

Case No. 60-21
Date Filed: 19 October 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 by Patrick Courtney d.b.a. the Port Hunter to revise a special permit issued in 2012 for a restaurant. The applicant is asking to increase the seating capacity from 49 seats to a maximum of 79 seats. The property is located at 55 Main Street (Assr. Pcl. 20D-210) in the B-I Business District and is owned by Benjamin L. Hall & Brian M. Hall.

1. On 20 October 2021 the application, a true copy of which is marked "A," was presented to the Town Clerk.
2. An advertisement, a true copy of which is marked "B," was published in the Vineyard Gazette on 22 October and 29 October 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, 10 November 2021 the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chairman, Carol Grant, Nancy Whipple, Pamela Dolby, and Tom Pierce. Chairman Tomassian opened the meeting and read the necessary requirements for conducting remote meetings in compliance with both the Governor's order and the Open Meeting Law.

Patrick Courtney said that he has run the proposal by the Building Inspector and the Board of Health. It is currently under review by the Wastewater Department. Mr. Courtney provided both the current floor plan of 49 seats and the proposed 79-seat floor plan. It was noted that the Martha's Vineyard Commission recently changed the DRI threshold for restaurants from 50 seats to 80 seats.

Chairman Tomassian asked if there were any letters from town boards or departments. There were none. An email from Melissa Shannon of 19 North Summer Street was read. Ms. Shannon had concerns about recent late night music and asked about current noise regulations.

Ms. Dolby said that she did not think that the increase in seating, which would be for dining, would have an impact on late night noise. She said that late night noise is part of living in a downtown area. She said that she thinks the Courtneys have done a great job of balancing the concerns of neighbors with the running of a successful restaurant and music venue. Ms. Whipple said she agreed, and thinks the Courtneys are doing a great job. She said she had no problem with the increased seating.

Ms. Grant asked if the four outside tables were new. Chairman Tomassian pointed out that they are not new and were included on the original plan. He commented that this property is distinct from other Main Street properties in that a portion of the sidewalk is actually part of the lot and not owned by the town.

Ms. Grant made a motion to approve the modification. She said that she believed there was adequate area for the increase in seating capacity and noted that the increase had been reviewed by the Building Inspector and the Board of Health. She said she did not think that the increase in seating would result in an increase in late-night noise as that happens after dining hours. She said that any noise complaints should be referred to the police.

Ms. Dolby seconded the motion and voted to approve the modification.

Ms. Whipple, Mr. Pierce, and Mr. Tomassian also voted, by roll-call vote, to approve the modification for the same reasons. Motion carried: 5 – 0.

Respectfully submitted,

Lisa C. Morrison, Assistant