

Case: 6-18
Date Filed: 5 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 James E. Joyce for a special permit under section 11.9 (f) of the zoning bylaw to demolish an existing barn and construct a two-story addition to an existing residence on a preexisting, nonconforming lot located at 9 Green Avenue, Assr. Pcl. 20D-14 in the R-5 Residential District.

1. On 5 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 February 9th and February 16th 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.
4. On 22 February 2018 a letter from the Historic District Commission was received notifying the board that the commission had voted unanimously at their meeting on 15 February 2018 to request that the Board of Appeals refer the application to the Martha's Vineyard Commission.
5. On 26 February 2018 the application was sent to the Martha's Vineyard Commission under section 8.2 on the DRI checklist.
6. On 26 April 2018 the Zoning Board received a letter from Paul H. Foley, DRI Coordinator at the MVC, informing the board that the MVC had determined that the proposed demolition was not significant enough to require a public review as a Development of Regional Impact.
7. After additional notice to abutters and publication in the Gazette on 11 May 2018 and 18 May 2018, a public hearing was held on Wednesday, 30 May 2018 at 7:30 p.m. in the Town Hall. The following board members were sitting for this hearing: Richard Knight- Acting Chairman, Nancy Whipple, Carol Grant, Ted Rosbeck - alternate, and Robin Bray - alternate.

The applicant, James Joyce, made the presentation to the board. Mr. Joyce said that he would like to remove the older building that is on his property and construct a two-story addition to his existing house. The addition would have a living area, office, and garage on the first floor and two bedrooms and baths on the second floor. Mr. Joyce said that the current house has 700 sq. ft. of living space; the addition would add an additional 1786 sq. ft. of living space. The attached garage would be 272 sq. ft.

Mr. Knight asked if there were any letters from town boards or departments. A letter from the Jane Chittick, an abutter, was read. Ms. Chittick was opposed to the project saying that she believed the structure dated from the turn of the last century and provides character to the neighborhood and is part of the town's history. Ms. Chittick mistakenly stated that the property is in the Historic District, it is just outside the district's boundaries.

The letter from Paul Foley of the Martha's Vineyard Commission was also read.

Sharon Willoughby commented that she thought the new proposal would improve the neighborhood.

Ms. Grant said that she would like to see interior floor plans of the proposed addition. She was concerned that the addition seemed to be substantially higher than the existing structure.

Ms. Bray said that she would like to see the structure renovated and saved. She said she believed that portions of the building dated back to 1870. She said that even though the MVC determined that the structure was not of regional importance to the island as a whole, it may be significant to Edgartown.

Mr. Knight commented that he saw the structure as a piece of Edgartown history that contributes to the diversity and appeal of the town. He said that the board needed to balance that fact with the rights of the homeowner. He said that the bay window is the most striking feature of the structure and he would hate to see it disappear. Mr. Knight acknowledged that there was not much integrity left in the building. Mr. Knight said that he would like a better idea of what is intended.

After some further discussion, the board agreed to continue the hearing so that Mr. Joyce could submit interior floor plans and a surveyor's plot plan.

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After notice to the abutters, and posting on the town's website and notice board, the continuation was held on Tuesday, 10 July 2018 at 3:00 p.m. in the town hall. The following board members were present: Richard Knight – acting Chairman, Carol Grant, Nancy Whipple, Robin Bray – alternate, and Ted Rosbeck – alternate.

Floor plans of the proposed addition and an updated site plan (SBH 21 June 2018) were submitted in advance to the board and distributed.

Mr. Joyce explained that the property currently has a one- bedroom house built three years ago. He said that he has owned the property for 20-years and will be moving into it in a few

weeks. It is currently rented. He has been living in his real estate office downtown and needs to leave in a few weeks.

He has two sons who live on the island and who are currently doing the island shuffle and he would like to provide them with a place to live.

The existing house has approximately 712 sq. ft of living space. The footprint of the existing barn is 817 sq. ft. The proposed addition would have 1786 sq. ft. of living space; and the attached garage would be 272 sq. ft. The total living space would be 2498 sq. ft. Mr. Joyce said the total lot coverage would be about 30%, comparable to other properties in the neighborhood.

Mr. Knight asked if there were any additional letters. A letter from the Historic District Commission (HDC) dated 25 June 2018 was read. The letter was signed by Chairman Chris Scott and informed the board that the commissioners found the barn to be historically significant to the village and voted unanimously to request that the ZBA deny approval for the demolition of the barn.

Rachel Hall, the niece of abutter Curtis Carlson of 6 Pease's Point Way, spoke in favor of the proposal. Mr. Carlson noted that he has not seen any activity at the barn in many years.

Mr. Joyce said that he spoke with many of his neighbors and showed them his plans. He said that no one was opposed to the proposal. He did not ask for anything in writing.

Jane Chittick of 113 Upper Main Street said that Mr. Joyce's lot abuts the rear of her property. She said that she agrees with the HDC, but is primarily concerned about the huge increase in size of the addition. She said it is much too large and would change the character of the neighborhood.

Mr. Joyce said that his neighbor has a much larger house and lot coverage of 60%.

Susan Catling, a member of the HDC, said that even though the barn is just outside the historic district, there are very few barns left in downtown Edgartown and believes it is worth preserving. She said that the bay window in particular is unusual and worth preserving.

Mr. Joyce said that he agreed that there was some historic significance to the bay window, but that he is not in a position to preserve the barn. The building is not structurally sound and he does not have the money to restore it. He said that he is more than willing to donate it to someone who could use it.

He said that he has attempted to design the addition so that it would be compatible with the neighborhood and not just a cookie-cutter addition. He said that the garage that fronts the street has a barn-type door and the adjacent office will have a bay window as well. Mr. Joyce said that he is hoping to build a house that he can live in year-round with his kids.

Mr. Knight then closed the public portion of the hearing for deliberation by the board.

Ms. Whipple said that she thought the barn is a unique building and supports the HDC request.

Ms. Grant said that she was uncomfortable with the size of the addition. She noted that the lot is quite small in comparison with some others in the neighborhood. She noted that the height of the barn is 22-feet, whereas the much larger addition – which includes two dormers – will be 24’5 feet. The existing house is 19-feet high.

Robin Bray asked if Mr. Joyce could incorporate portions of the barn into the addition. Mr. Joyce said that it would be an expensive proposition to bring the barn up to code. Ms. Bray she also thought the addition was too large.

Ted Rosbeck said he thought the letter from the HDC was inappropriate as the structure is outside the newly expanded district. He reminded the board that the Martha’s Vineyard Commission declined to hear the case. He said that he does not see the barn as an attractive building. He noted that the footprint of the barn and the addition are comparable, but noted that the mass of the addition will be quite a bit larger. He commented that one neighbor was for the project, and one against. No other abutters were present. Mr. Rosbeck said that he appreciates Mr. Joyce’s attempt to mimic the barn by installing a bay window on the front of the addition. He said that he is not comfortable telling the applicant that he can’t tear down a structure on his own property.

Mr. Knight said that although he does not live in the immediate neighborhood, he passes by the barn frequently and has always loved it. He said he considers the barn to be an important part of his larger neighborhood. On the other hand, the structure - as it now stands – is barely there. He noted that the bay window is completely out of character with the typical architecture of Edgartown, but it is that quiriness that adds to the character of the neighborhood. Regardless, he said that he could not in good conscience tell the applicant that he has to preserve it.

Ms. Bray asked if Mr. Joyce had considered expanding the current one-story structure by putting on a second floor.

Ms. Whipple suggested that Mr. Joyce work with his architect to come up with a design that, perhaps, pays homage to the barn in some way.

Ms. Bray said that she would like to see the barn moved rather than destroyed. Mr. Knight said that the board could not base their approval on that requirement.

After some further discussion, Ms. Grant made a motion to approve the project as presented. She said she is doing so reluctantly, but acknowledged that the neighborhood has changed. She said that although no one wants to see the barn destroyed, she did not believe that the board could compel Mr. Joyce to keep it. She noted that although the mass of the addition is larger than that of the barn, the footprints are comparable. She added the condition that the applicant make some effort to preserve the bay window.

Mr. Rosbeck seconded the motion and voted to grant the special permit with the same condition.

Ms. Whipple said that she agrees with the HDC and also was concerned about the size of the addition. She voted not to grant the special permit.

Ms. Bray also said that she is deferring to the HDC and voted not to grant the special permit.

Mr. Knight voted to grant the special permit for the same reasons and with the same condition.

At three votes to two, motion does not carry.

Respectfully submitted,

Lisa C. Morrison
for the Zoning Board of Appeals