

December 12, 2023

Mary Gilson
Occasional guest of
819 Whitehead Street

With reference to the application to request a change to the variance for 821-823 Whitehead (RE#00017250-000000,00017250-000100

My name is Mary Gilson. I am an occasional guest of the property located at 819 Whitehead Street which is directly adjacent to "The Moondog Café" (located at 821-823 Whitehead street). Henceforth "Moondog."

I am the office administrator of the owner of 819 Whitehead Street, Dr. Matthew Wilson.

In the application for a variance before the Planning Board tonight it is suggested that Dr. Wilson "supports" this application for the variance—he does not.

Although the letter attached to the application from Dr. Wilson APPEARS to state this, it was the result of a request from Moondog which was not truthful.

I attach a series of text messages from Moondog which asked me to secure support from Dr. Wilson for "the process of updating permits and licenses and such".

I attach a copy of those texts as Exhibit 1.

In my view and that of Dr. Wilson, this letter was secured from Dr. Wilson and myself under false reasoning. The manager at Moondog stated that the establishment was in the process of "updating licenses and permits and such" from the city and needed a letter stating that they are "good neighbors".

We pride ourself on being good neighbors and saw no harm in this.

The Moondog manager did not state that they were applying for a variance to seek the use of tables on the rear porch and the use of amplified music out there.

In an effort to be a good neighbor, Dr Wilson did draft this letter but it was written under the assumption that rear outdoor consumption was already permitted by the City.

This is because such dining and the use of amplified music has been going on for years.

Moondog has been using this rear porch dining since Dr. Wilson purchased the property and, on multiple occasions since Dr. Wilson purchased the property, he and I have dined at Moondog and sat at tables on the rear porch and listened to amplified music there.

On all occasions that we sat on the rear porch many other diners were present. Attached as Exhibit 2, is a picture of me with my family having dinner at Moondog and sitting on the rear porch from June 2022. But we have dined there many, many times together.

Additionally, we have had guests at the 819 property who have complained bitterly about the noise coming from Moondog including the amplified music and the sometimes very loud guests.

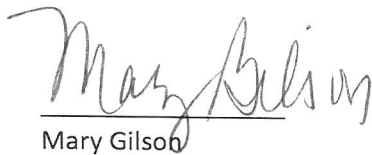
It was therefore a surprise to both of us to learn, upon reviewing the application for the variance, that Moondog did not have the right to use the rear porch for dining purposes and did not have the right to have amplified music at the rear of the property.

Indeed, had we known that Moondog had no such right, we both would have reported the violation to code enforcement. And this letter should be treated as a complaint to code enforcement about Moondog violating the terms of its prior agreement with the City.

Had I or Dr. Wilson known that this letter from Dr. Wilson was going to be used for the purposes of "extending a non-conforming use" we both would obviously would have said no to the application.

In short, we believe we have been misled and we believe that Moondog has long been in violation of its existing agreement with the City.

Sincerely,


Mary Gilson

11:59



EXHIBIT 1

New iMessage

Cancel

To: Moondog

iMessage
Fri, Aug 25 at 11:38 AM

Hi Mary! I don't know how I didn't see this message. But yes, we did use Limb Walkers to help us trim the tree. Thanks again for the recommendation.

Are you still in town?

Sat, Aug 26 at 8:50 AM

Good morning. The reason I was asking if you were in town, is that we're in the process of updating permits and licenses and such, and we're looking for a general recommendation letter from our neighbors saying that we are good neighbors. Are you able to assist with that?

Oh hi! I was in the process of having a camper delivered when you texted yesterday. Sorry for no response.

I am not in town but can assist with that. Can I get it to you Monday? I could email it.

Wonderful. Hopefully everything went smooth with the camper.

And yes Monday would be perfect



iMessage



11:59



New iMessage

Cancel

To: Moondog

Oh hi! I was in the process of having a camper delivered when you texted yesterday. Sorry for no response.

I am not in town but can assist with that. Can I get it to you Monday? I could email it.

Wonderful. Hopefully everything went smooth with the camper.

And, yes, Monday would be perfect.
Our email is
Moondogcafekw@gmail.com

All went very well. Thank you! I will take care of that for you. 😊

Thank you.

Fri, Sep 1 at 11:07 AM

Hi Mary. Did you have time to send off that letter?

Could you include that you support the use of their rear patio for outdoor dining/consumption area? Thank you.

Tue, Sep 5 at 11:20 AM



iMessage



11:59



New iMessage

Cancel

To: Moondog

that letter?

Could you include that you support the use of their rear patio for outdoor dining/consumption area? Thank you.

Tue, Sep 5 at 11:20 AM

Hello! I unexpectedly had to be out of office and was unable to get that done. I will have it for you tomorrow. Will also include the extra info above. So sorry for the delay.

Thank you! I hope you had a nice holiday weekend.

Wed, Sep 6 at 9:54 AM

Good morning.

I'm sure you were going to but can you be sure to include your address in the letter?



FILE_7837.pdf
PDF Document · 576 KB

Here's an example from our other neighbor. Thanks again.



iMessage



