

Case No. 22-21
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 Flying O 2 for a special permit under sections 2.1 B 9 and 2.1 B 10 of the zoning bylaw to allow the construction of a guest house larger than 900 square feet on a 10.3 acre lot where the main house has been in existence for less than five years. The property is located at 4 Jacob's Neck Road, (Assr. Pcl. 38-3.4) in the RA-120 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 4:30 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. Doug Hoehn of Schofield, Barbini & Hoehn was present for the applicant, as was architect Michael Barclay and owner Melanie Nardone.

Mr. Hoehn said that the property is located about a mile down Boldwater Road and is surrounded by Sheriff's Meadow property on one side and a privately owned 12-acre parcel on the other. The applicant would like to construct a 1160 sq. ft. guest house and a 1500 sq. ft. main house. The main house, or barn, would have multiple uses and include an exercise room, garage, storage, and a one-bedroom living unit on the second floor. The guest house will be fundamentally one-story with an attic for storage and have two bedrooms. One structure would be for a daughter and the other for guests or workers. The

area is heavily wooded and the buildings would not be visible from the road. Natural Heritage has sent a letter of approval.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. There were no letters from abutters and no one in the audience who wished to comment either pro or con.

Mr. Tomassian then closed the public portion of the hearing for discussion by the board. Ms. Dolby said that the five-year provision for guest house construction was adopted back in the 80s when developers were swooping in and maxing out lots in giant subdivisions. The bylaw was meant to control density, which is not an issue in the case.

Mr. Magnuson recalled that the board had granted a special permit in a similar situation some years back with the stipulation that if the property is ever subdivided the guest house would become a main house on the newly created lot. Mr. Magnuson commented that he is not sure whether or not lots in the Boldwater subdivision can be further subdivided.

Mr. Magnuson made a motion to grant the special permit to allow a guest house larger than 900 sq. ft. to be built at the same time as the main house. Mr. Magnuson commented that both structures are fairly minimal and the lot is over three times the size of a conforming lot in RA-120. He noted that there were no objections to the proposal from town boards or departments or from any abutters. He said he believed the board could grant the special permit without significantly derogating from the bylaw. He proposed the condition that if the lot is ever subdivided the guest house would become a main house on the newly created lot, and the main house would stay the main house on whatever portion of the original lot remained after subdivision.

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

Mr. Tomassian, Ms. Dolby, and Ms. Bray also voted to grant the special permit for the same reasons and with the same condition. Unanimously approved by roll-call vote: 5-0.

Respectfully submitted,

Lisa C. Morrison, Assistant