

Case # 18-18  
Date Filed: 8 May 2018

## DECISION AND FINDINGS OF THE ZONING BOARD OF APPEALS

**Re: Request for a special permit under section 11.20 of the Edgartown Zoning Bylaw**  
**Owner: Nancy St. Yves & Peter J. St. Yves and Earthworks Properties LLC**  
**Applicants: Matthew Rossi & Aline Leite**  
**Assessor's Parcel: 11-1.348**  
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### PROCEDURAL HISTORY

1. Application is for a special permit under section 11.20 – Substandard Lots as Affordable Homesites.
2. The property is located at 6 Boylston Drive in the R-60 Residential District.
3. A public hearing - after proper notice was given to abutters, town departments, and placed in the *Vineyard Gazette* - was held on Wednesday, 30 May 2018 in the Town Hall.
4. The application was accompanied by sketches of the site, floor plans, a photograph of a house similar to one that the applicants propose to build, and a written summary of the project.
5. The Board reviewed the application, the plans, and all other materials and information submitted prior to the close of the public hearing. [See Record of Proceedings].

### FACTS

1. The property consists of a .57 acre lot recorded on 19 September 1979 in the subdivision known as Shurtleff Woodlots.
2. Shurtleff Woodlots consists of 70-plus lots, averaging between .5 to .6 acres.
3. When the zoning in this area changed in April 1980 from half-an-acre (R-20) to acre-and-a-half (R-60), vacant lots became unbuildable after the expiration of a grace period of several years.
4. The applicants meet the residence and income requirements of the Edgartown Affordable Housing Committee (EAHC) and were certified prior to submitting their application to the board.
5. The lot meets the requirements listed in the bylaw: it has an area of more than 10,000 square feet and was established and recorded in the registry of deeds prior to 10 April 2001.

6. The lot has been certified by the Board of Health as meeting the minimum requirements for water and septage.
7. The applicant has agreed to place a deed restriction on the property stating that if the property is sold within 15-years, the difference between the amount paid for the property and the assessed value at the time of resale would be returned to the town, less any improvements made by the applicant.

#### FINDINGS:

The Board finds that the proposal complies with all the provisions of 11.20 necessary for the granting of the special permit for the following reasons:

1. It is in harmony the general purpose and intent of the bylaw, which allows substandard lots “to be buildable for people who have lived in Edgartown for a substantial time, who intend to live year-round in Edgartown, but who, because of high land prices, would otherwise be financially unable to establish their homes in Edgartown.”
2. The applicants meet all residence and income requirements and have been certified by the EAHC.
3. The property is located in an established residential subdivision where the lots are all of a similar size. The applicants are proposing to build a three-bedroom residence that will meet all height and setback requirements of the R-60 Residential District and will be compatible with the character of the neighborhood.
4. There were no objections raised from town boards, abutters, or members of the public, and no indication that the project would adversely affect the neighborhood.

Based on the above findings and reasons, the Board voted in favor of granting the special permit 5-0.

#### CONDITIONS

1. Prior to the issuance of a building permit, the applicant will submit a copy of a recorded deed restriction as indicated above.
2. The applicant agrees to grant the ERHC the right of first refusal upon future resale of the property.
3. This special permit is not transferable without prior approval from the Zoning Board of Appeals.

This decision of the Board of Appeals and a record of proceedings are on file in the Zoning Board office and in the office of the Town Clerk, Town Hall under Case No: 18-2018.

Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 1 June 2018. Appeals, if any, should be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws and should be filed within 20 days of the filing of this decision in the office of the Town Clerk.

\_\_\_\_\_2018  
I hereby certify that no appeal has been filed in the twenty-day period following the date of filing this decision.

Attest: \_\_\_\_\_