

Case No. 25-22
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 the Waterhaven Nominee Trust, Joseph Seidman, Tr., for a variance to Section 11.6 A of the zoning bylaw to allow more than one sign per lot. The applicant is asking to place a sign on an adjacent 150+ acre property owned by the Sheriff's Meadow Foundation, Assr. Pcl. 12-6 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.

Attorney Robert Moriarty was present for the applicant. Mr. Moriarty said that he is aware that the board does not readily grant variances, but he believes it is appropriate in this case. Mr. Moriarty noted that while the address of his client's property 96 Beach Road (Assr. Pcl. 12B-136), the actual residence is located over 2000 feet from Beach Road down a 15-foot way. Without signage on Beach Road, emergency services – as well as guests – cannot find the property. Sheriff's Meadow owns the adjacent 150+ acre property, which has existing signage. The applicant is asking the board to allow an additional sign on this large abutting property.

Mr. Moriarty said that if the variance is granted, the application will still need approval from the Sign Committee. Included in the file is a letter from Adam Moore, President of the Sheriff's Meadow Foundation, supporting the request for a variance.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. There were no letters from abutters. Mr. Tomassian asked if there was anyone in the audience who wished to comment. There were not.

Ms. Grant asked about the location of the sign. Mr. Moriarty said that it will be located approximately 6-feet off the bike path and about a foot off the 15-foot way leading to the residence.

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

The board had no additional questions or concerns.

Ms. Grant made a motion to grant the variance for the following reasons:

1. There are circumstances relating to the location of the trust's property – more than 2000 feet from the public way – which do not generally affect other properties in the zoning district.
2. That due to these circumstances, literal enforcement of the provisions of the bylaw would involve substantial hardship as police or fire departments may have difficulty locating the property in the event of an emergency.
3. Desirable relief may be granted without nullifying or substantially derogation from the intent or purpose of the bylaw: The bylaw was created, in part, in order to ensure that signage does not proliferate unchecked, especially in residential districts. In this case the property where the sign will be located is over 150 acres. The board also found that the sign itself is inoffensive and conforms to the guidelines outlined in the bylaw. In addition, the sign will be reviewed for compliance by the Sign Committee.
4. The board found that relief may be granted without substantial detriment to the public good. No abutters, members of the public, or abutters objected to the additional sign.

Ms. Whipple seconded the motion and voted grant the variance for the same reasons. Mr. Pierce, Mr. Tomassian, and Ms. Grant also voted to grant the variance for the same reasons.

Motion approved: 5 – 0.

Respectfully submitted,

Lisa C. Morrison, Assistant