why the cornerstone of the Island's economy is providing services to seasonal residents and visitors. Island-wide, there are more seasonal homes – houses not occupied in the winter – than year 'round homes. Only Tisbury and West Tisbury have more year 'round homes than seasonal ones. The tourism and service industry is highly image-conscious, seasonal and labor intensive. Nevertheless, a large majority of the businesses on the Island employ four or fewer workers each. As the year 'round population continues to expand, more businesses are needed and supported throughout the year.

Martha's Vineyard is marked by relative seclusion from the mainland, by its highly variable seasonal populations, by its lifestyles and landscapes dominated by the ocean and salt ponds, and by economic constraints unique to island communities.

1.1.2 Edgartown

Edgartown's postmark heralds an "eclectic" community. Edgartown is simultaneously a small New England town, a fishing village, an agricultural village, and a popular resort town. The ocean, ponds, beaches, salt marshes, harbor, bays, forests and fields combine to make Edgartown a town rich in natural endowments as well as an historic town center. Edgartown center is a densely populated grid of charming narrow ways characteristic of New England maritime villages, a compact area of bustling pedestrian-oriented activity, which abruptly gives way to quiet residential and open space lands that dominate the remainder of the town. The terrain is one of flat-forested stretches of outwash slopes that descend gently south at about 20 feet per mile, which are only disrupted, by occasional meadows, farm fields, subdivisions, and streams leading to the heads of the coves on the ponds. Elevations in Edgartown do not reach above 95 feet. The high points in town are Mill Hill at 65 feet above sea level, Washaqua Hill at 70 feet and Sampson's Hill at 94 feet above sea level. Edgartown is approximately 26 square miles (16,640 acres) in size.

- Reduce impacts of Chappaquiddick ferry waiting line

Growth

- Slow rate of growth
- Limit development

The Economy

- Encourage more year 'round business in the "downtown"
- Encourage business development in locations that avoid the use of cars
- Evaluate whether to concentrate further commercial development at the two existing retail business districts or to begin to develop a new retail district to accommodate anticipated population growth, particularly in the seasonal population

Open Space and the Environment

- Provide more public access to the harbor, beaches and existing conservation land
- Preserve open spaces
- Increase open spaces
- Reduce light pollution and control noise

Develop More Affordable Housing

- Develop land use control tools that will encourage development of affordable housing alternatives
- Find creative funding sources to help create a self-sustaining program to finance the sites for and construction of affordable housing
- Establish an affordable housing goal in terms of the perceived need for the number of units needed and a practical timetable to create such housing

Revitalize the Town Center

- Preserve the cultural and design integrity of the village waterfront
- Dramatize the Historic District
- Consider architectural review for the village
- Consider improving the appearance of the area
 - Underground utilities
 - Historic paving
 - Public-private partnership to enhance and upgrade storefronts
 - Traffic-free pedestrian areas during the summer tourist season

THESE BASIC GOALS WERE IDENTIFIED FROM THOSE ASSOCIATED WITH VARIOUS PROJECTS AND EXISTING PLANS FOR THE TOWN:

2.2 VISION FOR EDGARTOWN HARBOR, 2003 (1997):

From Edgartown Harbor Plan, 1997 (renewed in 2003):

EXHIBIT 35



2005 00006500

DRI No. 335M-3

ink: 1053 Pg: 698 Doc: DECIS

Page: 1 of 7 09/01/2005 09:20 AM



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Decision of the Martha's Vineyard Commission

DRI 335M-3

M. V. Hotel (Jack E. Robinson)

Date: July 28, 2005

To: Building Inspector, Town of Oak Bluffs

From: Martha's Vineyard Commission

Subject: Development of Regional Impact
Re: Expansion of a 7-room Inn into a 17-room Hotel.

Applicant: Excalibur Partners LLC (M.V. Resort Hotel)
Jack E. Robinson, 111 New York Avenue, Oak Bluffs, MA

Project Location: 111-117 New York Avenue (Map 4, Lots 76, 76.1, and 76.2)
Oak Bluffs, MA

1. SUMMARY

The Martha's Vineyard Commission (the Commission) hereby denies the granting of permits for the development, as submitted, contained in the application of Excalibur Partners (M.V. Resort Hotel), Jack E. Robinson, 117 New York Avenue, Oak Bluffs, MA.

This Decision is rendered pursuant to a vote of the Commission on July 21, 2005.

The Commission disapproves the Application and denies permission to the permit granting authorities of the Town of Oak Bluffs to grant the necessary development permits for the proposed development.

2. FACTS

The proposed development is a Development of Regional Impact (DRI) as defined by the Commission's Standards and Criteria, Developments of Regional Impact, 3.102a: Any development, with the concurrence of the Martha's Vineyard Commission, which is on property which has been, in part or in whole, the subject of a previous DRI application and which was denied, or is an amendment or modification to a previously approved DRI application. The proposal was also sent under Section 3.102b: Any development, with the concurrence of the Martha's Vineyard Commission, which is a new proposal on a site upon which there is a previously approved DRI application for a different proposal. The proposal also qualifies under Section 3.202: Any development ... which proposes to create or accommodate ten (10) or more rooms for lease or rent.

The Application was referred to the Commission by the Building Inspector of the Town of Oak Bluffs for action pursuant to Chapter 831 of the Acts of 1977, as amended (the Act). The Application and notice of public hearing relative thereto are incorporated into the record herein. Martha's Vineyard Commission staff document exhibits are also incorporated into the record by reference.

Hearings: A duly noticed public hearing on the Application was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831, on Thursday, June 2, 2005, at 7:30 p.m. in the Olde Stone Building, 33 New York Avenue, Oak Bluffs, Massachusetts. The public hearing was continued on Thursday, June 16, 2005 in the Commission Offices and was closed the same night.

Description: The proposal was for the expansion of a Bed and Breakfast with 5 guest rooms attached to a residence with 2 bedrooms to a hotel with 8 new guest rooms and 2 rooms for employees for a total of 15 guest rooms and 2 employee rooms. The project is located in a residential neighborhood and on a major roadway. The present structures are 4,015 square feet of living area and 6,838 square feet of gross area. The proposal was for a new structure that would have been two stories and a full basement measuring 88' by 24' or 2,112 square feet per floor for a total of 6,336 square feet in the new addition. This would have created a total of 13,174 square feet of gross area for the hotel structure.

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

- The plans entitled: "Martha's Vineyard Bed & Breakfast" consisting of 7 pages of elevations and floor plans. Jack E. Robinson, the sheets are rearranged copies of previous architectural plans. Undated.
- The plans entitled: "Martha's Vineyard Bed & Breakfast: Landscape, Lighting, and Setback Plans" consisting of 7 pages. Jack E. Robinson, the sheets are rearranged copies of previous architectural plans. Undated.
- The plans entitled: "Side Elevation" consisting of two pages. Jack E. Robinson. Undated

3. FINDINGS AND CONCLUSIONS

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.

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

A. THE COMMISSION FINDS THAT THE PROBABLE DETRIMENTS OF THE PROPOSED DEVELOPMENT EXCEED THE PROBABLE BENEFITS AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTIONS SECTION 14(A) AND 15 OF THE ACT.

A1 The Commission finds that the location of the proposed development is not essential nor appropriate in view of the available alternatives (Section 15(a) of the Act.)

The Commission has long been concerned about the expansion of commercial uses outside of town centers and commercial districts, and particularly the threatened creation of strip commercial development stretching along Island roads. The Commission considered the appropriateness of the location and acknowledges that the site has been a small bed-and-breakfast for a number of years and that there are other pre-existing, non-conforming, non-residential uses along New York Avenue. However, the proposed transformation of this small bed-and-breakfast into a much larger hotel in this residential neighborhood, would materially increase the intensity of use and built density and would change the neighborhood, due to the increase in the number of cars, guests, and activity, as well as the building mass, far more than a residential use at the same location. Consequently, the Commission has not been persuaded that the proposed usage at this location is appropriate. The Commission has also considered the need for the proposed project and has not been persuaded that this project is essential in this location. Furthermore, the Commission was not convinced that the building could have been built as presented within the requirements of the building code.

A2 The Commission finds that the proposed development would have a mixed 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 acreage of the lot is sufficient to accommodate the increase in wastewater.

With respect to open space, natural community and habitat, the Commission notes that the site is located in a long developed area and would not affect open space or habitat.

With respect to night lighting and noise, the Commission notes that the presence of the number of additional visitors due to the increase in the number of rooms and the roof top deck would produce increased activity and noise, and could result in additional lighting.

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

With respect to traffic and transportation, the Commission notes that the project would have added to the traffic volume in the neighborhood and especially on New York Avenue, although the change would have been limited. The Commission notes that the Applicant has never abided by the transportation-related Conditions set forth in the 1991 MVC Approval of a previous expansion at this location.

With respect to scenic values, the Commission notes that the design for the proposed building was incomplete and the conceptual renderings showed an addition that would have been of a different style than the existing buildings. Since the plans were incomplete, the Commission was not sure what the final building would have looked like.

With respect to character and identity, The Commission has not been persuaded that this proposed development would not have an adverse impact on the neighborhood. The Commission notes that the Island of Martha's Vineyard has made a commitment to retaining the unique character of established neighborhoods. The Commission places great importance on the community's desire to limit the impacts of commercial sprawl that would render the Island like so many other places off-Island that have become overrun by inappropriate development that forever changes the character of established places and neighborhoods. The Commission finds that this project, at this scale and with this number of guest rooms, may have fundamentally changed the residential neighborhood.

With respect to the impact on abutters, the Commission finds there would be a negative impact on abutters in terms of increased noise and, occasionally, traffic.

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

The Commission finds that the proposal to supply two rooms for staff would partially offset the impacts on the supply of affordable housing generated by the project.

A5 The Commission finds that the proposed development would have a neutral impact on the provision of municipal services and the burden on taxpayers in making provision therefore (Section 15(e) of the Act).

With respect to the provision of municipal services, the Commission notes that the project would have placed limited demands on municipal services.

With respect to the burden on taxpayers, the Commission finds that the development would probably have had little financial impact on the Town.

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).

A7 The Commission finds that the proposed development would 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 notes that although the Oak Bluffs Master Plan favors family-oriented tourism, it specifically calls for commercial expansion to occur solely within existing business districts and that these business districts should not be expanded, particularly along New York Avenue.

A8 The Commission finds that the proposed development would further 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 inconsistent with the following policies of the Martha's Vineyard Commission Regional Policy Plan, adopted by the vote of the Martha's Vineyard Commission, June 1991.

I-23: "Plan commercial development to match the scale and density of Island neighborhoods. Limit overall square footage, massing of individual buildings and expanses of paved areas to blend with the rural scale of the Island. Provide an appropriate rhythm of buildings along streetscapes...."

III-12: "All citizens are entitled to environmental quality and enjoyment of open space. The housing need should be met imaginatively while preserving the character of the Vineyard"

IV-12: "Preserve and enhance the rural quality of life on Martha's Vineyard, and the unique character of each town. Reject qualities that are "suburban" and "urban".

IV-20: "Identify neighborhoods based on settlement pattern, functional relationships and character. Use neighborhood pattern to guide development."

In sum, after careful review of the plan and its attendant submittals and the testimony presented by the Applicant and others, the Commission has concluded that the probable detriments of this proposed development in this location exceed its probable benefits.

B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT MAY SUBSTANTIALLY OR UNREASONABLY INTERFERE WITH THE GENERAL PLAN OF ANY MUNICIPALITY OR THE GENERAL PLAN OF THE COUNTY OF DUKES COUNTY. (SECTION 14(B) OF THE ACT).

Oak Bluffs is one of the few towns in Massachusetts that has resisted strip commercial development by containing commercial development to the downtown area. The proposal to create a large hotel in this location would run counter to the objective of the Oak Bluffs Master Plan to limit expansion of commercial development to the existing business districts.

The requested project, as a whole, does not advance 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 enumerated previously in section A8 of this decision.

C. THE COMMISSION FINDS THAT THE DEVELOPMENT, AS PROPOSED, MAY NOT BE CONSISTENT, TO THE BEST OF THE COMMISSION'S KNOWLEDGE WITH THE DEVELOPMENT ORDINANCES AND BY-LAWS OF THE TOWN OF OAK BLUFFS. (SECTION 14(C) OF THE ACT).

The Commission notes that the proposed hotel is within a residential district and not permitted as of right and would have required a special permit from the Planning Board.

D. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS NOT WITHIN A DISTRICT OF CRITICAL PLANNING CONCERN (DCPC) AND, THEREFORE THIS ISSUE IS NOT PERTINENT TO THE PROPOSAL. (SECTION 14(D) OF THE ACT).

4. CONCLUSION

The Commission disapproves the Application and denies permission to all permit granting boards of the Town of Oak Bluffs to grant the necessary permits.

This Decision is written consistent with the vote of the Commission: July 21, 2005.

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 Town Clerk in the Town in which the proposed development is located.

Linda B. Sibley
Linda Sibley, Chairman

August 31, 2005
Date

Commonwealth of Massachusetts

County of Dukes County, Mass.

On this 31ST day of AUGUST, 2005, before me,

Philip A. Mercier, the undersigned Notary Public, personally

appeared Linda B. Sibley, proved to me through satisfactory evidence of identity, which was/were DRIVERS 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.

[Signature]
Signature of Notary Public

Philip A. Mercier
Printed Name of Notary

My Commission Expires 4/24/09

EXHIBIT 36

HISTORICAL AND CULTURAL RESOURCES

To identify and work toward the protection of the significant historic and cultural resources of Edgartown.

Rationale

The well-maintained character of the built environment is another major element of Edgartown's livability.

Objectives

- To maintain buildings and places in a manner consistent with their architectural and functional setting.
- To establish a method to review designs for new and reconstructed dwellings and buildings to ensure compatibility with existing neighborhoods and the Town's character.
- To encourage non-vehicular access in downtown Edgartown to reduce traffic impacts and increase the livability and enjoyment of the residents and shoppers in downtown.
- To maintain the scenic quality of Edgartown harbor by managing its restricted area to provide space for all legitimate water-dependent uses.
- To identify and preserve the historic and archeological resources of Edgartown.
- To encourage historic programs and teaching in local schools.



HISTORICAL AND CULTURAL RESOURCES

Much of what makes Edgartown livable is its man-made community. The historic charm of old downtown Edgartown and the surrounding residential area, with its narrow streets and concentration of 18th and 19th century architecture, is a valued example of early New England town organization.

Policies

- Promote the educational, cultural, economic and general welfare of the inhabitants and property owners of Edgartown through the preservation, improvement and maintenance of buildings and places of distinctive architectural and historical significance to the Town.
- Promote the acquisition of historic easements.
- Preserve and protect artifacts and archeological sites related to Edgartown's history.



EXHIBIT 37

- reduce the overall number of curb-cuts onto public ways, preserving the rural character of the Town;
- provide for appropriate sightlines;
- provide safe access to and from public ways;
- minimize adverse impact to wetlands, farmland, or other natural resources;
- allow reasonable, safe, and less environmentally damaging access to lots characterized by slopes or ledges; and
- retain existing vegetation and topography.

The SPGA may establish general conditions for approval of common driveways as it determines are necessary to serve the public interest, and which are in harmony with the purposes and intent of this Bylaw.

The SPGA may impose additional conditions on a case-by-case basis, based on site conditions, site orientation, and lot line configuration.

10.2. Uses

10.2.A.

Conditionally permitted uses.

The Special Permit Granting Authority may grant any applicant therefor a special permit to make use of his land or to erect or maintain structures thereon for the purposes stated in this Bylaw under Conditionally Permitted Uses.

10.2.A.1.

General Criteria.

The Board shall grant such a Special Permit only if, after public notice and hearing in accordance with MGL Chapter 40A, Section 11, the Board finds that the specific site is an appropriate location for such uses, that such uses will not adversely affect the neighborhood and that adequate and appropriate facilities and protection will be provided such as, without limiting the generality of the foregoing, parking facilities and screening of unsightly uses from public view.

10.2.A.2.

Small-scale businesses and industries in Residential Districts.

In addition to the requirements of subsection 10.2.A.1, special permits for small-scale businesses and industry in residential districts shall be granted only if the following requirements are also met:

- a. There shall be no more than four employees employed on the premises who are not also resident there.
- b. Traffic generated shall not exceed the volume normally expected in a residential neighborhood.
- c. Sufficient off-street parking will be provided, and this parking arrangement will require no backing out onto the public right-of-way.
- d. All outdoor parking, storage, loading and service areas will be screened from the view of the public road and from adjacent residences.
- e. There will be no odor, dust, fumes, glare or flashing light which is perceptible without instruments more than 200 feet from the boundaries of the lot in question, except for warning devices, construction or maintenance work, or other special circumstances.

- f. The use will not cause continued erosion of the land or increased surface drainage from the lot.
- g. No pollution of the water or the air will result which is greater than that caused by a use which is allowed without a special permit.
- h. Where possible, the site design will preserve trees, water courses, hills, and other natural features, and enhance vistas, ocean views, and historic locations, and will minimize the intrusion into the character of existing development.
- i. Small-scale business and industrial activities in the residential districts shall take place in residential structures or in structures similar in character to residential dwellings.

10.2.B. Mobile homes and recreational vehicles.

No mobile home, recreational vehicle, or similar facility, however mounted, shall be occupied as a residence or parked, or stored within the town except as follows:

- 1. With the permission of the Building Inspector, mobile homes or similar facilities may be
 - a. Parked or stored for not more than 14 days; or
 - b. Used as an office or for storage in connection with a construction project.
- 2. A nonconforming mobile home or similar facility existing at the time of the passage of this Bylaw may not be replaced for any reason despite any other provisions of this Bylaw.
- 3. Recreational Vehicles may be:
 - a. Parked or stored on the property of the owner's residence or;
 - b. By permit from the Building Inspector used as a temporary residence for a period not to exceed 14 days provided that all requirements of the Board of Health are met.

10.2.C. Unregistered cars.

No person shall have more than one (1) unregistered car or truck ungaraged on the premises owned by him or under his control, and under no circumstances shall any unregistered or unsightly car or truck be stored in the front yard of said premises. This section shall not apply to premises covered by licenses issued under M.G.L. Chapter 140, Sections 57 and 58.

10.2.D. Accessory scientific uses.

Uses as permitted by M.G.L. Chapter 40A, Section 9.

10.2.E. Eating establishments.

Eating establishments shall be subject to the following in all districts where allowed: No food shall be served on the premises outside of a building, except by a special permit from the Special Permit Granting Authority, in accordance with a regulation appearing in Article 10.2.A and Article 11.4 of this Bylaw.

10.2.F. Conversion of transient residential facilities.

The conversion of a pre-existing, non-conforming Transient Residential Facility in the R-20, R-60 R-120 and RA-120 districts into a time-sharing or time-interval ownership dwelling unit is not permitted.