

Case: #2-2015

Date Filed: 7 January 2015

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 application of Thomas & Kathleen Sullivan for a special permit under section 5.2(1) of the bylaw for a guesthouse larger than 900 sq. ft. on property located at 15 South Street, Assr. Pcl. 29A-38.214 in the R-20 Residential District.

1. On 7 January 2015, 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 January 9th and January 16th 2015.
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.

Because of snow storm Juno, the hearing was postponed for one week, from 28 January 2015 to 4 February 2015. The hearing was held in the Town Hall and the following board members were sitting: Martin Tomassian – chairman, Nancy Whipple, John Magnuson, Robin Bray – alternate, and Gerry Conover – alternate.

Sean Murphy, attorney, was present for the applicant. Mr. Murphy submitted a revised plan, which was identical to the original except that the garage has been deleted. Mr. Murphy explained that the Sullivans purchased the property about a year ago. They received permission from the Building/Zoning Inspector to move the 996 sq. ft. former main house to the rear corner of the lot, where it meets all setbacks. The guesthouse is located 12-feet from the side setback and 18-feet from the rear setback, with the exception of the bulkhead which is set back 11-feet from the property line. Mr. Murphy noted that this lot is conforming in terms of lot size. The only issue before the board is whether or not the Sullivans can use the additional 96 sq. ft. of space in the structure as living space, or convert it to storage to comply with the 900 sq. ft. guesthouse limitation.

Mr. Murphy said that the Sullivans intend to plant twenty 12- to 14-foot high arborvitae to screen the structure from the neighbors.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. The clerk read two recent emails from abutters Janet Mesrobian and Jean Kanarian. The clerk reported that she spoke to Ms. Mesrobian earlier in the day, when she called to ask what had happened at the January 28th hearing. The clerk informed her that the hearing had been postponed because of the storm. Ms. Mesrobian said that she had not received a new notice, and asked that the hearing be continued. The clerk said that the board is only required to send out the initial notices; it is then up to the abutters to keep informed.

A letter from Ms. Kanarian dated 23 January was read. Ms. Kanarian is a direct abutter and was concerned that the vegetative screen, which provided privacy between the lots, had been removed. She asked that it be restored. Ms. Kanarian was also concerned because the original plan given to her by the Sullivans showed a 25-foot sideyard setback, rather than the current 12-foot setback. She said that she granted the Sullivans an easement across her property to access an electric pole based on the initial plan with the 25-foot setbacks. She said she was dismayed to find out that the new plan locates the guesthouse just 12-feet from her property line.

There was no one in the audience who wished to comment on the application, either pro or con. Mr. Tomassian then closed the public portion of the hearing for discussion among the board members. Mr. Tomassian said that he is familiar with the property and commented that there had been a good deal of thick vegetation between the properties. He asked if the 996 sq. ft. measurement was interior or exterior. Mr. Murphy replied that it is an interior measurement, which is the one used by the Building/Zoning Inspector.

After a brief discussion, Mr. Magnuson made a motion to grant the special permit saying that he believed the project was in harmony with the general purpose and intent of the bylaw. He noted that the structure is just one story and that the new owners had agreed to restore the privacy screen between their property and that of the abutters. He commented that the structure meets all setbacks and said he did not believe that allowing the additional 96 sq. ft. to be used would be detrimental to the neighborhood.

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

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

Respectfully submitted,

Lisa C. Morrison, Assistant

