

Case No. 10-22  
Application filed: 21 March 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 Chris Castanon d.b.a. 30 Mill Hill Road SPE LLC for a special permit under section 2.2 B 12 of the zoning bylaw to allow a guest house larger than 900 s.f. on a 14-acre parcel located at 30 Mill Hill Road (Assr. Pcl. 29-50.11) in the R-20 Residential District.

1. On 21 March 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 1 April and 8 April 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, 20 April 2022, the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chair, Carol Grant, Nancy Whipple, Pamela Dolby, and Thomas Pierce. Chairman Tomassian opened the meeting and read the necessary requirements for conducting remote meetings in compliance with the Open Meeting Law.

Reid Silva of Vineyard Land Surveying was present for the applicant. Mr. Silva explained that the applicant would like to keep the existing 2800 s.f. farmhouse, which dates from the 1800s, and build a new 6800 s.f. main house. The applicant hopes to preserve the historic house as is, without chopping it up or adding a modern wing to it. Because of its age, any alteration to the structure would require MV Commission approval.

This property was part of a five-lot subdivision that was approved by the Planning Board in 2005. The Planning Board's decision specifies that none of the five lots may be further subdivided. This 14-acre property is the largest lot, and is accessed off Mill Hill Road.

The proposed main house, which is not really the subject of this hearing, was designed by Patrick Ahearn. A significant vegetative buffer exists between the new house site and the adjacent development on School House Road.

In addition to the historic farm house, there are several outbuildings on the property: a small barn that was converted to a two-car garage, a 12 x 12 former meat locker, an 8 x 6 smokehouse, and a 'guest house' that was a converted horse barn, a chicken coop, and a 6 x 6 pump house. In a letter dated 13 April 2022, Mr. Castanon states that – other than the garage – these outbuildings are in disrepair and have not been used in over 20 years. He noted that the 'guest house' does not have a kitchen – just an old refrigerator. It was most recently used as a doctor's office.

Mr. Castanon would like to keep the accessory structures as they add character to the property. He said that if the board wishes he would gut the 'guest house' down to the studs.

Chairman Tomassian asked if there were any letters from town boards or departments. There were none. He then asked for any letters of support from abutters. The following letters of approval were either read or entered into the record: James F. and James M. Wilson of 28 Mill Hill Road, Ruth & Mike Belizzi of 24 Mill Hill Road, David Aronoff of 11 Mill Hill Farms Road, Catherine Twadell of 22 Mill Hill Road, and John Rogaris of 16 Mill Hill Road. All the correspondents were in favor of preserving the existing farm house as a guest house and allowing the applicant to build a new main house. All believed that the access was adequate, and that adding one new dwelling would not have a negative impact on the neighborhood.

Chairman Tomassian then asked if there was anyone present who wished to speak in favor of the proposal. James Wilson said that his grandfather had bought the farm back in 1933. He said he hopes the board will grant the special permit and allow the old farm house to remain.

David Aronoff noted that he is a direct abutter to the subject property, as well as president of the homeowners' association. He said that the entire homeowners' association voted in favor of the proposal.

Jim Wilson, son of James Wilson, said that he was in full support of the project.

Mike Belizzi said that he too was in full support of the project.

Doug Husid of 8 Mill Hill Road Extension, a direct abutter to the east, said that the Wilson family had been terrific stewards of the property. He said that a lot of thought went into the initial subdivision. He said he had some questions about the proposed new house. Chairman Tomassian noted again that the proposed new main house is outside the scope of this hearing, and suggested that Mr. Husid contact the applicant directly.

George Swan, a direct abutter living at 40 Mill Hill Road, also spoke in favor of allowing the farmhouse to remain as is and allowing it to become a guest house.

Mr. Tomassian then asked if there were any letters of objection. The assistant noted that a letter had been received from Robert Edwards of 31 Mill Hill Road, who is an abutter to an abutter. Mr. Edwards was concerned about an increase in traffic on Mill Hill Road – which, he said, is a narrow road that the town needs to resurface and maintain.

A letter was also received from David Burke, who lives at 17 Mill Hill Road, but is not an abutter.

Debra Taylor, an abutter living at 42 Mill Hill Road Extension, said she opposes designating a 2400 s.f. structure as a guest house, as it is significantly larger than the 900 s.f. generally allowed under the bylaw. She said she also believed that the new dwelling would have a negative impact on the neighborhood and result in increased traffic and further infrastructure problems.

Donna Lowell-Bettencourt of 46 Mill Hill Road Extension said she objected to the proposal as there is already a guest house on the property.

David Burke referred to his letter to the board dated 10 April 2022. He said he had a few additional comments to make. He noted that this property is not part of the road association. He said that the new 6800 s.f. house will add a minimum of three cars regularly using the road. He said that both the fire chief and the police chief stated in Planning Board hearings that the road was very narrow. He said that he did not believe that Mill Hill Road could support the additional traffic caused by this development.

The assistant noted that she had spoken to both the fire chief and the police chief in advance of the hearing, and both were unequivocal that their comments in the Planning Board hearings were not meant to suggest that they were not in favor of further development on the road. Both noted that there were many, many equally narrow roads throughout Edgartown.

Mr. Silva commented that although the property is not part of the road association it is part of the Mill Hill Homeowner's Association, who unanimously approved the plan. He also noted that the 'existing guest house,' referred to by a number of opponents, is not currently a guest house at all. He said that Mr. Castanon has no plans to use the structure as a dwelling unit.

Mr. Silva noted that the primary reason for asking that the existing main house be designated as a guest house is to allow the historic structure to remain on the site in tact. He said that the construction of a new main house will not result in a significant increase on this 14-acre parcel

Mr. Tomassian then closed the public portion of the hearing for discussion by the board. He noted that the board has, in the past, allowed guest houses significantly larger than 900 s.f. on large parcels, especially when subdivision was restricted.

Ms. Dolby asked if there were any recent additions made to the guest house. Mr. Wilson, former owner of the property, said that the house was brought to the property in 1934 or 1935. In 1940 a kitchen and sunroom were added. He said that there have been no additions to the structure since then.

Ms. Dolby commented that the property had two dwelling units on it for the majority of its history. She said that this proposal is also for two dwelling units: the old farmhouse and a new single-family dwelling. She said that although the proposed new dwelling is substantial, she does not see it as a significant increase in use: it will still be a single-family home and the 14-acre property will still continue to have just two dwelling units.

Ms. Dolby said that her only concern would be if the current guest house were renovated and became a third dwelling unit.

Ms. Grant commented that she visited the site and found the accessory structures added a lot of character to the property. She said she would like to see them retained. She said she thinks the plan is a good one.

Ms. Whipple said that she was very impressed with the concept and is glad that the farmhouse will be preserved.

Ms. Pierce made a motion to approve the project as presented. He said he did not think that allowing the existing farmhouse to be designated as a guest house would have a negative impact on the neighborhood. He noted that the property is large, 14-acres, and certainly adequate for two dwellings. He also noted that, because of the Planning Board's decision, the property cannot be further subdivided. It was also noted that the board had, in the past, allowed guest houses larger than 900 s.f. on other substantial lots. He said he found the proposal to be in harmony with the general purpose and intent of the bylaw.

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

Ms. Grant, Ms. Dolby, and Mr. Tomassian also voted to grant the special permit for the same reason. Motion approved: 5 – 0.

Respectfully submitted,

Lisa C. Morrison, Assistant