

Case: 14-18  
Date Filed: 5 April 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 Michael Kelly for a special permit under section 11.9 f of the zoning bylaw to construct an attached garage, a farmer's porch, and a partial second story addition to an existing residence on a preexisting, nonconforming .12-acre lot located at 7 Cyprien Way, Assr. Pcl. 20A-24 in the R-5 Residential District.

1. On 5 April 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 April 6<sup>th</sup> and April 13<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, 25 April 2018 at 7:00 p.m. the public hearing was held in the Town Hall. The following board members were sitting for this hearing: Richard Knight- acting Chairman, Carol Grant, Nancy Whipple, John Magnuson, and Ted Rosbeck - alternate.

Mr. Kelly explained that he has owned the property with another couple for about five years. The existing house has approximately 1120 sq. ft. of living space; they would like to add an additional 560 sq. ft. - not including the garage. They are not adding additional bedrooms but do plan to add an additional bathroom. The total number of bedrooms will remain at three. The master bedroom and the kitchen will move to the second floor.

Mr. Knight asked if there were any letters from town boards or departments. There were none.

Abutter Paula Foss read a letter she had written. Ms. Foss had a number of concerns - she believed that the expansion would overburden the lot and the neighborhood by increasing the property's occupancy and thereby increasing traffic and noise levels in the

neighborhood. Ms. Foss said that she was concerned that the structure could become a two-family home as the bunk room on the first floor would have a separate entrance. She wondered how many bunks would be in the bunk room. She was also concerned that the space above the garage was not defined. She said that she believed that granting the special permit could set a precedent and encourage owners of small lots to overdevelop their property.

Vincent Mandanaro of 15 Cyprien Way spoke in favor of the project. He said that before Mr. Kelly bought the property it was dilapidated and being used as a transient rental property. Mr. Mandanaro said that Mr. Kelly has transformed the cottage into a beautiful place that he uses with his family. Mr. Mandanaro said that he thought the proposed additions would not overburden the property and would enhance the neighborhood. He noted that many properties in the neighborhood have been similarly development and that there are many much larger structures in the area. He has lived in the neighborhood year-round for the past six or seven years.

Mr. Kelly responded to Ms. Foss's concerns noting that currently nothing is planned for the area above the garage other than a partial storage loft. Mr. Kelly said that the only nonconformity is the size of the lot. He said that he is asking for a modest 550 sq. ft. of additional living space. He said that he believes that he has been a good steward to the property and a good neighbor. He noted that he owned the property jointly with another couple and that they split weeks during the season. The property is not rented out and is used for five months of the year.

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

Ms. Grant asked for clarification of the number of bedrooms. Mr. Kelly replied that there is no change in the number of bedrooms, which remains at three – including the bunkroom.

Mr. Magnuson said he had no questions or concerns. He said it is a modest addition with no increase in footprint other than the one-car 336 sq. ft. garage. He said he does not see the proposal as creating a two-family residence as there is only one kitchen.

Mr. Kelly noted that the existing bunkroom will become the location of a stairway. The current kitchen and master bedroom will become a kid's room and play area. The couple that jointly owns the house have three children.

Ms. Whipple thought it would be a good idea to remove the exterior door in the bunkroom. She asked if there was access to the garage from the interior of the house. Mr. Kelly said he hadn't really thought about it, but said that he would probably turn an existing window into a door in order to be able to access the garage from the interior of the house.

Mr. Magnuson made a motion to approve the project as presented. He noted that the addition does not change the occupancy level of the house, which remains at three bedrooms. He says he does not think that granting the special permit would be setting an undesirable precedent and noted that there were many larger houses in the neighborhood. He noted that there is no change in the footprint of the main house except for the farmer's porch and the garage. He said he did not think the project would have a negative effect on the neighborhood and may actually make the house look better.

Ms. Whipple seconded the motion and voted to grant the special permit for the same reasons.

Ms. Grant, Mr. Rosbeck, and Mr. Knight also voted to grant the special permit for the same reasons.

Respectfully submitted,

Lisa C. Morrison, Assistant