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Decision of the Martha's Vineyard Commission

DRI 336-M2 Outermost Inn Modification

1. SUMMARY

<u>Referring Board:</u>	Self-Referred by the Applicant
<u>Subject:</u>	Development of Regional Impact #336-M2 Outermost Inn Modification
<u>Project:</u>	Construction of a permanent canopy to replace temporary covering for recently added outdoor seating area, and extension of a patio beneath the canopy.
<u>Owner:</u>	Hugh C. Taylor, Jeanne S. Taylor, and Brian M. Hurley, as Trustees of The Taylor Realty Trust
<u>Applicant:</u>	Hugh Taylor
<u>Applicant Address:</u>	18 Lighthouse Road Aquinnah, MA 02535
<u>Previous Decision:</u>	DRI 336 Hugh C. Taylor (1991) - Recorded: Book 561, Page 81
<u>Declaration of Trust:</u>	Registered Land Document Number: 43033, October 30, 1998
<u>Deed:</u>	Registered Land: Certificate 10310; Document Number: 43034 Book 54, Page 327
<u>Project Location:</u>	18 Lighthouse Road, Aquinnah. Map 6, Lot 32 (2.8 acres).
<u>Decision:</u>	The Martha's Vineyard Commission (the Commission) approved the application for the project as a Development of Regional Impact with conditions, at a vote of the Commission on March 9, 2023.
<u>Written Decision:</u>	This written decision was approved by a vote of the Commission on May 4, 2023.

The permit-granting authorities of the Town of Aquinnah may now grant the request for approval of the Applicant's proposal in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law, or may deny the request for approval.

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 Applicant referred the project to the Commission on August 31, 2022 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 Item 1.3D *Modification to a Previous DRI*. In an email sent to Alex Elvin on December 21, 2022, the Applicant opted to forego the modification review process and proceed with a public hearing review as a Development of Regional Impact.

2.2 Hearings

Notice: Public notice of the hearing on the Application was published in the MV Times on December 29, 2022 and January 5, 2023; notice was also published in the Vineyard Gazette on December 30, 2022 and January 6, 2023. Abutters within 300 feet of the property were notified by mail on December 27, 2022.

Hearings: The Commission scheduled a public hearing on the Application pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831 on January 12, 2023 which was continued to February 2, 2023 and closed that same night, with the exception of the written record which was left open until 5:00 pm on February 16, 2023 and closed at that time. The hearings were held entirely using remote conference technology as allowable under Chapter 22 of the Acts of 2022.

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. Parking Plan in Aquinnah, Mass. prepared for Hugh C. Taylor, et. al. by Vineyard Land Surveying & Engineering, consisting of one (1) page, scale 1" = 30', dated November 30, 2019; updated with notations to show parking by Hugh Taylor on January 27, 2023.
- P2. Perspective of Proposed Canopy, Proposal for Alteration at Outermost Inn, Aquinnah, MA prepared by Gregory Milne, Architect, consisting of one (1) 17" x 11" page, dated September 2, 2022.
- P3. Proposed Partial Floor Plan & Building Section, Proposal for Alteration at Outermost Inn, Aquinnah, MA prepared by Gregory Milne, Architect, consisting of one (1) 17" x 11" page, scale 1/8" = 1'-0", dated September 2, 2022.

- P4. Proposed Partial North Elevation and Conceptual Drainage Detail, Proposal for Alteration at Outermost Inn, Aquinnah, MA prepared by Gregory Milne, Architect, consisting of one (1) 17" x 11" page, scale $\frac{1}{8}" = 1'-0"$, dated September 22, 2022.
- P5. Site Plan in Aquinnah, Mass. prepared for BLT Realty Trust by Vineyard Land Surveying & Engineering, consisting of one (1) 36" x 24" page, scale 1" = 30', dated September 27, 2022.
- P6. Proposed Septic System Upgrade on Land in Aquinnah, Mass. designed for Hugh C. Taylor, et. al. by Vineyard Land Surveying & Engineering, consisting of one (1) 36" x 24" page, scale 1 in. = 30 ft., dated September 27, 2022.

2.4 Other Exhibits

- E1. Referral to the Martha's Vineyard Commission from the Applicant, consisting of two (2) pages, received August 31, 2022.
- E2. Upgrade of Waste Water Disposal System for Hugh Taylor, Lobsterville Road, Gay Head, MA, prepared by Kent Healy consisting of one (1) 11" x 17" page, dated between December 19, 1988 and January 4, 1989; and As-Built Leaching Pit As Constructed Plan, prepared for Hugh and Jean Taylor, Outermost Inn Lighthouse Road, Gay Head, Mass., by Kent Healy, consisting of one (1) 17" x 11" page, dated May 19, 1991.
- E3. Mortgage Inspection Plan for land in Gay Head, Massachusetts owned by Hugh C. and Jeanne S. Taylor prepared by Vineyard Land Surveying, consisting of one (1) 12" x 18" page, scale 1 inch = 50 feet, dated March 11, 1991.
- E4. Elevations Package consisting of three (3) 36" x 36" pages, 1991.
- E5. Floor Plans Package consisting of two (2) 56" x 42" pages, 1991.
- E6. DRI 336 MVC Decision for Hugh Taylor, consisting of eight (8) pages, dated June 27, 1991 (Recorded at the Dukes County Registry of Deeds: Book 561, Page 81).
- E7. Town of Aquinnah Planning Board Plan Review Committee Application, consisting of four (4) pages with attached photographs of existing conditions, dated August 24, 2022.
- E8. Photos of outdoor seating area, consisting of five (5) pages, received August 31, 2022.
- E9. Emails between Alex Elvin and Hugh Taylor regarding application materials needed for scheduling and overview of property changes since 1991, consisting of three (3) pages, dated between September 5 and September 21, 2022.
- E10. Emails between Alex Elvin, Hugh Taylor, Reid Silva (Vineyard Land Surveying & Engineering), and Meegan Lancaster (Vineyard Land Surveying & Engineering) regarding septic system capacity and water usage data, consisting of four (4) pages, dated between September 21 and October 7, 2022.

- E11. Emails from Hugh Taylor and Alex Elvin with attached drawing of proposed awning, photos of existing and prior conditions, concepts, and floor plans, consisting of eleven (11) pages, dated between September 23 and 29, 2022.
- E12. Staff Report for DRI 336-M2 Outermost Inn Modification, consisting of two (2) pages, dated September 23, 2022; updated to consist of four (4) pages on December 9, 2022; updated to consist of five (5) pages on January 11, 2023; and updated again on February 2, 2023.
- E13. Emails between Alex Elvin and Hugh Taylor with answers to staff questions about seating, floor areas, parking, building permits, and employees, consisting of three (3) pages, dated between October 4 and October 14, 2022.
- E14. Excerpt from Aquinnah Board of Health November 21, 2022 meeting minutes regarding approvals for 18 Lighthouse Road, Outermost Inn, consisting of one (1) page, received December 1, 2022.
- E15. Revised Modification Request prepared by Hugh Taylor, consisting of three (3) pages, dated November 30, 2022.
- E16. Presentation on DRI 336-M2 Outermost Inn Modification to the Land Use Planning Committee, consisting of thirty-one (31) pages, dated December 12, 2022.
- E17. Emails between Alex Elvin and Sophia Welch (Aquinnah Planning Board Administrator) regarding event permits, consisting of two (2) pages, dated December 13 and 14, 2022.
- E18. Memo from Hugh & Jeanne Taylor regarding events, consisting of one (1) page, dated January 11, 2023.
- E19. Presentation on DRI 336-M2 Outermost Inn Modification to the Martha's Vineyard Commission, consisting of thirty-four (34) pages, dated January 12, 2023; updated to consist of fifty-two (52) pages on February 2, 2023.
- E20. Applicant's responses to MVC questions, prepared by Hugh Taylor, consisting of three (3) pages, dated January 25, 2023.
- E21. Sketch showing fire pit location, consisting of one (1) page, received February 14, 2023.
- E22. Sketch showing grill area location, consisting of one (1) page, received February 14, 2023.
- E23. Email from Hugh Taylor to Alex Elvin with sketch of parking showing entry and egress to the parking areas, consisting of one (1) page, received February 14, 2023.
- E24. Emails between Hugh Taylor and Rich Saltzberg regarding parking, consisting of one (1) page, dated February 15, 2023.
- E25. Sketch of parking plan, including location of split rail fences, handicap parking spaces and signage, consisting of one (1) page, received February 16, 2023.

- E26. Minutes of the Commission's Land Use Planning Committee Modification Review, December 12, 2022.
- E27. Minutes of the Commission's Public Hearing, January 12, 2023.
- E28. Minutes of the Commission's Continued Public Hearing, February 2, 2023.
- E29. Minutes of the Commission's Land Use Planning Committee Post-Public Hearing Review, March 6, 2023.
- E30. Minutes of the Commission's Deliberation and Decision, March 9, 2023.
- E31. Minutes of the Commission's Approval of the Written Decision, May 4, 2023.

2.5 Summary of Testimony

The following gave testimony during the public hearing on January 12, 2023:

- Staff presentation by Alex Elvin, DRI Coordinator.
- Presentation of the project by Hugh Taylor.
- Oral testimony from Public Officials speaking for their Boards: none.
- Oral testimony from the Public: James Vercruysse spoke in favor of the proposal.

The following gave testimony during the public hearing on February 2, 2023:

- Staff presentation by Rich Saltzberg, DRI Coordinator, with assistance from Alex Elvin, former DRI Coordinator.
- Presentation of the project by Hugh Taylor.
- Oral testimony from Public Officials speaking for their Boards: none.
- Oral testimony from the Public: none.

3. FINDINGS

3.1 Project History

The MVC approved DRI 336 with conditions in 1991, allowing the renovation of an existing residential structure for use as a restaurant, including new construction of more than 1,000 ft². Based on available records, it appears that most of the 1991 conditions were never satisfied. A modification (DRI 336-M) including a pavilion and basement with vehicle bay to support the existing wedding events on the property was proposed in 2018, but never reviewed.

3.2 Project Description

The proposed modifications are as follows:

- To construct a permanent canopy or awning with a metal frame and corrugated metal roof, and expanded concrete pad, to replace a temporary 30'x40' stretch tent over an outdoor seating area.

- The permanent awning would require expansion of an existing concrete patio pad by about 480 ft².
- Portions of the permanent awning and patio pad expansion would cross over the lot line of 18 Lighthouse Road (Map 6, Lot 32), the DRI locus, onto 42 Lighthouse Road (Map 6, Lot 43), property also owned by the Applicant.

As part of the modification, the Applicant also sought approval of the following changes that have occurred since 1991:

1. Increased restaurant seating capacity from 34 to 67.
2. Expanded parking onto the abutting lot: 42 Lighthouse Road (Map 6, Lot 43).
3. Bar service for dinner guests.
4. Bar service added for the general public.
5. A 400 ft² kitchen extension.
6. A 336 ft² enclosed porch on the first floor.
7. An 800 ft² concrete patio.

3.3 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.

3.4 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 BENEFITS OF THE PROPOSED DEVELOPMENT WOULD EXCEED THE PROBABLE DETRIMENTS, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14 and 15 OF THE ACT.

The Commission finds that the probable benefits of the project outweigh the probable detriments, as described below. With respect to the environment (Section 15(b) of the Act), persons and property (Section 15(c) of the Act), municipal services or burdens on taxpayers (Section 15(e) of the Act), and the impact on the supply of needed low- and moderate-income housing for Island residents (Section

15(d) of the Act), the Commission finds the project would have a neutral impact. The Commission finds the project would not unduly burden existing public facilities (Section 15(f) of the Act), and would align with local planning objectives (Section 15(d) of the Act).

A1. The Commission finds that the proposed development at this location is appropriate and essential in view of the available alternatives (Section 15(a) of the Act.)

The property is located in the Rural Residential District of Aquinnah near the Gay Head Light, Aquinnah Circle, and the Gay Head Cliffs, and has operated for more than 30 years. Residences and vacant land largely comprise the surrounding area. The property is in the Coastal, Island Road, Gay Head Cliffs, and Aquinnah Town-wide DCPCs. In its evaluation of the modifications encompassed in this decision, the Commission notes that each DRI is considered site-specific and that the Outmost Inn is situated in a semi-isolated, lightly settled area of Martha's Vineyard. Furthermore, the Commission has considered the fact that the testimonial record reflects no criticism or concerns from abutters, Aquinnah taxpayers, the Town of Aquinnah, or others regarding the capacity increase that some modifications, as described in this decision, may signify, or any other impacts the modifications, as described in this decision, may signify. The Commission notes, that in all likelihood, previously unapproved modification requests 3, 4, 5, 6 and 7, as described in this decision, would have been approved without hearings if they had been proposed on or about the time they came into use at the Outermost Inn. Furthermore, concerning previously unapproved modifications 1 and 2, as described in this decision, the Commission finds the benefits outweigh the detriments.

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

With respect to Wastewater, the Commission finds the project would have a neutral impact, and notes the following:

- The property is in the coastal watershed and has a Title 5 septic system installed in 1989, and a leaching pit installed in 1991. According to the applicant the system was sized for 17 restaurant seats. An abutting property under the same ownership has a three-bedroom system.
- The number of restaurant seats has increased from the 34 allowed by the MVC in 1991 to 67 as determined this year by the Aquinnah Board of Health. The Board of Health in November approved a new 3,274 gallon-per-day septic system for the property, which it determined would be adequate to serve the 67-seat restaurant and eight bedrooms. An engineered septic plan has been provided.
- It should be noted that there are about 120 physical seats on the property, but the Board of Health approval limits that to no more than 67 occupied at one time.
- The restaurant is dinner- and reservation-only in summer, with a limited brunch program in the fall.
- The Applicant notes that the restaurant's water use is about 1/5 the Title 5 standard, in part because it only serves one meal per day.
- The restaurant served an average of 90 meals per night last year.

- Wedding parties are required to provide their own porta potties, and to have their dishes washed offsite.

With respect to Stormwater, the Commission finds the proposed project would have a neutral impact, and notes that the proposed structure would be connected to the existing building and would include V-shaped channels in the canopy that direct runoff away from the structure. A formal drainage plan is still pending.

With respect to Energy, the Commission makes no finding, but notes that the Applicant has stated that the proposed awning may include outdoor heaters.

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

With respect to Economic Development and Housing, considered a primary factor in this decision, the Commission finds the proposed project would have a beneficial impact and notes the following:

- The project will allow the restaurant to continue offering shaded outdoor seating in response to demand that has lasted since the pandemic, without having to maintain and oversee the temporary structure.
- There is no expected increase in employees or customers from current levels as a result of the project. However, the applicant estimates that the number of employees has increased from about 14 to 44 since 1991. Almost all are seasonal, and about half are full-time.
- During the Covid-19 pandemic, the Applicant dedicated the eight guest rooms at the inn to employee housing (two per room). The inn has also provided in the past some offsite housing for kitchen staff from May to October. The eight guest rooms will henceforth be conditioned to house 16 seasonal employees from May 15 to October 30. Otherwise, the applicant shall provide equivalent, double occupancy, housing offsite for 16 seasonal employees. Upon request from the Commission, the Applicant must provide reports on housing efforts undertaken in support of this condition.

With respect to Traffic and Transportation, also considered a primary factor in this decision, the Commission finds that the proposed project would have a neutral impact and notes the following:

- The 1991 MVC decision required that all parking be on the lot, which originally had 32 spaces. The applicant has since acquired an abutting lot, where some parking also occurs.
- The project is not expected to lead to an increase in traffic from current levels, although the restaurant's seating capacity, and traffic in general, has increased since 1991.
- The applicant has stated that the number of vehicles parking on the two lots has reached 50 in the past, but is typically around 25-35 on a busy night. The applicant also notes that while the restaurant is reservation-only, patrons often arrive early and stay late, creating overlap with other reservations. Early arrivals are encouraged to better plan for seating requirements.
- A parking plan dated November 30, 2022 shows a total of 57 parking spaces, including 26 on the Outermost Inn property, and 31 on the abutting property (42 Lighthouse Road Map 6, Lot 43). Twelve of the spots are for employee parking on the abutting lot. Fourteen of the spots partly

coincide with the travel way of an access road that connects properties to the east, although vehicles can still get by.

- The applicant has clarified that there is alternative access to the lots beyond the parking area.
- The modification request includes parking for up to 107 vehicles during events. The applicant provided a sketch showing where 107 cars could park on the property, including the 57 spaces previously shown.
- On February 2, 2023, Aquinnah's Fire Chief deemed the parking plan not to have an impact on public safety. On February 16, 2023, the Applicant provided a drawing that showed the split rail fence delineation of the project's parking areas.

With respect to Intensity of Use, the Commission finds the proposed project would have a neutral impact, and notes the following:

- The project is intended to make better use of existing outdoor seating at the restaurant, and the Applicant has stated that it will not lead to any additional seats. However, the outdoor seating areas themselves were not reviewed by the Commission, and the seating capacity of the restaurant (including indoor and outdoor seats) has increased to more than the 34 seats allowed under the 1991 MVC decision.
- The Applicant has stated that the new outdoor seating area replaces some of the indoor seating, which is kept open in the event of rain.
- According to the Applicant, the total square footage of the kitchen and seating areas has increased from about 2,272 ft² to 3,714 ft² since 1991. The seating capacity has increased from 34 to 67 seats (per the Aquinnah Board of Health), although the applicant has stated that there may be more than 67 guests onsite at one time, since people often arrive early and visit on the lawn.

With respect to Character and Identity, the Commission finds the proposed project would have a neutral impact, and notes the following:

- According to the Applicant, the proposed awning structure "is designed to be light in appearance, utilizing arched corrugated steel roofing to fashion a strong awning without a conventional, bulky, rafter system. We hope to achieve an open feel similar to the roof structure employed at the Tabernacle—with open web steel trusses, arched bays of corrugated steel and fine steel uprights as vertical support." Initial elevation drawings have been provided.
- The upper surface of the structure would not be painted unless required for maintenance in the future.

A4. In regard to the supply of needed low- and moderate-income housing for Island residents (Section 15(d) of the Act; considered a primary factor in the decision), the Commission finds the project would have a neutral impact.

The Commission finds that the proposal will likely have a neutral impact on the supply of needed low- and moderate-income housing, as described under Economic Development and Housing in Section A3 above.

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

The project will likely have a minimal impact on municipal services and taxpayers.

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 will likely have a minimal impact on public facilities.

A7. The Commission find that the project as proposed generally does not interfere with the ability of the municipality to achieve the objectives set forth in the municipal general plan, and would not contravene land development objectives and policies developed by regional or state agencies (Sections 14(b), 15(g), and 15(h) of the Act), respectively.

The project generally aligns with the Island Plan.

A8. The Commission finds that the proposed development as conditioned is consistent with municipal ordinances and by-laws (Section 14(c) of the Act).

B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WOULD GENERALLY BE CONSISTENT WITH THE LAND DEVELOPMENT OBJECTIVES OF THE COMMISSION, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(b) OF THE ACT.

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.

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 project is located within the Town of Aquinnah DCPC and is subject to Special Permit review by the Aquinnah Planning Board Plan Review Committee.

In sum, after careful review of the plan and its attendant submittals and the testimony presented by the Applicant and others, and the addition of conditions and offers, the Commission has concluded that the probable benefits of this proposed development in this location exceed its probable detriments in light of the considerations set forth in section 15 of the Act.

4. DECISION

The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on March 9, 2023 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 March 9, 2023:

Voting to approve the project: Jeff Agnoli, Trip Barnes, Jay Grossman, Fred Hancock, Joan Malkin, Greg Martino, Kathy Newman, Ben Robinson, Doug Sederholm, Brian Smith, Ernie Thomas, Carole Vandal, and Peter Wharton

Voting against: None

Absent: Kate Putnam

Ineligible to participate: Christina Brown, Michael Kim and Linda Sibley

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

This Written Decision is consistent with the vote of the Commission on March 9, 2023, and was approved by a vote of the Commission on May 4, 2023.

5. CONDITIONS

After reviewing the proposal for this Development of Regional Impact, the Commission imposes the following conditions in order to minimize the potential detriments and maximize the potential benefits. This decision supersedes all previous decisions on DRI 336, or decisions on modifications of DRI 336, except as specifically referenced herein.

1. As offered by the Applicant, parking will be configured and delineated in accordance with the Applicant's sketch dated January 27, 2023. Parking signage shall also be reflected in the plan.
2. A final engineered plan for the proposed metal awning shall be submitted to the LUPC for review and approval prior to the receipt of a Building Permit. The plan shall include a wind rating for the structure based on local conditions.
3. A final drainage plan for the project, designed for at least a 25-year storm, shall be submitted to the LUPC for review and approval prior to the receipt of a Building Permit.
4. A final landscape plan for the property shall be submitted to the LUPC for review and approval.
 - a. Only slow-release, water-insoluble nitrogen-source fertilizers may be used in the maintenance of landscaping.
 - b. Landscape must use only native or low-maintenance, drought-tolerant species that are non-invasive to minimize the application of nitrogen and water.
 - c. No pesticides or herbicides shall be used in the maintenance of landscaping.
5. A final exterior lighting plan for the property shall be submitted to the LUPC for review and approval prior to the receipt of a Certificate of Occupancy and/or Certificate of Completion.
 - a. All exterior lighting shall be downward-shielded and comply with International Dark Sky Association standards.

- b. The color temperature of exterior lighting shall not exceed 3,000 Kelvin.
6. The Applicant shall provide a surveyed, dimensional, as-built site plan, stamped, prior to the receipt of a Certificate of Occupancy and/or Certificate of Completion. The plan shall include all delineated parking areas.
 7. No amplified music shall be allowed after 10:00 p.m. and alcohol shall not be served after 11:00 p.m.
 8. Between May 15 and October 30, the eight guest rooms of the Outermost Inn must only be used to house 16 seasonal employees. If the Applicant fails to provide the Outermost Inn accommodations in the aforementioned timeframe to 16 seasonal employees, the Applicant must provide equivalent, double-occupancy housing elsewhere from May 15 to October 30 for 16 seasonal employees. Upon request from the Commission, the Applicant must provide reports on housing efforts undertaken in support of this condition.
 9. This Decision shall apply to both 18 Lighthouse Road (Map 6, Lot 32), where the Outermost Inn is located, and, in a limited manner, to 42 Lighthouse Road (Map 6, Lot 43), an abutting property owned by the Applicant. The reach of the Decision into the abutting property, 42 Lighthouse Road, reflects Commission-reviewed septic, awning, patio and parking plans that cross lot lines onto and into 42 Lighthouse Road from 18 Lighthouse Road. Those plans reflect 42 Lighthouse Road land area used in septic system calculation, a patio and awning that are, in part, physically located within the bounds of 42 Lighthouse Road, and 42 Lighthouse Road land used to park vehicles. The decision, as it affects 42 Lighthouse Road, is limited to the preceding items and nothing further.
 10. There shall be no more than 57 parking spaces on the premises.
 11. The Applicant shall hold no more than 10 events per year, shall host no more than 350 guests at any one event, and shall allow no more than 107 vehicles to park for any one event. Valet service must be offered during events and the restaurant cannot be open to the public during events.
 12. Prior to the start of any work, the Applicant shall provide written documentation to MVC staff that a copy of this registered Decision has been received by the general contractor for the project.
 13. Any proposed modifications to DRI 336-M2, as approved herein, including any modification resulting in any change of use or change in intensity of use, shall be referred to the MVC for prior review and approval.

6. CONCLUSION

6.1 Permitting from the Town

The Applicants must, consistent with this Decision, apply to the appropriate Town of Aquinnah Officers and Boards for any local development permits which may be required by law.

The permit-granting authorities of the Town of Aquinnah may now grant the request for approval of the Applicant's proposal in accordance with this decision and may place further conditions thereon in accordance with applicable law or may deny the request for approval. Any permit issued by the Town shall incorporate the plan approved by the Commission.

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 Aquinnah Town Clerk.

6.3 Length of Validity of Decision

The Applicant shall have two (2) years from the date of receipt of the Decision of the Martha's Vineyard Commission contained in this document to begin substantial construction.

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6.4 Signature Block


Joan Malkin, Chair

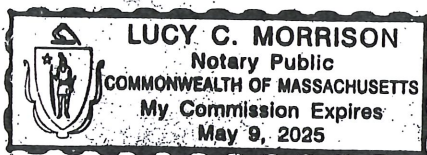
15-May-2023
Date


6.5 Notarization of Decision

Commonwealth of Massachusetts

County of Dukes County, Mass.

On this 15th day of May, 2023, before me, Lucy C. Morrison, the undersigned Notary Public, personally appeared Joan Malkin, proved to me through satisfactory evidence of identity, which was personal knowledge to be the person whose name was signed on the preceding or attached document in my presence, and acknowledged to me that she signed it voluntarily for its stated purpose as a free act and deed, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.




Signature of Notary Public

Lucy C. Morrison

Printed Name of Notary

My Commission Expires May 9, 2025

6.6 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: _____

Certificate Number: _____

Document Number: _____