



*Town of Edgartown  
Zoning Board of Appeals  
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Case No. 24-22  
Application filed: 23 August 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 James M. & Joan A. Malkin for a special permit under section 2.2 B 13 of the zoning bylaw to construct a 900 s.f. guest house on a lot where the principal dwelling was built less than five years prior. The property is located on a conforming lot at 27 Fourth Street North (Assr. Pcl. 11A-95) in the R-20 Residential District.

1. On 23 August 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 26 August and 2 September 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, 14 September 2022, the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chair, Carol Grant, Nancy Whipple, Thomas Pierce, and Pam Dolby.

Mr. Tomassian opened the hearing and read the necessary requirements for conducting remote meetings in compliance with both the Governor's order and the Open Meeting Law.

Reid Silva of Vineyard Land Surveying and applicant Joan Malkin were both present for the Zoom call. Mr. Silva said that the Malkins purchased the property approximately 2 ½ years ago and began construction about 1 ½ years ago. They are proposing to construct a guest house that will be rented out year-round for workforce housing. Mr. Silva said that the lot is over the 15,000 s.f. required for a guest house. The proposed guest house meets all setbacks and height restrictions.

The existing main house has two bedrooms; the proposed guest house will have one bedroom. Mr. Silva said that he recently received updated plans from Ms. Malkin. The proposed house has been enlarged from 22 x 34 to 26 x 46 – an increase of approximately 212 s.f.

Ms. Grant questioned whether the board should proceed as abutters have not seen the revised plans.

Mr. Pierce noted that the new plan seems to work out to 960 s.f. – not 900 s.f., which is the upper limit for guest houses – without a special permit under section 2.2 B 12, which was not applied for.

Ms. Malkin said that she has no intention of building a guest house larger than 900 s.f. The original plan had a loft, which she believed was a waste of space, so she asked her designer to redraw the plan.

Mr. Silva said that the additional 60 s.f. may have been arrived at by utilizing exterior measurements, rather than interior measurements, which do not account for the 6-inch walls. He said he believed that the Building Inspector measures the interior of the space, not the exterior when accounting for the 900 s.f. maximum. Mr. Silva said that, by his calculations, the interior space would be 894 s.f. – not including the walls.

Ms. Malkin said that the purpose of the proposal is to provide addition year-round housing for the Vineyard workforce. She said that she is doing the same thing on her Chilmark property. She said that the project is not an economic venture and that she is committed to trying to ease the workforce housing crisis on the Vineyard. She said she is hopeful that this can be accomplished without waiting the full five years, when the guest house could be built by right.

Mr. Tomassian said that while the idea is laudable, the board would likely require some kind of assurance from Ms. Malkin that the guest house would be rented out year-round for a minimum of five years. Ms. Malkin said that she was amenable to such a condition.

Ms. Dolby commented that she remembers when the five-year rule was enacted: she said that it was put in place to stop speculative developers from over building on small lots when no water quality or other studies had been undertaken by the town. She said that times have changed. She said she did not think that the addition of the guest house would have a significant effect on the density of the neighborhood. She said that she is glad to see someone ‘stepping up to the plate’ to try to ease the year-round housing crisis. She said she agreed that a five-year condition should be placed on the permit.

Mr. Tomassian commented that because the board reviews each application individually on its own merits and demerits, the issue of precedence is moot.

Ms. Whipple said she thought it was a great plan.

Mr. Pierce said that he had no problem with the application, provided the structure did not exceed 900 s.f.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. There were no letters either for or against the proposal. Mr. Tomassian asked if there was anyone in the audience who wished to comment.

Abutters Robert & Deborah Edmunds of Fifth Street North said they were in full support of the proposal. Mr. Edmonds said that the Malkins were responsible owners and that their construction crew was considerate and competent. Ms. Edmunds said that she would rather see the guest house built now, while the lot is still disrupted, rather than in five years.

Mr. Tomassian then closed the public hearing for discussion by the board. Ms. Grant said that while she is not opposed to the project, she does not like to see plans change late in the game.

Ms. Dolby 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 said she does not believe that the guest house will be detrimental to the neighborhood. She said she believed the project was consistent with other developments in the area, and that guest houses were fairly common in Ocean Heights. She noted that the lot was conforming, and that the Malkins were only asking to waive the 5-year restriction. She said that she believed that providing addition year-round workforce housing would benefit the town. She proposed the following conditions: (1) Guest house will not exceed 900 s.f. and (2) applicant will place a restriction on the deed stipulating that the guest house will be rented out year-round for a minimum of five-years.

Ms. Whipple seconded the motion and voted grant the special permit for the same reasons and with the same conditions. . Mr. Pierce, Mr. Tomassian, and Ms. Grant also voted to grant the special permit for the same reasons and with the same conditions.

Motion approved: 5 - 0.

Respectfully submitted,



Lisa C. Morrison, Assistant