

Case No. 16-21  
Date Filed: 29 March 2021

## RECORD OF PROCEEDINGS

I, Lisa C. Morrison, assistant to the Zoning Board of Appeals of the town of Edgartown, hereby certify that the following is a detailed record of proceedings pertaining to the request of Charles Hajjar, Tr. - Edgartown Inn Realty Trust for a special permit under sections 10.1 G 4 & 10.2 A 2 of the bylaw to expand a conditionally permitted use by demolishing and reconstruction an existing rear building and creating two rooms for employee housing in the basement. The property is located at 60 North Water Street (Assr. Pc.. 20D-228) in the R-5 Zoning District.

1. On 29 March 2021 the application, a true copy of which is marked "A," was presented to the Town Clerk.
2. In addition, an advertisement, a true copy of which is marked "B," was published in the Vineyard Gazette on 2 April and 9 April 2021.
3. Notice of the hearing, a copy of which is marked "C," was mailed, postage prepaid, to the petitioners; the abutters - owners of land adjacent to the subject property within 300 feet of the property lines - all as they appear on the most recent, applicable, certified tax list; and to all the proper town boards and departments.

On Wednesday, 21 April 2021 the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chairman, Carol Grant, Nancy Whipple, John Magnuson, and Pamela Dolby. Chairman Tomassian introduced the board members and read the necessary requirements for conducting remote meetings in compliance with both the Governor's order and the Open Meeting Law.

Chuck Sullivan and Peter Gearheart were present for the applicants. Charles Hajjar, owner, was also present. Sullivan explained that this application is phase two of the inn's reconstruction. Phase one has been completed and involved renovating the main building and reconstructing the annex. This phase involves reconstructing the rear building, which is known as 'the barn.' The barn has no foundation and there is structural rot in the frame. The applicant would like to replace the building with one that is similar in style and massing. The barn has had five guest suites and has been part of the inn since 1979. The inn is on both town water and sewer.

The proposal also formalizes the existing parking for six cars and, as shown on the site, plan, the entire lot will be fenced and the perimeter planted. All lighting will be dark sky compliant.

The total square footage of the new structure will be 1800 s.f. and will meet all setbacks and height requirements. The ridge height of the existing structure is 27-feet, the proposed ridge height will be 31-feet 4-inches in order to accommodate a foundation. The two additional staff bedrooms will be in the basement, with the requisite window wells. The increase in bedrooms has been approved by the Wastewater Commission.

Chairman Tomassian asked if there were any letters from town boards or departments. There were none. Tomassian asked if anyone wished to speak in favor of the application. Abutter Ben Hall, whose Simpson's Lane property abuts on two sides, spoke in favor of the proposal, noting that the applicant was willing to adjust a fence line slightly in response to his concern. He said that overall he finds it to be a very good plan.

Scott Schneider of 44 North Water Street, whose letter of 21 April 2021 had been circulated among the board members and the applicant's representatives prior to the hearing, said that he had serious concerns about expanding a property at the most congested part of Edgartown. Mr. Schneider was concerned about increased traffic and safety concerns on Simpson's Lane, as well as additional noise. He said the application represented 'commercial creep' where residential properties are annexed by commercial ones.

Mary Stewart Hammond of 50 North Water Street, whose letter of 19 April 2021 had been circulated among board members and the applicant's representative, said that even though she believes Chuck Sullivan to be one of the best architects on the island, she is concerned about noise and traffic. She said Simpson's Lane is a nightmare and there are already too many hotels in the area. She said she believes this to be Hajjar's sixth hotel in downtown. She too alluded to 'commercial creep' and said that Mr. Hajjar was turning the area into a commercial zone. She said that she can see right into the bedrooms of the annex and was concerned that additional guests will now be using the courtyard, which will increase noise and limit her privacy. She said she can't see how cars will access the site.

Loring Allen, whose letter of 19 April 2021 was circulated prior to the hearing, introduced herself as Ms. Hammond's (Allen) daughter, said she believed that the barn was not intended to be used for commercial purposes. She said it was used only for staff and storage. She said that this expansion turns what was a small quaint inn into something that resembles an hotel. She also mentioned traffic congestion and the impact on the quality of life of the residents. She asked what would prevent other developers from moving in and changing a residential property into a commercial one. She said she was also worried about after-hours partying in the patio area.

A letter of concern from Jim & Karen Gerard of 16 Simpson's Lane dated 13 April 2021 was also circulated prior to the meeting. The Gerards were concerned about additional noise and congestion as well as certain improvements made by Mr. Hajjar to the main building of the inn.

Rob McCarron made the rebuttal. First, he said he would like to address several misconceptions: no significant change is being made to the property. The only addition will

be two basement staff rooms. There is no change to the number of guest accommodations. Traffic will not increase as fewer than 10% of guests bring cars. The addition of accommodations for four staff members will likely decrease traffic as they will not be commuting to and from work.

He said that the inn has been in Edgartown for 180 years, predating even the concept of residential zoning. The barn building has been part of the inn since before 1965. He said the likely of the inn becoming party central after this renovation is very remote as the inn has always been a family-oriented place.

In response to the Gerards' letter, McCarron noted that in response to neighbors and the HDC, the Mr. Hajjar lowered the AC units so they are no longer visible from Simpsons Lane. McCarron said that commercial creep does not apply in this case, it is actually more of the opposite situation, noting that everyone of the abutters who complained are living in former commercial properties all purchased within the last five years.

Chuck Hajjar confirmed that fewer than 10% of guests bring cars. He noted that there is ample space behind the Carnegie Library for loading and unloading guests and receiving supplies. He said that access to the inn is from North Water Street, not from Simpson's Lane.

Mr. Tomassian then closed the public portion of the hearing for discussion by the board. Ms. Dolby asked if the five rooms in the barn have been rented out to guests in the recent past. Mr. Hajjar said that last year the building was used for worker housing while the inn was being renovated. Ms. Dolby said that she had researched the tax and wastewater records and noted that the property is classified as an inn/B&B and taxed accordingly. Wastewater records that date back to 1979 indicate that the barn has five guest bedrooms. Dolby said she really doesn't see how this proposal would increase traffic and added that providing employee housing is a real asset.

Mr. Magnuson said he has always considered the barn to be part of the inn.

Ms. Whipple agreed that the corner of Simpsons Lane and North Water Street is congested. However, she said she did not believe that this proposal will exacerbate that congestion. She noted that no significant change or intensification of use is proposed.

Ms. Grant agreed and said she thought the plan was well thought out and the addition of staff housing was an asset. She added that while the Chappy Ferry line can be a problem, she doesn't see how the project will contribute any extra traffic.

Mr. Tomassian said that the fact that the barn has been taxed and classified as an inn for decades is significant. He said that the notion that the proposal will increase traffic on Simpsons Lane doesn't fly. He said that he thinks it is a good project and that the barn could use some sprucing up.

Ms. Dolby made a motion to grant the special permit. She said she found the project to be in harmony with the provisions of the bylaw in that there will be no significant increase in traffic, the renovation will result in a structure that is comparable to what currently exists on the site, and there will be no significant intensification of use. The total number of guest

rooms on the property is not changing. She noted that the addition of staff housing is a benefit to the town.

Ms. Grant seconded the motion and voted to approve the project as presented for the same reasons. Unanimously approved by roll-call vote, 5-0.

Respectfully submitted,

Lisa C. Morrison, Assistant