

Case No. 20-21  
Date Filed: 28 April 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 Lynn & Benjamin J. Flamand for a special permit under section 2.2 B 13 of the bylaw to construct a main house and designate the existing garage apartment, which has been in existence for less than five years, as a guest house. The property is located on a conforming lot at 8 Evelyn Way (Assr. Pcl. 29A-87) in the R-20 Residential District.

1. On 25 April 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 30 April and 7 May 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, 19 May 2021 at 4:00 p.m. the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chairman, John Magnuson, Pam Dolby, Nancy Whipple, and Robin Bray - alternate. 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. Geoghan Coogan, attorney, was present for the applicant. Applicant Lynn Flamand was also present.

Coogan said that the Flamands bought the property a couple of years ago and built a small garage with an apartment above. The existing main house was in disrepair and the Flamands decided to tear it down, unaware that the garage apartment they had just built would then be designated as the main house under zoning. Coogan said that the house had been in existence for more than 30 years. The Flamands would like to build a 2000 sq. ft. main house before the statutory five-year period has lapsed. The existing garage apartment has about 600 sq. ft. of living space

Lynn Flamand said that she and her husband were not aware of the timing issues that would result from removing the existing main house.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. Letters of support from four abutters (Pimentel, Jones, Bussmann, and Moshier) were circulated among the members prior to the hearing.

George Pimentel of 37 Clevelandtown Road was present and spoke in favor of the proposal. He said the Flamands were great neighbors.

There was no one in the audience who wished to speak in opposition. Mr. Tomassian then closed the public portion of the hearing for discussion among the board members.

Mr. Magnuson said he had no problem with the proposal, noting that the main house had been on the lot for at least 30 years before it was torn down.

Mr. Tomassian said that he had been in the house and can't blame the applicants for wanting to tear it down.

Ms. Dolby said she had no concerns.

Mr. Magnuson made a motion to grant the special permit noting that the main house had been on the property for decades. He noted that the applicants have the support of their neighbors and there was no opposition. He said he thought the special permit was appropriate in this case and would be an improvement for the neighborhood.

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

Ms. Bray, Ms. Dolby, and Mr. Tomassian also voted to grant the special permit for the same reasons.

Motion carries 5-0 by roll-call vote.

Respectfully submitted,

Lisa C. Morrison, Assistant