

Case No. 15-24
Date Filed: 29 April 2024

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 for a special permit under section 10.2 E of the Edgartown Zoning Bylaw by Martha's Vineyard Colonial Inn LLC to allow Chesca's Restaurant to use the rear courtyard for outdoor seating and the service of food and alcohol. The property is located at 38 North Water Street (Assr. Pcl. 20D-216) in the B-I Business District.

1. On 29 April 2024 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 the 3rd and 10th of May 2024.
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, 22 May 2024 at 4:15 p.m. the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chair, Carol Grant, Nancy Whipple, Tom Pierce, and Pamela Dolby. Michael O'Brien, chef/owner of Chesca's was present, as was Wes Doyle, General Manager of the Vineyard Square Hotel.

Mr. O'Brien said that during Covid the courtyard was used for outdoor dining for two seasons, probably a total of 120 times. He said that no complaints were received during that time. He said that customers would like to have the option of dining outside and they would like to have 3 four-tops and 2 two-tops in the courtyard or between 14 and 16 additional seats. There would be no change in the total number of seats in the restaurant. Currently, there are 107 seats in Chesca's, including 6 at the bar.

Mr. O'Brien said that Chesca's is a fine dining establishment. He noted that the courtyard is fully enclosed by the hotel and its facilities. He noted that the spa, which opens onto the courtyard, closes at 5 p.m. Many of the hotel's rooms open on to the courtyard. Mr. O'Brien noted that currently the hotel guests can use the courtyard at any time with no restrictions.

Mr. O'Brien stated that there would be no loud music, only some ambient music on a blue tooth speaker to add atmosphere. He said that the courtyard would not be a cocktail lounge similar to the nearby Pelican Club. He said the courtyard would be in use primarily between the hours of 5:30 to 7:30 p.m.

Wes Doyle, general manager of the Vineyard Square Hotel, noted that the courtyard is nestled in the back of the hotel, surrounded by guest rooms. He said that it would not be in the hotel's best interest to allow a noisy restaurant to interfere with his guests' ability to sleep. He said he believes that allowing the courtyard to be used for limited and controlled outdoor dining will have less of an impact on the neighborhood than the current unregulated use by any and all hotel guests. He noted that both D tente and L'etoile have outdoor dining venues.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. There were several letters from abutters: Loring Allen & Stuart Randall of 50 North Water Street, Karen & Jim Gerard of 156 Simpson's Lane, Scott Schneider of 44 North Water Street. All were concerned about noise pollution, increase in commercial activity and traffic, and increase in pests such as skunks and rats that are attracted by food debris and garbage.

Mr. Tomassian asked if there was anyone present who wished to comment on the application. Loring Allen said she was opposed to the project and reiterated some of the points in her letter. She said that even if dinner service were to cease by 10 p.m., diners often linger longer. Ms. Allen noted that the area is replete with restaurants and their consequent odors, noise, garbage pick-ups, and food deliveries. She noted that these activities are further exacerbated by the proximity of the Chappy ferry line. She said that all these activities are not acceptable to the residents of the area who are just trying to enjoy their time in peace.

Mr. Tomassian asked if the applicant wished offer a rebuttal. Wes Doyle commented that he did not think some of the abutters' concerns were entirely factual. He noted that he spends a considerable sum on money with Griggs & Browne and Walter Wlodka for rodent control. He said that if music is truly a problem, he would be willing to install a fountain. He said he would provide his cell phone number to the neighbors and would encourage them to call if they are experiencing excessive noise or other problems. Mr. Doyle noted that garbage is picked up and removed from the site on a daily basis.

Mr. Pierce commented that the situation reminds him of one on Watcha Path, where one individual was blamed for commercial traffic on the road when his business was not the primary cause. He said he is impressed that management is so willing to work with the neighbors to alleviate their concerns. He noted that all the abutters who raised concerns actually live in the B-I Business District, not in a residential district. He said he is aware of the problems with the Chappy ferry line on Simpson's Lane, but does not believe that the restaurant should be penalized for those problems.

Ms. Dolby noted that the restaurant predates all the abutters, whose property was, until around 2017, part of the Shiretown Inn. She said that she believes that this limited outdoor seating will not overly contribute to noise, noting that the courtyard is surrounded by guest rooms and it would not be in the hotel's best interest to host a rowdy scene. She said that rodents can be an issue with any restaurant, and commented that all the food waste and

dirty plates will be taken back to the kitchen and dealt with no differently than the same plates from diners inside the restaurant.

She said that visitors often have difficulty finding a place to eat in high season. She said she knows that running a restaurant is not an easy task, and thinks they should be given a shot. She also noted that there will be no net increase in the number of seats. She suggested that if the board were to approve the permit, there should be a review at the end of the season.

Ms. Whipple agreed that the applicant should be given a chance.

Mr. Tomassian commented that he was not especially concerned that noise will be an issue as the courtyard is surrounded by hotel rooms. Mr. Tomassian made a motion to grant the special permit, with the condition that it be reviewed at the end of the season in October.

Ms. Grant seconded the motion and voted to grant the special permit for the same reasons and with the same condition.

Ms. Dolby, Mr. Pierce, and Ms. Whipple also voted to grant the special permit for the same reasons and with the same condition.

Unanimously approved by roll-call vote: 5 - 0.

Respectfully submitted,

Lisa C. Morrison, Assistant