

MV Bowl LLC
13 Uncas Avenue
Oak Bluffs MA

November 21, 2019

Martha's Vineyard Commission
RE: DRI #645-M6
Response to Abutters Complaint Letters

Dear Members,

As you know there are several letters from abutters of the project directly behind The Barn on Hiawatha Avenue which each make essentially the same points. We understand that The Barn's very existence is frustrating to some neighbors.

These abutters, who by the way are seasonal residents, may not realize they are located in the same commercial zoning district that The Barn occupies. This is not to say that we don't need to be good neighbors, only that commercial districts are not residential districts and are busier and noisier by nature. If anything, a residence in a commercial district is the anomaly, not the other way around. It seems wrong to presume that a legal business would need to make unreasonable accommodations simply because residents have elected to locate in a commercial district. Yes, we need to be good neighbors but it also seems that in return residents should understand that we are operating a business that is a matter of right in the neighborhood, and make allowances accordingly.

We would categorize the following complaints as being unreasonable in this context:

- *"Barn employees and tenants of the apartments continue to park on Hiawatha Avenue."* Nothing in any of our approvals or in any regulation, suggests that the parking on Hiawatha is restricted in any way. The notion that parking on this public street (which is built on only one side) should be reserved exclusively for these abutters is absurd.
- *"Patrons of The Barn continue to access the property through an opening on Hiawatha Avenue."* This pedestrian only access was made at the insistence of the MVC to recognize the convenience of this access, not only for our patrons but for the public at large.
- *"The noise issues were never resolved. The fence remains untouched, contrary to what the representatives of the Barn stated to LUPC..."* In fact portions of

the fences along our common property line are owned or shared with the abutters. In order to undertake alterations to these fences we repeatedly sought permission of the abutters to do the work. No response was ever received and after demonstrating that our efforts were ignored LUPC removed this requirement. See attached correspondence.

- *“Cape Cod Express and other vendors continue to make commercial deliveries to The Barn from Hiawatha Avenue.” “Bruno’s continues to pick up trash bins placed along our fence.” “Nothing has changed.”* In spite of the fact that nothing in any of our approvals or in any regulations suggests that this is not allowed, things *are* changing. Items suggested by Selectman Packish in a site meeting in September are being implemented, as evidenced by the very application before you. When construction is completed all trash pick-up and food delivery will be done from the interior of our parking lot.
- *“Barn staff bringing food to the park to eat on benches.”* We cannot imagine that any reasonable person would object to any citizen eating his lunch on a bench in a public park.
- *“Cooking exhaust fumes and grease.....”* This is a by-product of any restaurant operation and is common in commercial districts.
- *“Trash left behind by patrons.” “Rodents and increased skunk activity.”* These complaints are subjective and unsubstantiated.

The outright falsehoods contained in these abutter letters are more disturbing:

- *“They have proposed using Hiawatha Avenue as an entrance for a drive-thru bank at 3 Uncas.”* This property is not owned by The Barn. “They” are not the owners and developers of the Barn, but a separate entity of which I, for one, am not a part.
- *“Takeout window struck from DRI 645-M4.”* In fact we voluntarily removed this from the application for our kitchen addition because we had learned the addition was approvable without a public hearing and we did not want to delay the kitchen work.
- *“Take-out window was surreptitiously opened.... and promptly closed by order of the OB Selectmen.”* This accusation is absurd, not only because it is utterly false, but because it would have been impossible given that it opens onto the raw construction site of our kitchen expansion. This disingenuous accusation seems to have been made up out of thin air.

- *"Barn representatives were explicitly told by a Selectman no takeout window."*
The abutter falsely claims we were denied a take-out window by the Selectmen when, in fact, there was no proposal asking for one. This was no more than a comment in passing from a Selectman, who was responding to the false accusation that we had surreptitiously opened the window for business.

Finally, we object to having ourselves and our business falsely characterized as sloppy and untrustworthy. In fact The Barn has become an Island institution with a good reputation, a big following and many loyal patrons.

- Our bowling leagues are a popular off-season recreational activity that has been missing on the Island for many years. People of all ages and all walks of life, and in large numbers, enjoy bowling at The Barn.
- Our restaurant serves good food at fair prices and has become a favorite gathering place.
- Our event space has made many activities available to Islanders such as ballroom dancing, ping-pong tournaments, comedy acts, painting classes, family and office parties and much more.
- Yes, we are a family oriented business. Throughout the years we have been open we have an exemplary record with respect to public intoxication and disorderly conduct. *Not one single incident worthy of a police report* has occurred on our premises in over 1,500 days of operation.
- Our restaurant has become the *number-one rated eatery on the Island* on Trip Advisor.

We refuse to apologize for being successful. The changes we seek in our operation are not to initiate expansion, but to accommodate the level of business we are already experiencing.

We already do a take-out business. Presently anyone who has ordered take-out must find a parking space and come into the building. This activity causes additional congestion and need for parking, the very activities the abutters are objecting to. The take-out window will actually smooth the process and relieve congestion, which all should applaud.

Sam Dunn
MV Bowl LLC