

Case No. 37-20  
Date Filed: 23 November 2020

### 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 Edmund Cottle III for a special permit under section 10.1 G of the bylaw to construct a replacement dwelling on a preexisting, nonconforming lot at 17 Tenth Street (formerly 18 Pilgrim Road) Assr. Pcl. 11B-1.2 in the R-20 Residential District.

1. On 23 November 2020 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 27 November and 4 December 2020.
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, 16 December 2020 at 4:30 p.m. the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chairman, Carol Grant, Nancy Whipple, John Magnuson, and Pamela Dolby. Chairman Tomassian introduced the board members and read the necessary requirements for conducting remote meetings in compliance with both the Governor's order and the Open Meeting Law. Applicant Edmund Cottle made the presentation.

Mr. Cottle explained that he and his wife own the adjacent lot, 20 Pilgrim Road. He and a partner own this lot. The plan is to tear down the existing structure, which is something of an eyesore and build a new, single-family dwelling as shown on the plans submitted with the application. Mr. Cottle said that the structure was originally a garage, which was converted to a residence. The residence was originally accessed through his property. The access to this property will be from 10<sup>th</sup> Street.

Mr. Cottle said he spoke with some of his neighbors and no one objected to his proposal.

A letter of support from direct abutter John Cataloni of 557 Edgartown-Vineyard Haven Road was read.

Suzie Pacheco, an abutter at 21 Ninth Street North, objected to the driveway being changed from Pilgrim Road to 10<sup>th</sup> Street. She said she never received notice about the change of address. She said that 10<sup>th</sup> Street is a very quiet residential street. She said that the previous tenants were very noisy and the property was not well kept. She said she would like to access to this property to remain off Pilgrim Road. Ms. Pacheco said that Mr. Cottle was a good neighbor and she had no objection to him building the house.

Leaf Shea, Ms. Pacheco's daughter, and the owner of 15 Ninth Street, directly across 10<sup>th</sup> Street from this lot, said that she would like to echo her mother's concerns.

Mr. Cottle said that the former tenant accessed the property from 10<sup>th</sup> Street. He said that there will only be parking for two cars and does not imagine that there will any noticeable increase in traffic on 10<sup>th</sup> Street as the property is so close to the beginning of the road, and 10<sup>th</sup> Street is not a through street. He said that he does not intend to set the property up as a rental.

Mr. Tomassian then closed the public portion of the hearing for discussion among the board members. Ms. Grant said that the applicant is proposing to construct a modest house that will fit in with the neighborhood. She said she doesn't see how two cars accessing a small house would be concerning. She said she believes the project will be an improvement.

Mr. Magnuson agreed.

Mr. Finn, who works for the Planning Board and provides technical assistance to the ZBA, commented that he believes the change of address is handled by the assessor's office as an administrative matter.

Mr. Magnuson made a motion to approve the proposal as presented, saying that he believed the project would be an improvement. He noted that the property does not border Pilgrim Way and the board does not have the jurisdiction to require access from that roadway. He said that he finds the size and scale of the proposal to be in harmony with the neighborhood as well as with the general purpose and intent of the bylaw.

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

Mr. Tomassian, Ms. Dolby, and Ms. Whipple also voted, by roll-call vote, to approve the project for the same reasons. Motion carries: 5 - 0.

Respectfully submitted,

Lisa C. Morrison, Assistant