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THOMAS J. RAPONE
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May 20, 2021

Via Email

Martha's Vineyard Commission
c/o Adam Turner, Executive Director
P.O. Box 1447
Oak Bluffs, MA 02557

Re: The Harbor View Hotel DRI #614

Dear Messrs. Turner and Elvin, and the Commissioners,

This letter and the attachments hereto shall serve as a response to MVC email requests/questions received on May 12, 2021 and May 14, 2021.

1. CONDOMINIUMS

Attached hereto are the most recent Condo documents for the existing and future cottages. Approx. 12 Condos are currently privately owned.

2. IMAGES FROM HEARING

Attached hereto are the images that were screen shared during the May 6, 2021 Hearing.

3. TIMELINE NARRATIVE OF THE HARBOR VIEW PROPERTY AND ITS USES SINCE 1990.

● **1990. Edgartown Special Permit**

POOL: Food and beverages to be served on the wooden deck of the pool area from 10:00 AM – 9:00PM. No limit on number of patrons that may be served; no limit on number of seats.

This Special Permit was not referred to the Martha's Vineyard Commission

● **1992 Edgartown Special Permit**

POOL: Expands Service of food and beverages into the pool area. No limit on number of patrons that may be served. Hours of service continue to be 10 a.m. to 9 p.m. No limit on number of seats. Pool bar staffed with 1 to 2 bar tenders and 1 -2 poolside attendants/servers

THE GREEN: food and beverages on the “The Green.” Service and entertainment on the Green until 10:30PM. Green area to be cleared of guests and lights will be out no later than 11:00. No lighting of the Green, lights only in tents. Three (3) night functions and three (3) day functions per week on the Green. No sound amplification.

THE FRONT PORCH: No serving food and beverages on the front porch, but consumption of food and beverages on the porch is permitted.

This Special Permit was not referred to the Martha’s Vineyard Commission.

● **2008 MVC – DRI 614 & Corresponding Edgartown Special Permit**

Structural additions, demolition, renovations more particularly set forth in DRI 614.

POOL:

- Direct access to the kitchen from the Pool;
- New 1,000 sf expansion proposed at rear of main hotel building into pool area and at pool side to provide grab and go breakfast, lunch and light dinner;
- Retail space for products and goods;
- Replace and relocate Pool slightly south.

KIDS PROGRAM: Kids Program and 525 square foot room for Kids program attached to the rear of the Main building located immediately adjacent to the pool-side grill.

FITNESS CENTER: New fitness Center

SPA: New Spa

TRANSIENT GUEST LOUNGE: New Transient Guest Lounge.

● **2009 MVC Modification**

SPA: Remove first floor spa (850 sf) and restroom/storage (850 sf) from Penniman Cottage and reconstruct Spa in Snow Cottage (1,869 sf).

The MVC determined that this modification did not require a public hearing.

● **2013 Tennis Courts Sold**

REDUCTION IN FOOTPRINT

.66 acres at 52 Fuller Street, Edgartown removed from Harbor View footprint (sold for private residential development).

● **2018 MVC Modification & Corresponding Edgartown Special Permit**

See Sean Murphy's 2018 Summary of structural changes attached.

CHANGES TO 2008 AMENITIES:

- Pool not to be relocated or replaced;
- Function Space reduced by 1,606 sf;
- 1,620 sf on south side of building to be constructed for Spa (249 sf smaller than proposed in 2009);
- Shed for trash compactor and trash bins;
- Fence along common boundary with 122 and 124 North Water Street;
- Majority of 3rd and 4th floor of Main Hotel not to be constructed;
- Mayhew building not to be replaced by five smaller cottages;

The Hotel fixed the central plant which allowed it to improve its safety systems and remove 37 air conditioning units from the Premises.

● **2019 Edgartown Special Permit**

POOL: Smaller Pool Bar constructed on opposite side of pool from location of prior pool bar and (grill eliminated). Hours remain 10 a.m. to 9 p.m. No limit on number of patrons that can be served or on seating in pool area. Pool bar staffed with 1 to 2 bar tenders and 1 -2 poolside attendants/servers.

This Special Permit was not referred to the Martha's Vineyard Commission.

- **2013 Marina and Dock Sold**

REDUCTION IN FOOTPRINT

Marina and Dock sold to private parties.

- **2020 MVC Modification**

During work on the masterplan approved in 2018, a fire occurred in the Mayhew building and caused significant damage. This delayed the construction of the approved 2018 Masterplan. Thereafter, construction was further delayed by the pandemic. Construction may only be executed on the Premises 8 months/year so construction must be planned so as to avoid summer shut downs at critical points in the construction process.

Ultimately, the hotel determined to request changes to the 2018 Masterplan and sought an amendment to the special permit. The hotel's application for the special permit was referred to the Commission and is currently pending before it. Due to the unforeseeable construction delays occasioned by the fire and the Covid pandemic, the hotel also seeks a three (3) year extension of the phasing of the Masterplan.

4. RESTAURANT SEATS (INSIDE AND OUTSIDE)

There is no so called "outdoor restaurant". This was confirmed by the Edgartown Building Inspector, the Edgartown Zoning Board and the Courts of the Commonwealth. The number of pool bar seats increased from 17 to 19 with the relocation of the pool bar as allowed by the 2019 ZBA special permit. There have always been a number of portable seats (long before current ownership), tables and lawn chairs to accommodate guests who want to relax in the pool area. The amount of portable seats has remained more or less the same but have been set up in various configurations, locations, and quantities over time. Maximum legal

allowable occupancy limit for dining is posted and is 121 for Bettini Restaurant and 70 for the Clubhouse Restaurant (formerly Henry's).

5. ADDED AMENITIES

As more particularly tracked above in the **Timeline Narrative**, amenities expanded from 1990 until 2009. After 2009, the Hotel amenities ceased to expand and impacts on neighbors were mitigated. The current proposal to construct the new spa would add the first significant amenity to the Hotel in 12 years, which is critically important to attract today's hotel consumer in the shoulder seasons and key to allowing the Hotel to achieve sustainability year around. Additionally, we expect the increase in shoulder season hotel visitors will represent a significant boost to local downtown businesses when commerce could use a boost going into, and coming out of, the summer.

As you can also see from the above **Timeline Narrative**, after 2009 when hotel amenities ceased to expand, the Hotel footprint shrank as a result of selling the tennis courts and the marina. Perhaps more relevant here, the pool, the pool area and the green area near the pool have remained exactly the same size, in exactly the same location since the 1990s (see aerial photo attached). There has been no space added in and around the pool area. This current proposed modification does not expand the Hotels footprint, does not create additional outside noise, does not increase traffic, and only expands the interior area for a Spa that has been approved since 2008.

After 15 years and 3 owners this Hotel, that is the largest feeder of short term, foot traffic, commerce into the town of Edgartown, is finally striving for greatness. This might be its last chance. The Harbor View Hotel has existed in this neighborhood long before any of the neighbors were born or zoning was conceived, making it as much a part of the character of the neighborhood as the houses around it. The Harbor View Hotel wants to be a hotel in 2021 by offering amenities that today's traveler is looking for. It's viability and success should not be preexisting nonconforming.

If the Harbor View Hotel cannot remain competitive it will fail and truly change not only the character of the neighborhood, but of the Town of Edgartown. “A change in a neighborhood’s character cannot be quantified, or measured in dollars, nor can it be mitigated by such. Once it’s gone, it’s often gone for good; the change in and loss of character is permanent.”

6. DESCRIPTION OF SPA SERVICES

Currently 3rd party in room massage services are available for guests to access. These services are not owned or operated by the hotel.

7. EMPLOYEE HOUSING

Describe how MVC condition 2.2 relating to accommodation for employees has been fulfilled, including the number of units provided, and their location. What percent of the full market rate has been required to be paid by tenants?

HVH has met or exceeded this affordable housing condition and the commitments therein and will continue to abide by this condition going forward. HVH provides a 40-60% off market discount to its employees.

8. FURTHER ALTERATIONS

What further alterations to the hotel have been considered for the next 5 years?

The hotel has been constantly updating and upgrading the facility for the past three years and returning the hotel to its old glory years long since passed and enhancing the value of the hotel and the neighborhood. The hotel intends to continuously refine its business model focused primarily on attracting high-end clientele and improving its sustainability in the shoulder and off season.

HVH continually seeks to make improvements to its facilities, grounds, and operations. Whenever these improvements trigger the need for a permit from the town or any other public authority, HVH will submit the plans to the relevant authority and abide by the conditions of any approved permits.

The hotel intends to execute the balance of the current proposed plan (that is currently being considered by the MVC) over the next few years.

9. CURRENT OCCUPANCY

What is the current occupancy of the hotel complex (not the number of rooms, but the number of people) and the current number of tables and seating capacity in the pool area?

The hotel property posts its maximum allowable occupancies in every room and space where required to do so by the state’s fire marshal and the town’s fire chief including the restaurant, ballroom, and conference rooms. The maximum occupancies are determined based upon guidelines set by the state’s building code. Hotel functions are also limited to 306 guests by a condition previously set by the MVC in 2008. The hotel abides by all of these guidelines and, in fact, typically operates well below the maximum capacities in order to provide the hotel’s high-end clientele with the experience and ambiance they expect. There is an enormous difference between regulated maximum capacities that are posted and the actual occupancy. The reality is that the occupancy of these individual spaces rarely reach their maximum limit, although the hotel reserves the right to operate within these legal limits. Furthermore, these spaces would never come close to reaching their maximum occupancy at the same time. For example, the largest events are held in the shoulder seasons (spring and fall) when room and restaurant occupancy are much lower than in the summer. See also #4 above.

10. HOUSING MITIGATION

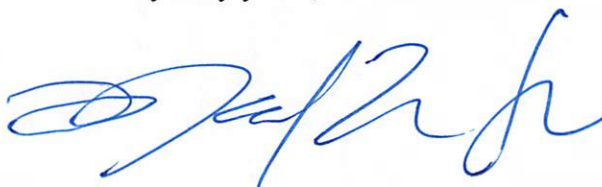
In 2008 the Hotel agreed to pay housing mitigation in the amount of \$107,072.00 at the completion of the overall project. The Hotel intends to honor this obligation but recognizes that the delay has slowed a benefit of the approved development. The Hotel offers to modify this payment obligation to a “pay as you go” system for completed phases of the project (upon issuance of a certificate

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of occupancy) based on incremental square footage buildout. In other words, the Harbor View Hotel will make its payment contribution for 1,785 sf that has been completed on the Main and Mayhew buildings in the amount of \$8,030.00.

We thank you for considering our requested Modification.

Very truly yours,



Marilyn H. Vukota

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Construction Completed to Date

Plan Item	Status	Impact on 2018 Approved Plan
Renovate Main Building Restaurants, Kitchen, Conference Rooms, Guest Rooms, and Exterior	Completed	
Construct 4 th Floor Connection Corridor, Extend Elevator to 4 th Floor, and Reactivate Bob Carrol's Suite	Completed - Bob Carrol's Suite Divided into 3 (not 2) Rooms to add ADA Room	+1 Guest Room Key No Impact on SF
Expand Ballroom from 2,032 SF to 3,320 SF and Remove 3 Guest Rooms	Have Not Constructed – Proposing to Not Construct	+3 Guest Room Keys Reduce Main Building SF by 1,288 SF
Expand Main Building by 1,620 SF to accommodate 1,875 SF Spa	Have Not Constructed – Proposing New Location	Reduce Main Building SF by 1,620 SF
Mayhew Building – Enclose Balconies to Expand Guest Room Sizes	Did Not Construct and Do Not Plan To	Reduce Mayhew Bldg. SF by 4,355 SF
Mayhew Building – Construct Fitness Center and Electrical Room to Accommodate Ballroom Expansion	Have Not Constructed – Proposing to Not Construct	+ 3 Guest Room Keys
Phase 2: Bradley, Morse, Pease, Snow	Not Constructed Yet	



HARBOR VIEW

Invested \$100,000 + on Improvements Made for Benefit of Neighbors

1. Installed 67 tall Arborvitae trees at boundaries with Allegaert, Wargo, Forrester, and Barbato
2. Installed nearly 200' of new wood fencing at boundaries with Rodgers, Wargo, and Barbato
3. Moved emergency generator off Forrester property to eliminate need for pre-existing easement agreement
4. Purchased and housed new trash compactor and baler and moved trash removal/recycling operation to Main Building and away from neighbors
5. Installed substantial new vegetative screening behind Mayhew Building
6. Replaced broken sidewalk at driveway entrance of Fuller Street neighbor



HARBOR VIEW

Proposed DeMinimus Changes Impact Neighbors Less Than 2018 Approved Plan

1. Guest Room Key Count Reduced from 146 to 145
2. Total HVH Buildings SF reduced from 112,208 to 107,411
3. Ballroom Function/Event Space Reduced by 1,288 SF
4. Ballroom Function Event Dining Capacity Reduced from 216 to 135
5. Spa SF Increased by 2,775 SF; Guest Room Space Reduced by 4,143 SF
6. Campus Layout Virtually Unchanged & Much Closer to 2018 Existing Condition
7. Extend construction timetable through 2024 due to Fire and Pandemic



SPA OPERATIONS

Customers

- Hotel guests only. Not open to the general public.

Hours

- 8:00 am to 8:00 pm whenever the hotel is open

Employees

- Hotel expects to hire 5 full-time employees for spa

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**2018 MVC
Modification**

**HARBOR VIEW HOTEL
PROPOSED MODIFICATION SUMMARY
AUGUST, 2018**


	<u>EXISTING TO PROPOSED</u>			<u>2008 TO PROPOSED</u>	
ROOMS/KEYS	EXISTING	PROPOSED	DIFFERENCE	2008	DIFFERENCE
Main Hotel	37	36	-1	24	+12
Mayhew	49	48	- 1	10	+38
Bradley	6	12	+ 6	12	No change
Morse	2	12	+10	12	No change
Snow	2	4	+ 2	4	No change
Pease	0	10	+10	10	No change
Huxford	9	9	No change	11	- 2
Luce	4	4	No change	4	No change
Osborne	2	2	No change	2	No change
Rowley	2	2	No change	2	No change
Collins	7	7	No change	8	- 1
Fisher	0	0	No change	10	-10
Penniman	0	0	No change	4	- 4
Martin	<u>0</u>	<u>0</u>	<u>No change</u>	<u>4</u>	<u>- 4</u>
TOTAL	120	146	+ 26	117	+29
PARKING SPACES	90	97	+ 7	77	+20
RATIO (keys to spaces)	.75	.66	-.09	66	No change
FUNCTION SPACE	4,864	5,024	+160	6,630	- 1,606
FINISHED S/F					
Main Building	37,677	39,482	+1,805	47,875	- 8,393
Mayhew	21,171	29,268	+8,097	0	+29,268
Cottages	<u>32,429</u>	<u>44,829</u>	<u>+19,725</u>	<u>65,689</u>	<u>- 20,740</u>
Total	91,277	113,579	+23,302	113,564	+ 135
GROSS S/F	120,034	169,082	+ 49,048	177,070	- 7,988
BLDG. FOOTPRINT	43,833	52,888	+ 9,055	59,211	- 6,323

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Untitled Map

Write a description for your map.

Legend

 Lighthouse Grill



Ox Pond Meadow St
Fuller St

Thayer St

Starbuck Neck Rd

POOL

Lighthouse Grill

Cottage St

N Water St

Google Earth

Image U.S. Geological Survey

500 ft

