

THE MARTHA'S VINEYARD COMMISSION

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Date: December 14, 2000

To: Zoning Board of Appeals, Town of Edgartown

From: Martha's Vineyard Commission

Subject: Development of Regional Impact
 re: commercial development

Applicant: ULF, Edgartown, LLC
 d/b/a Colonial Inn
 c/o John Nugent
 Coastal Engineering & Design Co., Inc.
 22 Edgartown Bay Road
 Edgartown, MA 02539

Decision of the Martha's Vineyard Commission
Summary

The Martha's Vineyard Commission (the Commission) hereby denies permission for the granting of permits for the development contained in the Application of ULF, Edgartown, LLC, d/b/a Colonial Inn, c/o John Nugent, Coastal Engineering & Design Co., Inc., 22 Edgartown Bay Road, Edgartown, MA 02539, as shown on the plans entitled: "Proposed Renovations and Addition to the Colonial Inn, 32 North Water Street, Edgartown, Mass., Fuller Associates, Architecture and Interior Design, 286 Congress Street, Boston, MA 02210, and consisting of "Sheet No. A.1.1 Proposed Plans Basement and First Floor," "Sheet A.1.2 Proposed Plans Second and Third Floor," "Sheet No. A.1.3 Proposed Plans Fourth Floor and Roof," "Sheet No. A.2.1 Proposed Elevations," and "Sheet A.3.1 Perspective Views," consisting of five (5) sheets; plus "Sheet No. L.1.0 Landscaping, Site Lighting, Signage, Colonial Inn, Edgartown, Mass., Fuller Associates, Architecture and Interior Design, 286 Congress Street, Boston, MA 02210. scale: 1/8" = 1', dated 07/12/00," consisting of one (1) sheet; plus "Plan of Land in Edgartown, Mass., Surveyed for Edgartown Associates Limited Partnership, July 31, 1991, scale: 1" = 10', Vineyard Land Surveying, Box 421, West Tisbury, MA 02575," consisting of one (1) sheet; and totaling seven (7) sheets (the Plan).

08177-371

The Decision is rendered pursuant to the vote of the Commission on December 7, 2000.

The Commission disapproves the Application and denies permission to the Permit Granting Authorities of the Town of Edgartown to grant the necessary development permits.

Facts

The proposed development is a Development of Regional Impact as defined by the Commission's Standards and Criteria, Developments of Regional Impact, Sections 3.301(b) and 3.401(b). The Application was referred to the Commission by the Zoning Board of Appeals of the Town of Edgartown for action pursuant to Chapter 831 of the Acts of 1977, as amended (the Act). The Application and Notice of Public Hearing relative thereto are incorporated into the record herein. Martha's Vineyard Commission staff document exhibits are also incorporated into the record by reference.

A duly noticed public hearing on the Application was scheduled for Thursday, October 12, 2000 at 7:45 p.m. in the Commission Offices, Olde Stone Building, 33 New York Avenue, Oak Bluffs, Massachusetts. The hearing was rescheduled to October 26, 2000 at the same location.

A duly noted rescheduled public hearing on the Application was conducted on Thursday, October 26, 2000 at 7:45 p.m. in the Commission Offices, Olde Stone Building, 33 New York Avenue, Oak Bluffs, Massachusetts. The hearing was continued to November 9, 2000 at the same location.

The duly noticed continued public hearing was conducted by the Commission on the Application on Thursday, November 9, 2000 at 7:30 p.m. in the Commission Offices, Olde Stone Building, 33 New York Avenue, Oak Bluffs, Massachusetts. The hearing was closed the same night.

A summary of the testimony provided at the hearing is provided as Exhibit A attached hereto. This summary is for the convenience of the reader only and was not relied upon by the Commission in reaching its decision on this matter.

The proposal is for the expansion and remodeling of a commercial structure.

Findings and Conclusions

The Commission has considered the Application and the information presented at the public hearing and based upon such considerations, makes the following findings pursuant to Section 14 of the Act:

- A. THE COMMISSION FINDS THAT THE PROBABLE DETRIMENTS OF THE PROPOSED DEVELOPMENT WILL EXCEED THE PROBABLE BENEFITS OF THE PROPOSAL AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 15 OF THE ACT (SECTION 14(A) OF THE ACT).**

It is necessary and worthwhile to repeat the overall purpose of the Commission which is contained in Section 1 of the Act. The purpose set forth therein 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.”

- 1. Based upon the record and the testimony therein, the Commission finds that the proposed development at that location is not essential nor especially appropriate in view of the available alternatives (Section 15(a) of the Act).**

While the Commission has considered the appropriateness of the location and acknowledges the fact that the site is currently a commercial area and the site, in particular, is an operating inn, the Commission has not been persuaded that the increase in intensity, as proposed by the development, is warranted. The area is currently a very congested area, basically a “failed” area, and the magnitude of such a proposed expansion would do nothing to lessen the congestive nature of the area but would only serve to exacerbate a difficult situation. The Commission also has not been persuaded that the establishment of a new restaurant is critical to the well-being of the area nor of the Town as a whole, nor has it been persuaded that the locating of a second restaurant adjacent to an existing one in the same building is a necessary or needed addition.

- 2. Based upon the record and the testimony presented therein, the Commission finds the proposed development will have an adverse impact upon the environment (Section 15(b) of the Act).**

The Commission has listened to the testimony of the Applicant and of others regarding the issue of impact upon the environment and, in particular, the man-made

environment, and has not been convinced that the proposed development will not add further to congestion and traffic issues around the proposed development. In particular, the Commission is concerned with the fact that there is no parking in the general area and the lot currently leased by the Applicant is already used to the maximum, leaving no alternatives, nor were there any alternatives put forth that would mitigate the anticipated impacts. The Commission does acknowledge the statement made by the Applicant that a “jitney” service would be provided but has not been persuaded that the Applicant has actually developed mitigation measures to ensure that potential guests will, in fact, leave their cars at home.

3. **Based upon the record and the testimony presented therein, the Commission finds that the proposed development will adversely affect other persons or property and, due to the circumstances peculiar to the location, believes that the effect is likely to be greater than ordinarily associated with a development of the type proposed (Section 15(c) of the Act).**

The Commission has listened carefully to all of the testimony presented by all sides in this matter and has not been persuaded that all issues impacted by the proposed development have been adequately addressed or mitigated. The Commission is especially concerned with the inclusion of an off-street loading/unloading space for delivery trucks that is so narrow as to be virtually unusable by all but the smallest of delivery trucks and, at that, the number of movements required to successfully navigate the access would only serve to block traffic for extraordinarily long periods of time. The Commission also has serious concerns regarding the displacement of several existing businesses which would be replaced by a restaurant and bar, neither of which is viewed as essential, given the close proximity of similar existing establishments in the given area. Additionally, the Commission has not been persuaded that all of the potential impacts are fully known, nor have they been clearly identified by the Applicant in a manner sufficiently and thoroughly so as to remove any doubt in the collective minds of the Commission.

The Commission has considered the factors set forth in Sections 15(d), (e), (f), (g) and (h) of the Act and found that either such factors were not pertinent to the issues raised by the proposed development or that such factors were relatively minor in their effects in comparison to other factors.

- B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WILL NOT SUBSTANTIALLY OR UNREASONABLY INTERFERE WITH THE ACHIEVEMENT OF THE OBJECTIVES OF THE GENERAL PLAN OF ANY MUNICIPALITY OR THE GENERAL PLAN OF THE COUNTY OF DUKES COUNTY.
- C. THE COMMISSION FINDS THAT THE DEVELOPMENT, AS PROPOSED, IS CONSISTENT, TO THE BEST OF THE COMMISSION'S KNOWLEDGE, WITH THE DEVELOPMENT ORDINANCES AND BY-LAWS OF THE TOWN OF EDGARTOWN.
- D. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS NOT WITHIN ANY DISTRICTS OF CRITICAL PLANNING CONCERN AND THEREFORE THIS ISSUE IS NOT PERTINENT TO THE PROPOSAL.

The Commission disapproves the Application and denies permission to all Permit Granting Boards of the Town of Edgartown to grant the necessary development permits.

The Applicant may modify the development proposal and/or submit a new proposal to the Permit Granting Boards of the Town of Edgartown.

This Decision is written consistent with the vote of the Commission: December 7, 2000.

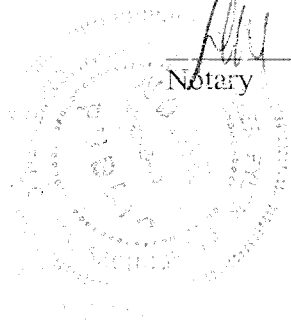
Any party aggrieved by a determination of the Commission may appeal to Superior Court within twenty (20) days after the Commission has sent the Applicant written notice, by certified mail, of its Decision and has filed a copy of its Decision with the Town Clerk of the Town in which the proposed development is located.

Richard J. Toole
Chairman

Dec. 14, 2000
Date

Irene Miller Fyler
Notary

12-14-2000
Date



IRENE MILLER FYLER
NOTARY PUBLIC
MY COMMISSION EXPIRES
JUNE 10, 2005

EXHIBIT A**Excerpt from the Special Meeting Minutes of October 26, 2000.****Rescheduled Public Hearing: Colonial Inn Renovation (DRI #15M).**

[Ms. Cini had not yet returned to the Special Meeting. Ms. Lazerow had arrived at 8:04 p.m. (See above.) Thus, the Commission members present for the entirety of the Colonial Inn Renovation Rescheduled Public Hearing session were: J. Best; C. Brown; M. Colaneri; J. Early; J. Greene; B. Hall, Jr.; T. Israel; L. Jason, Jr.; M. Lazerow; M. Ottens-Sargent; L. Sibley; R. Toole; J. Vercruyse; and R. Zeltzer.]

Ms. Brown read into the record the Notice of Rescheduled Public Hearing for the Colonial Inn Renovation Development of Regional Impact (DRI #15M). *[See the meeting file for a copy.]* Then the Hearing Officer outlined the process that would be followed for the Public Hearing.

Applicant's Presentation.

John Nugent introduced himself as **the Construction Manager for the project as well as the Agent for Russell Urban of ULF, Edgartown, LLC, owner of the Colonial Inn in Edgartown.** He apologized for the absence of Mr. Urban, who had gotten "tied up in L.A. and missed a flight."

Mr. Nugent stated that essentially what he was asking for was permission to remove the back one-third of the present building, which had been rebuilt in the 1980s and was currently "an on-slab situation" with an open framing and exposed pipes and electrical. In doing so, the footprint of the building in that area would be reduced, he said, and at the same time they would be going up from "a two-plus-story situation to a three-story situation." This, he explained, would allow for the 10 additional guest rooms being proposed as well as for the planned restaurant.

Mr. Nugent continued that in the overall scheme, the Applicant would also be renovating the rest of the building "to bring it more into an architecturally correct situation with the downtown historical area and also to obviously make it much more safe, much more handicapped-, ADA-accessible and what we feel is a general great improvement to the overall building and the site as it is today."

Mr. Nugent then provided some details of the plan. The overall footprint, he said, would be reduced by 1,179 square feet; the existing footprint was 10,541 square feet. At the same time, the roof area would also be reduced, and the roof delta would be 1,223 square feet. With the addition of 10 guest rooms, he continued, the increase in overall footage would be 4,277 square feet. In addition, he explained, the Applicant would be removing all the window air-conditioning units, which would then go to a rooftop pit in order to get the ground noise and street noise away from the general public as well as improve the aesthetics of the area. "That's pretty much it," concluded Mr. Nugent.

Ms. Brown inquired about uses and site work. "The site work itself would be improved here in the back courtyard area," replied Mr. Nugent. "The front is essentially untouched, but the back courtyard area, which is now a hodgepodge between some brick, some slate and some concrete, would be all bricked out, you know, much more aesthetically pleasing, more downtown Edgartown in feel." What would change on the Winter Street façade of the hotel, continued Mr. Nugent, would be a greater uniformity of the window configuration.

Ms. Greene asked what the height of the renovated building would be. "The total height is under the 32 feet that's granted in the area," answered Mr. Nugent. "And what is it in

relation to the existing main or front building?" wondered Ms. Brown. "It's still lower than the front building," responded Mr. Nugent.

Mr. Israel asked if the parking requirement in Edgartown – if there was one – was being satisfied by the Applicant. Ms. Brown answered that David Wessling would be running through the Staff Report and would touch on that subject. Mr. Best asked Mr. Nugent to clarify, using the site plan, which was the Winter Street side of the complex and which was the North Water Street side; Mr. Nugent did so. Mr. Best wanted to know if, then, the present restaurant – Chesca's – would be moved from the front to the back. No, replied Mr. Nugent, Chesca's would stay on the Water Street side; the restaurant being proposed was a restaurant in addition to the present one.

Mr. Israel wondered about the mitigating measures regarding vehicular traffic referred to in the materials submitted by the Applicant. Mr. Nugent outlined the program instituted by the hotel to discourage guests from bringing cars on-Island. The program included free bus passes and tokens for free bicycle rentals, he explained.

Staff Report.

David Wessling, the DRI Coordinator, noted that in its review of the proposal, the Land Use Planning Committee had agreed with much of what Mr. Nugent had said. He then referred the members to his Staff Report entitled *Project Notes: Colonial Inn Renovation (DRI #15M)* dated October 19, 2000. [See the meeting file for a copy. This document will hereinafter be referred to as the "October 19 Project Notes" or simply the "Project Notes."]

Mr. Wessling pointed to a letter reproduced in the *Project Notes* from Joseph Alosso, Facilities Manager of the Edgartown Wastewater Treatment Plant, which indicated that Mr. Alosso had reviewed the renovation plans and that the additions to the Colonial Inn were "acceptable." Mr. Wessling also spoke of the landscape plan and elevations included in the *Project Notes* and remarked that the improvements, particularly the rebricking of the courtyard, could be viewed as an amenity for the Town. In addition, he said, the bathroom on the ground floor would remain open to the public.

Mr. Nugent noted that the public restroom facilities had been upgraded a number of times and that the new restaurant would have its own new set of facilities. So the addition of the restaurant would not be a burden on the existing public restrooms, he explained.

Mr. Wessling pointed out that one of the main features of the project was the new elevator in the back, which would make the Colonial Inn handicapped-accessible. In addition, he said, the Applicant had made an affordable housing offer of \$10,000 worth of at-cost labor to be applied toward the construction of affordable housing. Mr. Nugent provided some details about the offer. He mentioned also that the Habitat For Humanity house being built on Weeks Lane in Edgartown was being "put up at my cost by my crew.... We weren't looking for a tax write-off. We just did it."

Responding to a question from Ms. Brown, Mr. Nugent said the rates that would be figured into the calculations for the affordable housing contribution would be anywhere from \$20 to \$45 an hour, depending on the type of work and the current market.

Mr. Wessling continued his report, noting that the Land Use Planning Committee had asked the Applicant to come up with a letter from the Historic District Commission; that had not been received yet. Regarding traffic and parking, he continued, the premise was that the hotel would be doing everything it could to discourage guests from bringing over their cars. He added that a hotel shuttle might be helpful. There was no parking outside, said Mr. Wessling, although the hotel did lease a parking lot owned by the Fligors.

Ms. Brown pointed out that under the current Edgartown Zoning Bylaw, there was no minimum parking requirement. The Applicant would start with a recommendation and work with the Zoning Board of Appeals on it, she explained, adding that this project

would be going to the ZBA after the Commission was through with it. Ms. Brown asked how many spaces the hotel leased in the present parking lot. Mr. Nugent replied that there were 28.

Mr. Colaneri wanted to know what the recommended affordable housing offer would be under the Commission's Affordable Housing Policy. It would be close to \$5,000, answered Mr. Wessling.

Michele Lazerow, a Commission member at large from Oak Bluffs, wondered about the seating capacity of the new restaurant. "Approximately seating for 50," responded Mr. Nugent. "Is there going to be a bar there?" asked Ms. Lazerow. "I think that that is proposed, yes," said Mr. Nugent, who added, "The basic idea of the restaurant is to go as a mid-range restaurant, as I'm told, to provide breakfast and lunch, et cetera, for the hotel patrons, which is currently done right now in a hodgepodge in the hallway, under the solar, et cetera..."

Ms. Lazerow wanted to know how many people could be seated at the bar. Mr. Nugent answered that he had been told that the entire capacity would be 50, but that he did not know how many of those people would be seated at the bar. Ms. Greene asked if Mr. Nugent knew what the proposed hours of operation for the restaurant would be. "No, I do not," Mr. Nugent replied.

Ms. Ottens-Sargent asked how many rooms the hotel contained currently. Mr. Nugent said that there were 42 existing rooms.

Ms. Brown briefly remarked on the Historic District Commission and how they could not make a decision until the Commission had issued its Decision. Mr. Hall asked if the work done the year before on the railings would be ripped out. "Heaven forbid," responded Mr. Nugent. "That's incorporated in the new plan?" wondered Mr. Hall. "Yes," said Mr. Nugent.

Mr. Hall also wanted to know if the widow's walks shown on the new plan would be operational. "They are actually sunken pits for AC units," replied Mr. Nugent. And was there a similar setup up on the main roof? asked Mr. Hall. Yes, said Mr. Nugent, in addition to the mechanics of the elevator.

Mr. Hall noted that many bedroom windows on the west elevation would be facing out onto Nevin Square. Were these going to be fixed windows or were they going to be operational windows? he asked. "They're all operational, because they would be in a standard-type six-over-six, nine-over-nine window pattern," said Mr. Nugent.

Mr. Hall then remarked that there had already been "some rather bad blood between the people who have occupied these rooms and the restaurant that's right adjacent to it. I believe they're open until 11:00." Mr. Nugent explained that part of what was going on in the renovation was that in replacing the windows, they would be going to an upgraded unit. One of the factors in the new unit would be an energy panel, he said, that was recessed in; it was a true divided-light window, but was rabbetted into the frame, and it would result in a reduction in noise.

Assuming the issuance of the necessary permits, when would the renovations be carried out? asked Mr. Israel. "As soon as possible and in the off-season," responded Mr. Nugent, "[so as] not to affect anybody's revenues."

Ms. Brown reminded the members that the Historic District Commission would have the final word on the details of the exterior.

Testimony from Town Boards.

Ms. Brown referred the Commission members to Mr. Alosso's letter, which had indicated that the proposal would be acceptable to the Wastewater Commission.

There was no testimony offered by members of the public in favor of the proposal.

Testimony from Members of the Public in Opposition to the Proposal.

Marshall R. Cook of Vineyard Haven identified himself as **the co-owner of the Christina Gallery, on the same block as the Colonial Inn**. Mr. Cook observed that over the past 15 years, each new owner of the hotel had brought more problems with him.

Mr. Cook pointed to the site plan and declared that the indication that a particular line went a foot from the building was not accurate; in fact, such line, he declared, ran not a foot from the building but rather 3.5 feet from the building. This had been a point of contention, he noted, because the wall had been collapsing for a number of years, "but nobody wants to fix it. When they did the renovation this spring, they broke the gate, ... [and] nailed a plank onto the building, [which] creates problems over the years."

Mr. Cook continued that his greatest concern was "the density issue." Every day of the week for five or six months of the year, he related, when he came with a delivery for his gallery or stopped by to pick up what the gallery had sold, there was no place to park. "And that isn't going to get better by putting more rooms here," he remarked, "because the hotel has no system for coming and taking your bag. So you bring your car and you unload and then you go in and it takes 15 to 20 minutes to check in, despite the fact the sign says [you can park for only] '5 minutes.'"

Several times during the summer, he added, traffic had backed up North Water Street and the police had had to come and move it. "These are real issues," he declared. "It's inconceivable to me that we can increase this density..."

Mr. Cook also spoke of the many trucks that came to deliver to Chesca's, the restaurant in the front of the building. "You're going to put another restaurant in here? Where are they going to deliver from?" he asked, noting that there was no room for deliveries on Winter Street. In addition, he wondered where the new restaurant operation would be putting its trash and where the rent-free bikes would be stored. He estimated that currently 30 to 35 percent of the guests came without cars, so immediately that portion of the guests would get a free bike. "Where are you going to put the 60 bikes?" he wanted to know.

Another point, said Mr. Cook, was that not all of the abutters to the property in question had been properly notified. "They really missed 30 people," he claimed. Ms. Brown responded that the Commission notified only direct abutters and abutters to the direct abutters within 300 feet of the boundaries of the property to be developed and that owners were alerted but not tenants.

Mr. Cook also mentioned that the public bathrooms, which at some point had been a kind of trade-off with the Town, were "locked a good portion of the time, because I send people there from the gallery. They come back and say the bathrooms are locked. So I'm not quite sure that that's a valid comment, that they're for public use..."

Finally, noted Mr. Cook, Chesca's had no facility for cleaning the garbage cans within the property. The cans, he related, were cleaned and washed out and then dumped out on the side of the building next to the Shiretown Inn and flushed down the street. "And then it stinks," he declared.

[Ms. Cini returned to the Special Meeting at this time (8:36 p.m.). She did not participate in the remainder of this Public Hearing, but stood at the side of the room and listened.]

The next member of the public to speak was **Rob Kagen of Edgartown**, who distributed a packet of materials to the Commission members. *[See the meeting file for a copy.]* Mr. Kagen said that for the past 12 years he had owned World View Graphics, located near to

the Colonial Inn, with his brother, Andrew Kagen. Although he was closing his store "for personal reasons," he noted, he was "basically here tonight as a permanent resident of Edgartown to share my insights and experience of being at the Colonial Inn and seeing what's been going on for the last 12 years."

Mr. Kagen spoke first about the parking, stating that the only way a downtown business should be allowed to increase its car flow would be if it could accommodate those cars in either their own or leased lots. Currently, he said, the Colonial Inn rented 28 spaces for 43 rooms, and that was the maximum they could get out of that lease. He suggested that the Commission look into the length of the lease and should consider the fact that the lot in question was, in fact, buildable.

In his own experience, Mr. Kagen continued, if you called the Colonial Inn and asked if you could bring a car, you would be told simply that you could do so. It was not until you got to the Inn, he declared, that you encountered a sign that said, "Did you bring a vehicle? Parking is on a first-come-first-served basis." (A photograph of said sign was reproduced in Mr. Kagen's packet.)

Now, said Mr. Kagen, the Inn proposed to build a 50-seat restaurant. From talking to employees, he went on, about 35 percent of Chesca's patrons brought their cars. If one assumed two seatings each evening, it would come to about 18 extra cars in town at any given period, he said, adding that the Inn had had celebrities as guests and had spoken twice last winter to the Black Dog Tavern Company about putting a branch in the new restaurant space. "So the parking situation could be [exacerbated] exponentially if you get that kind of restaurant in there, and it should be something that should be looked into," he declared.

The addition of a new restaurant, Mr. Kagen continued, would create staffing problems. In fact, the three shops that the restaurant would displace, he said, were owner-operated with no employees; on the other hand, a restaurant open for three meals a day would need approximately 25 to 40 employees. Although the offer made that evening by the Applicant to mitigate the impact on affordable housing had been generous, he observed, it would not meet the needs of 40 new employees.

Regarding operational issues for the restaurant, Mr. Kagen went on, it would have to rely on a loading zone space on Winter Street that was only 21 feet long. However, the average delivery truck, he said, was 43 feet long, not including the attached ramp in the back. The only solutions, he explained, would be to park far away and push the goods up a crowded Winter Street or for the Town to lengthen the loading zone, thereby eliminating another sorely needed downtown parking space. All the other restaurants on Winter Street, he noted, had driveways where their delivery trucks could unload.

Mr. Kagen then cautioned the Commission about making compromises with the Applicant, who, he claimed, had a history of disregarding agreements made with the Town and who had "told untruths in order to achieves its desired outcome." For instance, Mr. Urban, he said, had made misleading statements during the LUPC meeting for the project. First of all, when asked by Mr. Donaroma if he had discussed the planned expansion with abutters, Mr. Urban had answered that he had contacted many of the abutters. However, declared Mr. Kagen, Mr. Urban had talked to none of them about the scope or the specifics of the project.

In addition, continued Mr. Kagen, when Mr. Urban had been asked how many new employees would be needed to staff the new restaurant, he had replied that five new employees would be required. Moreover, at the LUPC meeting, Mr. Urban had testified that the drainage runoff remained on-site; "I've found this not to be true," said Mr. Kagen, "and I believe the other abutters here would second that."

Finally, said Mr. Kagen, Mr. Urban had testified in the LUPC meeting that Manager Linda Malcouronne had come up with a solution for the parking problem. However, as

of the end of August, no new policy had been put into place and the aforementioned sign about first-come-first-served parking was still posted.

The last issue Mr. Kagen addressed was that of the purportedly public bathrooms. In order to be allowed to do some construction in the past, explained Mr. Kagen, the Applicant had offered the Town the use of the restrooms for the public. However, people asking to use them were told to go up to Church Street to use the facilities there. In fact, Pamela Dolby, Assistant to the Zoning Board of Appeals, had reported to Mr. Kagen that she had received complaints over the years concerning this matter. In addition, staff members had informed Mr. Kagen that they were instructed to point people over to the Church Street facilities.

Moreover, continued Mr. Kagen, this year the hotel had erected swinging doors at the entrance to the restrooms to make it even more difficult to find them. Finally, there were no signs posted to direct people to the bathrooms. On the contrary, a sign had been posted next to the swinging doors indicating that public restrooms were available at the Town Information Center on Church Street. Mr. Kagen displayed a photograph of that sign. The sign had remained up for three weeks, he said, until the ZBA had made the Applicant take it down.

Joanne Maxwell, a co-owner of Chesca's, said that she was attending the Public Hearing mostly to obtain information, since she had learned only recently of the proposal and the Hearing. She stated that she did not wish to stand in the way of anybody wanting to do business; however, she and her partner did have some concerns of their own. Ms. Maxwell commended Mr. Kagen on "the amazing job" he had done in researching the situation and noted that she shared many of his misgivings.

The major problem in the area, as Ms. Maxwell saw it, was the lack of parking for staff and clients. The best she could do at the present time was to pay the parking tickets of the employees, which amounted to thousands of dollars each year. In addition, sometimes she was unable to get deliveries into her restaurant for more than an hour; at other times the trucks simply left to make deliveries to other Towns and then came back to Edgartown later on. Ms. Maxwell also expressed concern about the Colonial Inn trucks themselves, which, she said, sometimes remained in the loading zone for the entire afternoon.

Finally, although the idea of free bicycles was commendable, concluded Ms. Maxwell, it was unrealistic: a family of four with small children tended not to travel "without a car that's pretty much packed with diapers and all sorts of things."

Ms. Brown asked for testimony from members of the public in general; there was none.

Questions and Comments from Commission Members.

Mr. Colaneri suggested that the Hearing be continued if there was some question about proper abutter notification. Mr. Wessling reported that he had called the Edgartown Assessor's Office after Mr. Cook had complained to him and, indeed, there had not been proper notice. Since then, five more names had been supplied by the Assessor's Office and everyone had been notified. Ms. Brown agreed that she would leave the Hearing open to look into this.

Mr. Israel asked Mr. Nugent if the Applicant had done any study of the traffic impact resulting from the proposed development. Mr. Nugent pointed to the new plan to provide bicycles and to get public transportation involved. He acknowledged that a certain percentage of guests would still bring their cars and that what the Inn was trying to do was to reduce that percentage. He also conceded that the Applicant would have to find a place to park the 60 bicycles. But to answer Mr. Israel's question, said Mr. Nugent, no, a traffic study had not been done.

Mr. Hall asked where trash was currently stored and where it would be stored after the proposed renovation. Mr. Nugent pointed to a small alcove area on the site plan where the trash was currently stored. In the new configuration, all trash would be held in the basement, he said, and would be taken out on a daily basis. Responding to a request from Mr. Hall, Mr. Nugent showed on the site plan the path the trash would take.

Mr. Hall also wanted to know where the trash containers would be washed out. Mr. Nugent referred the question to Ms. Maxwell, who noted that it was "a tough call." She explained that her employees simply closed down the alley on the Shiretown Inn side of the building, then hosed down the alley afterward. Mr. Nugent pointed out that with the renovation Chesca's would have a lot more space in the basement.

Ms. Greene asked if currently Chesca's went through the basement to dump their trash at night. No, replied Mr. Nugent, Chesca's currently had "their own trash situation," using an area underneath the porch. Ms. Maxwell corrected him, reporting that, in fact, Chesca's had a trash area in the alley on the Shiretown Inn side of the building. The recyclables, however, were underneath the porch, she added.

Ms. Greene clarified with Mr. Nugent that it would only be the trash for the hotel and the new restaurant that would be stored in the basement. Did the elevator go into the basement for the hotel staff to take it down? wondered Ms. Greene. Yes, answered Mr. Nugent. But the trash did not go up in the elevator on its way outside? asked Ms. Greene. Right, responded Mr. Nugent.

Mr. Israel said he was interested in the schedule for trash pickup. The same trash truck would pick up the trash for the new restaurant as well as for the hotel, said Mr. Nugent. Mr. Israel reiterated his request for a definite schedule; Mr. Nugent did not offer one.

Ms. Ottens-Sargent wanted to know how many additional employees would be required after the renovation. The Applicant had indicated an increase of one employee for the hotel, replied Mr. Nugent, and five employees for the new restaurant.

Ms. Lazerow observed that five employees for the restaurant seemed like "an amazingly inadequate number" to her. In addition, she wanted to know how many of the seats would be dedicated to the bar and how many seatings they planned daily.

Mr. Jason wondered why the Applicant wanted to have two restaurants in one building. Also, if the Applicant did not get the necessary liquor license, would the new restaurant still be built? he asked. "I can't answer that for the Colonial Inn," responded Mr. Nugent. "I am construction management, and they have obviously done their research. They feel there's a need for it." He added that the hotel was seeking to stay open year-round, and telling the guests that they had to leave the hotel to get breakfast was not optimal.

"And you say this is going to be year-round?" inquired Mr. Jason. "I don't know if it's going to be year-round," answered Mr. Nugent. "All I understand is that they have a concern right now [during] the nine months that they're open that there's no place for their patrons immediately close – they have to go get dressed up and throw on their clothes, say, if it's in November or if it's in April or even during the summer...."

"Would the liquor license be year-round?" asked Ms. Greene. "If you don't get the liquor license, are you still going to do the restaurant?" repeated Mr. Jason. "I will address the issue with the owners," replied Mr. Nugent. "I don't think the crux of that restaurant is necessarily for nighttime activity."

Ms. Brown then announced that the Public Hearing would be continued on Thursday, November 9, 2000 at 7:30 p.m. The Chairman called for a break. The time was 9:01 p.m.

Excerpt from the Special Meeting Minutes of November 9, 2000.**Continued Public Hearing: Colonial Inn Renovation (DRI #15M).**

[Immediately after the start of the Meeting, Ms. Cini (who was ineligible to vote on the Colonial Inn matter) left the meeting room. Mr. Donaroma arrived after the start of the Colonial Inn Renovation Public Hearing (for which he was ineligible in any event) and remained outside the meeting room until said Hearing was closed. Ms. Gallagher, who had missed the first session of the Colonial Inn Public Hearing on October 26, sat through the Hearing but made no comments. Thus, the eligible Commission members sitting at the Continued Public Hearing for the Colonial Inn Renovation (DRI #15M) were: J. Best; C. Brown; M. Colaneri; J. Early; J. Greene; B. Hall, Jr.; T. Israel; L. Jason, Jr.; M. Lazerow; M. Ottens-Sargent; L. Sibley; R. Toole; J. Vercruyse; and R. Zeltzer.

Ms. Brown read aloud the Notice of Continued Public Hearing for the Colonial Inn Renovation in the Town of Edgartown (DRI #15M). *[See the Full Commission Meeting File of November 9, 2000 (the meeting file) for a copy of said notice.]* She then outlined the procedure to be following for the Hearing.

Applicant's Presentation.

John Nugent introduced himself as **the construction manager for the project as well as an agent for Russell Urban of ULF, Edgartown, LLC, owner of the Colonial Inn in Edgartown.** Mr. Nugent said that he wished to address several issues that had been raised in the first session of the Public Hearing on October 26.

Beginning with the matter of the parking for the hotel, Mr. Nugent stated that the Colonial Inn currently leased 28 parking spaces from the Fligor family. "And up until this date, as far as all the records that we've been able to go through at the Colonial Inn," he said, "the parking lot has never reached capacity, even at the height of the season in August."

Mr. Nugent then went through the major points of the Applicant's plan to deal with the parking situation beginning with the 2001 season. These included:

- a small London taxi-type shuttle for both employees and guests running between the hotel and the Edgartown post office, where there was a Town parking lot;
- informing the guests at the time they made a reservation, as well as when they checked in, that during the high season public transportation was the preferred and easiest method of travel on the Island;
- the issuing of free Island bus passes to the guests; and
- a reimbursement for the cost of the Edgartown Park-and-Ride trolley for those guests who spent \$10 or more in either the Colonial Inn Shops or the new restaurant proposed for the hotel.

Regarding that restaurant, Mr. Nugent said he had been assured by Applicant Russell Urban that it would not be an up-scale restaurant. "We're talking about moderate fare, catering to the inn guests and year-round residents, simple, pub-type food – soup, salad, sandwiches, et cetera," he said. According to Mr. Urban's calculations as well as those in the industry, continued Mr. Nugent, breakfast service from 7:00 until 11:00 a.m. would require two cooks and three servers; lunch from 11:00 a.m. until 4:00 p.m., with a buffet-style arrangement, would require one cook and two servers; and dinner from 4:00 p.m. until 11:00 p.m. would require three cooks and four servers, with one of the latter at the bar.

These figures, Mr. Nugent went on, were based on a 50-seat restaurant, and having observed the restaurant at the Martha's Vineyard Airport (a 60-plus-seat establishment), he thought that the number of employees the Applicant was figuring on would be adequate. Again, he added, the Applicant's original estimate had been a need for five to six employees, although a member of the public speaking against the proposal on October 26 had chosen to take the lower number – five – when expressing doubt about the employee calculations.

Finally, said Mr. Nugent, the restaurant would not be designed to compete with local businesses; rather, its target customers would be guests of the Colonial Inn and, incidentally, a few year-round people.

Regarding the issue of trash collection, Mr. Nugent stated that all of the trash currently collected by the Colonial Inn was stored and then brought to the trucks via Winter Street. Contrary to intimations in the *Vineyard Gazette*, he added, it was collected in trash bags and not barrels. Food deliveries, he continued, would be brought in from Winter Street. Additionally, he said, under the proposed plan, the already-existing restaurant in the front of the building – Chesca's – would have more room in the basement to store their trash as well as food-product deliveries, hence cutting down the required number of truck trips on the busy downtown streets.

Regarding the 1-foot boundary referred to in the October 26 Hearing session by an abutter opposed to the plan [see page 10, paragraph 2 of the *Minutes of October 26, 2000*], Mr. Nugent had spoken to the architects and reviewed the site plans, and felt assured that the space between the building was, in fact, 3.5 feet.

Regarding the issue of the appropriate notification of the public of the Public Hearing, Mr. Nugent related that he had been assured by Commission Staff that proper notice had been given.

Mr. Nugent also addressed “the great liberty with math” a member of the public had taken when he had figured that turning over a 50-seat restaurant twice in one night amounted to 150 people; it would equal 100 customers, he said. And if you took 35 percent of that number (the portion of Inn guests that did not bring cars), it did not amount to 18 additional cars every evening, said Mr. Nugent. “It puts quite a bit of it to exaggeration,” he remarked, “and I guess we all try to achieve a certain thing here. But hopefully the truth will come out by a close review of the numbers that were presented in that presentation.”

Mr. Nugent also touched on the claim made in a package of materials distributed to the Commission members by Edgartown resident and local business owner Rob Kagan that the Colonial Inn would require 25 to 40 employees to run the new restaurant. “I think the numbers bear out, and the clear fact of a very visible restaurant to all of us on the Island at the airport – we do not need 25 to 40 employees to run a 50-seat restaurant,” declared Mr. Nugent.

Regarding the seats that would be delegated to the bar at the new restaurant – a question raised in the first Hearing session – Mr. Nugent related that five of the 50 seats in the new restaurant “would be designated to a bar area.”

Tristan Israel, the Selectmen's Appointee from Tisbury, asked how many more rooms the Applicant was planning to add to the hotel. “Ten more rooms,” replied Mr. Nugent. “And what is your anticipated increase in employees for those rooms?” wondered Mr. Israel. “There was one,” answered Mr. Nugent.

Staff Report.

David Wessling, the Commission's DRI Coordinator, described how he had looked into the matters brought up at the first session of the Hearing and that there was nothing

he could add to Mr. Nugent's presentation, with which he concurred. Had the proper notice requirements been followed? asked Ms. Brown. Yes, responded Mr. Wessling.

The only new correspondence, continued Mr. Wessling, was a letter from Rob Kagan which had simply confirmed many of the points he had made during the first Hearing session on October 26.

Questions from Commission Members.

Mr. Israel confirmed the number of parking spaces the Applicant leased from the Fligor family (28) and the number of rooms the Inn had presently (42).

Leonard Jason, Jr., the County Commission representative, asked Mr. Nugent what he had meant when he had said that the new restaurant would be for year-round residents as well as guests of the Inn; in other words, was the Inn going to be open year-round? "I would assume right now that this would be in operation for, say, 10 months out of the year," replied Mr. Nugent, "which would probably take it from closing down in November and reopening, say, in March."

Mr. Israel wanted to know how many businesses the Colonial Inn housed. "Seven to eight businesses, not counting the hotel business itself," answered Mr. Nugent. And where did their employees typically park? wondered Mr. Israel. "To be honest, I couldn't tell you where the tenants themselves park," said Mr. Nugent. "I think there are several tenants here, and they can probably answer that question."

Mr. Jason asked Mr. Nugent to describe how the hotel intended to encourage guests not to bring cars. Mr. Nugent outlined the hotel's program, which included the provision of shuttle tokens and VTA bus passes; in addition, the Colonial Inn brochure for 2001 would publicize that program. Mr. Jason also wanted to know how long the hotel's lease for the 28 spaces in the Fligor family's lot ran for. "As far as I know, I think, I believe, for another three years," replied Mr. Nugent, "and then it's renewable, I think, on three-year periods."

The Hearing Officer asked for testimony from Town Boards; there was none. She then asked for testimony from members of the public in favor of the proposal; there was none.

Testimony from Members of the Public in Opposition to the Proposal.

Rob Kagan of Edgartown, who has a business in the Colonial Inn Shops complex, wished to clarify what he had said with regard to the turnover of restaurant patrons. He had meant, he said, that there would be two turnovers each evening, in other words, that there would be three seatings in all.

Regarding the trash that was carried out on Winter Street, Mr. Kagan continued, currently the hotel used a pickup truck that was able to fit into the loading zone space on that street. However, he pointed out, with a 50-seat restaurant, something larger than a pickup truck would be needed for this purpose. In addition, the loading zone on Winter Street was not big enough to accommodate the trucks that would be delivering to the new restaurant.

Mr. Kagan went on that Mr. Nugent's comparison of the proposed restaurant with the 60-seat restaurant at the Martha's Vineyard Airport was not a valid one. "I would think you'd have to go to somewhere like the Daggett House or the Edgartown Inn for those kind of restaurants to compare what they're talking about as a restaurant [in the Colonial Inn]," he declared. Regarding the parking in the Fligor family's lot, he said, "that lot has been full during the summer over the years. I know that from staff. I know that from my own observations ..."

Finally, concluded Mr. Kagan, although Mr. Nugent had spoken about measures being taken next year to encourage hotel guests to leave their cars off-Island, he wondered if the Applicant would fail to carry out that plan, just as he had failed to make the bathrooms

public, as had been promised to the Town of Edgartown. Did the Commission have any recourse, should the Applicant fail to keep his promise? asked Mr. Kagan.

Marshall Cook, an abutter to the Colonial Inn, reiterated his concerns about the boundary which the plans showed to be only 1 foot, but which the Applicant was insisting was, in fact, 3.5 feet. In addition, he continued, Carol Fligor, the owner of the parking lot (who was present that evening), had told him that the lease was on a year-to-year basis and not a three-year one. Mr. Cook recommended that the Commission ask to see the lease to settle this issue.

Mr. Cook also expressed concern that the owner of the Colonial Inn had not made an appearance at either session of the Public Hearing. "It seems to me," he said, "that we're asking to sacrifice quality of life in Edgartown for some realty trust's return on investment.... I've yet to hear anything that says it's going to benefit Edgartown." Finally, said Mr. Cook, as far as using the Winter Street loading zone space was concerned, "one space is a joke, that is not realistic."

Jane A. Greene, the Selectmen's Appointee from Chilmark, asked Mr. Cook to clarify what he had said about the single loading zone space. Mr. Cook explained that the Tuscany Inn, located on the southwest corner of Winter and North Water Streets, had its own driveway for delivery trucks to back into. However, for the 15 to 18 shops in Nevin Square and the building that Mr. Cook's gallery occupied, there was only a single loading zone space on Winter Street.

Testimony from Members of the Public in General.

Carol Fligor – the owner of the Fligor building across North Water Street from the Colonial Inn as well as the owner of the parking lot where the Inn leased 28 spaces – noted that she had grown up in the Colonial Inn, which her grandparents had built. "I love it, I love what it used to be, and I love what it is now," remarked Ms. Fligor, who added, "In between [the original and the current ownerships], I can't say that I did love it, especially with all the drinkers who used to wake us up at night and so on." She remarked that since manager Linda Malcouronne had taken over, the Inn had "improved tremendously." Moreover, the Chesca's restaurant was "a wonderful addition to the Town," she said.

Ms. Fligor continued, "I can't say that I'm thrilled about the density that they want to do now. The parking is a problem. We rent to them a parking lot which has 28 spaces. It is full all summer long. Right now, their lease ends next year, and we're not sure what the future of it is. We do have four children who may want to build there in the next few years." Ms. Fligor mentioned that the Colonial Inn had been a "wonderful" tenant, and she praised the changes made earlier in the year to the front of the building.

Ms. Fligor added that she had rental properties herself and that she encouraged her tenants to use the Falmouth ferry that docked at Memorial Wharf, just down the street. She recommended that the inns and hotels in the area do the same.

Robert Manson, co-owner of Inspirations, one of the Colonial Inn Shops that would be eliminated with the planned renovation, remarked that given his position, he did not feel it appropriate to comment for or against the proposal. However, he said, he did have some information about the parking situation that might be useful for the Commission members to know. *[See page 4, paragraph 7 of these Minutes.]* He explained that the shopkeepers in the Colonial Inn Shops were not provided with parking spaces. Mr. Manson also mentioned that he and his wife had made "substantial improvements" to the space that they rented and that it would be difficult for them to find another space in Edgartown that was large enough to accommodate a furniture business like theirs.

Isabel Cook of the Cook Family Trust, owner of the Christina Gallery building on the northwest corner of Winter and North Water Streets, read aloud a letter she had written. She had been a neighbor of the Colonial Inn, she said, for almost 25 years,

through many owners and structural changes. "The main reason for the opposition to a project of this magnitude," she continued, "is the increased negative effect on the quality of life in this particular area of Edgartown."

Ms. Cook described the "incredible traffic" that already existed on North Water Street, where taxis, tour buses, and Federal Express and U.P.S. trucks constantly used the loading zone space in front of the Colonial Inn. Moreover, hotel guests often parked illegally, she said, while they unloaded their luggage. The situation was complicated, the letter went on, by the Chappy Ferry line that ran down Simpson Lane and crossed over North Water Street to Daggett Avenue, as well as the fact that there was no painted crosswalk in the area. Ms. Cook then described how the loading zone space on Winter Street had to service about 20 businesses in that area.

Ms. Cook also expressed concern about the way that employees from Chesca's restaurant dumped dishwater into the alley between their building and the Shiretown Inn, with the dirty water running out onto North Water Street and pooling on the corner in front of Ms. Cook's art gallery. She had repeatedly complained to the owner of the Colonial Inn, adding that "the Board of Health has recently put this activity on notice." Ms. Cook wondered if she would have to worry about the same sort of activity in the case of the new restaurant.

In addition, said Ms. Cook, there was already a problem with late-night noise in the area as well as garbage that was left by the revelers in the flower boxes of the local businesses. The new restaurant would only bring more late-night noise and debris, she said. Ms. Cook also mentioned the issue of where the employees for the new restaurant would be housed. Moreover, she added, the proposed plan called for giving up one or two apartments in the hotel that had been used to house employees.

Ms. Cook also noted that there was some confusion about how many rooms the hotel had currently. It was her impression that there were only 36 now and not 42. She also wondered if the additional hotel rooms would be used to promote more tour buses, which were too large for the narrow streets and which spewed soot and fumes into the nearby shops.

Finally, remarked Ms. Cook, "we need more property and business owners maintaining the interiors and the exteriors of the buildings which are already established in Town. If this were a project with the elegance of the Charlotte Inn or the Tuscany Inn and would improve the sophistication of the downtown area, it would be worth serious consideration. But it is not. It is an unnecessary project that will have a severe effect on the already delicate quality of life ..."

Joann Maxwell, a co-owner of Chesca's, said she wished to defend her business practices. Her dishwashers, she noted, swept out the alleyway next to the Shiretown Inn three times a day and then hosed it down. "We don't dump our dirty water in the street," she emphasized, adding that she had heard of no complaints from the Board of Health. Ms. Maxwell concluded by remarking that the Colonial Inn did provide "affordable, nice lodging" and that as far as establishments like the Tuscany Inn and the Charlotte Inn were concerned, it was "a little absurd to think the average person is going to spend between \$500 and \$800 a night for lodging. And I think the Colonial Inn has done a wonderful job by making affordable lodging under the \$200, even in the height of the season. That has to be taken into consideration."

Questions from Commission Members.

Linda Sibley, a Commission member at large from West Tisbury, asked if, in fact, employee housing would be lost if the hotel were renovated, as claimed by Ms. Cook. Mr. Nugent replied that he did not know of any employee housing in the hotel. "I don't know where that's coming from," he said. Michele Lazerow, a Commission member at large from Oak Bluffs, confirmed with Mr. Nugent that there were currently 42 rooms in the hotel and that after the renovations, there would be 52.

Megan Ottens-Sargent, the Selectmen's Appointee from Aquinnah, asked if there were employee rooms among the hotel rooms. No, responded Mr. Nugent, but there was an employee housing unit for nine over a shop on the Winter Street side of the building. Mr. Israel confirmed with Mr. Nugent that the new restaurant would require five to six new employees and that the additional 10 hotel rooms would call for one new employee.

Mr. Israel also wanted to know if there was a night shift at the hotel. "Typically not," answered Mr. Nugent. And was there housing for the six or seven new employees? asked Mr. Israel. Mr. Nugent replied that the current employee housing unit would probably handle the additional hotel employee but would not handle the new restaurant employees.

Robert Zeltzer, a Commission member at large from Chilmark, wondered if the Applicant had an alternate plan if he should lose the parking lot lease with the Fligors. "I believe their intent is to utilize the post office lot up in the Triangle as much as possible," said Mr. Nugent, "and I know they are looking at other areas where they'd be able to commute people back and forth via shuttle. I don't think it's appropriate for any comments to be made for obvious reasons - It might drive up the price of a purchase lease."

Ms. Ottens-Sargent asked how often the tour buses stopped in front of the hotel. Mr. Nugent said that he did not know for sure. It seemed to him that the buses came throughout the full season.

Benjamin Lambert Hall, Jr., a Commission member at large from Edgartown, wondered if any consideration had been given to using what used to be driveway frontage on Winter Street as an on-site loading zone area. "That could be entertained," replied Mr. Nugent, "I don't see any reason why not."

James Vercruysse, a Commission member at large from Aquinnah, wanted to know the details of the Inn's arrangement with the Town for the public use of the bathrooms on the first floor. Mr. Nugent responded that the two bathrooms on the first floor were open to the public; this had been instituted under an agreement with the Town for a variance several years before. Mr. Jason, the Edgartown Building Inspector, noted that the agreement had been made in 1985 or 1986.

Mr. Nugent then recounted how there had come to be "almost an over-abuse of the situation. People were coming from Chappy, changing their clothes, taking sponge baths, et cetera, in those bathrooms. It didn't lead to anything that was positive for Chesca's, it didn't lead to anything that was positive for the hotel, it didn't lead to anything positive from the public's point of view for downtown Edgartown."

So, Mr. Nugent continued, the employees at the hotel had begun to direct members of the public to the Town bathrooms on Church Street. In addition, the purpose of the swinging doors that had been put up was not to hide the bathrooms from the public, but to limit noise coming from the lobby going up the open staircase to the rooms and to protect the lobby from a view of the restaurant people going up and down to get things from the hotel basement.

Mr. Vercruysse asked Mr. Nugent to clarify whether or not the agreement with the Town regarding the bathrooms was, in fact, being honored. Mr. Nugent said that it was. Mr. Vercruysse also wanted to know what the Applicant saw as the public benefit of the proposed renovations. Mr. Nugent replied that the Applicant was providing more rooms in the middle price range and that the new restaurant would be offering affordable fare.

Ms. Sibley asked Mr. Nugent to clarify the relationship between the tour buses and the hotel. "There are some tour groups that stay at the hotel," said Mr. Nugent. "There are also other tour buses that come through town ..." He added that these were the same type of buses that stopped at the Harbor View Hotel up the street. "Do they stop and let

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people out?" Ms. Sibley wanted to know. "Yes, there's a loading zone there," answered Mr. Nugent.

John Early, the Selectmen's Appointee from West Tisbury, clarified the room count with Mr. Nugent, as well as where the employee housing unit was located. Mr. Israel requested that Mr. Nugent find out what provisions, if any, were being made for employee housing for the new restaurant workers. Mr. Israel also confirmed that the hotel would continue to be in the middle price range.

Rob Kagan made a few more comments, noting that: 1) there was only a single vacancy in the employee housing unit; and 2) during the shoulder season, there was usually one tour bus every two or three days. He added that the driver tended to keep the engines on so that the air conditioning would continue to operate while they waited.

Mr. Early requested that Mr. Nugent check with the Applicant about the precise room count, since Mr. Early's calculations wound up with a total of 54 and not 52 rooms after the renovation.

Ms. Brown asked Mr. Nugent if he would like to make any closing comments; he said he did not. Ms. Brown then closed the Public Hearing, leaving the Written Record open for one week. Chairman Toole called for a recess. The time was 8:35 p.m.

Edgartown, Mass. December 18, 2000
at 2 o'clock and 07 minutes P M
received and entered with Dukes County Deeds
book 817 page 370

Attest:

Deanne C. Powers Register