

On August 18, 2014 the LUPC briefly looked at a proposal by the Harborview Hotel to modify their DRI 614 Decision and 614-M2 Modification phasing plan to allow for the installation of stoves and microwaves in 18 suites in 5 of the cottages. Some of the commissioners had questions about how far along the project was and when certain conditions would be met. In the DRI 614 Decision on page 12 it states: "...*building inspector shall not issue a Certificate of Occupancy until it has received a Certificate of Compliance issued by the Executive Director or DRI Coordinator of the Martha's Vineyard Commission confirming that the following conditions in this Decision have been satisfied: 3.1; 4.1; 4.2; 6.1; 7.1; 8.1; 10.1; 10.3; 10.4; 11.1; and 12.2.*" Therefore those conditions must be met before a Certificate of Occupancy is received. The commissioners were curious as to how far along the project is. As answered below by the Applicant's attorney the project has barely begun. Following LUPC on August 18, 2014 a commissioner submitted the following questions in black type for the Applicant. The responses of the Applicant's attorney are below in blue type.

Commissioner Questions **and the Applicant's responses:**

1. Sean's letter says the 3 named cottages have not yet been removed. As I understand it, this was Phase 1 work (see MVC condition 12) BUT the notes (Sean's) re the April 2012 modification state that Phase 1 was completed (and that the permit extension act applies to phases 2 etc). Were the cottages Phase 1 work?? When might they be removed? **The cottages have not been removed. Please see the April 27, 2012 letter from the MVC regarding the revised phasing. The removal and replacement of the cottages is now "Phase 2" per the April 27, 2012 letter. Phases 2 -4 have not yet begun, however, under the Massachusetts Permit Extension Act (Section 173 of Chapter 240 of the Acts of 2010 as extended by Sections 74 and 75 of Chapter 238 of the Acts of 2012) provides that any permit or approval that was "in effect or existence" between August 15, 2008 and August 15, 2012 shall be automatically extended for a period of four (4) years. Therefore, Phase 2 would be extended to the dates of September, 2017 - May, 2018; Phase 3 would be extended to the dates of September, 2018 - May, 2019; and Phase 4 would be extended to September, 2019 - May, 2020.**

2.1 I can see that payment of the entire sum now is not reasonable. But then neither is holding off until the last gasp. Perhaps there could be a phased in approach. **This language was specifically agreed to by the parties at the time of the permitting. The Harbor View had originally anticipated an affordable housing contribution of \$35,000 but it was amended as the project progressed. My recollection is that because the Harbor View houses so many of its employees that the Commission was comfortable waiting until the end of the project for this contribution.**

2.2 I think some detail on compliance would be appropriate. Like: are they renting 22 houses seasonally? 3 year round? What are the market rents? What percentage of the cost are the employees now required to pay? Are they in compliance, what are the facts? **The "Offer" by the Applicant was relative to the completed project, not to start the project. However, the**

Harbor View has always rented houses for its staff. The Harbor View presently rents 13 houses and houses 85 employees in those houses as well as 40 employees at the Kelley House (which would equal another 9-10 houses). 3 of those houses are year round rentals. Each employee typically pays \$90-\$100/week depending on the housing. The approximate net cost to the Harbor View after the partial reimbursement from the employees is \$172,000 for this year.

3. Out of curiosity (?), what percent complete is the project? Since the ADA stuff is more than 50% done. This could well be a meaningless measure, of course, since I don't understand the entirety of the project. **The project, as permitted is at 0% complete, nothing that would require MVC approval has begun. None of the work has started other than the minor repairs in the Main Hotel building and the existing renovated cottages (per the April 27, 2012 "Phase 1").**

4.1(d) it's not clear to me that compliance with this condition was conditional on the increased capacity of the renovations. If I am wrong, forget my comment. If I might be right, then can Sean provide greater clarity as to what they are doing re transport? **The "Offer" by the Applicant was relative to the completed project, not to start the project. It was offered due to the reconfiguration of the interior function space. The present space is basically smaller function rooms. When reconfigured they would provide the ability to have a larger function inside.**

6. Possibly landscaping plans should be submitted as meaningful clusters of cottages are completed. It would seem to be a better approach for the applicant because I can't believe they would want to hold off on any landscaping until the whole project is finished. **That makes sense. The original plan was to submit a detailed landscape plan for approval that would be installed as the work progressed, but now that it is in numerous phases rather than just 2, we can work with LUPC to revise the plans once everything is ready to be permitted.**

8.1 Is it ok that the parking lot has not been reconstructed? Was that work tied to some other work? Was it intended to be done up front (as a kind of condition to moving ahead on other fronts)? When is it planned to be done? How was the Fuller St situation resolved? **The "Offer" by the Applicant was relative to when the buildings around the parking lot were renovated, not at the beginning. The parking lot was to be redone when the buildings were removed and replaced. None of that has started and reconfiguring the parking lots does not work until the new layout of the campus is started.**

9. Have the efficient toilets been installed in the employee and public areas? If not, when is that planned for? **The "Offer" by the Applicant was relative to the completion of the Main Hotel building, not at the present. The toilets were to be installed when the function rooms and other areas of the Main Hotel building were renovated. They are low flush toilets presently, just not dual flush. They will be installed when the Main Hotel building work begins.**

10.2(b) and (f). Seems like these could and should be done earlier rather than later. What's the

plan? **The "Offer" by the Applicant was relative to the completion of each building, not to start the project. It was intended that these improvements would be made as the buildings were renovated and the new pool was installed. Some of the items have been voluntarily begun by the hotel. Specifically, a green program has been introduced to reduce the energy associated with laundry. Motion sensor lighting has reduced energy costs in the ballrooms. We are working on a larger plan for automated thermostats in all guests rooms. The boilers are currently being replaced by more efficient units and public space air-conditioning is being upgraded. We have and are working on upgrading our parking lot lights**

11. I think we need a bit more detail. These don't really seem dependent on, say, a certificate of occupancy or completion of any particular phase. It's like the condition which needs to be fulfilled to authorize the go-ahead. (In other words, it's like a condition precedent to all other work.) **The "Offer" by the applicant was intended to be implemented at the end of the project as the sales of the hotel-condo units would fund this foundation. It is not a condition precedent to other work, as the MVC did not "condition" it, the MVC accepted an "Offer" from the applicant. If it was intended to be a condition precedent, that would have been spelled out in the Decision. However, the Harbor View has continued to be a strong partner in the community. Attached is a specific list of donations and in-kind contributions (they do not have a detailed database of such items as many of the in-kind donations are not financial and not tracked by the hotel).**

Vineyard Conservation Society

- o Management Team participation in annual beach clean up
- o Sponsor of the beach clean up after party (venue, food and beverage)

- Edgartown Board of Trade
 - o In-kind raffle/auction
 - o Cash sponsors:
 - § Christmas In Edgartown
 - § Martha's Vineyard Food & Wine Festival
 - § Pink & Green Weekend

- MVY Youth
 - o Donation of \$3,300

- Island Housing
 - o Donation of \$3,300

- Town of Edgartown
 - o Donation made to the Edgartown Beautification Committee in the amount of \$5,000 in 2013
 - o Caring for the grass park area and trash removal across the street from Harbor View (ongoing at no expense to town).

- Martha's Vineyard Boys & Girls Club
 - o Annual Teddy Bear Suite Event in Partnership with Point B Realty – all proceeds to MVBGC

- Martha's Vineyard Youth Leadership Initiative
 - o Host of Job Shadow Day Reception 2013 (included venue, food and beverage)
 - o Sponsorship of MVYLY Walter Cronkite Awards Reception (included venue, food and beverage)

- Farm Institute
 - o \$2,500 Donation made to organization in 2013
 - o Sponsors of Meals in the Meadow Annual Event
 - § In-kind auction item each year
 - § In-kind food donation

- Martha's Vineyard Museum
 - o Sponsors of Pecha Kucha Nights
 - o Sponsors of Evening of Discovery

- Martha's Vineyard Film Festival
 - o Sponsors of Winter Film Festival – host directors, celebrities, etc. at hotel during festival
 - o Sponsors of Summer Film Series – we provide the venue for MVFF to screen independent films at the hotel throughout the summer season

- Martha's Vineyard Shellfish Group
 - o Donation of event space for fundraiser: Romancing the Oyster
 - o In-kind donation for chowder event
- Annual Earth Day
- Sail MV
 - o Auction Item for annual fundraiser
- Martha's Vineyard Community Services
 - o Auction Item for Possible Dreams
 - o 2013 hosted auctioneer, Jimmy Tingle at hotel
 - o In-kind donation – hosting MVCS contact for Electronics Disposal Day at the hotel
- Edgartown Police Department
 - o Host support staff at hotel for training and other events.
- Edgartown Library
 - o Sponsor in-kind of summer speaking program (two events in August 2014)
- Martha's Vineyard Preservation Trust
 - o In-kind contribution to Taste of the Vineyard event
- Vineyard Playhouse
 - o Sponsor of Summer Fundraiser 2014 at Whaling Church with Blues Brothers. Provided lodging for Blues Brothers and crew in August 2014
- Vineyard Animal Shelter
 - o Sponsor of Celebration of Pets – invited the VAS to move the event to Harbor View, we provide the venue, coordination and snacks for the pets 2013 & 2014
- Boston Bakes for Breast Cancer
 - o Donated proceeds from sales of a signature dessert sold in Henry's to cancer research May 2014
- MV Babe Ruth Baseball
 - o In-kind donation for raffle/auction
- Living Local
 - o In-kind donation for raffle/auction
- Martha's Vineyard Scottish Society
 - o In-kind donation for raffle/auction
 - o Venue host for Annual dinner in January
- Habitat for Humanity
 - o Management Team volunteer build day 2012