

Case # 16-2022
Application Filed: 18 May 2022

DECISION AND FINDINGS OF THE ZONING BOARD OF APPEALS

Re: Request for a special permit under section 10.2.A 2 of the Edgartown Zoning Bylaw

Applicants: Luke & Katie Kenney d.b.a. the Blackbird Cafe

Owners: Heirs of Gerald Jeffers (3 Jeffers Lane, Assr. Pcl. 31-30) and 98 Pocha Realty Tr., Katherine J. Kidder, Tr. – Assr. Pcl. 47-43)

Book: 86/1317 Page: 19/833

PROCEDURAL HISTORY:

1. Application is for a special permit under section 10.2.A 2 of the bylaw to permit a small-scale business (food truck) on a property located at 3 Jeffers Lane and 98 Pocha Road in the R-120 Residential District.
2. A public hearing - after proper notice was given to abutters, town departments, and placed in the *Vineyard Gazette* - was held on 8 June 2022
3. The Board reviewed the application, the submitted materials, correspondence, and all other materials and information submitted prior to the close of the public hearing. The Board received and gave due consideration to the testimony given at the public hearing [See Record of Proceedings].

FACTS:

1. The proposed food truck will be located on a 6-acre property off Chappaquiddick Road, adjacent to the existing Chappy Store.
2. The applicant is proposing to operate the food truck from 8 a.m. to 4 p.m. six days a week from June through October.
3. In the state of Massachusetts, in order to be licensed, a food truck must be supported by a base kitchen. The applicants have entered into a lease agreement with Katherine Kidder to use her home-based commercial kitchen for approximately two-hours per day, from 7 a.m. to 9 a.m.
4. No deliveries will be made to the Chappy Kitchen site, nor will any food preparation occur at the site.
5. The food truck will be serviced by its own electric line, thereby obviating the necessity of a generator.
6. Letters were received from several abutters - some of whom support the proposal, and some whom were opposed. No objections to the proposal were received from town boards or departments. Applicant will work with the Board of Health to ensure compliance with the state and local food code.
7. Several abutters and Chappaquiddick residents spoke of the need for a revitalized general store and were very receptive to the idea of food truck. Most of the objections to the proposal were concerned that granting the proposal could set a precedent and make it easier for home-based businesses to transform into small scale businesses and industries in the R-120 Residential District. [See Record of Proceedings]

8. The Jeffers family received a special permit from the Zoning Board of Appeals in April of 1973 to operate a general store on their property.

FINDINGS:

The board finds that the applicants' proposed use of the property is appropriate and will not adversely affect the neighborhood within the meaning of Sections 10.2.A.1 & 10.2.A.2 of the bylaw.

1. The board believes that the limited use of the Chappy Kitchen for a maximum of two hours per day will not significantly increase the intensity of use or traffic at that site, considering that no deliveries or food preparation will take place at the Pocha Road location.
2. The board found that there is adequate parking and facilities at the site of the Chappy Store to support the addition of a food truck.
3. The board believes that the addition of the food truck will not cause a significant increase in traffic.
4. After hearing from the community at the public hearing, the board believes that the revitalized store and the food truck will fulfill a need on Chappaquiddick for both residents and visitors alike.
5. Providing access to staples and light food items may cut down on ferry traffic and congestion in downtown Edgartown

DECISION:

Based on the above findings and reasons, the Board voted 5-0 to grant the special permit with the following conditions:

1. The permit is issued to Luke & Katie Kenney d.b.a. Blackbird Cafe and is not transferable without prior review and approval from the Zoning Board of Appeals.
2. Project will be reviewed by the board in one year to ensure that the operation is complying with the requirements of the bylaw, Board of Health rules and regulations, and not having a negative impact on the neighborhood.

This decision of the Board of Appeals and a record of proceedings are on file in the Zoning Board office and in the office of the Town Clerk, Town Hall under Case No: 16-2022.

Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 13 June 2022. 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.

_____2022

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

Attest: _____