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Decision of the Martha's Vineyard Commission

DRI 614 – Harbor View Hotel Expansion

1. SUMMARY

- Referring Board: Historic District Commission, Town of Edgartown, MA
- Subject: Development of Regional Impact #614
Harbor View Hotel Expansion
- Project: Addition, demolition, renovation, and new construction at the Harbor View Hotel.
- Owner: Scout Harbor View Property 1 LLC; Sean Murphy (Lawyer/agent)
- Applicant: Scout Harbor View Property 1 LLC; Sean Murphy (Lawyer/agent)
- Applicant Address: 12 Oak Street, Nantucket, MA 02554
- Project Location: 131 North Water Street, Edgartown Map 20b Lot 107 (3.88 acres)
- Description: Addition, demolition, renovation, and new construction at the Harbor View. The reconfiguration and renovation of the function facilities of the 1st floor of the main hotel building will add 5,436 square feet. There would be 6,057 square feet of new space on the 2nd, 3rd and 4th floors. The Mayhew Building would be demolished and replaced with 5 smaller cottages. Other hotel facility changes are a new swimming pool, a Children's Program Room, a small day-spa for hotel guests, a transient guest lounge, and new landscaping. The total square footage of all buildings would rise from 91,277 sf to 113,564 sf, an increase of 19,287 sf. The number of units would drop from 116 to 68, rooms would drop from 120 to 117, and bedrooms would go from 134 to 139. The project will be done in two phases.
- 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 July 10, 2008.
- Written Decision: This written decision was approved by a vote of the Commission on July 24, 2008.

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

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 April 11, 2008 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 3.301a and 3.301b. 3.301 Any development of commercial, storage, office and/or industrial lands or building(s), or any private educational facility that has: a) new construction totaling 2,000 square feet or more of floor area in one or more buildings; or b) new construction of addition(s) or auxiliary building(s) totaling 1,000 square feet or more of floor area, such square footage resulting in a total square footage of 2,000 feet or more. The project was reviewed as a Development of Regional Impact by the Martha's Vineyard Commission.

2.2 Hearings

Notice: Public notice of a public hearing on the Application was published in the Vineyard Gazette, May 2, 2008.

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 Thursday May 15, 2008 that was continued to June 5, 2008 and continued for the sole purpose of keeping the written record open until June 18. The public hearing was closed on June 19, 2008.

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 "Harbor View Hotel, DRI #614, Summary of Proposed Development, Prepared for the Martha's Vineyard Commission", consisting of the following 11 plans, elevations, and before and after images, May 15, 2008
- P2 "Harbor View Hotel - Existing and Proposed Overlay Plan", Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., May 15, 2008.
- P3 "Harbor View Hotel - Main Building Existing and Proposed Front Elevations", Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., May 15, 2008.
- P4 "Harbor View Hotel - Mayhew, Fisher, and Pease Cottages Elevations: Cottage Type 1", Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., May 15, 2008.
- P5 "Harbor View Hotel - Martin Cottage Elevations: Cottage Type 2", Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., May 15, 2008.
- P6 "Harbor View Hotel - Bradley and Morse Cottage Elevations: Cottage Type 3", Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., May 15, 2008.

- P7 "Harbor View Hotel – Snow Cottage Existing", Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., May 15, 2008.
- P8 "Harbor View Hotel – Snow Cottage Proposed Elevation", Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., May 15, 2008.
- P9 "Harbor View Hotel – Before and After View of Path", Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., May 15, 2008.
- P10 "Harbor View Hotel – Before and After View from Harbor", Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., May 15, 2008.
- P11 "Harbor View Hotel – Before and After View from the Road", Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., May 15, 2008.
- P12 "Harbor View Hotel – Bradley Cottage: Existing", Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., May 15, 2008.
- P13 "Harbor View Hotel – Historic District Commission Submission: Phase III Architecture & Phase II Landscape", Consisting of 50 Pages, Prepared by Hart Howerton, Planning, Architecture; and Landscape Architecture P.C., March 4, 2008.

2.4 Other Exhibits

- E1. Referral to the MVC from the Edgartown Historic District Commission April 11, 2008
- E2. Staff Report, by Paul Foley, MVC DRI Coordinator, with the assistance of other staff members, April 28, 2008 and revised May 15, 2008.
- E3. Photographs of the site, taken on June 19, 2008 by MVC staff members, Paul Foley and Mark London.
- E4. Letter from Patricia Rogers, dated May 1, 2008.
- E5. Letter from Lynn Allegaert, dated May 13, 2008.
- E6. Letter from Richard Leonard, dated May 15, 2008.
- E7. Letter from Margaret White, dated May 13, 2008.
- E8. Letter from Adam Bresnick, dated January 1, 2008.
- E9. Letter from Patricia and Robert Wheeler, dated May 15, 2008.
- E10. Letter from Jay Banker, dated May 11, 2008.
- E11. Letter from Doris Ward, dated May 8, 2008.
- E12. Letter from Kristin Buck, dated May 12, 2008.
- E13. Letter from Michael McCormack, dated May 7, 2008.
- E14. Letter from Christina Cook, dated May 15, 2008.
- E15. Letter from Andre Mallegol, dated May 15, 2008.
- E16. Minutes of the Commission's Land Use Planning Committee meeting, April 28, 2008.
- E17. Minutes of the Commission's Land Use Planning Committee meeting, June 30, 2008.

- E18. Minutes of the Commission's Public Hearing, May 15, 2008.
- E19. Minutes of the Commission's Continued Public Hearing, June 5, 2008.
- E20. Minutes of the Commission Meeting of July 10, 2008 – Deliberations and Decision.
- E21. Minutes of the Commission Meeting of July 24, 2008 – Approval of the Written Decision.

2.5 Summary of Testimony

The following is a summary of the principal testimony given during the public hearing.

- Presentation of the project by: Sean Murphy; Thad Hyland; Alan Worden; John Daly; John Murray.
- Staff reports by Paul Foley, MVC DRI coordinator; Bill Wilcox, MVC Water Planner; Mark London, Executive Director.
- Letters from citizens of Martha's Vineyard.
- Oral testimony from Town Boards or members of Town Boards:
- Oral testimony from Public: Lynn Allegaert; Patricia Rogers; Patricia and Robert Wheeler.

2.6 Party Status

- The following individuals requested and was granted party status: Patricia Rogers

3. FINDINGS

3.1 Project Description

- The proposal includes additions, demolition, renovation, and new construction at the Harbor View Hotel in Edgartown.
- The site is an almost four-acre (3.88 acres) lot that has been the campus of the Harbor View Hotel since 1891.
- The form of ownership will change to a hotel/condo structure in which individual owners will own the guest suites but the Applicant anticipates the majority of those will be put back into the rental program.
- The improvements would include the reconfiguration and renovation of the function facilities of the 1st floor of the main hotel building with the addition of 5,436 square feet and the addition of 6,057 square feet of space within the existing footprint on the 2nd, 3rd and 4th floors.
- Demolition of the Mayhew Building (a 1970-era motel-like structure) and replacement of it with 5 smaller cottages.
- Renovation of the existing Captain Snow cottage. The Captain Morse and Captain Bradley cottages will be removed and two new cottages constructed in their place.
- Other hotel facility changes consist of a new swimming pool, a Children's Program Room, a fitness center, a small day-spa for hotel guests, a transient guest lounge, and new landscaping.
- The total square footage of all building would rise from 91,277 sf now to 113,564 sf. An increase of 19,287 sf.
- The number of units would drop from 116 to 68, the number of rooms would drop from 120 to 117, and the number of bedrooms would rise from 134 to 139.
- The pool would be relocated and be solar heated.
- The project will be done in two phases: Phase I will include the renovation/rebuilding of the Bradley, Morse, and Snow cottages, construction of the Martin and Pease Cottages. Phase II will

be the renovations to the Main Building, and Function Rooms, and the demolition of the Mayhew Building and construction of the Penniman and Fisher Cottages.

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 IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(a) OF THE ACT.

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

The Commission finds that the proposed renovations to the Harbor View Hotel, which has been located at this site since 1891, would represent a beneficial upgrading to this facility which is important to the character and economy of Edgartown and the Island as a whole.

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 hotel is and will remain connected to the Town sewer. The Commission notes that they plan to replace 3 gallon per flush toilets with new 1.6 gallon per flush toilets. They will also replace aging fixtures and create a water conservation program, thus reducing the amount of wastewater generated by the property. The Commission notes that the Applicant has taken measures to improve the stormwater runoff situation.

With respect to Open Space, Natural Community and Habitat, the Commission finds that the buildings will have a greater overall footprint, with a corresponding reduction of open space, but notes that the in-town site is and will be professionally landscaped.

With respect to Night Lighting and Noise, the Commission finds that all exterior lighting will be down lighting.

With respect to Energy and Sustainability, the Commission finds that the project will make the hotel buildings more energy efficient, that all new construction and renovations shall be high performance and well insulated, and that the Applicant will design and construct the buildings to meet the federal EnergyStar standards and exceed the Massachusetts Building Code by at least 20%.

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

With respect to Traffic and Transportation, the Commission finds that the renovations will not significantly change the capacity of the hotel, though they may increase its use in the off-season.

With respect to Scenic Values, Character, and Identity, the Commission finds that the project is in keeping with the character of the old hotel and the area.

With respect to the Impact on Abutters, the Commission finds that the Applicant has worked with its neighbors and has apparently addressed their concerns.

With respect to the Construction Process, the Commission finds that the project will be constructed in phases during the off-season between Columbus Day Weekend and early May for Phase 1 and September to June for Phase 2.

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 Applicant has offered an affordable housing contribution of \$107,072 to the Edgartown Affordable Housing Committee upon receipt of the Certificate of Occupancy for the entire project. The Commission notes that the applicant has offered to continue to provide housing for 97 employees (mostly seasonal) at a reduced cost.

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

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).

The Commission notes that the development is consistent with the policies of the Martha's Vineyard Commission Regional Policy Plan, adopted by the vote of the Martha's Vineyard Commission, June 1991.

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 in light of 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 as noted previously in section A8 of this decision.

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 finds that the project is subject to Special Permit review by the Zoning Board of Appeals and review by the Edgartown Historic District Committee.

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 site is not located within any District of Critical Planning Concern (DCPC).

4. DECISION

The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on July 10, 2008 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 July 10, 2008.

- Voting in favor: James Athearn; John Breckenridge; Christina Brown; Pete Cabana; Mimi Davisson; Chris Murphy; Jim Powell; Doug Sederholm; Susan Shea; and Richard Toole.
- 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 July 10, 2008 and was approved by vote of the Commission on July 24, 2008.

5. CONDITIONS

After reviewing the proposal for this Development of Regional Impact, the Martha's Vineyard Commission imposes the following conditions in order 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. If the Commission 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 attorney's fees and costs incurred in obtaining judicial relief.

1 Building Materials

- 1.1 As offered by the Applicant, prior to the removal of the Morse, Bradley and Snow cottages the Harbor View shall:
 - a) Donate the furnishings, bedding, linens, etc. that are not being re-used to families identified by Martha's Vineyard Community Services and the Dukes County Regional Housing Authority.
 - b) Remove all usable building materials from the structures and provide them at no cost to any island residents that desire to take them from the site.

2 Affordable Housing and Employee Housing

- 2.1 As offered by the Applicant, the applicant shall make a contribution of \$107,072 to the Edgartown Affordable Housing Committee upon receipt of the Certificate of Occupancy for the finished project.
- 2.2 As offered by the Applicant, the applicant shall provide affordable housing for a portion of its employees annually by renting 22 houses seasonally and 3 houses year-round at market rates and only requiring the employees to reimburse a percentage of the cost.
- 2.3 As offered by the Applicant, the applicant shall continue to provide furnishings, bedding and other items to affordable housing.

3 A.D.A.

- 3.1 As offered by the Applicant, the property shall comply with all ADA regulations including having 6 accessible units (5% of the available units, per ADA regulations) and 4 accessible parking spaces.

4 Traffic, Parking

- 4.1 As offered by the Applicant, the applicant shall:
- a) maintain the entrances and exits to the property as they were prior to the proposed renovations,
 - b) limit its function capacity to 306 people,
 - c) provide alternate transportation and parking for any non-hotel guest function (ie: people not staying at the hotel) of over 140 people that occurs between June 15 and October 15,
 - d) provide traffic mitigation by providing 55 employees with bus passes annually, continuing to provide van transportation for its guests to and from the boats and airport, continuing to require that its employees that do drive (other than those employees parking at the Fuller Street lot, which are senior employees) to park at the Edgartown Park and Ride lot and take the shuttle to town, and continuing to provide bicycles for its guests to use at their leisure.
- 4.2 As offered by the Applicant, the applicant shall provide parking for 63 vehicles (4 of which are handicapped spaces) on the property and 14 guest parking spaces and 12 employee spaces at the Fuller Street parcel thereby keeping the overall guest parking at 77 spaces. The new parking lot at the rear of the property shall not be paved with asphalt, but shall have a pervious surface.

5 Recycling

- 5.1 As offered by the Applicant, the applicant shall continue its recycling plan consisting of the recycling of glass, office paper, newspapers, cardboard, metals, computers, waste paints and solvents, brass keys, refrigerant gas, grease from the fryers, old batteries, televisions, waste oil from lawnmowers, conversion of old towels into rags, old sheets into drop cloths and copper piping. The applicant shall continue to donate linens and bedspreads to staff, the Boys & Girls Club and others in need.

6 Landscaping

- 6.1 As offered by the Applicant, a final landscape plan shall be submitted to and is subject to the approval of the LUPC prior to the initiation of the landscaping. This landscaping shall include extensive screening between the subject property and the abutting properties to continue to provide its neighbors privacy.

7 Lighting

- 7.1 As offered by the Applicant, all of the exterior lighting on the property shall be down lighting.

8 Stormwater

- 8.1 As offered by the Applicant, the water runoff on the property shall be directed to dry wells and recharged in to the groundwater. A presently impervious parking lot is being replaced by a pervious parking lot. The applicant shall install a drain to alleviate runoff on to Fuller Street from

the southern entrance from the property to Fuller Street to the specifications of the Edgartown Highway Department.

9 Water

- 9.1 As offered by the Applicant, dual flush toilets shall be installed in the employee areas and public areas. The present 3.0 gallon flush toilets in the units shall be replaced by 1.6 gallon flush toilets.

10 Energy

- 10.1 As offered by the Applicant, the outdoor pool, which is currently heated by oil shall be solar heated.
- 10.2 As offered by the Applicant, all project improvements contemplate green systems and materials wherever possible to address the energy inefficiency of the pre-2007 buildings. The applicant shall:
- a) Install a high-efficiency propane HVAC system that shall be as energy efficient as possible and exceed energy performance & CFC reduction criteria.
 - b) Implement guest programs for energy savings, light sensors, fan timers, motion controls, etc.
 - c) Make all new construction and renovations high performance, well insulated, including icynene insulation.
 - d) Install low-energy insulated windows in all new construction
 - e) Retrofit the property with propane rather than oil.
 - f) Implement a lighting plan for the property that shall reduce the amount of incandescent lighting on the property through a combination of compact fluorescent bulbs and LED lighting.
 - g) Make the roofs of all new buildings a light color to reduce glare and heat gain
 - h) Install televisions and the few appliances that are in some units that shall be EnergyStar rated.
- 10.3 As offered by the Applicant, the applicant is presently seeking and anticipates receiving LEED Certification.
- 10.4 As offered by the Applicant, all of the above shall exceed the Massachusetts Building Code by a minimum of 20%. As the specific insulation and windows have not yet been selected, the Applicant shall provide a final lighting plan and energy analysis to the MVC staff at the time of the building permit application showing that the project meets federal Energy Star standards and exceeds the Massachusetts Building Code by at least 20%.
- 10.5 As offered by the Applicant, the applicant is currently purchasing all of its electricity from hydroelectric and wind energy plants in Maine. The applicant will continue this practice so long as it remains economically feasible.

11 Community Benefits

- 11.1 As offered by the Applicant, the applicant and/or a foundation established by the applicant shall make contributions to the community in the annual amount of \$50,000 in direct grants and \$50,000 of in-kind donations.
- 11.2 As offered by the Applicant, the applicant shall continue to provide function space in the off-season to Island non-profit groups at cost.

12 Phasing and Minimizing of Impact of Project

- 12.1 As offered by the Applicant, the construction of the improvements at the property shall occur under the following schedule:
- a) Phase 1 (removal and replacement of Captain Snow Cottage, Captain Bradley Cottage and Captain Morse Cottage, construction of Captain Martin and Captain Pease Cottage, installation of lock-offs in the Captain Huxford Cottage) will occur from October 15, 2008 until June 30, 2008.
 - b) Phase 2: (removal of Mayhew Building, removal and replacement of pool, construction of Captain Penniman and Captain Fisher Cottages, Main Building construction) will occur from early September, 2009 until June 30, 2010.
- 12.2 All work shall be coordinated so as to provide the least amount of impact to the abutters and neighborhood.
- 12.3 The restaurant and pub shall remain open during construction excepting those times when safety concerns dictate closure.

13 Hotel / Condominium Structure

- 13.1 In order to ensure that the property remains a hotel, the MVC sets the following conditions:
- a) No unit shall be occupied by any owner or guest for more than ninety (90) consecutive days, nor may the owner or guest re-occupy any unit within thirty (30) days of a continuous ninety (90) day stay, nor may the owner or guest stay more than four (4) months in any calendar year.
 - b) No owner, occupant, or guest may claim residency at this location, with the exception of the apartment presently occupied by Bob Carroll.
 - c) In at least 85% of the units, whenever an owner or guest of the owner of a unit is not occupying the unit it must be available for transient rental or placed in a rental program.
 - d) All occupants of a unit, whether an owner, guest, or hotel guest shall not use the unit until they have checked in with the hotel's front desk.

14 Minor Modifications to Proposed Buildings

- 14.1 In order to allow the applicant flexibility in dealing with the Edgartown Historic District Commission and abutting neighbors as to porch enclosures, the applicant may make minor modifications to the layout of the units and porches so long as said modifications do not increase the number of units, rooms or bedrooms or the footprint of the buildings.

6. CONCLUSION

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.

The Town' building inspector shall not issue a Certificate of Occupancy until it has received a Certificate of Compliance issued by the Executive Director or DRI Coordinator of the Martha's Vineyard Commission confirming that the following conditions in this Decision have been satisfied: 3.1; 4.1; 4.2; 6.1; 7.1; 8.1; 10.1; 10.3; 10.4; 11.1; and 12.2.

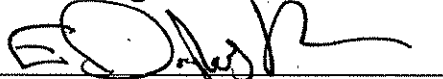
6.2 Notice of Appellate Rights

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 period may be extended upon written request from the Applicant and written approval from the Martha's Vineyard Commission.

6.3 Signature Block


E. Douglas Sederholm, Chairman

8-6-08
Date

6.4 Notarization of Decision

Commonwealth of Massachusetts
County of Dukes County, Mass.

On this 6TH day of AUGUST, 2008, before me,
ROBIN W. BRAY, the undersigned Notary Public, personally
appeared E. DOUGLAS SEDERHOLM, proved to me through satisfactory evidence of identity,
which was/were MY PERSONAL KNOWLEDGE 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.


Signature of Notary Public

ROBIN W. BRAY
Printed Name of Notary
My Commission Expires 01/21/2011

6.5 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: 8-6-08
Deed - Book _____, page _____
1157-481