

Case: #17-2013

Date Filed: 29 April 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 Bryan MacPhail for a special permit under sections 9.2 c of the bylaw to operate an ice-cream shop on property located at 18 Dock Street, a portion of Assr. Pcl. 20D-308, in the B-I Business District.

1. On the 29 April 2013 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 May 3rd and May 10th 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 22nd of May 2013 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, John Magnuson, Nancy Kelly – alternate, and Robin Bray – alternate.

The notice was read and Mr. MacPhail began his presentation. He explained that he had received special permits last year for outdoor seating and a pizza take-out window. Because of some plumbing problems in the original location off Kelly Street and a vacancy, the Scoop Shack was moved to its current location on Dock Street. Mr. MacPhail said he was not aware at the time that he needed a special permit for the ice cream store; he thought it was a permitted use in B-I. Mr. MacPhail apologized for the misunderstanding. Mr. MacPhail said that the outdoor seating has remained unchanged.

Magnuson said that it appeared that this was a hearing to allow the ice cream store to continue to operate in its current location.

There were no letters from town boards or departments, no letters from abutters, and no one in the audience who wished to comment, either pro or con.

The Chairman then closed the public portion of the hearing for discussion among the board.

Magnuson made a motion to grant the special permit. He said he believed that the location was appropriate and the proposal was in harmony with the general purpose and intent of the bylaw. He noted that there were no objections from anyone. He said that he believed the purpose of the hearing was primarily to clean-up the paper work.

Whipple seconded the motion and voted to grant the special permit.

Kelly voted to approve the project for the same reasons.

Bray voted to approve the project for the same reasons.

Tomassian also voted to approve the project for the same reasons. He cautioned Mr. MacPhail to be vigilant about extraneous signage.

Respectfully submitted,

Lisa C. Morrison, Assistant