

Case No. 5-21
Date Filed: 26 January 2021

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 Anthony Delvalle for a special permit under section 10.1 G of the bylaw to construct a two-story garage with living space above on a preexisting, nonconforming lot located at 7 Candlemaker Circle (Assr. Pcl. 22-1.332) in the R-60 Residential District.

1. On 26 January 2021 the application, a true copy of which is marked "A," was presented to the Town Clerk.
2. An advertisement, a true copy of which is marked "B," was published in the Vineyard Gazette on 29 January and 5 February 2021.
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, 17 February 2021 at 4:30 p.m. the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian - Chairman, Pam Dolby, Carol Grant, Nancy Whipple, and John Magnuson. Chairman Tomassian opened the hearing and read the necessary requirements for conducting remote meetings in compliance with both the Governor's order and the Open Meeting Law. The assistant read the legal notice. The applicant, Anthony Delvalle was present.

Mr. Delvalle explained that he would like to build a two-car garage with recreation space above. He said that the project has been reviewed by the Board of Health. The recreation space will include a half-bath and a bar sink. It will be subject to a deed restriction, which will stipulate that the space cannot be used for human habitation.

Mr. Tomassian asked if there were any letters from town boards or abutters. There were none. He then asked if there was anyone in the audience who wished to comment.

Bob LaRoche of Saddle Club Road asked what would happen if there was a change of ownership or if the property became a rental. The assistant pointed out that the deed restriction would remain in place regardless.

Matt Poole, Health Agent, confirmed that the property will remain a 3-bedroom served by a 3-bedroom septic system.

Poppy Milner, an abutter, said that her concerns were essentially the same as those of Mr. LaRoche's and the confirmation that the additional space above the garage will not be used as a bedroom.

As there was no need for a rebuttal, Mr. Tomassian closed the public portion of the hearing for discussion by the board.

Ms. Dolby asked Mr. Poole if she was correct that a bar sink would not be allowed in a detached bedroom. Mr. Poole confirmed that this was true and further noted that no additional cooking or kitchen appliances are permitted in the recreational space.

None of the board members had any additional questions or concerns. Ms. Whipple made a motion to grant the special permit for the construction of the garage and the deed restricted space above. She said she found the proposal to be in harmony with the bylaw as it will not cause an increase in the intensity of the use. She said she did not think that the proposal would have a negative impact on the neighborhood as there was no opposition to the project from the neighbors. She proposed that the condition that no building may be issued until an executed deed restriction is recorded at the Dukes County Registry of Deeds.

John Magnuson seconded the motion and voted to grant the special permit for the same reasons and with the same conditions.

Mr. Tomassian, Ms. Dolby, and Ms. Grant also voted to approve the project, and a roll-call vote was taken. Motion carries: 5 – 0.

Respectfully submitted,

Lisa C. Morrison, Assistant