

January 18, 2020

To the Martha's Vineyard Commissioners:

Susan and I, along with our children, own One Starbuck Neck in Edgartown. We are direct abutters of the Harbor View Hotel ("HVH"), with our family room directly across the street from the front porch of the Hotel. We have been living here every summer since 2001.

In the early years, we had a pleasant and cooperative relationship with the longtime manager Dick McAuliffe. In 2008 Scout Management acquired the property and again we had a cooperative and interactive relationship, including agreeing to support their 2008 application to this Commission. As a clear indication of the cooperative relationship we had with Scout Management here is a 2008 Harbor View [memo](#) that memorialized our mutual understanding.

In 2012, after the financial meltdown, a local group acquired the property. There were issues as general managers came and went, but we always maintained amicable relations.

There was a long-term peaceful coexistence with the Hotel in the neighborhood because the various owners and managers observed the spirit and the authority of the 1990/1992 Permits and kept an open line of communication with the neighbors. There was never any need to involve the town or any governing bodies. There were never any difficult discussions.

Susan and I came to the Vineyard for a peaceful family environment and we found exactly what we hoped for. We have been responsible citizens and have pitched in to help where we are able. Frankly it pains us to be writing this letter and to be challenging actions that we see as grossly out of character for what we know as responsible and proper behavior. But we have been left with no choice given the active neglect of our local authorities.

In 2018 HVH was acquired by Upland Capital, the current owner. After meeting with the principal of Upland, Bernard Chiu, we were encouraged by his pledges to improve the Hotel and to engage in ongoing and cooperative discussions with the neighborhood. We supported the Hotel in seeking approval of the 2018 DRI modifications based on these pledges.

June 2019 arrived with the startling discovery of a 2,600 sq. ft. outdoor bar and restaurant under construction. Not only did HVH not tell any neighbor about this, we had no official notice. We have received all town notices for 20 years (always at the same address), but we did not receive notice of the May 2019 ZBA hearing when a new 176 sq. ft. bar was approved. Most other abutters did not receive notice either. When we immediately complained one town official attributed the lack of notice to well-known post office problems. Really?

But it is actually worse. Somehow the ZBA approval for a 176 sq. ft. bar morphed into 2,600 sq. ft. of outdoor dining and party space. There was no mention in the ZBA approval of a new restaurant, no mention of adding fire pits and no mention of dramatic outdoor lighting. How did we end up with an unpermitted outdoor restaurant in a residential neighborhood, and in a defined area where outdoor service was specifically barred by a 1992 Permit? And why was this never referred to the MV Commission as a modification to the 2008 DRI?

Despite vocal protestation over the lack of notice, and the clear misinformation transmitted during the May hearing, the Selectmen and the ZBA refused to acknowledge the obvious flaws in process. The neighbors were left with no recourse but to sue although none of us wanted this approach. The litigation continues.

Why do we dwell on this? Take a look at this [video](#) of the restaurant and this [video](#) of the party space. This is a hellacious intrusion into our neighborhood never disclosed to the MV Commission. This is not a simple NIMBY issue. On March 20, 2020 over 52 Edgartown taxpayers and/or voters, representing 37 individual dwellings, signed a Petition requesting the ABCC investigate HVH for its disruptive operations brought on by the new outdoor bar and restaurant.

Next, during the summer of 2019 we became aware that 119 North Water Street (aka Water Street Harbor House), a private residence in the R-5 residential zone and under common ownership with the Hotel, was advertising as an adjunct to the Hotel and offering full amenities of the Hotel. After protest by neighbors, and a [Zoning Violation Letter](#) from the Edgartown Building Inspector, the web site was modified to diffuse the explicit Hotel connection but the practices have continued.

The summer of 2020 brought several parties from the Hotel to the harbor side yard of 119 North Water, as well as hotel offerings to guests of two tour boats on station and jet skis. Make no mistake...these were offered all summer to Hotel guests. As active boaters, we had several troubling incidents with inexperienced jet ski operators during the summer in the inner harbor.

The latest Hotel manager, Mr. Scott Little, in his response to questions from the MV Gazette about 119 North Water Street, was quoted as follows..."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". Anyone will easily recognize this as a thinly disguised attempt to deflect the aggressive expansion of the HVH commercial footprint outside the boundaries of the Hotel and the DRI and into the Edgartown harbor.

It is critical to connect the dots of how flagrant opaqueness and willful manipulation of Town process has gotten us to this point: a new 2,600 sq. ft. outdoor bar and restaurant and party space, expansion to incorporate a private residence at 119 North Water Street as a hotel adjunct offering commercial wedding parties, tour boats and jet ski rentals in the harbor, and now an attempt to expand further with an oversized commercial Spa.

We need to step back and view the Spa in the context of these other steps taken by HVH to become a destination resort. The nexus of a major Spa, an outside bar and dining area, a large pool, and open green space for events, presents a [startling picture](#) of an entirely new area dedicated to fun, eating, drinking, swimming, frolic, noise, and crowds, impacting all neighbors regardless of proximity.

And, to complete the picture, this management does not recognize Permits, or stipulations or conditions. Regulations disappear into the ether as if they do not exist. HVH is now under the 4<sup>th</sup> manager since 2018. None of the managers have reached out to the neighbors (except in the last few weeks under pressure) and all of them have ignored the boundaries of the long standing Town Permits. During the summer of 2019 (pre Covid), there are documented incidents of the following prohibited activities: amplified music concerts on the front porch, constant flouting of the no service prohibitions

on the front porch, several noise incidents with wedding bands requiring late night intervention, use of the [front lawn](#) for serving wedding guests food and alcohol, and continued use of amplified music for large outdoor events. Our peaceful neighborhood has suddenly become party central.

We are grateful for this hearing before the MV Commission. You are in the unique position to recognize the totality of these acts for what they are: a gross misuse of the Special Permits for a quiet inn in the middle of a residential neighborhood, and a carefully calculated step by step invasion of increased commercial activity that is destined to get worse if it is not checked now.

We care deeply about the historical landscape, and the peaceful, tranquil and family friendly neighborhood that we all have enjoyed. This is arguably one of the most child friendly residential areas on the island; it belongs to all Islanders and must not be overwhelmed by special events and those who can pay the price of admission to this upscale eating, drinking and party destination. Like those who came before us we must preserve this area, must stand in opposition to this peaceful refuge being irrevocably destroyed by the expansion and ambitions of HVH.

This historical slice of village community must be preserved just as forcefully as the most pristine untouched forests and meadows of our Island and just as carefully as the most sacred of our beaches and waters. This area is one of the most visited sites on the Island and stands proudly for pureness of its harbor vistas, for the safety of its residents and as a haven for families and young children to walk, and to bicycle free from rowdy crowds, harassment and vehicular traffic. We should be encouraging businesses that accent these strengths and values inherent in our Island, and discouraging misguided business ventures in their never ending and ultimately futile chase of the accoutrements deemed necessary to compete with bigger and better capitalized off island event destinations.

Considering the quiet, residential nature of the neighborhood, a commercial 4,600 square foot Spa is totally inappropriate. It belongs in the downtown business district where the zoning is appropriate.

Please reject this Spa and all that it implies and brings with it, please acknowledge that the new outdoor bar and restaurant was never approved in any application before you and is a total violation of everything that your process was meant to regulate. And please curtail the stealth expansion of the HVH beyond its defined footprint by the use of adjacent residential properties and docks as Hotel amenities.

Sincerely,

Jim and Susan Swartz  
One Starbuck Neck