

Case # 13-2023

Application Filed: 4 May 2023

DECISION OF THE ZONING BOARD OF APPEALS
ON THE REQUEST FOR A SPECIAL PERMIT

Owners/Applicants: 23 Kelley Street LLC

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At a meeting held remotely via Zoom on Wednesday, 7 June 2023, the Edgartown Zoning Board of Appeals voted unanimously (5-0) to grant a special permit under section 2.3 B 5 of the zoning bylaw to allow the operation of a private snack bar to be known as The Shack. The property is located at 55 North Water Street (Assr. Pcl. 298.1) in the R-5 Residential District.

The application was accompanied by a site plan dated 17 April 2023 by Sourati Engineering Group and floor plans dated 20 April 2023 and captioned A-910.07 and A-911.07. [For details concerning the hearing please see the Record of Proceedings filed with this Decision on-line and in the office of the Town Clerk.]

FACTS:

1. The Shack will not be open to the public and will be used only by inn guests.
2. The Shack will sell packaged food and beverages. Made-to-order food will be prepared in the main on-site kitchen and delivered to the pool area.
3. The Shack will be open on a seasonal basis from mid-April to late November.
4. The Historic District Commission has reviewed and approved the design of the Shack. The Shack will be located in a rebuilt structure that has been designed to replicate to some degree the original historic structure that was allowed to deteriorate and was deemed unsalvageable by the Historic District Commission.
5. There were no objections to the proposal from any town boards or departments. Three letters of support were submitted by members of the community.
6. The Kelley House received a prior special permit from the Zoning Board of Appeals to operate commercially in the R-5 Residential District.

FINDINGS:

The board found the proposal to be appropriate and in harmony with the general purpose and intent of the bylaw for the following reasons:

1. As the Shack will be open only to inn guests, the proposal will not add significantly to summer traffic congestion or overburden town or emergency services.
2. The proposal will provide additional employee housing both on and off site.
3. By creating a walking path through the campus from Dock Street to North Water Street, the project will enhance the neighborhood and make the area more pedestrian friendly.
4. The Shack and pool area will be located in a portion of the property that was previously an underused parking lot, which has now become an extensively landscaped inner courtyard that will be visible to the public using the walkway.

CONDITIONS:

No additional conditions were placed on the permit.

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: 13-2023.

Zoning Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 12 June 2023. 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.

_____2023

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

Attest: _____