

Case: 18-18
Date Filed: 8 May 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 Matthew Rossi & Aline Leite for a special permit under section 11.20 of the zoning bylaw (Substandard Lots as Affordable Homesites). The property is located at 6 Boylston Drive, Assr. Pcl. 11-1.348 in the R-60 Residential District. The property is currently owned by Nancy & Peter St. Yves.

1. On 8 May 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 May 11th and May 18th 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, 30 May 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, Nancy Whipple, Carol Grant, Nancy Kelly - alternate, and Robin Bray – alternate.

Attorney Tim Moriarty was present for the applicants, Matthew Rossi & Aline Leite, who were also present. Mr. Moriarty said that he believed that the proposal by his clients is a perfect fit with section 11.20 – Substandard Lots as Affordable Homesites. Matthew Rossi was born and raised on the island and currently works as a carpenter. His mother can date her family back to Edgartown in the 1690s. His father is the former police chief of Edgartown. Ms. Leite is a naturalized U.S. citizen from Brazil who has lived on the island for ten years.

The lot they are proposing to purchase is in the subdivision known as the Shurtleff Woodlots. In 1980 when the zoning changed from half-an-acre to acre-and-a-half, the lot became unbuildable - after a grace period. However, the lot is entirely consistent with the

70 plus other .5 and .6 acre lots in the subdivision that have been built on. This lot has an area of .57-acres.

Mr. Moriarty noted that Mr. Rossi has been certified by the Affordable Housing Committee and satisfies all their income and residence requirements [See letter in file]. Mr. Moriarty said that Mr. Rossi has discussed his proposal with Matt Poole, health agent, and was informed that it was likely he would be able to build a three-bedroom residence provided an enhanced septic system was installed.

Mr. Rossi said that he is hoping to build a standard two-story Cape, with full shed dormer in the back. He said that this is the only way that he would be able to afford to continue to live in Edgartown. The house will meet all setbacks and height requirements of the R-60 Residential District. He said he knows the neighborhood well and grew up just down the street.

Mr. Knight asked if there were any letters from town boards or departments. The only letters were from the Affordable Housing Committee and from Matt Poole, health agent.

Mr. Knight asked if there was anyone present who wished to speak in favor of the application.

David Rossi, Matthew's father, said that the possibility of his son and family living nearby was a dream come true. He said he is looking forward to living close to his newborn granddaughter.

James Joyce said that he was in favor of the proposal and that Mr. Rossi and his partner seemed like the perfect applicants.

Tricia Willoughby, Mr. Rossi's cousin, also spoke in favor of the proposal.

There was no one present who opposed the proposal or had any concerns.

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

Ms. Whipple said she was in favor of granting the special permit. She said she understood that the Affordable Housing Committee had recommended a 30-year resale condition. She said that this was considerably longer than what the board has granted in the past for variances. She asked if the board could decide on a shorter resale period. Mr. Knight said that it was his understanding that the board could decide on a shorter period.

Mr. Moriarty commented that in reviewing the files prior to the hearing, he found that the board often opted for a 10-year resale conditions. He noted that Mr. Rossi has a purchase and sales agreement with the owners for \$75,000, \$15,000 more than what the Affordable Housing Committee recommends for the purchase of a substandard lot. Mr. Moriarty noted that it is likely that Mr. Rossi will also have to purchase an enhanced septic system.

Mr. Knight noted that the board is being asked to make a currently unbuildable lot buildable, and the board should be cognizant of the fact that the property could be sold at full market value in a couple of years.

There was some further discussion among the board members concerning the type of deed restriction. Essentially, if the property is sold before the deed restriction has lapsed, the difference between the amount paid for the property and the assessed value at the time of resale would need to be returned to the town. The applicant would be able to recoup expenses related to improvements on the property.

Ms. Whipple made a motion to grant the special permit saying that she found the proposal to be in harmony with the general purpose and intent of the bylaw. She noted that Mr. Rossi had been certified by the Affordable Housing Committee and the property itself meets all the requirements listed in the bylaw. She proposed that a 15-year deed restriction be placed on the property, as outlined above. She also proposed that Edgartown Affordable Housing Committee would be given the right of first refusal upon future resale of the property.

Ms. Grant seconded the motion and voted to grant the special permit for the same reasons and with the same conditions.

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

Respectfully submitted,

Lisa C. Morrison, Assistant