

Case # 34-2013

Date Filed: 30 October 2013

**DECISION OF THE ZONING BOARD OF APPEALS  
ON THE APPLICATION OF  
DONNA KELLY**

At a meeting held in the Selectmen's Room, Town Hall, on Wednesday, 20 November 2013, the Edgartown Zoning Board of Appeals voted (5-0) to grant special permits under sections 7.2 and 4.2(d) of the zoning bylaw to allow the operation of a landscaping business with associated structures on property located at 46 East Cape Poge Avenue, Assessor's Pcl. 34 Lot 79 in the R-120 Residential District. The following conditions are placed on the permit:

1. In order to cut down on traffic, employees will be driven to and from the site from the ferry in one trip. Applicant will try to ensure that, whenever possible, employees are not making trips back and forth to the property during the day.
2. Hours of operation are from 8:00 a.m. to 4:30 p.m., six days a week.
3. There are to be no more than four employees.
4. In order to minimize noise, employee meetings are to be held indoors. Every attempt will be made by the applicant and her employees to keep the noise at a level no higher than that which is to be expected in a residential neighborhood.
5. No debris is to be brought to the property and commercial composting is not permitted.
6. No burning of debris is permitted.
7. There are to be no retail sales on the property.
8. Driveway is to be reconfigured so that vehicles do not need to back out onto East Cape Poge Avenue.
9. Fencing and screening is to be maintained and extended if necessary.
10. Applicant, at her own expense, will grade from Chappaquiddick Road to her property on an annual basis.
11. Heavy equipment should not be stored or utilized on the property on a regular basis.

12. A review will be scheduled in one year, or sooner if necessary.

13. These special permits are not transferable.

This decision of the Board of Appeals and a record of all proceedings are on file in the zoning board office and in the office of the Town Clerk, Town Hall under Case No: 34-2013.

Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk, together with the reasons for the decision, on 25 November 2013. 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.

\_\_\_\_\_ 2013

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

Attest: \_\_\_\_\_