

Case No. 6-22
Application filed: 25 January 2022

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 John M. & Catherine E. Foley d.b.a. Minot Light Realty Trust for a special permit under section 10.1 G of the zoning bylaw to construct additions to a preexisting, nonconforming residence on a preexisting, nonconforming lot located at 52 Whaler's Walk (Assr. Pcl. 22-10) in the R-60 Residential District.

1. On 25 January 2022 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 28 January and 4 February 2022.
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, 16 February 2022, at the request of the applicant's representative, the hearing was postponed to 2 March 2022 at 4:30 p.m. so that the application could be heard by a full five-member board. Notice of the postponement was posted in the Town Hall and on the town's website and calendar.

On Wednesday, 2 March 2022, the hearing was opened and held via Zoom. The following board members were in attendance: Carol Grant - Acting Chair, Nancy Whipple, Pamela Dolby, Thomas Pierce, and Robin Bray - alternate. Chair Grant 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 Nino DiNunno, Jr. made the presentation. The proposal involves the construction of a new garage with a bedroom above, the construction of a new mudroom/entry way, the addition of a second floor dormer, and a farmer's porch. Mr. DiNunno explained that the Foleys are looking for a little more space now that they have grandchildren.

The existing house was built to R-20 setbacks and became nonconforming when the subdivision was rezoned R-60 decades ago. All the proposed new construction meets required R-60 setbacks.

Chair Grant asked if there were any letters from town boards or departments. There were none. There were no letters from any abutters and no one in the audience who wished to comment either for or against the project.

As there was nothing to rebut, Chairman Grant closed the public portion of the hearing for discussion by the board.

Mr. Pierce and Ms. Whipple both agreed that it was a well designed project.

Ms. Bray asked if there was a neighborhood association that needed to approve the project. Mr. DiNunno said that he was not aware of any association.

Ms. Bray made a motion to approve the special permit. She said that she believed the proposal was in harmony with the general purpose and intent of the bylaw. She noted that there were no objections to the proposal from town boards or from any abutters. She noted that the additions were modest and met all the required setbacks. She said that there was more than adequate area on the lot to support the additions.

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

Mr. Pierce, Ms. Dolby, and Ms. Grant also voted, by roll-call vote, to approve the project for the same reasons. Motion approved: 5 – 0.

Respectfully submitted,

Lisa C. Morrison, Assistant