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Decision of the Martha's Vineyard Commission

DRI 697 Hob Knob Inn Expansion

1. SUMMARY

- Referring Board:** Zoning Board of Appeals, Town of Edgartown
- Subject:** Development of Regional Impact #697 Hob Knob Inn Expansion
- Project:** Proposal to construct an addition to the existing site (128 Upper Main Street) and expand to a new site (124 Upper Main Street); total number of guest rooms would increase from 17 to 35.
- Owners:** VIC MV Hotel LLC; Martin V. Tomassian Jr.
- Applicant:** Sean Murphy (Agent), Patrick Ahearn (Architect)
- Applicant Address:** P.O. Box 1239 Edgartown, MA 02539
- Deed:** Book 1390, Page 174; Book 391, Page 397
- Project Location:** 124 & 128 Upper Main Street, Edgartown. Map 20C, Lots 180 & 179, respectively; approximately 0.67 acres.
- Decision:** The Martha's Vineyard Commission (the Commission) denied the application for the project as a Development of Regional Impact at a vote of the Commission on February 11, 2021.
- Written Decision:** This written decision was approved by a vote of the Commission on April 8, 2021.

The permit-granting authorities of the Town of Edgartown shall not grant the request for approval of the Applicant's proposal contained herein. The project is denied.

2. FACTS

The exhibits listed below including the referral, the application, the notice of the 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 28, 2020 by the Zoning Board of Appeals 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, DRI Checklist Items 4.1b (10 or more rooms for lease or rent). Item 4.1b requires review as a Development of Regional Impact with a mandatory public hearing.

2.2 Hearings

Notice: Public notice of the hearing on the Application was published in the MV Times on June 25, and July 2, 2020; notice was also published in the Vineyard Gazette on June 26, and July 3, 2020. Notices were mailed to abutters within 300 feet of the property on June 23, 2020. Notice of the re-opened hearing was published in the MV Times on January 7 and 14, 2021; notice was also published in the Vineyard Gazette on January 8 and 15, 2021. Notices were mailed to abutters within 300 feet of the property on January 5, 2021.

Hearings: The Commission held a duly noticed public hearing on the Application that was conducted pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831 on July 9, 2020, which was continued to July 16, and then continued to August 13. The Application was then continued to September 3 without taking public testimony. The September 3 meeting was postponed to September 10, and the Application was continued to September 24 without taking testimony, continued again to October 15 without taking testimony, continued to November 5 without taking testimony and finally continued to November 12. The hearing was closed on November 12, 2020 with the exception of the written record, which was closed on November 19, 2020 at 5:00 pm. The Commission voted to re-open the hearing at a meeting on January 7, 2021. The re-opened hearing was held on January 21, 2021 and closed that night with the exception of the written record which was closed on January 28, 2021 at 5:00 pm. The hearings were all held entirely using remote conference technology as allowed under Chapter 53 of the Acts of 2020.

2.3 The Plan

The following plans and documents submitted by the Applicant and contained in the Commission's project file constitute "the Plan." All pages are 8.5" x 11" unless otherwise noted.

- P1. Application Package for "Hob Knob Hotel & Spa Renovation 128 Main Street, Edgartown, MA" prepared by Patrick Ahearn Architect, 160 Commonwealth Avenue Suite L3 Boston, MA 02116; Nevin Square 17 Winter Street Edgartown, MA 02539 consisting of twenty four (24) 36" x 24"

pages dated March 11, 2020 including: an index; Lot 128 - Analysis; Illustrative Site Plan scale 1/16" = 1'-0"; Proposed Site Plan - Lot 128, scale 1/8" = 1'-0"; Hob Knob Hotel & Spa - Basement Plan, scale 1/4" = 1'-0"; Hob Knob Hotel & Spa - First Floor Plan, scale 1/4" = 1'-0"; Hob Knob Hotel & Spa - Second Floor Plan, scale 1/4" = 1'-0"; Hob Knob Hotel & Spa - Third Floor Plan, scale 1/4" = 1'-0"; four (4) sheets titled Hob Knob Hotel & Spa - Elevations, scale 1/4" = 1'-0"; Hob Knob Hotel & Spa - Existing Basement Plan, scale 1/4" = 1'-0"; Hob Knob Hotel & Spa - Existing First Floor Plan, scale 1/4" = 1'-0"; Hob Knob Hotel & Spa - Existing Second Floor Plan, scale 1/4" = 1'-0"; Hob Knob Hotel & Spa - Existing Third Floor Plan, scale 1/4" = 1'-0"; two (2) sheets titled Hob Knob Hotel & Spa - Existing Elevations, scale 1/4" = 1'-0"; and two (2) sheets titled Hob Knob Hotel & Spa - Existing Exterior Photographs.

- P2. Application Package for "Hob Knob Hotel Annex 124 Main Street, Edgartown, MA" prepared by Patrick Ahearn Architect, 160 Commonwealth Avenue Suite L3 Boston, MA 02116; Nevin Square 17 Winter Street Edgartown, MA 02539 consisting of thirty (30) 36" x 24" pages dated March 11, 2020 including: an index; Lot 124 Analysis; Illustrative Site Plan scale 1/16" = 1'-0"; Proposed Site Plan - Lot 124, scale 1/8" = 1'-0"; Main House - Basement Plan, scale 1/4" = 1'-0"; Main House - First Floor Plan, scale 1/4" = 1'-0"; Main House - Second Floor Plan, scale 1/4" = 1'-0"; three (3) sheets titled Main House - Elevations, scale 1/4" = 1'-0"; Carriage House - Floor Plans, scale 1/4" = 1'-0"; Carriage House - Elevations, scale 1/4" = 1'-0"; Existing Site Survey, scale 1/16" = 1'-0"; Main House - Existing First Floor Plan, scale 1/4" = 1'-0"; Main House - Existing Second Floor Plan, scale 1/4" = 1'-0"; Lot 124 - Main House Existing Exterior Photographs; Carriage House - Existing Floor Plans, scale 1/4" = 1'-0"; Lot 124 - Garage Existing Exterior Photographs; Office Building - Existing Floor Plans, scale 1/4" = 1'-0"; and Lot 124 - Office Existing Exterior Photographs.
- P3. "Narrative to Accompany Application of VIC MV Hotel, LLC d/b/a Hob Knob Inn to the Martha's Vineyard Commission" consisting of six (6) pages prepared by Patrick Ahearn Architect, detailing the Background and History; Proposed Plan for 128 Upper Main Street; Proposed Plan for 124 Upper Main Street; Water and Wastewater; Neighborhood Context; Required Municipal Approvals; and review of the MVC's Energy and Environmental Building Policy for DRI Review, dated April 30, 2020.
- P4. Revised Application Package for "Hob Knob Hotel & Spa 124 & 128 Main Street, Edgartown, MA" prepared by Patrick Ahearn Architect, 160 Commonwealth Avenue Suite L3 Boston, MA 02116; Nevin Square 17 Winter Street Edgartown, MA 02539 consisting of twenty nine (29) 36" x 24" pages dated October 20, 2020 including: an index; Existing Site Survey, scale 1/16" = 1'-0"; Project Analysis; Illustrative Site Plan, scale 1/16" = 1'-0"; Proposed Site Plan - Lot 128, scale 1/8"=1'-0"; Hob Knob Hotel & Spa - Basement Plan, scale 1/4" = 1'-0"; Hob Knob Hotel & Spa - First Floor Plan, scale 1/4" = 1'-0"; Hob Knob Hotel & Spa - Second Floor Plan, scale 1/4" = 1'-0"; Hob Knob Hotel & Spa - Third Floor Plan, scale 1/4" = 1'-0"; four (4) sheets titled Hob Knob Hotel & Spa - Elevations, scale 1/4" = 1'-0"; Proposed Site Plan - Lot 124, scale 1/8" = 1'-0"; Main House - Basement Plan, scale 1/4" = 1'-0"; Main House - First Floor Plan, scale 1/4" = 1'-0"; Main House - Second Floor Plan, scale 1/4" = 1'-0"; three (3) sheets titled Main House - Elevations, scale 1/4" =

1'-0"; Carriage House - Floor Plans, scale ¼" = 1'-0"; and Carriage House - Elevations, scale ¼" = 1'-0".

- P5. "Hob Knob Inn, Edgartown MA DRI #697 Offers" consisting of three (3) pages prepared by Sean Murphy of McCarron, Murphy & Vukota, LLP, dated November 12, 2020, and revised on November 13, 2020.
- P6. Revised "Main House - Basement Plan" prepared by Patrick Ahearn Architect consisting of one (1) 17" x 11" page showing the new employee lounge and kitchen, scale ¼" = 1'-0", dated November 13, 2020.
- P7. Revised Application Package for "Hob Knob Hotel & Spa 124 & 128 Main Street, Edgartown, MA" prepared by Patrick Ahearn Architect, 160 Commonwealth Avenue Suite L3 Boston, MA 02116; Nevin Square 17 Winter Street Edgartown, MA 02539 consisting of twenty nine (29) 36" x 24" pages dated December 22, 2020 including: an index; Existing Site Survey, scale 1/16" = 1'-0"; Project Analysis; Illustrative Site Plan, scale 1/16" = 1'-0"; Proposed Site Plan - Lot 128, scale 1/8"=1'-0"; Hob Knob Hotel & Spa - Basement Plan, scale ¼" = 1'-0"; Hob Knob Hotel & Spa - First Floor Plan, scale ¼" = 1'-0"; Hob Knob Hotel & Spa - Second Floor Plan, scale ¼" = 1'-0"; Hob Knob Hotel & Spa - Third Floor Plan, scale ¼" = 1'-0"; four (4) sheets titled Hob Knob Hotel & Spa - Elevations, scale ¼" = 1'-0"; Proposed Site Plan - Lot 124, scale 1/8" = 1'-0"; Main House - Basement Plan, scale ¼" = 1'-0"; Main House - First Floor Plan, scale ¼" = 1'-0"; Main House - Second Floor Plan, scale ¼" = 1'-0"; three (3) sheets titled Main House - Elevations, scale ¼" = 1'-0"; Carriage House - Floor Plans, scale ¼" = 1'-0"; and Carriage House - Elevations, scale ¼" = 1'-0".
- P8. Revised "Proposed Site Plan - Lot 124" prepared by Patrick Ahearn Architect consisting of one (1) page, scale 1/8" = 1'-0" dated January 27, 2021.
- P9. Revised "Main House - Elevations" prepared by Patrick Ahearn Architect consisting of two (2) pages, scale ¼" = 1'-0" dated January 27, 2021.

2.4 Other Exhibits

- E1. Referral to the MVC from the Edgartown Zoning Board of Appeals, received April 28, 2020.
- E2. Staff Report for DRI 697 Hob Knob Inn Expansion dated July 9, 2020; revised on July 16, 2020; November 4, 2020; November 11, 2020; November 19, 2020; January 7, 2021; and January 20, 2021. Two maps titled "Areas of Interest" and "Inns Around Town" included in the staff report were found to have contained incorrect information from MassGIS regarding the Dr. Daniel Fisher House. Revised maps were created once the corrected data was received on February 9, 2021, after the record had closed.
- E3. Staff Housing Recommendation for DRI 697 Hob Knob Inn Expansion by Christine Flynn dated August 7, 2020 and revised on November 12, 2020.

- E4. Letter from the Town of Edgartown Waste Water Department approving three additional guest rooms at 128 Upper Main Street; and 15 guest rooms and four employee rooms at 124 Upper Main Street, dated November 2, 2020.
- E5. "Pools & Zoning Map" by Chris Seidel showing the pools and the zoning districts of the surrounding area, dated November 24, 2020.
- E6. 36 individuals wrote 30 letters of support, including: Greer & Christian Thornton, June 25 & November 12, 2020; Donna McPherson, June 30, 2020; Francis Ford & Shirley Doyle, June 30, 2020; Erin Ready, July 2, 2020; Phil Hughes, July 3 & July 15, 2020; Frances & Frank Manfredi, July 6, 2020; Squire Rushnell & Louise DuArt-Rushnell, July 6, 2020; Lisa Brown, July 7 & November 12, 2020; Nicole Brisson, July 8, 2020; Charles Davis, July 10, 2020; Christina Cook, July 15, 2020; Emily Monteiro, July 15, 2020; Jon & Lori Roop, July 15, 2020; Mary Sipp Green, July 15, 2020; Teri & Ralf Pirozzi, July 15, 2020; Tilma Johnson, July 15, 2020; Jamie LeBlond, July 16, 2020; Joe Monteiro, July 16, 2020; Nicole LeBlond, July 16, 2020; Annabelle & Simon Hunton, November 12, 2020; John Miskel, November 12, 2020; Kate Foster & Doriana Klumick; Mark Snider, November 12, 2020; Mike & Nellie Zedalis, November 12, 2020; Ruth Ambrozaitis, November 12, 2020; Crispin Nathaniel Haskins, January 21, 2021; Melaney West, January 21, 2021; and Thayer & Tom McKenzie, January 21, 2021.
- E7. 34 individuals wrote 65 letters of opposition, including: Jane Chittick (11 - June 18, July 23, November 4 (2), November 10, November 13, 2020; January 4, January 8, January 12, January 25 and January 28, 2021); Sara Piazza (3 - June 22, July 1 and November 4, 2020;); James & Carol Wolff (3 - July 1, November 5, 2020 and January 21, 2021); Sandra & Bernard Weinstein (2 - July 1 and November 4, 2020;); William Fruhan (3 - July 1, November 19, 2020 and January 19, 2021); Art Buckland (2 - July 6 and November 3, 2020); Grant Greely (2 - July 6 and November 10, 2020); Jennifer Hill Rubin (2 - July 11, 2020 and January 20, 2021); Andrea Barmakian, July 12, 2020; Michael Shaw (2 - July 12, 2020 and January 20, 2021); David Stevens, July 13, 2020; Elizabeth Gormley, July 13, 2020; John Greely (2 - July 13 and November 11, 2020); Maggie Greely Boris (2 - July 13 and November 18, 2020); Daniel Bailey (5 - July 14, August 6, November 11, 2020; January 21, January 26, 2021); Julia Livingston, July 14, 2020; Althea Morgan, July 17, 2020; Mitchel Weiss, July 20, 2020; Bob Murphy (4 - July 24, August 1, November 6, 2020 and January 25, 2021); Katharine Poole, August 3, 2020; Paul Cunningham, August 4, 2020; Keith Boris, August 6, 2020; Sam Greely, August 6, 2020; Jim Swartz, November 10, 2020; Andrea Shaw (2 - November 11, 2020 and January 21, 2021); Geoffrey & Nancy Caraboolad, November 11, 2020; Coleman Hoyt, November 18, 2020; James Joyce (2 - November 19, 2020 and January 28, 2021); and Carol & Richard Fligor (3 - January 28, 2021).
- E8. Minutes of the Commission's Land Use Planning Committee Pre-Public Hearing Review, June 15, 2020.
- E9. Minutes of the Commission's Public Hearing, July 9, 2020.
- E10. Minutes of the Commission's Continued Public Hearing, July 16, 2020.

- E11. Minutes of the Commission's Continued Public Hearing, November 12, 2020.
- E12. Minutes of the Commission's Vote to Re-Open the Hearing, January 7, 2021.
- E13. Minutes of the Commission's Re-Opened Public Hearing, January 21, 2021.
- E14. Minutes of the Commission's Land Use Planning Committee Post-Public Hearing Review, February 8, 2021.
- E15. Minutes of the Commission's Deliberation and Decision, February 11, 2021.
- E16. Minutes of the Commission's Approval of the Written Decision, April 8, 2021.

2.5 Summary of Testimony

The following gave testimony during the public hearing on July 9, 2020:

- Staff presentation by Adam Turner, Executive Director.
- Presentation of the project by Sean Murphy and Patrick Ahearn.
- Oral testimony from Public Officials speaking for their Boards: None.
- Oral testimony from the Public: Jane Chittick, Grant Greely, Carol Wolff.

The following gave testimony during the public hearing on July 16, 2020:

- Staff presentation by Adam Turner, Executive Director, and Mike Mauro, Transportation Program Manager.
- Oral testimony from Public Officials speaking for their Boards: None.
- Oral testimony from the Public: Doug Finn, Edgartown Planning Board Administrator, William Fruhan, Jane Chittick, Sara Piazza, Daniel Bailey representing the Greely family, James Joyce.

The following gave testimony during the public hearing on November 12, 2020:

- Staff presentation by Alex Elvin, DRI Coordinator.
- Oral testimony from Public Officials speaking for their Boards: None.
- Oral testimony from the Public: Daniel Bailey representing the Greely family, Sara Piazza, Jane Chittick, Linda Simpson, James Joyce, William Fruhan.
- Closing Statement by Sean Murphy.

The following gave testimony during the re-opened public hearing on January 21, 2021:

- Applicant presentation by Patrick Ahearn.
- Staff presentation by Alex Elvin.
- Oral testimony from Public Officials speaking for their Boards: none.
- Oral testimony from the Public: Sara Piazza, Jane Chittick, William Fruhan, Daniel Bailey representing the Greely family, James Joyce.
- Closing Statement by William Booth (owner) and Sean Murphy.

3. FINDINGS

3.1 Project Description

The proposal was to construct an addition to the existing Hob Knob Inn at 128 Upper Main Street and expand to a new site at 124 Upper Main Street. The general terms of the proposal for each lot were as follows:

128 Upper Main Street (existing)

- Construct an approximately 435 ft² addition to the spa and fitness area in the basement, and a 1,020 ft² addition (not including an approximately 872 ft² covered porch) to the first and second floors of the existing 13,310 ft² inn, for a total of three new guest rooms. The expanded basement was to include a larger fitness area and four additional spa treatment rooms.
- Reduce parking spaces from 12 to 11.
- Total proposed increase: 1,450 ft².

124 Upper Main Street

- Remove an existing 1,770 ft² office building; construct a 4,033 ft² addition to an existing 2,650 ft² private residence; and renovate an existing 1,180 ft² carriage house, for a total of 15 new guest rooms.
- In addition to the 15 guest rooms, create four employee bedrooms with private bathrooms and a common area, to house up to eight employees, with a maximum of two per room.
- Increase parking spaces from four to nine.
- Total proposed increase: 2,283 ft².

Total proposed increases for the two lots combined:

- Square feet: 3,733
- Guest Rooms: 18
- Parking Spots: 4

3.2 Statutory Authority

The purpose of the Commission, as set forth in Section 1 of the Act, is to “protect the health, safety, and general welfare of island residents and visitors by preserving and conserving for the enjoyment of present and future generations the unique natural, historical, ecological, scientific and cultural values of Martha’s Vineyard which contribute to public enjoyment, inspiration, and scientific study by protecting these values from development and uses which would impair them, and by promoting the enhancement of sound local economies.”

The Commission has reviewed the proposal as a Development of Regional Impact, using the procedures and criteria that the Commission normally uses in evaluation 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 testimony presented and reviewing all documents submitted during the hearing and review period.

3.3 Benefits and Detriments

Based on the record and testimony presented therein, the Commission finds the following pursuant to Sections 14 and 15 of the Act.

A. THE COMMISSION FINDS THAT THE PROBABLE DETRIMENTS OF THE PROPOSED DEVELOPMENT WOULD EXCEED THE PROBABLE BENEFITS, 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 not appropriate or essential in view of the available alternatives (Section 15(a) of the Act).

The properties proposed for development (124 and 128 Upper Main Street) are located in the Edgartown R5 Zoning District and Historic District. The Hob Knob is one of 13 hotels in Edgartown, which currently has a total of 513 hotel rooms.

The Commission finds that the proposal might be considered an example of smart growth development in the downtown area, which is generally preferable to building in less developed areas. However, the proposal would increase non-residential uses in a residentially zoned district, with particular impacts on the residents of Tilton Way, as identified in Section A3.

The Commission finds that the likely benefits of the proposal outweigh the likely detriments with respect to Economic and Social Development, and Burden on Taxpayers. However, the Commission also finds that the proposal's likely detriments outweigh the likely benefits with respect to Water Quality, Climate Change Resilience, Open Space, Traffic and Transportation, Character and Identity, Scenic Values, Noise, Night Lighting, Impact on Abutters, and Island Housing Needs. The Commission finds that the project would have a neutral effect on Municipal Services and Public Facilities.

A2. The Commission finds that the proposed development would have an overall detrimental impact upon the environment relative to other alternatives (Section 15(b) of the Act).

With respect to Water Quality, the Commission finds that the proposal would have a slight detrimental effect. Although the properties would be connected to Town sewer, reducing the amount of wastewater nitrogen entering the groundwater by 30%, the proposal would also increase the amount of impervious surfaces on the two properties by about 1,566 square feet, potentially increasing the amount of pollutants entering the groundwater. With respect to Groundwater, the Commission noted that connection to the sewer reduces, but does not eliminate, nitrogen. The greater impervious areas, plus the residual nitrogen from treated sewage, renders the project neutral in regard to wastewater.

In regard to Energy, the Commission finds that the project would have a positive effect, since it would rely on electric heat pumps and comply with the MVC's 2008 Energy and Environmental Building Policy. However, the Commission also finds that the project would have a slight detrimental effect in

regard to Climate Change Resilience, since traffic to and from the site, and the resulting greenhouse gases, would increase.

The Commission finds that the approximately 1,560-square foot decrease in the amount of Open Space at 124 and 128 Upper Main Street would be a slight detriment.

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

With respect to Traffic and Transportation, the Commission finds that the proposal would have a detrimental effect, due to increased vehicular traffic on Tilton Way from Inn guests entering and exiting the properties and pedestrian traffic. Tilton Way is already over capacity on many occasions due to its location between Cooke Street and Upper Main Street. While the Applicant sought to minimize new trips by providing alternative modes of travel to guests and employees, by encouraging guests not to bring their cars, and requiring guests to make parking reservations, the number of guest rooms on the two properties would increase by 18, causing a likely increase in traffic, especially during the summer season. Parking spots would increase by four, including the existing four spots on 124 Upper Main Street.

The Commission was concerned about safety and congestion in the vicinity of the inn, including the possibility of guests walking back and forth across Tilton Way between the two properties, and the current use of Tilton Way as a vehicular cut-through between Upper Main and Cooke Streets.

The Commission finds that the project would have a detrimental effect on the Character and Identity of the neighborhood, especially in terms of increasing non-residential uses and intensity of use in the R-5 District and Edgartown Historic District. The Commission finds the project would negatively impact the historic nature of Upper Main Street, which is known largely for its historic residences. In addition to increasing commercial uses, concerns were raised as to the size and massing of the proposed buildings, both of which would front Upper Main Street.

Commissioners noted an abundance of public comments related to character, but also a lack of input from Edgartown boards and officials that could have shed additional light on the appropriateness of the project in terms of zoning and the Town's vision for the neighborhood.

Although the proposed additions would have been reviewed by the Edgartown Historic District Commission, the project would involve an expanded parking area at 124 Upper Main Street, which Commissioners find to be a minor detriment in terms of Scenic Values.

With respect to Economic Development, Commissioners find the project would have a small beneficial impact, as it would create one full-time job and six seasonal jobs, and guests would contribute to the economy of the area. The project would create a small number of temporary jobs in the construction and professional services sectors and increase the revenue to the Town in the form of property taxes and Room Occupancy Tax.

With respect to Noise, the Commission finds that despite the Applicant's offers to 1) install noise barriers along the southern and western boundary lines at 124 Upper Main Street, and 2) not allow the spa to be open to the public, the project would have a detrimental impact. The noise would likely increase on Tilton Way as a result of more guest rooms, a new parking area, trash pickups, deliveries, and the potential addition of HVAC units outside the building.

The Commission finds that the project would have a detrimental impact in terms of Night Lighting, which would likely increase on both properties as a result of this project.

Due to the likely impacts related to Open Space, Traffic and Transportation, Character and Identity, Scenic Values, Noise, Night Lighting (especially in regard to the residents of Tilton Way), the Commission finds that the proposal would have an overall negative Impact on Abutters after completion.

A4. The Commission finds that the proposed development would have a detrimental impact upon the supply of needed low- and moderate-income housing for Island residents (Section 15(d) of the Act).

The Commission finds that the project would have a detrimental impact in terms of supporting Island Housing Needs. The project would require the hiring of an additional six seasonal employees, plus and additional full-time employee, but would eliminate three residential units at 124 Upper Main Street, including two one-bedroom apartments, one of which had been rented year-round, and a five-bedroom year-round residence.

The Commission finds that the Applicant's proposal and offers for employee housing would serve the inn, as it would provide "workforce housing" for up to eight employees. However, the Commission was concerned that the approximately 10' x 10' employee bedrooms (not including bathrooms or entryways) were unsuitably small (particularly in light of the fact that they were to be occupied year-round), that the proposed common area would not practically accommodate eight people, and that there would only be minimal access to natural light and ventilation in the employee accommodations. The inadequacy of the employee housing made it considerably less of a benefit.

In terms of the loss of the residential units at 124 Upper Main Street, the Commission did not believe that the "extra" onsite accommodation for two employees (beyond the six new employees anticipated) would fully mitigate that loss.

The proposal also included an offer to obtain off-site housing for the new full-time employee. While the Commission recognized that the offer would provide employee housing, the offer was stated in general terms and the Commission was unclear whether the proposed rental arrangement would result in a benefit to the employee, who would be required to pay up to "market rate," with the inn covering the rest. Moreover, the Commission did not think that the offer would address the issue of housing scarcity on the Island, as it would merely transfer occupancy of an existing residence from one person to another.

A5. The Commission finds that the proposed development would likely have a neutral or beneficial impact on the provision of municipal services or burden on taxpayers in making provision therefore (Section 15(e) of the Act).

Because the project is located in an already densely developed area and would need to comply with all building and fire codes, the Commission finds that it would have a neutral impact on Municipal Services. The Commission finds that the project would have some benefit in terms of Burden on Taxpayers, since the assessed value would increase for both properties, and create additional revenue for the Town in the form of property taxes and Room Occupancy Tax.

A6. The Commission finds that the proposed development would use efficiently and would not unduly burden existing public facilities (other than municipal) or those that are to be developed within the succeeding five years (Section 15 (f) of the Act).

The project would likely increase traffic on Tilton Way, which the Commission noted is currently used as a narrow bypass route between Upper Main Street and Cooke Street. In terms of the impact on wastewater facilities, the Edgartown Wastewater Commission had approved the additional 18 guest rooms and four employee bedrooms conditioned upon MVC approval. The Commission finds the impact on Public Facilities would be neutral.

A7. The Commission finds that the proposed development would not necessarily interfere with the ability of the municipality to achieve some of the objectives set forth in the municipal general plan (Section 15(g) of the Act).

With respect to Consistency with/and Ability to Achieve Town Objectives, the Commission finds that the proposal does not necessarily interfere with the ability of the municipality to achieve objectives set forth in the municipal general plan, and notes that the change from residential to commercial use at 124 Upper Main Street is allowable by Special Permit through the Zoning Board of Appeals.

A8. The Commission finds that the proposed development could potentially contravene some land development objectives and policies developed by regional or state agencies (Section 15(h) if the Act).

With respect to Consistency with and Ability to Achieve Town Objectives, the Commission finds that the proposal may contravene certain objectives and strategies in the Island Plan (see Section B below).

B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WOULD NOT BE CONSISTENT WITH SOME COMMISSION PLANS AND OBJECTIVES, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(b) OF THE ACT.

The Island Plan was an Island-wide effort that sets forth the shared vision and priorities of its residents' as to the future of Martha's Vineyard. Sections of the Island Plan that are relevant to this proposal include the following:

Section 4: Built Environment (4.1 Historic Resources)

The Commission finds that the proposal may contravene Objective B2, which is to “Protect historic resources – such as culturally significant buildings, streetscapes, area areas – and ensure that new development is compatible,” including Strategy B2-3, which is to “Revise zoning in historic areas and traditional neighborhoods to conform to historic patterns.” The project would not necessarily conform to historic patterns, as it would expand commercial uses in a historically residential area.

Section 6: Livelihood and Commerce (6.1 Business, 6.4 Commercial and Industrial Land Use)

Sections 6.1 and 6.4 of the Island Plan present objectives and strategies for Island business development and commercial/industrial land use planning, respectively. The Commission finds that the proposal generally aligns with Section 6.1, including Objective L1 (“Look to the creative stewardship of the Island’s rich natural resource base to generate interesting, meaningful, living-wage jobs”), Objective L2 (“Create new business opportunities appropriate to the Vineyard, emphasizing initiatives that are environmentally benign or restorative”), and Objective L3 (“Strengthen and gradually realign our core, visitor-based economic activities”). The Commission finds that the proposal may contravene Section 6.4, including Objective L6 (“Locate commercial activities appropriately and ensure that there is sufficient commercial land for future needs”).

Section 8: Housing (8.2 Seasonal Workforce Housing)

The Commission finds that the proposal generally aligns with Section 8.2 of the Island Plan, including Strategy H5-2, which is to “Create dormitory housing for seasonal workers.” However, the employee housing proposed as part of this project is tantamount to year-round dormitory housing.

Section 9: Transportation (9.2 Pedestrians and Bicycles)

The Commission finds that the proposal may contravene Objective T3, which is to “Make town and village areas more pedestrian and bicycle friendly.” Although the proposal included bike racks, it would also increase vehicular traffic into and out of Tilton Way, which would likely reduce the pedestrian safety along Tilton Way and Upper Main Street.

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 would be subject to Special Permit review, given the proposed change from residential to commercial use at 124 Upper Main Street.

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 property is within the Lawn Fertilizer Control District of Critical Planning Concern, but no other DCPCs. A final landscape plan would have needed to return to the Land Use Planning Committee for approval. The Lawn Fertilizer Control DCPC is regulated at the Town level.

In sum, after careful review of the Plans and its attendant submittals and the testimony presented by the Applicant and others, the Commission has concluded that the detriments of this proposed development in this location exceed its probable benefits in light of the considerations set forth in Section 14(a) of the Act.

4. DECISION

The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on February 11, 2021 and made its decision at the same meeting.

The following Commissioners, all of whom participated in the hearing and deliberations participated in the decision on February 11, 2021:

- Voting to approve the project: Trip Barnes, Kathy Newman, Doug Sederholm, James Vercruysse, Joan Malkin
- Voting against: Christina Brown, Fred Hancock, Michael Kim, Ben Robinson, Linda Sibley, Ernie Thomas, Christine Todd.
- Abstentions: none.
- Recused: Josh Goldstein, James Joyce.

Based on this vote, the Commission denied the application for the project as a Development of Regional Impact.

This Written Decision is consistent with the vote of the Commission on February 11, 2021 and was approved by a vote of the Commission on April 8, 2021.

5. CONCLUSION

6.1 Permitting from the Town

The permit granting authorities of the Town of Edgartown shall not grant the request for approval of the Applicant's proposal. The project is denied.

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.

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6.3 Signature Block

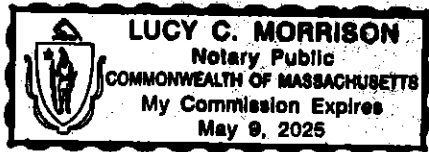
Joan Malkin
Joan Malkin, Chair

29 April 2021
Date

6.4 Notarization of Decision

Commonwealth of Massachusetts
County of Dukes County, Mass.

On this 29th day of April, 2021, before me,
Lucy C. Morrison, the undersigned Notary Public, personally appeared
Joan Malkin, proved to me through satisfactory evidence of
identity, where was/were personal knowledge to be the person(s)
whose name(s) was/were signed on the preceding or attached document in my presence, and who
swore or affirmed to me that the contents of the document are truthful and accurate to the best of
his/her/their knowledge and belief.



Lucy C. Morrison
Signature of Notary Public

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

6.5 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: April 29, 2021
Deed: Book 1576, Page 141
Document Number: 00003446

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