

May 4, 2021

Dear Members of the Martha's Vineyard Commission,

We write this note to correct a number of false statements and mischaracterizations that were conveyed by attorneys for the Harbor View Hotel at Thursday's hearing. Due to time limitations and the Commission's other business, we were not given an opportunity to respond during the hearing and so we are taking this approach to correct the record.

Please recognize that the referenced ongoing litigation with the Hotel is based solely on the narrow grounds of lack of notice and lack of due process by the ZBA. The litigation has nothing to do with the merits of the new significantly expanded pool bar and restaurant; there has never been a hearing on the merits, ever.

It is abundantly clear that it is past time to have a complete review of the 14 year-old 2008 Master Plan. For example, the 2008 Master Plan shows a 7,123 sq. ft. building (the Captain Penniman Cottage) in the place now occupied by the new bar and restaurant. And the new bar and restaurant has numerous highly intrusive lights – clearly visible in the videos we have shown you – that are specifically prohibited in the 2008 Master Plan.

The "Green" space and the "Pool Area" are clearly articulated in the 1990 and 1992 Special Permits and each have specific hour and usage restrictions. The new bar and restaurant is in neither defined area; it occupies formerly vacant space in a general outdoor area where no service whatsoever is permitted. Please examine the facts here and be careful of the rhetoric about hours, etc. None of this rhetoric is based on fact.

Next, it is a misstatement to say that there have not been any proceedings against the Hotel and no enforcement actions. In fact, the Edgartown Building Inspector issued a cease and desist order against the Hotel in August 2019 for their public advertising of 119 North Water Street offering full amenities of the Hotel. A copy of this order and the relevant web images of the advertising is attached as Exhibit 22 of our January 20, 2021 filing with the Commission.

In addition, a number of Police Reports are available upon request from the Edgartown Police Department, as well as substantial testimony, given to the ZBA in our July 2019 appeal hearing, of documented infringement of the 1990 and 1992 Special Permits concerning amplified noise and service on the front porch and front lawn. This is all publicly available information.

All of this is set against the context of 2019 when the Hotel was operating at substantially reduced capacity due to construction on the Mayhew building and in 2020 when the Hotel operated under Covid restrictions with substantially reduced activity. In fact, the Hotel operated all summer of 2020 in violation of the front porch service prohibition without any town authorized relief to do so. Given our sincere desire to help the Hotel in a time of need, we consciously chose not to make an issue of the violations.

So, to make the claim that there is no record on infractions in the past two years simply is incorrect.

Without acknowledging that it had, in the past, used the dock at 119 North Water Street for commercial purposes, the Hotel agreed before the Select Board not to do so in the future.

Thank you for allowing us to submit these corrections to the record. We want the Hotel to succeed, and it is succeeding. Moreover, the Hotel will not “wither away” as one Hotel attorney put it, if it is not allowed to open a spa and hair and nail salon. It already has approval for a modest spa of a scale appropriate for serving guests.

We believe the Commission is on the right path to require a total review of the fourteen-year old Master Plan, before approving any additional modifications to this DRI, which will allow these matters to be put to rest in a coherent manner.

We note that in 2008 many of these same residents worked closely with the then owners, Scout Management, to put in place an acceptable and harmonious plan. But we have watched this plan be marginalized over the years and the formal agreements with abutters reached in 2008 be violated.

In addition to the below group of Edgartown residents, some abutters and some not, there are 60 or more letters on file from other residents of Edgartown expressing serious concern. Please hear our concerns.

Sincerely,

Lynn Allegaert  
Thomas K. Brooker  
Geoff Caraboolad  
Ann Dickinson  
Robert Forrester  
Rob Hughes  
Barbara Israel  
Joseph Smith  
Alex Neuhoff  
Jim Swartz  
Rich Zannino