

Case: #21-2015

Date Filed: 12 May 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 request of Vivek & Anne Kushwaha for a special permit under section 11.9 f of the bylaw to replace an existing one-story rear addition with a two-story addition, and to replace an existing shed with a one-car garage on a preexisting, nonconforming lot located at 113 South Water Street, Assr. Pcl. 29B-31 in the R-5 Residential District

1. On the 12 May 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 May 15<sup>th</sup> and May 22<sup>nd</sup> 2014.
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, the 3<sup>rd</sup> June 2015 at 7:30 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, Robin Bray – alternate, and Nancy Kelly - alternate.

Architect Patrick Ahearn was present for the applicants. Mr. Ahearn noted that the project was unanimously approved by the Historic District Committee. He said that this is one of the three yellow houses in the district. The applicants propose to restore the original body of the house and dig a new foundation. Mr. Ahearn reiterated that this is not a renovation or a reinterpretation but a true restoration. The property has been purchased by two doctors from Houston, who plan to make this their primary residence.

The house has been rented out for several years, and is in need of some repair. A wing was constructed on the rear of the property in the 60s – the new owners would like to

remove that wing and construct a new one on substantially the same footprint. The existing shed would be transformed into a small garage for the couple's Mini Cooper. The new construction on the main house meets the R-5 setbacks; the new garage is no closer than to the property line than the existing nonconforming shed.

The open space on the Dunham Road side of the property will be preserved. The existing driveway will remain the same, and the fence will be restored. The main portion of the house will remain yellow, while the new addition will be shingled and left to weather.

Mr. Ahearn said that, to the public, the house will remain substantially the same. Mr. Ahearn noted that the second floor deck faces Dunham Road and has a view of open space. It is quite far away and well screened from the Caruso property across Dunham Road.

Kelly asked about the setbacks on the new garage. Mr. Ahearn replied that it is on the site of the old shed.

Mr. Knight asked if there were any letters from town boards or departments. There were none. The assistant read a letter from abutters Cate & Sinclair Hitchings, who own property next door at 115 South Water Street. The Hitchings were concerned that the construction – especially the construction of the garage – would undermine the stone wall that is on their property boundary. The Hitchings were also concerned about trenching for electricity from the garage to the street and the use of the driveway by heavy equipment accessing the site.

Mr. Ahearn responded that if anything happens to the wall during construction, they will take full responsibility for repairing it. He noted that it would certainly be in his clients' best interest to do so because if the wall collapses, they would not be able to use their driveway. Mr. Ahearn said that he did not think that digging a new foundation would undermine the wall – it is over 12 feet away. He commented that the Hitchings replaced their own foundation recently and the wall was not impacted.

Mr. Ahearn said that all construction will be done from the Dunham Road side of the site. He also stated that a small underground conduit will go from the main house to the garage: there will be no trench alongside the wall.

Ms. Grant said that she loved the house and that she is very glad that it is being restored. Ms. Grant made a motion to grant the special permit, saying that she believed the project to be in harmony with the general purpose and intent of the bylaw. She said she believed the site was appropriate, and that the restoration will be an asset to the neighborhood. She placed the following condition on the permit: Should any damage occur to the stone wall on the adjacent property during the restoration process, it will be the applicants' responsibility to repair the wall.

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

Ms. Kelly voted to grant the special permit for the same reasons and with the same conditions.

Ms. Bray voted to grant the special permit for the same reasons and with the same condition.

Mr. Knight voted to grant the special permit for the same reasons and with the same conditions.

Respectfully submitted,

Lisa C. Morrison, Assistant