

Case No. 18-22  
Application filed: 21 June 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 Ann Montgomery McKenzie, Tr. for a special permit under section 10.1 G of the zoning bylaw to reconstruct and expand previous additions - built in the 80s and 90s - on a preexisting, nonconforming dwelling on a preexisting nonconforming lot located at 16 Cummings Way (Assr. Pcl. 29B-42) in the R-5 Residential District.

1. On 3 June 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 24 June and 1 July 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, 13 July 2022, the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chair, Nancy Whipple, Thomas Pierce, Carol Grant, and Julia Livingston – alternate. 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.

Attorney Robert Moriarty and designer Hilary Grannis were present for the applicant. Mr. Moriarty noted that the Historic District Commission has approved the project. 68% of the 6500 s.f. lot will remain undeveloped.

The current additions are approximately 23’2” in height; the new additions will be 21’2” – matching the existing 1930s main house.. The rebuilt additions will add approximately 600 s.f. of living space.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. There were no letters from abutters or from members of the public.

Diana Muldaur, a direct abutter since 1952, had some questions about the fencing. Ms. Grannis said that the new fence and gate on the south side of the property will be 10-feet closer to Cummings Way. The property will have fencing on the sides and rear boundaries. There will be no increase in the nonconformity.

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

Ms. Grant asked if the outside shower conformed to the 5-foot side yard setback. Ms. Grannis said that it did.

Ms. Whipple made a motion to grant the special permit, saying that she believed the proposal to be in harmony with the general purpose and intent of the bylaw. She noted that there were no opponents to the project. She said she thought the new design will be an improvement and that the project was compatible with the neighborhood. She also noted that the new additions meet all the setback requirements for the R-5 Residential District.

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

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

Respectfully submitted,

Lisa C. Morrison, Assistant