

43-2022

Application Filed: 17 November 2022

DECISION OF THE ZONING BOARD OF APPEALS
ON THE REQUEST FOR SPECIAL PERMIT

Applicant: Harbor View Hotel Owner LLC

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At a meeting held remotely via Zoom on Wednesday, 29 March 2023, the Edgartown Zoning Board of Appeals (ZBA) voted unanimously (5-0) to modify a special permit originally issued in 2008, amended in 2018, and approved by the Martha's Vineyard Commission in 2022. The project involves (1) the demolition of the Bradley Cottage and the construction of a 9231 s.f. replacement structure containing a 3550 s.f. spa and four guest rooms (construction of a 7080 s.f. structure was approved in 2018), (2) the demolition of the Morse Cottage and the construction of a 7785 s.f. replacement structure (construction of a 7080 s.f. structure was approved in 2018), (3) new construction of a 8780 s.f. Pease Cottage (construction of a 9066 s.f. structure was approved in 2018), and (4) the demolition of the Snow Cottage and the construction of a 4373 s.f. replacement structure (no changes to approved 2018 plan). The property is located at 131 North Water Street (Assr. Pcl. 20B-107) in the R-5 Residential District

PROCEDURAL HISTORY:

1. The initial request for modifications to the 2018 Special Permit (Master Plan) was submitted on 2 September 2020 and referred to the Martha's Vineyard Commission (MVC) on 15 September 2020.
2. The MVC decision was filed on 27 August 2021 and appealed to Superior Court by the applicants. A Settlement Agreement was issued by the Court in July of 2022.
3. A revised MVC decision was issued on 12 July 2022.
4. On 17 November 2023 the application was submitted to the ZBA.
5. Because of the complexity of the project, scheduling difficulties, and a number of moving parts, the applicants agreed to waive the requirement of holding the public hearing within 65 days of the receipt of the application.
6. An advertisement was published in the *Vineyard Gazette* of the 10th and 17th of March 2023.

7. Notice of the hearing was mailed to abutters on 3 March 2023, 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 tax list; and to all the proper town boards and departments.

8. The ZBA opened the public hearing on 29 March 2023 and the board reviewed the application, the plans and exhibits, and all other materials and information submitted prior to the close of the public hearing. The board received and gave due consideration to the testimony given at the public hearing.

FACTS:

1. The application was submitted with an information packet entitled 'Proposed Modification to 2018 Approved Plan' dated 23 February 2023. It contained background information and a permit timeline, an overview of the project including work already completed under the 2018 Master Plan, a table showing the square footage of the proposed modifications, elevations and floor plans for the three cottages that will be rebuilt - as well as for the new-build cottage, a detailed site plan, and information on the hours of operation and design of the proposed spa.

2. All the application materials were made available on the Town's website for review by the public prior to the hearing.

3. Also included in the file is a copy of the materials presented at the hearing by the applicant, which has been dated 29 March 2023.

4. The Harbor View Hotel is a preexisting, nonconforming use dating from 1891.

5. The proposed modifications to the 2018 Master Plan reduce the overall square footage of the eleven buildings on the Harbor View campus from 113,759 s.f. to 108,212 s.f. The number of guest room keys will be reduced from 146 to 135. No changes will be made to the number of parking spaces, which will remain at 97.

6. The 2018 plan had the spa located on the first floor of the main building. The new proposal locates the 3550 s.f. spa below grade on the lower level of the Bradley Cottage. The spa will not be open to the public and will be restricted to hotel guests and up to two guests of hotel guests per room key. No changes are proposed to the number of treatment rooms, which will remain at five.

7. The overall square footage of the Bradley Cottage will increase from 7080 s.f. to 9231 s.f. - including the spa. The prior design of the Bradley Cottage was for a three-story structure. It has been redesigned as a two-story, above-ground structure, with the additional story - containing the spa - below grade.

8. The overall square footage of the three-story Morse Cottage will increase from 7080 s.f. to 7785 s.f.

9. The three-story Pease Cottage was approved in 2018 with 9066 s.f. The modified plan reduces the square footage to 8780 s.f.

10. No changes are proposed for the three-story Snow Cottage, which was previously approved at 4373 s.f.

11. All four cottages will conform to the 32-foot height restriction of the R-5 Residential District.

12. There was no opposition to the project from town boards or departments. One neighbor on North Water Street spoke in support of the proposal. Three abutters had concerns about the height and massing of the cottages and screening. A letter from Dylan Sanders of Sugarman Rogers representing four abutters was concerned about the increase in activity at the hotel and its effect on the neighborhood and ensuring that the conditions placed by the MVC are enforced and upheld. [For more details please see the Record of Proceedings filed with this decision.]

FINDINGS:

1. The board found that the proposed modifications will not be more objectionable or detrimental to the character of the neighborhood than the previously approved 2018 proposal: the overall square footage on the Harbor View campus has been reduced 5547 s.f., the Bradley Cottage will be reduced to two-stories above grade with an additional story below grade, and the Pease Cottage has been reduced by 286 s.f. and relocated off the Great Lawn.
2. Although the square footage of the Bradley Cottage has increased 2151 s.f. from what was approved in 2018, the bulk of the increase is due to the relocation of the 3550 s.f. spa, which will be located below grade and will not contribute to increased massing.
3. The board believes that modification request can be granted without negative impacts to the health and safety of the community and without overburdening municipal services.
4. Although not part of this request, the board found that the Harbor View has made significant upgrades to the hotel as part of the 2018 special permit including significant upgrades to the hotels infrastructure, which make it more energy efficient, quieter, and sustainable.
5. The board finds that the conditions placed on the project by the MVC in their revised decision dated 12 July 2022 will further minimize the potential detriments and maximize the potential benefits of the project and incorporates the Commission's sixteen conditions as part of this decision.

CONDITIONS:

No additional conditions – other than the sixteen conditions imposed by the MVC - were placed on this permit.

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: 43-2022.

Zoning Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 10 April 2023. 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.

_____2023

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

Attest: _____