

Case No. 50-21  
Date Filed: 19 October 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 by Bravington LLC, John Briedis, Manager, for a special permit under section 10.1 G of the zoning bylaw to construct a two-car garage with an apartment above on a preexisting, nonconforming lot located at 51 Old Purchase Road (Assr. Pcl. 21-134.4) in the R-60 Residential District.

1. On 19 October 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 22 October and 29 October 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, 10 November 2021 the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chairman, Carol Grant, Nancy Whipple, Pamela Dolby, and Tom Pierce. Chairman Tomassian opened the meeting and read the necessary requirements for conducting remote meetings in compliance with both the Governor's order and the Open Meeting Law.

Contractor Brandon Smith made the presentation. The applicant, John Briedis, was also present. Mr. Smith reviewed the plans with the board, noting that the proposed construction meets all setbacks. The property is on town sewer. Mr. Smith said that they hope to keep as many trees as possible to protect the privacy of the neighbors.

Chairman Tomassian asked if there were any letters from town boards or departments. There were none. A letter from Hollis McLaughlin of 59 Old Purchase

Road was read. Mr. McLaughlin had several concerns about the project: He noted that the existing main house is used as a weekly rental. He said that there have been problems with excessive noise several times over the summer. He said that adding a second rental property would only exacerbate the problem, and noted that no other properties on Old Purchase had a second dwelling unit. He added that the majority of dwellings on Old Purchase are occupied by year-round residents.

A letter from Constance Hiller was also received. Ms. Hiller was present on the Zoom call and outlined her concerns: She said that the proposed construction and driveway would be just 25-feet from her property line. She said that all the trees that Mr. Smith referred to are on her property. She said that the proposed structure appears to have around 1400 s.f. over two floors. The proposed apartment is above a heated garage and office space, which could easily be converted to living space. She said that the addition reads more like a second complete dwelling than an accessory structure, as it is nearly the same size as the existing main house. She noted that no other property on Old Purchase has a second dwelling. She said she was concerned about the increase in noise generated by an additional weekly rental, as well as the increase in traffic and the loss of privacy.

Linda Mariano was also concerned about the proposal. She said she has rented from the Hillers every winter for many years. She said that she has chemical sensitivities and was worried that construction so close to her bedroom would be problematic. She was also concerned about the increase in traffic and noise.

Mr. Smith said that he understood the neighbors' concerns and said that the applicant would agree to add to the existing vegetation. He commented that the driveway could perhaps be reconfigured into a turn-around. Mr. Smith said that he did not think that the apartment would be rented out separately from the main house and that it would involve an increase in one-car at the most. He said that the apartment would likely not be rented out in the winter.

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

Ms. Grant was concerned about the size of the accessory structure, which she said does appear to be nearly the same size as the main house.

Ms. Dolby was concerned about the intensification of use and the possibility that the property could be rented to two separate families, compounding problems for the neighbors.

Mr. Tomassian asked if there was a home owners' association. Ms. Hiller explained that there had been an association for many years, but they found out last year that the official charter had not been properly renewed and the covenants prohibiting second dwellings had lapsed. The association would like to renew the charter and

covenants and is working to do so. However, because of Covid, they have been unable to hold the required vote as of yet.

Ms. Whipple said that she did not think that the owners had been good property stewards and that they have created problems for the abutters. She said she did not think that she could vote for an additional dwelling unit on the property.

Ms. Dolby agreed.

Ms. Whipple made a motion to deny the proposal saying that she did not believe it was in harmony with the general purpose and intent of the bylaw. She noted that no other properties in the subdivision had second dwellings. She said she believed the project would be detrimental to the neighborhood and noted that two abutters had been against the proposal and that there had been no supporters. She noted that accessory structures are intended to be subordinate to the main structure, which does not appear to be the case with this project.

Mr. Pierce seconded the motion and voted to deny the special permit for the same reasons.

Ms. Dolby, Ms. Grant, and Mr. Tomassian also voted, by roll-call vote, to deny the project for the same reasons. Motion failed by a vote of 5 – 0.

Respectfully submitted,

Lisa C. Morrison, Assistant