

Case No. 5-22

Application filed: 25 January 2022

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 Kevin Crowell d.b.a. Détente LLC for a special permit under section 10.2 (e) of the zoning bylaw to add 24-outdoor dining seats in the courtyard owned by the Nevin Square Condominium Association. The property is located off Winter Street (Assr. Pcl. 20D-217) in the B-I Business District.

1. On 25 January 2022 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 28 January and 4 February 2022.
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, 16 February 2022, at the request of the applicant, the hearing was postponed to 2 March 2022 at 4:15 p.m. so that the application could be heard by a full five-member board. Notice of the postponement was posted in the Town Hall and on the town's website and calendar.

On Wednesday, 2 March 2022, the hearing was opened and held via Zoom. The following board members were in attendance: Carol Grant – Acting Chair, Nancy Whipple, Pamela Dolby, Thomas Pierce, and Robin Bray – alternate. Chair Grant 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.

Co-owner Suzanna Crowell made the presentation. Ms. Crowell explained that they would like to expand the permanent outdoor seating at Détente. She said that it has been very popular with both patrons and neighbors in Nevin Square. Unfortunately, after meeting with the Wastewater Commission, she was informed that there is currently a cap on any expansion of wastewater flow. She said she would like to go forward with the request regardless, so that if the wastewater situation changes, they will be ready to go forward. In the meantime, they would like the flexibility to move some interior seats to the proposed

courtyard area, especially when the weather cooperates. Détente is currently approved for a total of 56 seats: 18 on the ground floor, 20 upstairs, 6 at the bar, and 12 on the patio. They would like to reconfigure those 56 seats so that there would be 14 on the ground floor, 16 upstairs, 4 at the bar, 10 on the patio, and 12 in the courtyard.

Ms. Crowell noted that they have the approval of the Nevin Square Condominium Trust.

Chair Grant asked if there were any letters from town boards or departments. A letter from William Burke, wastewater facility manager, noted that any expansion would require the approval of the Wastewater Commission.

Letters of support were received from the following abutters and neighbors: Matt Dyroff, Jonathan Chatinover, Patrick Ahearn, John & Claudia Bradford, and Norman Rankow – Chairman of the Nevin Square Condominium Association.

Erin Reidy of the Edgartown Board of Trade spoke in support of the project.

As there was nothing to rebut, Chairman Grant closed the public portion of the hearing for discussion by the board. Ms. Dolby said that she was concerned that the wastewater commission is not taking care of existing businesses before promising capacity for new projects. She said she thought that the ZBA should take this issue up with the Selectmen.

Ms. Whipple commented that she was in favor of the plan.

Ms. Dolby made a motion to grant the special permit saying that she believed that proposal was in harmony with the general purpose and intent of the bylaw. She noted that there were no objections to the proposal from any abutters. She said she hoped the wastewater issues could be resolved. She said that Détente is a well run operation and she did not think that the additional outdoor seats would be detrimental to Nevin Square.

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

Ms. Bray, Mr. Pierce, and Ms. Grant also voted, by roll-call vote, to approve the project for the same reasons. Motion approved: 5 – 0.

Respectfully submitted,

Lisa C. Morrison, Assistant