

Case # 25-18
Date Filed: 18 July 2018

DECISION AND FINDINGS OF THE ZONING BOARD OF APPEALS

Re: Request to modify a special permit under section 11.9 f of the Edgartown Zoning Bylaw
Owners/Applicants: Harbor View Hotel Owner LLC
Assessor's Parcel: 20B-107
Book: 1458 Page: 46

PROCEDURAL HISTORY

1. Application is to modify a special permit issued in November of 2008 under section 11.9 f of the bylaw. The applicant is proposing various changes to the main building and cottages that will result in the addition of 26 rooms and 20 parking spaces.
2. The property is located at 131 North Water Street in the R-5 Residential District.
3. A public hearing - after proper notice was given to abutters, town departments, and placed in the *Vineyard Gazette* - was held on Wednesday, 8 August 2018 in the Town Hall.
4. The application was accompanied by a packet developed by Beacon Architectural Services dated 17 May 2018 containing plot plans, elevations, and existing conditions.
5. The Board reviewed the application, the amended plans (8 August 18), and all other materials and information submitted prior to the close of the public hearing. [See Record of Proceedings].

FACTS

1. The applicant is applying to modify an existing special permit issued in 2008 to expand a commercial venture in a residential district under section 11.9 f of the zoning bylaw. The property is located in the R-5 Zoning District.
2. The nonconforming use (hotel) predates zoning.
3. The proposed changes are summarized in the attached document dated 8 August 2018.
4. Although the proposal calls for additional guestrooms, the overall footprint and gross square footage are less than the plan approved in 2008.
5. Restaurant seating and function space have also been reduced.

6. The applicant is proposing significant improvements to the infrastructure of the hotel including: electrical and ventilation upgrades, structural repairs, renovations, additional parking, and enclosed trash storage.

FINDINGS:

The Board finds that the proposal complies with the provisions of 11.9 f necessary for the granting of the modification for the following reasons:

1. It is in harmony with the general purpose and intent of the bylaw. The proposed changes will not be more objectionable or detrimental to the neighborhood than the approved 2008 plan.
2. The majority of abutters who commented were in favor of the project. One set of abutters were concerned that a plan for dealing with trash and recycling involves the construction of a 23-foot high, 25-foot by 26-foot shed that will accommodate dumpsters and a compactor near their property line. The board proposed a review of the trash handling in August/September of 2019 to see if the abutters still had concerns.
3. The conditions placed on the project by the Martha's Vineyard Commission in their DRI Decision 614, as amended, are still in effect, as are the conditions in the original special permit issued by the Zoning Board in October of 2008, as amended by this decision.
4. The proposed development will not unduly burden municipal services.
5. The development will enhance and preserve an existing town landmark. The renovation will be a benefit to both residents and visitors alike, and will contribute to the economic vitality of the town.

Based on the above findings and reasons, the Board voted in favor of granting the special permit 5-0.

CONDITIONS

1. Exterior construction may take place between the hours of 7 a.m. and 6 p.m., Monday through Saturday, from October 1st to Memorial Day.
2. Trash handling and disposal will be reviewed in August/September of 2019 to determine if the applicant has addressed his neighbors' concerns. If necessary, an alternate plan will be developed at that time.
3. The applicant will issue stickers for employees and placards for guests who use the auxiliary parking lot off Fuller Street. The terms of the existing easement will be adhered to by the Harbor View.
4. In order to mitigate noise and/or odors, the kitchen ventilation equipment will be upgraded and subsequently reviewed by the board in August/September of 2019.
5. During construction, the applicant will work with the police department and the selectmen to ensure that construction vehicles and equipment do not block any roads or impede traffic in the area.

This decision of the Board of Appeals and a record of proceedings are on file in the Zoning Board office and in the office of the Town Clerk, Town Hall under Case No: 25-2018.

Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 15 August 2018. Appeals, if any, should be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws and should be filed within 20 days of the filing of this decision in the office of the Town Clerk.

_____2018
I hereby certify that no appeal has been filed in the twenty-day period following the date of filing this decision.

Attest: _____