

Edgartown Planning Board  
Tuesday, March 10, 2015 at 5:30 PM  
Town Hall – 1<sup>st</sup> Floor – Selectmen’s Meeting Room  
Minutes

*Members in Attendance: Chairman Fred Mascolo, Robert Cavallo, Michael McCourt, and Alan Wilson.*

*Members Absent: Robert Sparks*

*Staff in Attendance: Georgiana Greenough, Assistant; and Lucy Morrison, Clerk*

**5:25 PM: Ann Floyd/Land Bank - Modify Form A: Rename Willet Rd to Tom’s Neck Farm Lane on plan for Tom’s Neck Farm transfer to Land Bank**

The Board reviewed the applicant’s revision of a Form A application previously signed on December 2, 2014 for the proposed conveyance of certain parcels from Ann Floyd et al (aka Tom’s Neck Farm) to the MV Land Bank Commission. The plans incorrectly displayed Willet Way as the name of access road off Dyke Rd. Willet Way is actually a driveway that parallels the Tom’s Neck Farm 40’ way to the Roosevelt’s properties, and is hard to differentiate on the assessors’ maps.

Mr. Cavallo made a motion to endorse the corrected version of a previously endorsed Form A and approve the modifications to the Definitive Plan and the Cluster Subdivision. The motion was unanimously passed and the board endorsed the plan.

**5:32 PM: Bad Martha Farmer’s Brewery, 270 Upper Main St (20A-65.2) B-II District. Modification to SP: To allow small scale (up to 34 people) events to be held at the premises & clarification of the food service to be available at the premises**

*In Attendance: Sean Murphy, Jim Carlton*

Sean Murphy approached the Board and introduced Jim Carlton, the brew master and manager of the brewery. The applicants are before the Board to request a modification to a special permit that was granted on January 30, 2014 to allow the establishment to sell and serve an expanded list of food items, and to allow for the hosting of special events.

Under the special permit granted last year, cheese and small food items are allowed to be sold and eaten at the brewery. The Building Inspector has clarified that the special permit for a brewery covers beer and snacks; and does not allow for other food items, food service, or special events. As things have evolved, the brewery would like to offer certain food pairings, not covered by the original permit.

The applicants have been working with the Board of Health over the course of the fall to figure out all of the potential issues. There will be no cooked food, and no cooking facilities on site. None of the food

sold will be prepared on-site, only obtained from reputable sources. The brewery owners do not want to make food, and do not want to compete with other restaurants.

Also, over the course of the last season, several people and organizations asked to use the facility for third party events, not related to the brewery. For these events, the applicants are asking to allow for the service of food from a list of potential menu items as determined through the Board of Health. Mr. Murphy stated again that none of the food will be prepared on-site. He also stated that the food for the events will be separate from the regular, every day food items.

Mr. Cavallo asked if the prepared food items will be brought in from specific locations. Mr. Murphy replied yes, and that each item will be purchased from an approved wholesaler that has been signed off by Matt Poole.

The site still needs a health certification for the food safety manager, an added sink and several other interior modifications.

There have been no complaints about the brewery.

The Board of Health has limited the number of catered events, if the Board decides to allow for events to be held on location. Mr. Poole would allow five or six catered events on a case-by-case basis after being notified in advance. There will be no weekly catering or set schedule. The special events will provide catered food, after prior approval from Mr. Poole.

Mr. Murphy reviewed the types of sales made by the brewery. There are samples of the different beers available; it is also possible to purchase a full 16 oz pint, and to fill up a growler to be consumed off-site. There have been no complaints of any kind. The establishment has obtained two licenses: a brewery license from state and a pour license from the Town of Edgartown. There were no reported instances of underage drinking or over-serving. The brewery serves six to eight styles of beer, of only Bad Martha brand. The purpose of the brewery is to expand the brand and offer tastings.

Mr. Mascolo asked about the length of the season for the brewery. Mr. Carlson replied that the brewery will be opening May, and will possibly remain open through the weekends in November.

Mr. Wilson asked how successful the brewery was this past season. Mr. Murphy replied that business was as it was expected.

The applicants mentioned that the Selectmen have limited the hours of operation to 9 PM. The applicants may ask to expand the hours. The Board replied that the hours of operation are not in the Planning Board's purview.

Mr. Murphy read the list of food approved by Matt Poole. PHF stands for potentially hazardous food.

Mr. McCourt stated that by adding these selected items to the menu, the brewery is close to becoming a restaurant; which is not the goal. Mr. McCourt also stated that he has not heard anything about a parking issue yet, but parking is a potential problem if the brewery gets any busier.

Mr. Murphy stated that he doesn't anticipate anyone coming in to the brewery strictly for the food. The owners have no intention or desire to become a restaurant. The people that frequent the brewery would like to have an expanded list of snack foods available (to purchase) as they sample the different beers. The owners would like the brewery to have a farmer's market feel, with select local items available to be consumed elsewhere. Mr. Murphy also added that the list of food provided is more exhaustive than what may actually be in stock at any given time. The applicants are asking for the maximum amount allowable, so as to not have to return to the Board for the addition of one thing. Mr. Murphy also added that not all of the items will be available every day or all the time.

Mr. Cavallo asked about the foods that are currently being sold there. The brewery sold packaged items last year, like honey and pies. Not all of the food is being eaten on the premises. A good portion of it is being consumed elsewhere.

Mr. Mascolo commented that it is good that all of the items are from local sources. Mr. Murphy emphasized that the owners would like the brewery to have the atmosphere of a farmer's market.

Mr. McCourt emphasized that there could be a traffic issue if the establishment becomes busier.

Mr. Mascolo asked Mr. Murphy if traffic is a concern. Mr. Murphy stated that there did not appear to be any traffic or parking issues at all last season; and reiterated that the purpose of providing food at the establishment is to serve the customer that is already there better, not to attract more.

The Board turned their attention to the second part of the modification, the hosting of events. Mr. Murphy explained that last year, several people and organizations requested to use the facility for special events, such as small rehearsal dinners and book signings. The Building Inspector specified that functions are prohibited, unless the special permit allows for them. The capacity of the building remains the same, and there cannot be more than 34 people present at any given time.

The applicants are requesting the ability to hold 10-12 events from May to October, including Christmas. Mr. Murphy stated that the events won't change the character of the establishment. Mr. Carlson stated that it was doubtful that 12 events will be held over the course of the year, but would like to have the option.

Ms. Greenough commented that the applicants are using a broad definition of "event." Mr. McCourt also noted that normally, the Board and the Town permit one event at a time.

Mr. Murphy replied that with the scheduling of the meetings, the events would need to be planned too far in advance to be practical. He suggested that the applicants inform the building department before each event for a head count, if approved by the Board.

Mr. McCourt asked how the capacity is controlled. Mr. Murphy replied that the capacity is controlled internally, by the staff. The employees are aware of the ramifications if the building ever reaches over capacity. Mr. Murphy added that the events will be done by 9 PM, even if the normal hours of operation are extended.

Mr. McCourt clarified that there will be no tents or other temporary structures set up on-site to house more guests. Mr. Murphy agreed, and stated that beer can only be served inside, on the porch and on the pergola.

Mr. Murphy clarified that the brewery has obtained an entertainment permit for acoustic music.

Marilyn, an abutter to the property, asked if the brewery would be closed to the public for the special events. Mr. Murphy replied yes, it would need to be closed to the public for capacity reasons.

There were no letters received from the public regarding this application.

Mr. Mascolo closed the public hearing at 6:13 PM.

Mr. Cavallo stated that he doesn't have a problem with the application. He doesn't believe the addition of the certain food items will make the establishment any busier, and that it is to be available as a convenience for the patrons that are already visiting the brewery.

Mr. McCourt stated that he was okay with the food aspect of the modification, but felt that the special event provision was too open ended. He asked how the building capacity of 34 would be monitored. He also speculated that parking and traffic could become an issue, and urged the Board to place conditions on the special events.

Mr. Mascolo commented that there is more parking available at that location than anywhere else. The brewery patrons have access to Donaroma's and Sharky's parking as well as the town lot. He stated that he was in favor of the expanded food menu. He liked the idea that patrons have the option to eat something while they're drinking.

The Board reviewed the potential conditions to be placed on the special events as discussed. The events will not go later than 9 PM. There will be no more than 10 events per year, and the capacity of the building and the event shall not exceed 35 persons. Mr. McCourt also suggested the Board re-evaluate the decision in one year.

Mr. Murphy requested that the modification provision regarding the food be granted without a review. The applicants will be spending money to modify the space to obtain a health certificate. There will be a

new sink and a stainless steel food preparation area installed, as well as some adjustments to the refrigeration and the counters. Mr. Murphy stated that it would be unfortunate for the applicants to modify the space in such a way, only to have the permit revoked after one year. The Board agreed. Mr. Cavallo requested that the list of food approved by the Board of Health be read again.

Mr. Murphy read the list of foods and added that it is not the intention of the applicants to add any business, but to enhance the experience for customers already frequenting the brewery.

The Building Inspector and the Board of Health calculate the capacity of the building based on the square footage and layout of the structure.

Mr. McCourt strongly encouraged the Board to add a condition that if any complaints are filed about a special event, the Board retains the right to revisit the decision immediately.

Mr. Cavallo moved to approve the request for food service with the list of approved foods, some to be packaged some to be consumed on site. Mr. McCourt seconded, and the motion passed unanimously, 4-0.

Mr. Cavallo moved to approve the request for up to 10 events limited to 34 people and end no later than 9 pm, and to be reviewed in one year. If any complaints are filed, the decision will be reviewed immediately. Mr. McCourt seconded, and the motion passed unanimously, 4-0.

**6:26 PM: Rogal Subdivision – Endorse plan.** Reid Silva, Vineyard Land Surveying & Engineering, presented the Rogal mylar plan to be endorsed. The 20-day appeal period has been completed. The Board voted unanimously to endorse the Form C plans.

**6:30 PM: Stanley & Merle Goldstein, 16 Caleb’s Pond Rd (30-39) SP: Coastal District. Construct 720 s.f. addition to a pre-existing non-conforming house on a pre-existing non-conforming lot in the inland zone of the Coastal District.**

*In Attendance: Dick Knight*

A site visit took place the morning of the hearing. Mr. Knight approached the Board to present the application. There is an existing non-conforming house on the property. The owners would like to reconfigure part of the house from a bedroom, a bathroom, and a hallway to a powder room, a storage closet and a family room.

Mr. Mascolo commented that the house is a minimal structure, of only approximately 2,300 square feet.

Mr. Knight showed the Board the overlays of the site plan and explained that the portion of the house highlighted in red will be demolished. The proposal eliminates a bedroom, and the septic capacity will not be changed; the owners may opt to add a bedroom somewhere else on the property, but not at this

time. The proposal adds approximately 200 square feet to the building's footprint, for a total modification to 720 square feet of the structure.

Mr. Cavallo noted that the modifications presented in the application are minor, and asked why a special permit was necessary. Ms. Greenough replied that the structure is non-conforming on a non-conforming lot.

There were no issues from any of the neighbors.

Mr. Wilson moved to approve the application because the proposed changes have no negative impact on the coastal district or the neighborhood. Mr. Cavallo seconded, and the motion passed unanimously, 4-0.

**6:37 PM: Recommended Addition to Pier Conditions.** Mr. Wilson mentioned a discussion with Steve Ewing, who maintains moorings and constructs piers in Edgartown Harbor, about having access to a ladder at the end of long piers. Mr. Wilson requested that a ladder be added to the standard list of conditions for piers. The ladder would provide means to get out of the water in case someone falls in alone. This condition may not be necessary when the beach access is easily accessible. Mr. Mascolo commented that, as with the other safety equipment provisions, the ladder only has to work once to be considered a successful arrangement.

Ms. Greenough suggested that the board needs to vote on the proposed condition, add the provision to the list of standard pier conditions, and name it the Ewing amendment.

Mr. Cavallo moved to adjourn. Mr. McCourt seconded and the motion passed unanimously, 4-0. The meeting was adjourned at 6:42 PM.

Respectfully Submitted,

Lucy Morrison

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*Fred Mascolo, Chairman*

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*Robert Cavallo*

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*Michael McCourt*

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*Robert Sparks*

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*Alan O. Wilson*

Edgartown Planning Board  
Date signed: