

Case: #1-2015

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 Matthew & Jennifer Wiener for a special permit under section 11.9 f of the bylaw to construct a garage with storage above and a 880 sq. ft. two-bedroom guest house on a preexisting, nonconforming lot located at 1 Meschacket Wood Road, Assr. Pcl. 28-216 in the RA-120 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 explained that the property currently has an 1830 sq. ft. 4-bedroom dwelling with an in-ground swimming pool. The applicant would like to construct a 22 x 24-foot (490 sq. ft.) two-car garage with storage above. Both structures will more than meet setbacks. The garage will be 18'6" high, 62-feet from the side of the property and 140-feet from the front. The applicant would also like to construct a 23-feet by 41-foot two-bedroom guesthouse (880 sq. ft.), which will be 20'3" high and 68-feet from Meetinghouse Road (side setback) and 140-feet from the front boundary. A six-bedroom septic has been approved by the board

of health. There will be no living space above the garage – it will be used only for storage. Mr. Murphy submitted an annotated aerial photograph showing other lots in the neighborhood with multiple structures.

Mr. Tomassian asked if there were any letters from town boards. There were none. There were no letters from abutters. Dudley Levick, an abutter, commented that he thought the nitrogen-formula would allow only five bedrooms on a two-acre lot. Mr. Tomassian responded that bedroom count is in the purview of the board of health.

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

Mr. Magnuson commented that although the lot is just over 2-acres in a 3-acre zone, the proposed construction is far from the setbacks. He noted that ½-acre zoning is just on the other side of Meetinghouse.

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 said he did not believe that the project would be detrimental to the neighborhood, as there are similar nonconformities in the neighborhood. He noted that there were no letters of opposition.

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