

Case # 13-18
Date Filed: 21 March 2018

DECISION AND FINDINGS OF THE ZONING BOARD OF APPEALS

Re: Request for a special permit under section 11.9 (e) of the Edgartown Zoning Bylaw
Owner: County of Dukes
Lessee: True North Holdings, Brion McGroarty, Manager
Applicants: Mark Venette d.b.a. the Black Sheep
Assessor's Parcel: 24-1.16

PROCEDURAL HISTORY

1. Application is for a special permit under section 11.9 e of the bylaw to convert one preexisting nonconforming use (restaurant) to another (retail food shop).
2. The property is located at 17 Airport Road in the B-III Business District.
3. A public hearing - after proper notice was given to abutters, town departments, and placed in the *Vineyard Gazette* - was held on Wednesday, 11 April 2018 in the Town Hall.
4. The application was accompanied by floor plans of the proposed business dated 21 March 2018 by Keith Musinski.
5. The Board reviewed the application, the plans, and all other materials and information submitted prior to the close of the public hearing. [See Record of Proceedings].

FACTS

1. The property consists of a 1.69 acre lot in the B-III Business District.
2. The premises have been used as a restaurant and club for many years, a nonconforming use in the B-III Business District.
3. The applicant is proposing to operate a retail gourmet store in a space that formerly housed the Tin Hangar Restaurant.
4. The shop will be a second location for the Black Sheep gourmet store located on Summer Street in Edgartown.
5. The proposed shop will operate in a similar manner, selling gourmet food to go as well as retail items

such as gifts and pantry supplies.

6. Tables will be provided for eat-in customers.

7. The expanded kitchen space will allow the Black Sheep to expand its catering operation and supply additional products to its downtown location.

8. The shop will be open seasonally from April to December. The proposed hours of operation will be from 8 a.m. to 8 p.m. daily, in season.

FINDINGS:

The Board finds that the proposal complies with the provisions of 11.9 e necessary for the granting of the special permit for the following reasons:

1. It is in harmony the general purpose and intent of the bylaw and with other uses in the neighborhood. Many abutters and other members of the public wrote in enthusiastic support of the project. The airport commissioners were also in favor of the project.

2. The conversion of a restaurant to a retail food shop will not, in the opinion of the board, adversely affect the neighborhood or be more objectionable or detrimental to the character the neighborhood.

3. There is adequate parking on site and the new use will not adversely affect municipal or other public services.

4. The shop may help to alleviate seasonal downtown traffic by allowing customers to shop for goods without driving all the way in to town.

Based on the above findings and reasons, the Board voted in favor of granting the special permit 5-0.

CONDITIONS

No additional conditions were placed on the 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: 13-2018.

Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 13 April 2018. 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.

_____2018
I hereby certify that no appeal has been filed in the twenty-day period following the date of filing this decision.

Attest: _____