

Case No. 36-21
Date Filed: 14 July 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 Arch Building & Home Development LLC – Joe Giacalone for a special permit under section 10.1 G of the zoning bylaw to demolish an existing dwelling and construct a new dwelling, in-ground pool, shed, and associated site work on a preexisting, nonconforming lot located at 33 Bankers Way (Assr. Pcl. 36-128) in the R-60 Residential District.

1. On 14 July 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 16 July and 23rd July 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, 4 August 2021 at 4:00 p.m. the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian - Chairman, Carol Grant, Nancy Whipple, Pam Dolby, and Julia Livingston – alternate. Reid Silva was present for the applicant, who was also in attendance.

Mr. Silva explained that the property's address has been changed from Bankers Way to Crocker Drive. He said that there is an old camp on the property, which has been derelict for several years. The lot is so overgrown that the building cannot be seen from the road. Mr. Silva said that the septic was upgraded to a three-bedroom system by the previous owner.

Architect Leah McGavern, said the proposed footprint of the new house is 2225 sq. ft. – not including the 383 sq. ft. one-story attached garage. The second floor will have 1072 sq. ft. of living space for a total of 3297 (not including the garage). The existing one-story camp has approximately 660 sq. ft. of living space. Also proposed is a 16-foot x 32-foot pool. All the new structures will meet setbacks.

Ms. McGavern said that the house is broken up into one- and two-story sections in order to lessen the massing. The pool equipment will be located just behind the garage in a fully enclosed and sound-proofed shed.

Mr. Giacalone said that he believes the proposal will be an improvement and that it will fit in well with the rest of the neighborhood. Mr. Giacalone said that he reached out to his neighbors and received three positive responses from direct abutters: Katherine O'Brien of 19 Crocker Drive, Rosemary O'Brien & Eigil Rothe of 15 Crocker Drive, and Susan Dore of 26 Crocker Drive. [These letters were part of the packet distributed to members in advance of the hearing.]

Mr. Tomassian asked if there were any letters from town boards or departments. There were none and no additional letters from abutters other than the three mentioned above.

Mr. Tomassian then closed the public portion of the hearing for discussion by the board.

Mr. Tomassian noted that Crocker Drive marks the boundary between the R-60 Residential District and the R-20 Residential District. This property is in the R-60, while the large houses across Crocker Drive are in the R-20.

Ms. Livingston said she thought the proposal met all the requirements of the bylaw.

Ms. Grant had some questions about the kitchenette on the first floor. She said it appears that section of the house could be cut off from the rest of the house and easily become a one-bedroom apartment. She noted that it had a separate entrance, kitchen, and bath.

Mr. Tomassian said that it appears to him that there is a lot going on on a relatively small lot. He noted that the proposed living space is almost five times that of the existing camp.

Ms. McGavern commented that the kitchenette is just a wet bar and fridge; there are no cooking facilities. She also noted that access to that section of the house is only from the pool area or from the inside of the house, which makes it unlikely that it would become a separate apartment. Mr. Giacalone said that there is no intention of using that section as a separate apartment; the kitchenette is simply to serve the adjacent pool area, so people would not need to walk through the house.

Ms. Dolby said that she was not concerned about the kitchenette as much as the size and scale of the house. However, she said that the houses across the street are massive, and noted that no abutters were concerned about the size or scale.

Ms. Whipple said that while there are some smaller houses on this side of the street, the entire Field Club development across the street is made up of even larger homes.

Ms. Livingston said that she would have a hard time denying the application without giving specific directions to the applicant. She too commented that this proposal is smaller than what is across the street.

Ms. Grant said that she was satisfied with the explanation regarding limited access and the kitchenette.

Ms. Dolby made a motion to grant the special permit saying that she found the proposal to be in harmony with the general purpose and intent of the bylaw. She noted that there was no opposition to the project from abutters or town boards and commented that three direct abutters wrote in favor of the project. She said she found the proposal to be in harmony with what the neighborhood is becoming and believes it would be an improvement.

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

Ms. Whipple and Ms. Grant also voted to grant the special permit for the same reasons.

Mr. Tomassian voted to deny the special permit, saying that he found the lot to be too small to accommodate such an expansive development.

Special permit was granted by a vote of 4-1.

Respectfully submitted,

Lisa C. Morrison, Assistant