

Case Nos. 13-23, 14-23, 15-23
Application filed: 4 May 2023

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 relating to the request by 23 Kelley Street LLC for special permits under sections 3.1 B 3, 10.2 E and 2.3 B 5 of the zoning bylaw to (1) operate a restaurant ('The Pelican Club') in the same location as the former Wave Bar (Assr. Pcls. 20D-301 & 302 in the B-I Business District), (2) to operate a food, beverage, and clothing retail space ('The Commons') in the same location as the former Mix Market (Assr. Pcl. 20D-211 in the B-I Business District), and (3) to operate a private restaurant ('The Shack') in the pool area that will serve hotel guests only (Assr. Pcl. 20D-298.1 in the R-5 Residential District). The property is located at 6 Kelley Street and 51 North Water Street.

1. On 4 May 2023 the hearing notice, 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 the 19th and 24th of May 2023.
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 and abutters to abutters 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, 7 June 2023, the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chair, Pam Dolby, Thomas Pierce, Nancy Whipple and Carol Grant. 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.

Felicia Ellsworth, attorney from Wilmer Hale, began the presentation. Brad Guidi and Jason Brown from Blue Flag, a Boston based real estate and development firm, were also present. Ms. Ellsworth said that the application had three parts. Chairman Tomassian said that all three requests could be heard at the same time.

Ms. Ellsworth noted that the Kelley House had been bought in 2020 by 23 Kelley House LLC who undertook extensive renovations on the entire campus. The Neues From America, the

on-site pub, will continue to operate on a year-round basis and provide employment opportunities for island residents. To ease the affordable housing situation, the inn has acquired off-site housing for employees, in addition to the existing 18 on-site employee housing units above the Newes.

Ms. Ellsworth began with the Pelican Club, which as the former Wave Bar, had been operating for about 15 years without a special permit. When the renovation began, the Building & Zoning Inspector asked that Blue Flag file for special permits for the new bar as well as for the new food shop, now called The Commons.

Ms. Ellsworth noted that building permits have been issued for the Pelican Club, which will be a 79 seat sushi-centered restaurant and bar. As all seating is outside, it will be open only in season. Ms. Ellsworth noted that the Wastewater Department had given permission for up to 89 seats.

The project has been reviewed and approved by both the Conservation Commission and the Historic District Commission.

Ms. Ellsworth noted that the process to merge lot 302 with 301 has been approved, so the club will no longer straddle two lots.

The Commons, will be in the same location as the former Mix Market. It will sell to-go food options, coffee, and sundries. There will be no seating and no food will be prepared on the premises, other than coffee.

The Shack is the only new amenity proposed. It will be located adjacent to the relocated swimming pool area in the interior of the campus and will be available only to inn guests. Ms. Ellsworth noted that a prior special permit allowed for commercial use in this section of the campus, which is in the R-5 Residential District. The Historic District Commission has approved the rebuilding and upgrading of the historic structure that will house the snack bar. The building permit has been issued and the renovation is largely completed.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. Three letters of support were received from Tom McConnell of the Vineyard Square Hotel & Suites, Robert Colacray of 25 Dock Street, and Jessica Rosenberg.

There was no one present who wished to comment on the applications, either pro or con. Mr. Tomassian then closed the public portion of the hearing for discussion by the board.

Mr. Tomassian commented that he walked by the renovations earlier in the day and noted that it was quite an improvement.

Ms. Dolby said she thinks that it is important to support the inns and hotels in Edgartown. She said she did not think any of the proposals would contribute to a major increase in the intensity of use. She did ask that Blue Flag keep the Newes open year-round. She also encouraged the new owners to bring back some of the old menu items that have a loyal following in the community.

Mr. Pierce concurred and mentioned his fondness for the bean burrito, especially in the dead of winter.

Ms. Whipple said she was very impressed with the proposal and said she was very glad to see the area rejuvenated.

Mr. Tomassian agreed and also strongly encouraged Blue Flag to keep the Newes open year-round and dig up some of the old menus. He said he thought it was outrageous when Blue Flag summarily dismissed 20-year employees after purchasing the property.

Ms. Grant made a motion to approve the special permits saying that she believed the project to be in harmony with the general purpose and intent of the bylaw. She noted that two of the requests were primarily to 'tidy up' the permitting situation. The only new project was located in the interior of the property and only for inn guests. She said she did not think that the project would have a negative effect on the neighborhood or increase traffic in the area. She said that the town will benefit from the year-round restaurant and the increase in employee housing. She said that overall, she thinks it is a great plan.

Ms. Dolby seconded the motion and voted to approve the projects for the same reasons.

Mr. Tomassian, Ms. Whipple, and Mr. Pierce also voted to approve the projects for the same reasons . Unanimously approved 5 to 0.

Respectfully submitted,

Lisa C. Morrison, Assistant