

Case: #10-2013

Date Filed: 6 March 2013

### 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 application of Vintage MV, LLC d.b.a. Coffee Culture MV for a special permit under section 9.2c of the zoning bylaw to operate a coffee shop at 29 Winter Street, Unit 24 of Nevin Square, Assessor's Map 20D Lot 217.4C in the B-I Business District.

1. On 6 March 2013 the application, a true copy of which was 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 March 8<sup>th</sup> and March 15<sup>th</sup> 2013.
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, the 27<sup>th</sup> of March 2013 at 7:00 p.m. the public hearing was held in the Town Hall. The following board members were sitting for this hearing: John Magnuson – acting chairman, Nancy Whipple, Carol Grant, Nancy Kelly – alternate, Richard Colter – alternate.

The notice was read and Eve Vincent, attorney for the applicant, began the presentation. John Clift of Vintage LLC was also present. Ms. Vincent said the proposal is for an upscale coffee shop to be located in Unit 24 of Nevin Square. The operation will be strictly take-out; there will be no seating. They will sell coffee and other beverages, as well as premade pastries. Ms. Vincent said that it is a great location and the hope is that it will increase business in that section of Nevin Square.

A letter from an abutter, Anne Weiner, was read. Ms. Weiner was opposed to “a coffee shop that serves alcohol.” She also had concerns about the structural integrity of the

unit, the use of a shared bathroom, and parking and deliveries.

Gino Courtney, another abutter, spoke in favor of the proposal. He said that it is an appropriate use in a commercial area.

Ms. Vincent then addressed Ms. Weiner's concerns. She said that there will be no alcohol in the coffee shop. The same tenants are leasing units 23 and 24 – unit 24 will be a coffee shop and unit 23 will be a package store. There will be a locked door in between the two units. The ABCC requires that the package store be in a secured area.

Ms. Vincent said the coffee shop is a totally separate business.

Ms. Vincent commented that contrary to Ms. Weiner's letter, all deliveries will be made from the loading zone on Winter Street and will be brought into the shop through the back entrance. She also commented that unit 24 will not be using the bathroom mentioned by Ms. Weiner, which is shared between units 22 (Ms. Weiner's unit) and unit 23.

Ms. Kelly asked if any cooking would be done on premises. Ms. Vincent said that there will be no cooking on the premises. The project has been approved by the board of health.

Ms. Whipple asked about plans for dealing with trash. She said this is always a concern with a take-out business.

Mr. Colter said he was concerned about the proposed glass door between the two units. He said that doors can often be left unlocked. Mr. Clift said that the intent was to allow patrons of one establishment to be aware of the other. He said he was planning to install a barn door with a window on a sliding track. He said the door will provide security as well as ambiance.

Mr. Magnuson said that he too was concerned about the connecting door. He said he didn't have a problem with there being glass between the two units, he just did not think there should be direct access between the two units.

Ms. Grant asked for confirmation of the hours of operation. Mr. Clift said that they are planning to be open May through October, seven days a week, from 7 a.m. to 5 p.m.

Ms. Grant suggested if the board decides to grant the permit, it should be subject to review in July or September.

Ms. Whipple then made a motion to issue the special permit. She said she found the site appropriate, and believed the project was in harmony with the general purpose and intent of the bylaw. She said she believed the concerns of the abutter were addressed by the applicant and noted that there was no opposition from any other abutters. The following conditions were proposed:

1. There shall be no interior doorway connecting units 23 and 24.
2. A review of the business will be conducted in September to ensure that problems with trash or other issues are not adversely affecting the neighborhood.
3. This permit is not transferable without prior approval of the Zoning Board of Appeals.

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

Mr. Colter voted to approve the project for the same reasons and with the same conditions.

Ms. Kelly voted to approve the project for the same reasons and with the same conditions.

Mr. Magnuson also voted to approve the project for the same reasons and with the same conditions.

Respectfully submitted,

Lisa C. Morrison, Assistant