

Case: 9-18  
Date Filed: 27 February 2018

### 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 of Deluna LLC for a special permit under section 11.9 f of the zoning bylaw to construct additions to an existing structure on a preexisting, nonconforming lot located at 8 Atwood Circle, Assr. Pcl. 29B-57 in the R-5 Residential District.

1. On 27 February 2018 the application, a true copy of which is marked "A," was presented to the Town Clerk.
2. In addition, an advertisement, a true copy of which is marked "B," was published in the Vineyard Gazette on March 2<sup>nd</sup> and March 9<sup>th</sup> 2018.
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 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, 21 March 2018 at 7:15 p.m. the public hearing was held in the Town Hall. The following board members were sitting for this hearing: Martin Tomassian – Chairman, Carol Grant, Nancy Whipple, Ted Rosbeck - alternate, and Robin Bray – alternate.

Architect Patrick Ahearn made the presentation for the applicants. Mr. Ahearn described the project, which amounts to the addition of a screen porch with second floor deck above, a mudroom connector to the existing garage, a new front entry, and a second floor master bedroom addition in the footprint of an existing second floor deck.

Mr. Ahearn noted that the project is restoration. The existing house has problems with moisture and mold. They will be lifting the house off its current foundation and constructing a new brick foundation. Mr. Ahearn noted that the project has received unanimous approval from the Historic District Commission. He noted that they will also be removing the existing aluminum garage door and replacing it with a carriage house door.

The intent is to restore the original façade of the house by making several exterior improvements such as removing the 1950s bay window. The house will be resingled with white cedar shingles and the roof will be red cedar shingles.

Ms. Grant asked if the house would be any higher. Mr. Ahearn replied that it will be no higher than the existing ridge height of 33-feet 4-inches.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. There were no letters from abutters. Stacy Wallace, an abutter, had several questions and concerns. She began by stating that she was in favor of the overall design.

She said she thought the moisture problem had been misrepresented by Mr. Ahearn. She showed the board several photographs from the storm earlier in March that showed a number of adjacent properties flooded, but not the Thomas [now Deluna] house.

Ms. Wallace said that she could find no dimension on the plans for the garage. She said she was concerned because the garage is only 17-inches from her property. Mr. Ahearn replied that they are not changing the dimensions of the garage. The only exterior work will be reshingling.

Ms. Wallace was also concerned about damage to her retaining wall and noted that there is a tree currently growing out from the retaining wall that the applicants may wish to remove. She said she has no sentimental attachment to the tree, but is worried that its removal or other construction activities could undermine or damage the wall. She said she would like assurance that if the wall is damaged the applicants will repair it – not just patch it – at their own expense.

Mr. Ahearn assured Ms. Wallace that if any damage is done to the wall it will be fully repaired in the same style using compatible materials.

Ms. Wallace said that she has no problem with the applicants coming on to her property in order to facilitate construction. She said she plans on putting up fencing 3-feet in from the property line to demarcate a construction zone. She said that has summer tenants coming and asked about construction timing.

Mr. Ahearn said that they probably won't begin construction until September.

Mr. Tomassian then closed the public portion of the hearing for discussion by the board.

No one had any additional questions or concerns.

Ms. Grant made a motion to approve the project as presented. She said that she found the proposal to be in harmony with the general purpose and intent of the bylaw. Overall the project is more of a restoration than an addition as most of the changes are within the existing footprint, with the exception of the screen porch addition that adds an additional 150 sq. ft. to the footprint. She said that she found the site to be appropriate and noted that the existing nonconformities on the lot will not be enlarged. The existing ridge height of 33'4" will not be exceeded. She said she believed the abutters concerns had been adequately addressed by the applicant and proposed that the following conditions be added to the decision:

1. Applicant agrees to repair – in a similar style and using compatible materials - any damage to the existing retaining wall on the Wallace property resulting from construction activities or removal of the tree.

2. Applicant agrees to start exterior demolition/construction no sooner than Labor Day of 2018.

Ms. Whipple seconded the motion and voted to approve the project for the same reasons and with the same conditions.

Mr. Rosbeck, Ms. Bray, and Mr. Tomassian also voted to grant the special permit for the same reasons and with the same conditions.

Respectfully submitted,

Lisa C. Morrison, Assistant