

Case # 19-18  
Date Filed: 8 May 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: Alex Gale & Tyler Gibson d.b.a Martha's Vineyard Fish House**  
**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 (wholesale/retail fish store).
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, 30 May 2018 in the Town Hall.
4. The application was accompanied by a site plan (Schofield, Barbini & Hoehn – 5 May 2010) and a floor plan dated 19 October 2017.
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 wholesale/retail fish store in half of the premises. (The other half of the premises will house the Black Sheep, a retail food shop, that has already received a special permit from the Board of Appeals.)
4. A wholesale fish operation is allowed under the B-III zoning (10.A.1 L); the retail component of the fish market requires a special permit.

5. Under B-III zoning the retail area may be no more than “10% of the manufacturing area and in no event shall exceed 500 square feet.” The retail area is shown on the applicants’ plan as 298 square feet.
6. The applicant is proposing to sell fish in the retail market, as well as prepared items such as lobster rolls, fish sandwiches, and clam chowder.
7. All prepared food will be only available for take-out. No tables will be provided.
8. The applicant is proposing to be open year-round.

**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. There were no objections to the proposal from town boards, abutters, or other members of the public. The airport commissioners were also in favor of the project.
2. The conversion of a restaurant to a combination wholesale and retail fish store 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 store may help to alleviate seasonal downtown traffic by allowing customers to buy fish and some prepared foods 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: 19-2018.

Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 31 May 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: \_\_\_\_\_