

Case No. 19-21
Date Filed: 29 March 2021

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 request of Jamie Langley for a special permit to operate a food shop/restaurant with outdoor seating under sections 3.1 B, 3.1 D 2 d & 10.2 E of the zoning bylaw. The property is located at 11 South Summer Street and is owned by Shute Building Realty Trust, Benjamin L. Hall, Tr. (Assr. Pcl. 20D-190) in the B-I Business District.

1. On 29 March 2021 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 2 April and 9 April 2021.
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, 21 April 2021 the hearing was opened and held via Zoom. The following board members were in attendance: Pam Dolby – Acting Chairman, Carol Grant, Nancy Whipple, John Magnuson, and Robin Bray. Chairman Dolby said that after reviewing the materials submitted she did not think there was adequate information provided for the board to evaluate the application and suggested that the applicant work out a plan showing the location and amount of outdoor seating requested as well as a more thorough and detailed business plan. She suggested that the hearing be continued to 5 May 2021 at 3:00 p.m. Ms. Whipple made the motion to continue, which was seconded by Ms. Grant and unanimously approved by roll-call vote.

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On 5 May 2021 the following board members reconvened: Pam Dolby – Acting Chairman, Nancy Whipple, John Magnuson, Robin Bray – alternate, and Carol Grant. The hearing notice and Zoom information were posted in the Town Hall and on the town’s website.

Ms. Langley submitted a more detailed floor plan and business plan that was distributed to the members and interested parties in advance of the hearing. Ms. Langley said that her plan is to provide a quick service, 'grab and go' establishment, and – potentially – some dinners to go. She said that the tables were for convenience only, not for table service. Ms. Langley noted that she is still negotiating the terms of the lease with Mr. Hall, and will not enter into a lease until she knows she can operate the kind of business she wants.

She said she has been working with the Wastewater Department and noted that the site had been the location of Truly Scrumptious, a food establishment, some years back and the Black Dog. The Black Dog received a special permit to operate a food business, but never really used it.

Matt Poole, Health Agent, said that he hasn't reviewed the application in depth, but noted that because there are tables a customer bathroom would absolutely need to be provided. He commented that there hasn't been a food business in the building for 25 years and noted that significant adjustments would need to be made to the premises if any type of food business would be allowed.

The Building Inspector, Reade Milne, said that the bathroom would need to be made handicapped accessible. She noted that she had not gone over the seating capacity yet.

Chairman Dolby asked if there were any letters from town boards or departments. There were none.

Julia Tarka said she did not believe that the abutters and other neighbors had time to adequately review the plans.

Nicole Brisson said that she was in favor of the proposal. She said that Jamie is dedicated and hard working with a 14-year track record.

Ben Hall gave a brief history of the premises, noting that Truly Scrumptious received a special permit in 1993 for 12 seats inside and 4 outside. [Mr. Hall was experiencing video and audio connection problems, and said he would attempt to rejoin the meeting in a few minutes.]

Christopher Celeste spoke in opposition to the project. [See also Mr. Celeste's letter of 21 April 2021 in the file]. Mr. Celeste said that he has absolutely nothing against Ms. Langley and that his objection is not related to her proposal but in a complete lack of confidence in the landlord's ability to provide an adequate environment for any type of food service. He said that he believes Jamie will be caught in the middle and the Halls will be unwilling to invest the resources necessary for the premises to become a safe environment for a food business. Mr. Celeste said that the Halls have neglected multiple properties in the town's historic district and should not be given any new special permits until they address these existing abandoned properties.

Ben Hall rejoined the meeting and said that he believed the existing bathroom could be made handicapped accessible. He noted that the building is preexisting and 'handicapped challenged.' Mr. Hall said that he believed Jamie will run a good operation and that a food business is better for the town than another tee-shirt shop.

Ms. Langley said she was aware that a great deal of work needed to be done.

Ms. Whipple said that she has great respect for Ms. Langley's talent and does not want to see her stumble and fall. She said that the building is in such disrepair that a great many expensive

upgrades will need to be made before it could be licensed for any kind of food service. She said that she would not be comfortable granting a special permit until the building is brought up to code.

Mr. Magnuson said that while he didn't have any specific problem with the proposal, he said that there is no such thing as 'grandfathering' when it comes to handicapped accessibility. The building would have to be made handicapped accessible.

Ms. Dolby said that there appear to be a lot of unanswered questions and abutters have said that they haven't had time to review the new plans.

Ms. Bray said that she finds the proposal to be too preliminary as it is clear that significant renovations need to be accomplished to satisfy both the Board of Health and the Building Inspector before the building could be made ready for Ms. Langley.

Ms. Dolby told Ms. Langley that she believed that the board had her best interests at heart and suggested that the application was premature.

Ms. Langley asked to withdraw the proposal. Ms. Grant made a motion to allow the applicant to withdraw. Mr. Magnuson seconded the motion. Unanimously approved by roll-call vote: 5-0.

Respectfully submitted,

Lisa Morrison
Assistant