

Case No. 43-23

Date Filed: 8 November 2023

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 VIC MV Hotel LLC d.b.a. The Hob Knob Inn for a special permit under section 10.3 F 3 of the zoning bylaw to convert the existing spa to staff housing comprised of two bedrooms with a shared bath, dining, and living area. The property is located at 128 Upper Main Street (Assr. Pc. 20C-179) in the R-5 Residential District.

1. On 8 November 2023 the application, a true copy of which is marked "A," was presented to the Town Clerk.
2. An advertisement, a true copy of which is marked "B," was published in the Vineyard Gazette on the 10th and 17th of November 2023.
3. Notice of the hearing, a copy of which is marked "C," was mailed, postage prepaid, to the petitioners; the abutters and abutters to 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, 29 November 2023 at 4:30 p.m. the hearing was opened and held via Zoom. The following board members were in attendance: Pam Dolby – acting chair, Carol Grant, Thomas Pierce, and Robin Bray – alternate.

Marilyn Vukota of McCarron, Murphy & Vukota was present for the applicant and made the presentation. Ms. Vukota agreed to proceed with four members instead of five, knowing that she would need all four members to vote in favor to grant the special permit.

Ms. Vukota said that the existing sauna will be shut down and locked. The two existing treatment rooms will be converted to bedrooms, each for one employee. The two employees will share the living & dining areas and a bath. The employees will have kitchen privileges in the inn's kitchen, which is located on the first floor.

Ms. Vukota said that there is no plan to rent these rooms, they are for employees only. She noted that as the rooms are in the basement, they are not appropriate for paying guests. In addition, should the inn wish to convert the rooms to accommodations for paying guests, the applicant

would need to return to the ZBA to request a new special permit for an intensification of use. She also noted that access to the rooms is from the interior of the inn by means of two internet stairways. No separate, private entrance is proposed.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. There were two letters from abutters: the first from Francis Ford & Shirley Doyle of 4 Tilton Way. Mr. Ford and Ms. Doyle had no objections to the proposal. A second letter, from the Fruhan Family of 136 Main Street, contained a number of concerns - the majority of which were already addressed by Ms Vukota in her presentation.

Among their concerns were: that the rooms could be converted to guest rooms for paying guests, that there could be occupancy by more than two employees, that the sauna could be converted into a kitchen, and that there could be a separate exterior entrance to the basement.

There was no one in the audience who wished to comment either for or against the proposal.

Mr. Tomassian closed the public portion of the hearing for discussion by the board.

Ms. Grant asked if the housing would be year-round. Ms. Vukota said she was not sure, but imagined the rooms would be occupied by employees year-round.

Mr. Pierce asked if the Building Inspector would require direct access to the exterior from the basement. There are currently two means of accessing the first floor.

Ms. Dolby noted that the Building Inspector will review the proposal and ensure that it complies with all fire and safety codes. She said that an application will also be required by the Wastewater Department. In response to the Fruhan's letter, she said that the board could not prohibit direct access to the exterior and that would be left up the Building Inspector's review.

Ms. Bray made a motion to grant the special permit, saying she believed the project was in harmony with the general purpose and intent of the bylaw. She said she believed the project was well designed and would not negatively affect the neighborhood. She also noted that there was a dire need for employee housing on the island. She proposed the following conditions:

1. Bedrooms will be single-occupancy only.
2. Rooms will not be converted to guest rooms.

Ms. Grant seconded the motion and voted to grant the special permit for the same reasons and with the same conditions.

Ms. Dolby, Mr. Pierce, and Mr. Tomassian also voted to approve the project for the same reasons and with the same conditions. Unanimously approved by roll-call vote: 5 – 0.

Respectfully submitted,

Lisa C. Morrison, Assistant