

Case No. 40-22

Application filed: 27 December 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 relating to the request by Peter & Ellen Blommer for a variance to section 10.1 G 2 (e) of the zoning bylaw to construct a single-family residence, pool, and pool house with detached bedroom on a nonconforming 1.10-acre parcel located at 20 Kent Harbor Road (Assr. Pcl. 36-326) in the R-60 Residential District.

1. On 27 December 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 the 30<sup>th</sup> of December 2022 and the 6<sup>th</sup> of January 2023.
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, 18 January 2023, 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 Pam Dolby. 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.

Mr. & Mrs. Blommer began the presentation saying that they purchased the property two years ago. Mr. Blommer said that he and his wife had been hoping to buy a lot in Down Harbor for a number of years.

Chuck Sullivan presented the plans, noting that there had been some minor revisions: the garage doors were relocated from the front of the structure to the side and the roof pitch has been altered slightly. Mr. Sullivan noted that at 1.1 acres this is one of the largest lots in Down Harbor. He said that the project has been designed to save as many trees and as much of the existing vegetation as possible.

Mr. Sullivan said that the Board of Health has approved a 7-bedroom septic. The proposed main house will have 5 bedrooms. A detached 250 s.f. bedroom is also proposed. The detached bedroom will be constructed adjacent to the pool house, but it will not connect

with it internally. Also attached to the pool house, but with no internal connection, is a 270 s.f. storage area. Mr. Sullivan said that the plan is to return to the ZBA in five years and request a special permit to convert the pool house/detached bedroom/storage area into a two-bedroom guest house.

The storage area will be used to store pool furniture and other items. The pool mechanicals will be stored in a fully enclosed sound-proofed portion of the pool house adjacent to the detached bedroom.

Mr. Sullivan presented photographs of a number of comparably sized structures in the area, indicating that the Blommers' proposed residence would be compatible with the neighborhood.

Attorney Robert Moriarty noted that the Blommers purchased the vacant property in 2020 for 1.65 million dollars. A prior residence had burned down in 2012. The Blommers believed at the time that they would need a special permit to rebuild; they were not aware that they would need a variance until informed by the Zoning Inspector.

Mr. Moriarty noted that there are 35 lots in Down Harbor, 31 of which have been developed. It is a well established residential neighborhood and as Mr. Sullivan stated in his presentation, it is one of the larger lots in the subdivision.

Mr. Moriarty said that he believed that the variance to rebuild outside of the two-year window specified in 10.1 G 2 (e) could be granted without substantial detriment to the public good.

Mr. Tomassian commented that because the house burned down in 2012, it would – according to the bylaw – have become unbuildable in 2014.

Mr. Sullivan said that before 2014, the house could have been rebuilt without a special permit. Mr. Sullivan commented that the house that burned down had been built in 1973 and did not conform to current energy codes. The assumption was that a new house, which would conform to current building codes, could be built by special permit.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. The assistant noted that 17 letters of support had been submitted from abutters and other residents of the neighborhood [see file]. There were no letters of opposition.

Fred Martin of 12 Down Harbor Road spoke in favor of the project. There was no one in the audience who wished to speak in opposition to the application. As no rebuttal was needed, Mr. Tomassian closed the public portion of the hearing for discussion by the board.

Ms. Dolby said that she has believed for some time that the two-year window specified in the bylaw is unrealistic and should be changed by the Planning Board. She said that it sometimes takes more than two years for insurance issues to be resolved.

Ms. Grant asked how many bedrooms were in the original structure. Mr. Sullivan said he believed the original structure had four bedrooms. Ms. Grant commented that going from four bedrooms to seven and including a pool and pool house was a big jump from the original development.

Mr. Pierce commented that he is very familiar with the neighborhood, which has seen a good amount of recent construction. He said he thought the design presented by Mr. Sullivan would fit in well in the neighborhood.

Ms. Whipple agreed that it was a beautifully designed project and said she believed it will fit in very well with the neighborhood.

Ms. Whipple made a motion to grant the variance saying that she believed there are extenuating circumstances affecting this lot, which do not affect other properties in the zoning district. She said that literal enforcement of the bylaw would involve substantial financial hardship to the applicants. She said that she believed that the variance can be granted without nullifying or substantially derogating from the intent or purpose of the bylaw and without substantial detriment to the public good. She also commented that she found the site appropriate and noted that there was unequivocal neighborhood support for the project.

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

Ms. Dolby, Ms. Grant, and Mr. Tomassian also voted to grant the variance for the same reasons.

Motion approved: 5 – 0.

Respectfully submitted,

Lisa C. Morrison, Assistant