

Selectmen's Meeting
December 16, 2019
3:30 pm

A meeting of the Board was held on the above date in the meeting room of Town Hall. Members present were: Margaret E. Serpa, Chairman; Michael Donaroma and Arthur Smadbeck. Also present was Town Administrator James Hagerty.

At 3:30pm Ms. Serpa opened the meeting and the first item on the agenda which was the continued public hearing for the Harbor View Hotel for an alteration of premises with alterations to include: Renovations of Bar 1 (Bettini), Reconfiguration and improvement of Bar 2(Roxana) and relocation and construction of the pool bar. Ms. Serpa read the notice aloud. There were several concerned parties present.

Ms. Serpa recognized Atty. Kevin O'Flaherty, representative for the Harborview. Mr. Flaherty stated that he was present to request an alteration of premises to move three bars within the Harbor View property. He had pictures and diagrams for visual assistance. The two bars inside were changes of floor plan and didn't seem to have any objection. The third is a pool bar which is outside and is the item that has objections from the neighbors. He asked if there were any questions about the internal changes. *There were not.* He then focused on the pool bar. He submitted a thick pile of documentation which is available in the file for further inspection. To summarize they were applying to move the pool bar from its current location 120' to the other end of the pool area. The new structure is smaller at 175sf. as opposed to the older bar which was 225sf. The hours would be the same 10am-9pm and the bar would be open seasonally. He stated he had four points to respond to the concerns of the neighbors. 1. The hotel has an Innholders Liquor License which allows consumption anywhere on the property. 2. The process has been all done publicly. 3. The application for alteration is usually done after the rest of the permitting process is done. Because of the appeals the application was delayed. The ABCC stated that the alteration was needed and told the hotel to start the process despite ongoing appeals. 4. There have been complaints that the hotel is in a residential area. The hotel has been there since 1891 and is allowed to evolve with time. He added that there had been a noise complaint on August 30, 2019 which he's sure would be brought up. It was a wedding reception which is within the Special Permit and was made at 8:34pm according to the police report which is in the record. He concluded by asking the Board to approve the application for alteration of premises.

Ms. Serpa thanked Mr. O'Flaherty and asked if anyone else wanted to speak in favor of the alteration, she then recognized Atty. Felicia Ellsworth, representation for the neighbors.

Ms. Ellsworth also submitted a thick pile of documentation and had pictures of the area. She used a couple of Mr. O'Flaherty's pictures to reference as well. She stated the new pool bar is outside the pool area and is a new restaurant instead of a pool bar. She questioned the need for fire pits and the distance from the pool. She contested the four month delay in application for the alteration of premises.

Ms. Serpa then opened the floor to the neighbors. All that spoke have submitted statement letters and read from them. They are available in the file for reference. Statements will be summarized.

Mr. Jeffery Caraboolad showed his property on the map for reference. He's outraged. This new location will ruin his quiet enjoyment. He's worried about patrons using the bushes as facilities.

Ms. Lynn Allegaert read her whole three page statement. To summarize, she has lived in the area for 23 years and has always had a good relationship with the various owners. She shows a video of the night of her noise complaint that Mr. O'Flaherty referred to earlier. She states that the noise complaint was later than Mr. O'Flaherty says and what is documented by the police. She is worried about the restroom situation with the new location.

Mr. James Swartz stated that he is concerned that the new pool bar is not a pool bar, but will be used as an outdoor bar and for functions. He questions the fire pits if it is seasonal and will only be open until 9pm. He stated it is designed for late night fun.

Mr. Joe Smith questioned why he wasn't notified as an abutter and gave everyone a copy of his deed. He has been fighting with the hotel over an easement. He's worried about crowds and parking on Fuller Street and in the back lot where they are not supposed to park. He has security concerns.

Ms Serpa then gave Mr. O'Flaherty a moment to address the concerns.

Mr. O'Flaherty had two points. Mr. Smith is outside of the abutters list requirement. The noise complaint was made at 8:34pm and responded to at 8:47pm.

Mr. Donaroma asked about weddings and the bar.

Mr. O’Flaherty responded that the hotel is allowed by special permit – 3 day time and 3 night time weddings under a tent on the great lawn. There is no additional lighting allowed outside of the tent. The pool bar closes at 9pm per their special permit.

Mr. Donaroma asked about containing people with alcohol. The establishments that have outside service in town require some sort of fencing or separation.

Mr. O’Flaherty explained that the rules were different for Innholders than restaurants. Innholders licenses allow consumption anywhere on the property, it is restricted where it is sold and served. So it can be sold and served only in certain areas, but consumed anywhere on the property. For example you can purchase a beverage in the bar and then take it out to the porch, but cannot be served on the porch.

Ms. Serpa asked if the new bar is buffered by the buildings like the old location.

Mr. O’Flaherty responded that it is a different location. It’s on the other end of the pool.

Mr. Smadbeck asked Ms. Elizabeth Rothwell, Manager if the pool bar purpose is different.

Ms. Rothwell responded that it has not changed.

Mr. Smadbeck stated that this is a difficult decision. The neighbors have been neighbors a long time. He would like to see if it was within the realm of possibilities to accommodate and relieve the angst created with the neighbors to put it back where it was. If the Harbor View had come to the Board before moving it this all could have been avoided. He would also like reassurance that the weddings are not served by the new bar.

Mr. O’Flaherty responded that the new pool bar cost between \$300,000 and \$400,000 to construct and is very nice. It would not be practical to take it down and the hotel is not in that position.

Mr. Donaroma stated that the Board has a difficult decision to make. He doesn’t see it making a lot of money. The Board wants to support the neighbors and the hotel. He understands the neighbors’ concerns.

Mr. Smadbeck stated that he wants the Harbor View to consider alternate options. He wants a solution for everyone. They take the neighbors concerns very seriously.

Mr. Donaroma moved to close the hearing for Board consideration at 4:56pm to make a decision at a future meeting. Mr. Smadbeck seconded. Unanimous.

Ms. Serpa then moved on to the next item which was a shade tree hearing for the MV Museum for the Cooke House property. The application was to remove a sugar maple along the School St. side. Present was Phil Wallace for the Museum and Tree Warden Allen deBettencourt.

Mr. Wallace stated that they would like to remove the tree because it is not in the plan for landscaping the property and is too lush. It also grows up into the electrical wires. He was offering to replace it with three trees that were not shade trees.

Mr. deBettencourt stated that the tree is healthy and in good shape. It has two trunks that have grown together, but that is not detrimental.

Mr. Donaroma stated that the tree is healthy. The Board hates to lose good shade trees. He thinks it can be thoughtfully pruned for the wires. It’s a nice tree.

Mr. Donaroma moved to deny removal of the tree. Mr. Smadbeck seconded. Unanimous.

Ms. Serpa then opened the next item on the agenda which was a Shade Tree Hearing for 77 Cooke St. for trimming and pruning of trees as well as blocking the road to do the work. Present was Josh Scott of Beetbung Tree Care as well as Tree Warden Allen deBettencourt.

Mr. Scott stated that he would like to trim the trees for health purposes.

Mr. deBettencourt stated that he supports the application.

Mr. Donaroma moved to approve the application and to block the road to do the work. Mr. Smadbeck seconded. Unanimous.

The Board then approved the following items:

The minutes of December 9, 2019.

A Common Victualler License for the China House.

A Donation of \$500 for the Edgartown School.

A Class II Auto Dealer License for Bertel Autobrokers.

A Travel Voucher for the Police Department.

At 5:12 PM Mr. Smadbeck moved to adjourn the meeting. Mr. Donaroma seconded. Unanimous

Approved:

Margaret E. Serpa, Chairman

Arthur Smadbeck

Michael J. Donaroma
Board of Selectmen

Respectfully submitted,

Kristy Rose
Assistant