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THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557

DATE: March 30, 1989

TO: Zoning Board of Appeals, Town of Edgartown

FROM: Martha's Vineyard Commission

SUBJECT: Development of Regional Impact
RE: Conversion and addition of a residence
to an Inn.

APPLICANT: Juan and Claire DelReal
Box 640
Edgartown, MA 02539

DECISION OF THE MARTHA'S VINEYARD COMMISSION

SUMMARY

The Martha's Vineyard Commission (the Commission) hereby denies the Application of Juan and Claire DelReal for conversion and addition of a residence to an Inn as shown on the plans entitled: "92 Main Street, Edgartown, First and Second Floor Plan Existing Conditions Dated December 6, 1988; First and Second Floor Plan and South Elevation Proposed Renovations Dated January 27, 1989; Site Plan Existing and Proposed Conditions and Renovations Dated January 31, 1989; East and West Elevation Proposed Renovation Dated February 2, 1989", consisting of nine (9) sheets; "Design Plan for 92 Main Street, Edgartown, MA., prepared by Donaroma's Nursery and Landscape Services, Box 2189, Edgartown, MA. 02539, Dated January 1989", consisting of one (1) sheet; Dimensions and Square Footage of First and Second Floor Plan Existing Conditions and Proposed Renovations, Received by the Commission on February 13, 1989", consisting of four (4) sheets; Letter Report for 92 Main Street, Edgartown, MA., prepared by Atlantic Design Engineers, Inc., P.O. Box 1051, Sandwich, MA., 02563 Related to Impact Evaluation for Traffic, Sewer, Economic, Neighborhood and Affordable Housing, Dated January 27, 1989", consisting of eight (8) sheets; making a total of twenty-two (22) sheets, (the Plan).

The Zoning Board of Appeals of the Town of Edgartown shall not grant the appropriate development permits.

The Decision is rendered pursuant to the vote of the Commission on March 30, 1989.

FACTS

The proposed development is a Development of Regional Impact as defined by the Commission's Standards and Criteria, Developments of Regional Impact Sections 3.103 and 3.301. The Application was referred to the Commission by the Zoning Board of Appeals of the Town of Edgartown for action pursuant to Chapter 831 Acts of 1977 as Amended (the Act). The Application and Notice of public hearing relative thereto are incorporated herein. Martha's Vineyard Commission staff document exhibits are incorporated by reference.

A duly noticed public hearing on the application was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2 as modified by Chapter 831 on March 2, 1989 at 8:00 P.M. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts.

The proposal is for conversion and addition of a residence to an Inn qualifying as a DRI since the proposal is greater than 1,000 square feet and the application involves the alteration of an historic building.

James Young, Chairman of the Land Use Planning Committee (LUPC), read the DelReal Public Hearing Notice, opened the hearing for testimony, described the order of the presentations for the hearing, and introduced Greg Saxe, MVC Staff, to make his presentation.

Ms. Saxe reviewed staff notes using wall displays to depict current and proposed facilities, an assessor's map to depict surrounding uses and showed a short video of the site. Proposal: The building would serve as an annex to the Shiverick Inn located on the corner of Pease Point Way and Pent Lanes. First Floor, Existing: 2 small bedrooms, living room, dining room, 1 full bath, and 2 fireplaces, total square feet - 1,068. Proposed: 3 large bedrooms, 3 full and 1 half bath, a combination kitchen and laundry, a garden room, a conference room, and 4 fireplaces, added square feet - 756. Second Floor, Existing: 3 bedrooms and 1 full bath, total square feet - 630. Proposed: 2 bedrooms (1 very large), a library, 2 full baths, added square feet - 405, and a large deck = 459. The proposal enlarges the building by roughly 70%. Parking is increased from 2 to

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5 spaces which will occupy the majority of the Pent Lane frontage. Location: 92 Main St., Edgartown, next to St. Elizabeth's Rectory and across from the Methodist-Episcopal (Whaling) Church. Zoning: R-5 (abuts B-1) and Historic District - Previously had been zoned for business, the 3/13/73 Town Meeting voted to zone this block R-5 as a buffer and to maintain traditional character. Ownership: Applicant has Purchase and Sales contingent upon approval for use as an Inn. Permits must be approved before the April 15 closing date. Site History: March 1986 - Zoning Board of Appeals denies use as temporary offices for M.V. Community Services Counseling Center office. Reasons included need to avoid setting precedent of allowing commercial use on residential property. February 1984 - Application for special permit for retail use withdrawn. Note: In both cases testimony in opposition was received citing the importance of this R-5 historic "gateway" to the B-1 District. Both Pent Lane and Main St. were cited as significant in this testimony. Relationship to neighborhood: The lot is zoned residential. Adjacent uses on Main St. are St. Elizabeth's Rectory, the Whaling Church, and the Charles Marchant House. Of the six lots on this block (western side of Main St.) 2 are currently residential (includes property subject to this review), 2 offer rooms for rent, one is an Inn, and one is the Church and Rectory. The block's character as part of a traditional New England town center and as a non-retail buffer between business districts is created by the residential, civic and church uses, historic architecture, location, and setbacks. The area is the first block of downtown one sees as one enters Town after passing the B-2 District and Cannonball Park. After passing through the block on which the property is located one enters the shopping section of Town before arriving at the waterfront or diverting to the rows of Captain's homes and narrow streets. The integrity of the block is created by the scale of public buildings, historic homes, and setbacks and open spaces. History of Neighboring Uses: Lot #, Use, Non-Residential Use Approved: 56, Point Way Inn, ZBA Special Permit; 57, Residential, Conforming; 58, M.Patch - Lodging House, Pre-zoning; 59, Charles Marchant - Lodging house, Pre-zoning; 60, Applicant; 61, St.

Elizabeth's Rectory; 62, Whaling (Methodist) Church; 64, Dr. Fisher House/Town Offices, Zoning Board Appeals; 65, Residential, Conforming.

Note: A "Lodging House" is different from an Inn in scale in that the owner lives on site and is a less intensive operation which does not require a special permit, only a license from the Selectmen. Site

Treatment: In addition to the significant changes to the building itself, an outdoor patio, parking, fences, lit walkways, and landscaping will result in a complete change in the lot character from a quaint house with yard, to a precisely arranged Inn and outdoor public space. The most significant impact will be perceived from Pent

Lane where the existing home and lawn are one of the few remaining which do not appear to be used as multiple unit apartments with

frontage dominated by parking. Sewage: A permit has been issued by the Sewer Commission for use by a maximum of 10 persons. Traffic:

Vehicle ITE (1983) 10.2 vehicle trips/day/room. Proposed Inn Annex 5 rooms = 51 vehicle trips/day. Using adjustment factors for local conditions the applicant's consultant estimates 19 annual - 26

seasonal trips for the residence, and 40 annual - 54 seasonal trips for the proposed Inn Annex. The poll conducted of Inns indicates that

less trips will actually occur. Pedestrian Downtown Edgartown (B-1 District) traffic history is mainly pedestrian oriented. The 1986

Downtown Edgartown Transit/Traffic/Parking study revealed pedestrian volume of 1,300 persons per hour between 11:00 A.M. & 3:00 P.M. on Main Street on a July weekday. Study estimates that 1,600 pedestrians

per hour for a typical weekday in August. In addition pedestrian traffic increases substantially during inclement weather. The study

also noted that pedestrian flow is often impeded by narrow sidewalks, parked cars, and moving vehicles in the street. A police officer is

stationed at the intersection of lower Main Street and Water Street to control the vehicular/pedestrian movements. Need for Proposal:

Currently 631 hotel rooms are available in Edgartown in the summer and 234 in the winter. To maintain current population to accommodations

ratio 99 more rooms will be needed by 1995. Conversion to and Inn operation will provide needed jobs as well. Concerns: Loss of "Lane"

character of Pent Lane as one more parking lot is added to a road

beginning to be dominated by parking. Change of character of lot from inconspicuous, quaint historic home to polished business which may include signage. As projections show, Inn guests may not and are discouraged from bringing cars to the Island, has the applicant considered operating some type of shuttle or van service. The combined available space of the garden and conference rooms, patio and deck exceeds that needed for 10 seats. (10 is the maximum number of persons allowed in the sewer permit.) Will these be used for functions at which persons other than the annex guests will attend (e.g. wedding receptions, conferences with guests of main Inn building)? Will these facilities be used for catered events? Is this a conflict in a residential neighborhood? Would meals other than breakfast be served? Bedrooms and accessory rooms are large, use limit established by sewer commission should be incorporated in the Decision. What is capacity of breakfast/garden room? How will Sewer Commission 10 user limit be enforced in terms of guests of guests?

Correspondence: FROM: Edgartown Selectmen (signed by two members), DATE: February 23, 1989, Oppose conversion, the Board's opinion is that the building should remain a residence, and that historic qualities should not be altered. They question the need for another inn in light of current problems including traffic and parking management. FROM: John and Ruth Galvin, DATE: February 21, 1989, Are abutters across Pent Lane, in opposition, they cite currently overloaded sewer system, purpose of historic district, incremental conversion of Pent Lane from residential neighborhood to service and parking facility for businesses. FROM: Form letters signed by - S. Warriner, L. Fischer (Edg. Hardware), C. Berger (Past and Presents), I. Cook (Vineyard Vignettes), C. Canerdy, P. Graham (Edg. Market Management), P. Sheehan (Edg. Drug), E. Kopec (Bay Farms Realty), P. Weidman (David Ryan's), J. Boyle (Attorney), R. Mathiesen (Tashtego Associates). In support, contributes to diversity of available services and year round employment. Use is appropriate in the location. Would have favorable economic impact on Island. FROM: Zoning Board of Appeals (ZBA), Previous correspondence pertaining to applications submitted by previous owners. These were

for temporary use by Community Services (1986) and for retail sales (1984). The former was denied, the latter withdrawn. Information submitted by ZBA for the current application includes: Public Hearing Notices, Minutes, Decisions, material submitted by applicants supporting proposal and correspondence. The Community Services application prompted the Planning Board to request that B-1 parking regulations be applied, and ZBA and public opinion against setting a precedent for non-residential site use. The retail application prompted correspondence prior to the withdrawal at the Public Hearing strongly opposing loss of residential/historic character and function. Mr. Saxe then answered questions from the Commissioners.

Mr. Evans, Commissioner, asked who forecasted the room needs for 1995? Mr. Saxe responded that the applicant had contracted Atlantic Design. Mr. Evans asked if these forecasts were based on future Island population? Mr. Saxe responded no, on Edgartown populations. Mr. Evans questioned if this was a good way to calculate the needed number of rooms, relating it to populations counts,

Mr. Lee, Commissioner, asked this was changed to the current zoning, residential, in 1973, what were the reasons? Mr. Saxe responded that he had not reviewed the minutes from the meeting however he did discuss it with Mr. Bettencourt and Ms. Brown and they indicated that a review of the area showed little retail and since it was already serving as a buffer between the B-2 and the downtown district the determination was made that this should be maintained because of its significance as the approach to the downtown and waterfront areas.

Ms. Harney, Commissioner, asked if this is a residential zone why is it before us? Doesn't the Zoning Board of Appeals determine if this use is appropriate in this zone? Mr. Saxe responded yes.

Mr. Filley, Commissioner, asked about the sewer permit, is it current? Mr. Saxe responded it is an existing permit for a maximum of 10 persons.

Mr. Young asked Mr. Saxe to show on the assessor's map where this residential zone abuts the B-1? The response was from Church St. to the bay on one side and on the other side it follows School St.

beyond Pent Lane. Mr. Young then asked, from the elevation plans the 2nd floor dormer appears to have a flat roof, is that true? Mr. Saxe responded it appears to be from the elevations.

Mr. Lee asked for a history of the house? Mr. Saxe stated he didn't have details, however, he knows that the kitchen portion, to be removed, was a recent addition.

When there were no further questions for Mr. Saxe, Mr. Young called on the applicant to make his presentation.

Mr. DelReal, applicant, wanted to address some of the questions he has heard. Concerning the sewer situation we are currently on Town sewer and have a permit to convert the existing 5 bedroom residence to a 5 bedroom Inn. Since there will be no additional sewage the Sewer Commission has no objections. Concerning the question of why it is here instead of at the Zoning Board of Appeals it is my understanding that the potential change in use involving 1,000 sq. ft. puts the jurisdiction here prior to the ZBA. Concerning the zoning in the area, refer to the assessor's map in the staff notes, everything shaded is not residential. In the 5 block area around this site approximately 70% happen to be non-residential uses. Concerning the questions of the dormer roof, it is a flat roof. The Historic Commission hasn't had official input because they must follow the MVC and the ZBA to determine what is permitted or not. We have, however, had an unofficial meeting. They indicated their main concern is that we not affect the front of the property on Main Street. There were changes in the window/dormer design and the chimney was realigned based on their comments. The unofficial indications is that they have no problem with the concept/approach that was used. The kitchen is the only section of the building to be removed and that was an addition done in the 1950s. The original building constructed somewhere around 1780-1790s will be unaffected. The interior space will be changed. There is nothing historic about the kitchen that would be lost. Concerning the past uses it has been rental property during its currently ownership, there has been no year-round residents. During the summer-fall season it is rented on a weekly basis and because of the cost of rental 10 people per week or more

stay there. That is according to Father Joe at the rectory next who also stated that there is a lot of activity and noise there because so many people rent it at one time. Mr. DelReal then ask Mr. Saxe to show the video depicting the current Shiverick Inn. stated that he and his wife purchased this Inn in 1987 and immediately closed it down for approximately 11 months for restoration. The amount of detail was super in terms of restoring the 1840's house to the smallest detail. For an example we replaced Mexican tiling on the floor of one room with original barn wood we found and milled to match the existing flooring. The reason I point this out is because we intend to use the same attention to detail used at the Shiverick Inn in this proposal. Anything the Historic Commission determined is necessary I would have to follow. Personally I am interested in restoring it as closely as I can to the character of that period. I have taken pictures of the rear of the site to show that the landscape character will not be changed, if anything it will be enhanced. I have submitted the photos for the record. This landscaping is Donarom's concept of the property. The questions of sewer monitoring can be addressed by stating that they can inspect the system anytime. There is a lot of non-rental space. The intent is not to convert it. I would be interested economically in more rental space but due to Historic Commission restrictions this is all I can do. The possibility of using the social functions was addressed both by LUPC and in the staff notes. I want to point out that the conference facilities will be used for that, conferences. Sometimes the main house is rented as a whole. If they want conference facilities, there are none currently existing. In the Main Inn, we use the breakfast room. This would accommodate people who want to rent the Inn as a whole. Many of the rooms in the Main Inn were converted to rental space by the past owner. We chose not to convert them back to a library, a garden room, for common use. I feel that any Inn that wants to promote comfort needs more places to go than just a bedroom and that is our purpose here. Mr. DelReal answered questions from the Commissioners.

Ms. Eber, Commissioner, asked what meals would be served? The response was only breakfast. In order to cut down on overhead we

to serve most breakfasts out of the Main Inn. There will be some reasons for having it here, at the Annex, for instance if the whole house is rented by one group. That is why the kitchen facilities were incorporated, but for day to day operations we will use the Main Inn breakfast facilities.

Ms. Medeiros asked about the provisions for employee housing? Mr. DelReal responded that they currently house some staff at the Main house and those they can't accommodate are given a housing subsidy.

Ms. Harney asked if after the sewer moratorium you have plans to convert rooms to rental uses? Mr. DelReal stated absolutely not. As with the Shiverick Inn we feel that the common areas are important for the comfort and pleasure of the guests. Ms. Harney asked, didn't you state you would like more rooms? Mr. DelReal responded yes, but not by converting common areas, the deck for instance is a wasted space that could be utilized for additional rental area.

Mr. Filley asked how this building would be accessed? Mr. DelReal responded the first floor entrance on Main St. has been block by the configuration of bedroom #1. The entrance would be through the back along the brick path. Concerning the 5 parking spaces and the impact on the Pent Lane area, he would like to eliminate all these parking spaces. We have 10 spaces currently at the Shiverick Inn and we have found that not more than 4 guests bring their cars at one time. We persuade them not to bring them. We have more than enough currently and don't need more. We could preserve a lot more lawn. Mr. Evans asked if this design is based on the zoning by-laws? Mr. DelReal responded yes, we must have one parking space for each guestroom. Mr. Young stated that in past DRIs we have discussed the option of making a monetary contribution to the public transit system in lieu of parking. Mr. DelReal stated it is my understanding that is only in the B-1 district.

Ms. Medeiros asked if the people staying at this Annex would be greeted at the Main Inn? The response was yes they would be greeted, given room assignments and then escorted to the Annex by Inn personnel.

When there were no further questions for Mr. DelReal, Mr. Young

called upon Town Board testimony, there was none. He then called on public in favor then public opposed to the project. There was none. When there was no closing statement from the applicant, Mr. Young closed the public hearing at 9:00 P.M. with the record remaining open for one week.

Following the close of the public hearing the following correspondence was received for the record: From: Hans van Lohuizen, owner of property across Pent Lane, wholeheartedly supports project. The letter states that whosoever buys the property will upgrade it and that the DelReals have proven their quality as well as their commitment to the year round community. The letter points out that the structural changes will be to the rear of the lot and therefore have no effect on the appearance of the property from Main St.

FROM: Juan del Real, dated March 22, 1989. The letter addressed concerns expressed at LUPC. 2 points: (1) Parking: Commission expressed concern over expansion in parking that would detract from the quaint garden look. The applicant does not believe that parking beyond the existing 2 spaces would be required, accordingly, if the Commission so desires, we would agree to a modification of our proposal to include only the existing 2 parking spaces. (2) Conference Room: The conference room would be limited to guests who are staying at the Shiverick Inn and no more than 14 to 17 persons would attend a conference. Once we eliminated from that number the 5 guests staying at 92 Main St. it become apparent that no more than 9 to 12 people would be required to walk on Pent Lane for conferences. If the Commission so desires, however, we are prepared to eliminate the Conference Room from our construction plan and use the space instead of an enlarged Garden Room. Responding to the Selectmen's concern that the property should retain its residential character, we are prepared to take the following steps: (1) move our family quarters to 92 Main Street; (2) reduce the scope of the project from 5 to 4 guestrooms; (3) post no signs in front of the property (other than a small plaque to be affixed to the facade of the building); and (4) restrict access to the property so that only one guestroom would be accessed through Main Street.

FINDINGS AND CONDITIONS

The Commission has considered the application and the recommendation presented from the Land Use Planning Committee meeting, the public hearing, and discussions during its decision deliberation and based upon such consideration, makes the following findings pursuant to Section 14 of the Act:

1. The Commission is unable to find that the probable benefits of the proposed development will exceed the probable detriments of the proposal in light of the considerations set forth in Section 15 of the Act and indeed finds to the contrary. Specifically, the proposed development is found to be in conflict with the general purpose of the Commission as stated in Chapter 831, Acts of 1977, as Amended, namely the protection of the health, safety, and general welfare of Island residents and visitors, by preserving and conserving the Island's unique natural, historical, ecological, and cultural values and by protecting these values from development uses which would impair them or cause irreversible damage to them.

2. Pursuant to Section 15 of the Act, the Commission has considered whether the proposed development at this location is or is not essential or especially appropriate in view of the available alternatives on the Island of Martha's Vineyard.

a. THE COMMISSION FINDS THAT THE APPLICATION, AS SHOWN ON THE PLANS, IS NOT ESSENTIAL OR ESPECIALLY APPROPRIATE AT THIS LOCATION. THE MASS AND SCALE OF THE PROJECT, AS PRESENTED IN CONJUNCTION WITH THE CONVERSION TO AN INN FROM A RESIDENCE, IS TOO GREAT AT THIS LOCATION.

b. THE PROPOSED DEVELOPMENT IS WITHIN A RESIDENTIALLY ZONED AREA OF EDGARTOWN, WHICH ACTS AS A BUFFER AND HISTORIC GATEWAY TO THE TOWN'S BUSINESS DISTRICT. THE COMMISSION FINDS THAT THE PROPOSAL WILL CHANGE THE CHARACTER AND PATTERN OF THE NEIGHBORHOOD, ESPECIALLY FROM PENT LANE.

3. Pursuant to Section 15 of the Act, the Commission has considered the question of whether the proposed development will favorably or

adversely affect other persons and property, and if so, whether because of circumstances peculiar to the location, the effect is likely to be greater than is ordinarily associated with the development of the types proposed.

- a. THE COMMISSION FINDS THAT THE DEVELOPMENT, AS PROPOSED IN THIS MANNER, IS MORE LIKELY TO HAVE AN ADVERSE EFFECT ON OTHER PERSONS AND PROPERTY WITHIN THE NEIGHBORHOOD. SPECIFICALLY, THE PROPOSAL ENLARGES THE EXISTING BUILDING BY APPROXIMATELY 70% AND INCREASES PARKING IN A RESIDENTIAL AREA. THE POTENTIAL EXISTS FOR INCREASED INTENSITY OF USE, ESPECIALLY AS AN ANNEX TO A LARGER SCALE INN LOCATED ELSEWHERE IN TOWN.

4. Further, and pursuant to Section 14 and Section 15 of the Act, the Commission has considered the questions of whether the proposed development is consistent with municipal development by-laws and whether the proposal will interfere with the ability of the municipality to achieve the land use objectives in the Town's general plan.

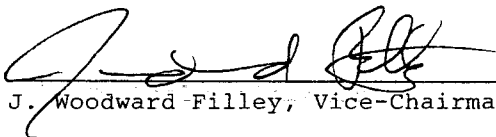
- a. THE COMMISSION FINDS THAT THE INTENT OF THE TOWN'S BY-LAW AND GENERAL PLAN IS TO MAINTAIN THE TRADITIONAL RESIDENTIAL CHARACTER IN THIS HISTORIC DISTRICT OF THE TOWN. IN THIS REGARD, THE PROPOSED DEVELOPMENT MAY BE INCONSISTENT WITH THE TOWN'S PLAN. THE RISK OF INCONSISTENCY, AT THIS TIME, IS TOO GREAT FOR THE COMMISSION TO APPROVE THE APPLICATION AS PRESENTED.

The Commission disapproves the development application and denies permission to the Zoning Board of Appeals of the Town of Edgartown for the granting of the necessary development permits.

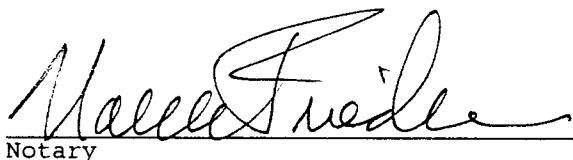
The Applicant may modify the development proposal and/or submit a new proposal to the Zoning Board of Appeals in the Town of Edgartown.

The Decision is written consistent with the vote of the Commission: March 30, 1989.

Any party aggrieved by a determination of the Commission may appeal to the 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 Town Clerk in the Town in which the proposed development is located.


J. Woodward Filley, Vice-Chairman

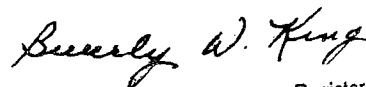
3/31/89
Date


Notary

3/31/89
Date

NORMAN FRIEDMAN
NOTARY PUBLIC
My commission expires Nov 2, 1990

Wegartown, Mass. April 6, 1989
at 10 o'clock and 40 minutes A M
Received and entered with Dukes County Deeds
book 519 page 031

Attest: 
Register