

Case: #8-2013

Date Filed: 20 February 2013

### 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 Kathleen Markarian & Melvin Shumluck for a special permit under section 11.9 f of the zoning bylaw to construct a guesthouse on a preexisting, nonconforming lot located at 7 Willow Run, Assessor's Map 11 Lot 31 the R-60 Residential District.

1. On 20 February 2013 the application, a true copy of which was 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 February 22<sup>nd</sup> and March 1st 2013.
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 13<sup>th</sup> of March 2013 at 7:15 p.m. the public hearing was opened and continued to 27<sup>th</sup> of March 2012. On Wednesday, 27 March 2013 at 7:15 p.m. the public hearing was held in the Town Hall. The following board members were sitting for this hearing: John Magnuson – acting chairman, Nancy Whipple, Carol Grant, Nancy Kelly – alternate, Richard Colter – alternate.

The notice was read and Mr. Magnuson opened the hearing. Kathleen Markarian, applicant, and Jack Regan, the builder, were present. Ms. Markarian explained that she has owned the property with Mr. Shumluck for 28 years. She and her husband share the house with Mr. Shumluck. Mr. Shumluck has recently become handicapped and they are hoping to build a handicapped-accessible structure on the property. The existing house has 3 bedrooms. They propose to decommission one bedroom in the main house and keep the property with a total of 3 bedrooms. The proposed structure will be one-story, 800 square feet, and be handicapped-accessible.

Ms. Markarian said that they have been working with the Board of Health and are planning to put a deed restriction on the property.

Mr. Regan commented that no approval is required from the homeowner's association – there is only a road association in the neighborhood. Mr. Regan also submitted more detailed elevations of the proposed structure. It was noted that the basement will be accessible only from the exterior of the building and will contain only mechanicals and storage. The structure will match the style of the main house and is located behind it. Ms. Markarian said she did not think the guesthouse would be visible from the street.

Mr. Magnuson asked if there were any letters from town boards or departments. A letter from the Health Agent, Matt Poole, was read. Mr. Poole had no objections to the special permit being granted provided that the following conditions were included:

1. The existing kitchen and bedroom in the basement of the main house must both be decommissioned. A deed restriction attesting to this proposal shall be recorded with this special permit pending final approval by the Board of Health.
2. An additional septic tank shall be installed to serve the guesthouse.

There were no additional letters and no one in the audience who wished to comment, either pro or con.

Ms. Markarian commented that the kitchen had already been removed from the basement. She said that the basement space was never rented out separately; it was simply to provide Mr. Shumluck with some privacy.

Ms. Grant made a motion to issue the special permit. She said she found the site appropriate, and believed the project was in harmony with the general purpose and intent of the bylaw. She noted that there was no opposition from any abutters. She said she did not believe that the neighborhood would be unduly affected, provided the board of health requirements were adhered to. She included the two conditions above as part of her motion.

Mr. Colter seconded the motion and voted to grant the special permit for the same reasons and with the same conditions.

Ms. Whipple voted to approve the project for the same reasons and with the same conditions.

Ms. Kelly voted to approve the project for the same reasons and with the same conditions.

Mr. Magnuson also voted to approve the project for the same reasons and with the same conditions.

Respectfully submitted,

Lisa C. Morrison, Assistant