

P.O. BOX 1447 • 33 NEW YORK AVENUE • OAK BLUFFS • MA • 02557  
508.693.3453 • FAX: 508.693.7894  
INFO@MVCOMMISSION.ORG • WWW.MVCOMMISSION.ORG

# Decision of the Martha's Vineyard Commission

## DRI 669 – Sydney Hotel Expansion

### 1. SUMMARY

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- Referring Board:** Historic District Commission, Town of Edgartown, MA
- Subject:** Development of Regional Impact # 669  
Sydney Hotel Expansion
- Project:** Construction of a new two-story building with a full basement on a vacant lot in downtown Edgartown with 14 hotel rooms, 5 employee housing units, retail, a bakery, 7 parking spaces, and public space.
- Owner:** Paul R. Mahoney, Trustee of Sydney II Realty Trust.
- Applicant:** Paul R. Mahoney, Trustee of Sydney II Realty Trust.
- Applicant Address:** C/O Sean E. Murphy, Esq.; McCarron, Murphy & Vukota, LLP; 282 Upper Main Street, P.O. Box 1270, Edgartown, MA 02539.
- Project Location:** 22 Winter Street, Edgartown Map 20D Lot 214.1. (6,868 sf – 0.157 acres).
- Description:** The proposal is to construct a new approximately 10,000 gsf (3,426 sf footprint) two-story building with a full basement on a vacant lot in downtown Edgartown with 14 hotel rooms, 5 employee housing units in the basement (double occupancy), a small retail shop, a small bakery, 7 parking spaces, and public space. The total gross square footage including the basement would be 10,149 gsf. The Sydney Hotel currently operates in an existing building next door with L'etoile Restaurant and 8 hotel rooms.
- Decision:** 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 December 15, 2016.
- Written Decision:** This written decision was approved by a vote of the Commission on January 5, 2017.

The permit-granting authorities of the Town of Edgartown 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**

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The exhibits listed below including the referral, the application, the notice of 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 project was referred to the Commission on October 14, 2016 by the Historic District Commission of the Town of Edgartown, MA 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, Sections 3.1a (Development of commercial over 3,000 sf). 3.1a requires mandatory DRI Review through the public hearing process and was reviewed as such by the Martha's Vineyard Commission. A pre-public hearing LUPC meeting was held on November 14, 2016.

### **2.2 Hearings**

Notice: Public notice of a public hearing on the Application was published in the M.V. Times on November 17, 2016.

Hearings: The Commission held a public hearing on the Application that was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831 on December 1, 2016.

### **2.3 The Plan**

The following plans and documents submitted by the Applicant and contained in the Commission's project file constitute "the Plan."

P1 "The Sydney Hotel: 22 Winter Street " consisting of seventeen (17) 11" X 17" pages of images, site plans, floor plans and elevations prepared by Patrick Ahearn, Architect dated December 12, 2016 - Martha's Vineyard Commission Final Submission.

This includes the following:

P2 "The Sydney Hotel: 22 Winter Street - Existing Site Imagery" consisting of one 11" X 17" page with five photographs of the existing situation on North Water and Winter Streets in Edgartown, prepared by Patrick Ahearn, Architect dated December 12, 2016 - Martha's Vineyard Commission Final Submission.

P3 "The Sydney Hotel: 22 Winter Street - Existing Site Plan" consisting of one 11" X 17" page showing the existing site plan of two properties on the corner of North Water and Winter Streets in Edgartown, prepared by Patrick Ahearn, Architect dated December 12, 2016 - Martha's Vineyard Commission Final Submission.

P4 "The Sydney Hotel: 22 Winter Street – Proposed Site Plan" consisting of one 11" X 17" page showing the proposed site plan (in color) of two properties on the corner of North Water and Winter Streets in Edgartown, including new hotel, parking, and exterior amenities, prepared by Patrick Ahearn, Architect dated December 12, 2016 - Martha's Vineyard Commission Final Submission. Scale 1/8" = 1'-0".

- P5 “The Sydney Hotel: 22 Winter Street – Proposed Site Plan” consisting of one 11” X 17” page showing the proposed site plan (B & W) of two properties on the corner of North Water and Winter Streets in Edgartown, including new hotel, parking, and exterior amenities, prepared by Patrick Ahearn, Architect dated December 12, 2016 - Martha’s Vineyard Commission Final Submission. Scale 1/8” = 1’-0”.
- P6 “The Sydney Hotel: 22 Winter Street – Proposed Basement Floor Plan” consisting of one 11” X 17” page showing the proposed basement floor plan of the new hotel at 22 Winter Street in Edgartown, prepared by Patrick Ahearn, Architect dated December 12, 2016 - Martha’s Vineyard Commission Final Submission. Scale 1/4” = 1’-0”.
- P7 “The Sydney Hotel: 22 Winter Street – Proposed First Floor Plan” consisting of one 11” X 17” page showing the proposed first (ground) floor plan of the new hotel at 22 Winter Street in Edgartown, prepared by Patrick Ahearn, Architect dated December 12, 2016 - Martha’s Vineyard Commission Final Submission. Scale 1/4” = 1’-0”.
- P8 “The Sydney Hotel: 22 Winter Street – Proposed Second Floor Plan” consisting of one 11” X 17” page showing the proposed second floor plan of the new hotel at 22 Winter Street in Edgartown, prepared by Patrick Ahearn, Architect dated December 12, 2016 - Martha’s Vineyard Commission Final Submission. Scale 1/4” = 1’-0”.
- P9 “The Sydney Hotel: 22 Winter Street – Proposed Third Floor Plan” consisting of one 11” X 17” page showing the proposed third floor (attic) plan of the new hotel at 22 Winter Street in Edgartown, prepared by Patrick Ahearn, Architect dated December 12, 2016 - Martha’s Vineyard Commission Final Submission. Scale 1/4” = 1’-0”.
- P10 “The Sydney Hotel: 22 Winter Street – Proposed Winter Street Elevation” consisting of one 11” X 17” page showing the proposed elevation of the proposed additions to L’etoile restaurant and the new hotel at 22 Winter Street in Edgartown, prepared by Patrick Ahearn, Architect dated December 12, 2016 - Martha’s Vineyard Commission Final Submission. Scale 1/4” = 1’-0”.
- P11 “The Sydney Hotel: 22 Winter Street – Proposed Front Elevation” consisting of one 11” X 17” page showing the proposed front (Winter Street) elevation of the proposed new hotel at 22 Winter Street in Edgartown, prepared by Patrick Ahearn, Architect dated December 12, 2016 - Martha’s Vineyard Commission Final Submission. Scale 1/8” = 1’-0”.
- P12 “The Sydney Hotel: 22 Winter Street – Proposed Left Elevation” consisting of one 11” X 17” page showing the proposed elevation as viewed from L’etoile of the proposed new hotel at 22 Winter Street in Edgartown, prepared by Patrick Ahearn, Architect dated December 12, 2016 - Martha’s Vineyard Commission Final Submission. Scale 1/4” = 1’-0”.
- P13 “The Sydney Hotel: 22 Winter Street – Proposed Rear Elevation” consisting of one 11” X 17” page showing the proposed elevation as viewed from the park of the proposed new hotel at 22 Winter Street in Edgartown, prepared by Patrick Ahearn, Architect dated December 12, 2016 - Martha’s Vineyard Commission Final Submission. Scale 1/4” = 1’-0”.
- P14 “The Sydney Hotel: 22 Winter Street – Proposed Courtyard Elevation” consisting of one 11” X 17” page showing the proposed elevation as viewed from the Preservation Trust parking lot of the proposed new hotel at 22 Winter Street in Edgartown, prepared by Patrick Ahearn, Architect dated December 12, 2016 - Martha’s Vineyard Commission Final Submission. Scale 1/4” = 1’-0”.

- P15 “The Sydney Hotel: 22 Winter Street – Proposed Courtyard Back Elevation” consisting of one 11” X 17” page showing the proposed elevation (partial Section) as viewed looking away from the street from the courtyard of the proposed new hotel at 22 Winter Street in Edgartown, prepared by Patrick Ahearn, Architect dated December 12, 2016 - Martha’s Vineyard Commission Final Submission. Scale 1/4” = 1’-0”.
- P16 “The Sydney Hotel: 22 Winter Street – Proposed Courtyard Front Elevation” consisting of one 11” X 17” page showing the proposed elevation (partial Section) as viewed looking toward the street from the courtyard of the proposed new hotel at 22 Winter Street in Edgartown, prepared by Patrick Ahearn, Architect dated December 12, 2016 - Martha’s Vineyard Commission Final Submission. Scale 1/4” = 1’-0”.
- P17 “The Sydney Hotel: 22 Winter Street – Program and Square Footage Analysis” consisting of one 11” X 17” page showing the proposed types of space and square footage of the proposed new hotel at 22 Winter Street in Edgartown, prepared by Patrick Ahearn, Architect dated December 12, 2016 - Martha’s Vineyard Commission Final Submission.
- P18 “The Sydney Hotel: DRI 669 – Offers” consisting of two 8.5” X 11” pages listing ten (10) offers with regard to the operations of the proposed new hotel at 22 Winter Street in Edgartown, signed by Sean E. Murphy, dated December 8, 2016.

## **2.4 Other Exhibits**

- E1. Referral to the MVC from the Edgartown Historic District Commission; October 14, 2016
- E2. Staff Report, by Paul Foley, MVC DRI Coordinator, with the assistance of other staff members, December 1, 2016.
- E3. Minutes of the Land Use Planning Committee meeting, November 14, 2016.
- E4. Minutes of the Commission’s Public Hearing, December 1, 2016.
- E5. Minutes of the Land Use Planning Committee Post-Public Hearing Review, December 12, 2016
- E6. Minutes of the Commission’s Deliberations and Decision, December 15, 2016
- E7. Minutes of the Commission’s Approval of the Written Decision, January 5, 2017

## **2.5 Summary of Testimony**

The following is a summary of the principal testimony given during the public hearing on December 15, 2016:

- Presentation of the project by Sean Murphy (attorney) and Patrick Ahearn (Architect).
- Staff report by Paul Foley, MVC DRI coordinator.
- Oral testimony from Public: There was no public testimony.

### **3. FINDINGS**

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#### **3.1 Project Description**

- The proposal is to construct a new approximately 10,000 gsf (3,426 sf footprint) two-story building with a full basement on a vacant lot in downtown Edgartown with 14 hotel rooms, 5 employee housing units in the basement (double occupancy), a small retail shop, a small bakery serving the public and the Sydney Hotel, 7 parking spaces, and public space.
  - The 1<sup>st</sup> and 2<sup>nd</sup> floors with the hotel and retail space would be a total of 6,766 sf.
  - The hotel would occupy 3,131 sf on the ground floor (including the 396 sf bake shop) and 3,304 sf on the 2<sup>nd</sup> floor. The 1<sup>st</sup> floor would also have a separate 331 sf retail space.
  - The basement would be a total of 3,383 sf with the baking kitchen (396 sf), retail storage (396 sf), Employee housing (1,716 sf), and mechanical/storage space (875 sf).
  - The total gross square footage including the basement would be 10,149 gsf.
- The Sydney Hotel currently operates in an existing building next door with L'etoile Restaurant with 8 hotel rooms. This would be an extension of the Sydney Hotel but operated under a separate company.
- The Sydney Hotel operates seasonally from May – December but might expand to a year-round operation if there is demand. The proposed bakery/café, retail space, and additional hotel rooms will also operate seasonally as part of the Sydney Hotel.
- The existing Sydney Hotel is undergoing renovation/expansion that is separate from this project.
- The stated goal of the project is a small walk-able, upscale, boutique hotel. Ultimately they hope to be open year around. The Applicant notes that Edgartown has lost 54 hotel rooms in 10 years.
- The project is a mixed-use development that incorporates a hotel, retail and a significant amount of public access including connections to the park owned by the Preservation Trust, a courtyard, sidewalk seating, and creates public sidewalks on private property.

#### **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 evaluating 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 the testimony presented and reviewing all documents and correspondence 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 the Act.

**A. THE COMMISSION FINDS THAT THE PROBABLE BENEFITS OF THE PROPOSED DEVELOPMENT WOULD EXCEED THE PROBABLE DETRIMENTS, AS EVALUATED CONSIDERING THE CONSIDERATIONS SET FORTH IN SECTION 14(a) OF THE ACT.**

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

The Commission finds that this is an appropriate infill expansion project and notes that the project completes the build-out of downtown in a manner that is in keeping with the mass, scale and design of downtown.

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

With respect to Wastewater and Groundwater, the Commission finds that the project is a benefit because the project will be connected to the town sewer and a storm water management plan, containing the runoff to the property, will come back to the MVC for review and approval.

With respect to Open Space, Natural Community and Habitat, the Commission finds that the proposal is a benefit.

With respect to Open Space the Commission finds that because it is converting what was a vacant lot and then briefly a private parking lot into a mixed-use development that incorporates a significant amount of public access including connections to the park owned by the Preservation Trust, a courtyard and sidewalk seating, and creating public sidewalks on private property.

With respect to Natural Community the Commission finds the project is neutral as it is appropriately located in the commercial downtown.

With respect to Habitat the Commission finds that the project is neutral because it is not currently habitat and it is appropriately located in the commercial downtown.

With respect to Night Lighting and Noise, the Commission finds that the proposal is a benefit because they are proposing minimal lighting with the final plan to return to the LUPC for review and approval and are proposing adding lampposts of the same sort the town uses downtown. With respect to noise the Commission finds that the proposal is a neutral.

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

With respect to Traffic and Transportation, the Commission finds that the proposal is a benefit. The hotel is situated in a central downtown location likely to be attractive to guests who do not bring their cars. The Applicant has made an offer that mitigates some concerns by informing guests that they must reserve a parking space and will be told if one is not available.

With respect to Scenic Values, Character, and Identity: The Commission finds that the proposal is a benefit because the proposed plantings will be an improvement over the vacant parking lot, the design of the building is in keeping with the mass, scale and design of downtown and the Applicant is voluntarily adding public sidewalks on private land.

With respect to the Impact on Abutters, the Commission finds that the project is consistent with the build-out of downtown and the Applicant is voluntarily adding public sidewalks on private land.

**A4 The Commission finds that the proposed development would have a beneficial impact upon the supply of needed low and moderate income housing for Island residents (Section 15(d) of the Act).**

The Commission finds that the proposal is a benefit because it incorporates sufficient staff housing.

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

The Commission finds that the proposal is a benefit because it will generate increased property tax and increase the room tax and will have no impact on schools.

**A6 The Commission finds that the proposed development would use efficiently and 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).**

**A7 The Commission finds that the proposed development does not interfere with the ability of the municipality to achieve the objectives set forth in the municipal general plan. (Section 15(g) of the Act).**

**A8 The Commission finds that the proposed development would not contravene land development objectives and policies developed by regional or state agencies. (Section 15(h) of the Act).**

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, the Commission has concluded that the probable benefits of this proposed development in this location exceed its probable detriment considering the considerations set forth in section 14(a) of the Act.

**B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WOULD 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.**

The requested project, as a whole, advances the Commission's land development objectives, as outlined in the Martha's Vineyard Commission Regional Policy Plan adopted by the Commission in June 1991 and the Island Plan adopted by the MVC in December 2010.

**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.**

The Commission notes that the proposal is subject to Special Permit review at the Town.

**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 Commission finds that the proposed development is not located within any District of Critical Planning Concern (DCPC).

#### **4. DECISION**

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The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on December 15, 2016 and made its decision at the same meeting.

The following Commissioners, all of who participated in all hearings and deliberations on this project, participated in the decision on December 15, 2016:

- Voting in favor: Clarence A. "Trip" Barnes III, Josh Goldstein, Fred Hancock, Lenny Jason, Kathy Newman, Ben Robinson, Doug Sederholm, Abe Seiman, Linda Sibley, Ernest Thomas and James Vercruysse.
- Voting against: none
- Abstentions: none

Based on this vote, the Commission approved the application for the project as a Development of Regional Impact with the conditions listed in section 5 below.

This written Decision is consistent with the vote of the Commission December 15, 2016 and was approved by vote of the Commission on January 5, 2017.

#### **5. CONDITIONS**

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After reviewing the proposal for this Development of Regional Impact, the Martha's Vineyard Commission imposes the following conditions to increase the benefits and minimize the detriments of the project. The analysis of benefits and the resulting decision to approve the project is based on the proposal as modified by these conditions. These conditions form an integral and indispensable part of this decision.

These conditions are an essential part of this decision and shall be enforced as written. The primary enforcement agent for the compliance of these conditions is the building and zoning enforcement officer of the Town. If the Commission or the Town finds it necessary to seek judicial relief to enforce the condition, the Applicant, or its successors in title at the time of such proceedings, shall pay the Commission's and/or Towns attorney's fees and costs incurred in obtaining judicial relief.

##### **1 Housing:**

- 1.1 As offered by the Applicant, the applicant shall restrict the use of the staff housing rooms to only employees of the hotel operator and there will be a maximum of two (2) employees per room.



## **2 Construction Scheduling:**

- 2.1 As offered by the Applicant, the exterior construction of the hotel shall only occur between October 15 - May 15 and the contractor shall coordinate with the Town of Edgartown and the Edgartown Police Department if necessary.

## **3 Transportation and Parking:**

- 3.1 As offered by the Applicant, the hotel operator, at its expense, shall provide any employee working at the premises that does not live on the premises with a VTA bus pass.
- 3.2 As offered by the Applicant, the operator of the hotel shall continue to inform guests that they are required to make a reservation for a parking space and inform guests at the time of their reservation that a car is not required due to the public transportation system on the island.
- 3.3 As offered by the Applicant, the hotel shall have bike racks on premises for employees and guests.
- 3.4 As offered by the Applicant, the applicant shall work with the Edgartown Highway Superintendent to have crosswalks placed on Winter Street to allow passage between both sides of the street. The applicant will not construct the sidewalk until consultation with the Highway Superintendent.

## **4 Energy:**

- 4.1 As offered by the Applicant, the building shall comply with the Martha's Vineyard Commission's "Energy and Environmental Building" DRI Policy.

## **5 Exterior Lighting:**

- 5.1 As offered by the Applicant, the applicant shall submit a final lighting plan and stormwater plan to the Martha's Vineyard Commission Land Use Planning Committee prior to receipt of a Certificate of Occupancy from the Town of Edgartown.

## **6 Wastewater, Groundwater And Storm water Management:**

- 6.1 As offered by the Applicant, the property shall be connected to the Edgartown water and wastewater systems.

## **7 Landscaping:**

- 7.1 As offered by the Applicant, the applicant shall submit a final landscape plan and plant list to the Martha's Vineyard Commission Land Use Planning Committee prior to receipt of a Certificate of Occupancy from the Town of Edgartown.

## **6. CONCLUSION**

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### **6.1 Permitting from the Town**

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

The permit-granting authorities of the Town of Edgartown 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. Any permit issued by the Town shall incorporate the plan approved by the MVC and the above conditions.

**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 Edgartown 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. Should substantial construction not occur during said two (2) year period, this Decision shall become null and void and have no further effect. This time may be extended upon written request from the Applicant and written approval from the Martha's Vineyard Commission.

**6.3 Signature Block**

James Verduyse  
James Verduyse, Chairman

1.19.17  
Date

**6.4 Notarization of Decision**

Commonwealth of Massachusetts  
County of Dukes County, Mass.

On this 19th day of January, 2017, before me, Donna Lee Stewart, the undersigned Notary Public, personally appeared Jim Verduyse, proved to me through satisfactory evidence of identity, which was/were diver lessons to be the person(s) whose name(s) was/were signed on the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her/their knowledge and belief.

Donna Lee Stewart  
Signature of Notary Public

Donna Lee Stewart  
Printed Name of Notary


My Commission Expires Feb 24, 2023

**6.5 Filing of Decision**

ATTEST: Paulo C. DeOliveira, Register

Filed at the Dukes County Registry of Deeds, Edgartown, on: Jan 23, 2017 Dukes County Registry of Deeds

Deed – Book 1428, page 288

 **DONNA-LEE STEWART**  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
February 24, 2023