

Case No. 34-19  
Date Filed: 11 September 2019

### 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 Andrea Peraino d.b.a. Juice by the Sea, LLC for a special permit under section 3.1 B 3 of the zoning bylaw to operate a restaurant on property located at 18 North Summer Street, Assr. Pcl. 20D-118 in the B-I Business District. The property is owned by 18 No. Summer Street Realty Trust, Barbara M. Courtney, Tr.

1. On 11 September 2019 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 September 13<sup>th</sup> and September 20<sup>th</sup> 2019.
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, 2 October 2019 at 7:00 p.m. the public hearing was held in the Town Hall. The following board members were sitting for this hearing: Martin Tomassian –chairman, Nancy Whipple, Carol Grant, John Magnuson, and Nancy Kelly – alternate.

Ms. Peraino said she was asking to open a small vegan/gluten free café and juice bar in property off the town parking lot. She said she believed that the business would complement other businesses in town, as it would be the only vegan/gluten free café in town.

She said that the café would be plastic-free. They will use materials that are either compostable or reusable. They plan to be open regular business hours and will limit deliveries to twice per week to cut down on traffic.

There were no letters from town boards or from abutters. Geno Courtney, landlord, said that he was in favor of the proposal.

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

Mr. Tomassian then closed the public hearing for discussion by the board.

Mr. Magnuson asked for the definition of 'regular business hours.' Ms. Peraino said the plan to be open 8 a.m. to 6 p.m. and 8 a.m. to 10 p.m. in the summer. Ms. Grant noted that the narrative included in the application specified 9 p.m. Ms. Peraino asked to amend her application to 10 p.m. in the summer. There were no objections.

Ms. Peraino said that she is working with the Board of Health, which oversees the kitchen layout, the trash plan, and the necessary equipment. She said she is planning to be open year-round.

Ms. Whipple asked if there will be a bathroom. Ms. Peraino said that there will be. Ms. Whipple asked if Ms. Peraino had other locations on the island. Ms. Peraino said that she did have a store in Vineyard Haven, but is moving the operation to Edgartown.

Ms. Grant asked if there should be a condition on the permit that requires the business to operate year-round. Mr. Tomassian said that he would not support such a condition, because he did not think it was fair.

Mr. Magnuson made a motion to grant the special permit saying that he found the project to be in harmony with the general purpose and intent of the bylaw. He said he believed that there were adequate and appropriate facilities provided and that the project met the specific requirements for a restaurant in the B-I District. He noted that there were no objections to the proposal from any abutters or town boards. Conditions: All required permits from the Board of Health and the Building Department must be secured prior to opening.

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

Ms. Whipple, Ms. Kelly, and Mr. Tomassian also voted to grant the special permit with the same condition. Unanimously approved 5-0.

Respectfully submitted,

Lisa C. Morrison, Assistant