

Case: #13-2013

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 New Moon Property LLC d.b.a. Edgartown Books for a special permit under sections 9.2c and 9.4(b)4 of the zoning bylaw to operate a coffee service at 44 Main Street, Assessor's Map 20D Lot 196 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 8th and March 15th 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 27th of March 2013 at 7:45 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.

Mr. Magnuson opened the hearing and the notice was read. Pam Scott of the Tharp Group made the presentation, along with Susan Mercier, manager of Edgartown Books. Ms. Scott said that this proposal is for one-season only; the Sudikoff's will be returning with a more substantial renovation project in the near future. This project has been approved by the Historic District and involves some upgrading of the site and some interior improvements to the space formerly used by Henley's Needlepoint. Access to the patio area will be from Main Street. The applicant is proposing to enclose the area with a picket fence and some wooden gates that will be closed at night. The gate will be set back from Main Street so that it is 2.5 feet back from the edge of the Edgartown

Books building. All seating will be in the outdoor patio area. New brick pavers, metal tables and chairs, and trash cans will be installed.

Ms. Scott said that the applicants are planning an extensive trash program and plan to change some of the existing vegetation to make the site less attractive to rodents.

Ms. Scott said that this is phase one of a more extensive program, which is currently being reviewed by the HDC. They hope to stay open until Columbus Day and plan on being open when the bookstore is open. They anticipate needing six employees. Baking will be done on the premises.

Trash pick up is scheduled for five days a week, but can be increased if necessary. Ms. Mercier said that this business will probably generate fewer deliveries than the bookstore.

Gino Courtney, a direct abutter, spoke in favor of the proposal. He said he thinks it is great that the bookstore was rescued and thinks the coffee service will be an asset to the town.

Ben Hall said he also thinks the coffee service is a great idea. He said he was concerned that the gates will block an easement he has to his Great Harbor property. He thought that because the patio backs up to the Mini Park there may be a trash issue in the park. Mr. Hall was also concerned about delivery vehicles using the adjacent parking lot that abuts the rear of the property.

There were no additional comments from the public and no letters were received.

Susan Mercier commented that the gates will be closed, but not locked, when the bookstore is closed. She said they have no intention of blocking any easements to Main Street. Ms. Mercier said that she is not aware of any delivery vehicles using the Hall's parking lot. All her delivery vehicles use one of the loading zones on Main Street.

Colter asked why the applicants want the back gate. He said that pedestrians don't really come in from South Summer Street. He asked whether McCarron's office uses it. Ms. Scott pointed out that the Sudikoff's have bought the building and that the attorneys will be moving by September, possibly even by July. Mr. Hall urged the board to consider keeping the rear gate. Mr. Colter said he only brought it up because he thought Mr. Hall was not in favor of the rear gate.

Grant commented that this project is temporary; any easement concerns could be addressed during review of the final plan.

Mr. Colter then made a motion to issue the special permit for the 2013 season. He said that he found the project to be in harmony with the general purpose and intent of the bylaw. He said he found the site appropriate and did not believe that it would be detrimental to the neighborhood. He suggested that the applicant's work out any easement issues prior to the next hearing.

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

Ms. Grant voted 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