

Case No. 2-23

Application filed: 17 January 2023

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 Charles C. Hajjar, Tr. d.b.a. BD MV Realty Trust for a special permit under sections 3.1 B 4 & 3.1 D 8 c of the zoning bylaw to construct a 1700 s.f. second story addition consisting of three 1-bedroom apartments. The property is located at 9 Main Street (Assr. Pcl. 20D-317) in the B-I Business District.

1. On 17 January 2023 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 20th and the 27th 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, 8 February 2023, the hearing was opened and held via Zoom. The following board members were in attendance: Carol Grant – acting chair, Nancy Whipple, Thomas Pierce, Pam Dolby and Julia Livingston, alternate. Ms. Grant 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.

Peter Gearhart of Sullivan & Associates was present for the applicant. Mr. Hajjar was also in attendance. Mr. Gearhart said that the proposed addition will be above a one-story section of the mixed-use structure, shown in red cross-hatch on the site plan. The apartments will range in size between 530 s.f. and 580 s.f. and be rented year-round as work force housing. The first floor of the building is currently occupied by retail and storage areas. The second floor currently has Mad Martha's workforce housing and the offices of Wallace & Co.

Mr. Gearhart said that the plans have been reviewed and approved by the Historic District and by the Wastewater Department.

Mr. Gearhart said that they are requesting the special permit under 3.1 B 4 as the floor area ratio will exceed 1.0. The current building has a floor area ratio of 1.32. After the project is built the floor area ratio will be 1.62.

They are also applying under 3.1 D 8 c to waive parking space requirements as the location is in a downtown pedestrian-oriented area.

Ms. Grant asked if there were any letters from town boards or departments. There were none, however the assistant said that the Highway Superintendent had come by the office to request that no exterior construction, which would block the sidewalk, take place between 15 May and 15 September. There were no letters from abutters or members of the public. There was no one in the audience who wished to comment on the application, either for or against. Ms. Grant then closed the public portion of the hearing for discussion by the board.

Ms. Dolby said that she thought the rentals should be deed restricted to year-long leases and rented at below market value and according to prices determined by the Affordable Housing Committee.

Ms. Livingston agreed that the apartments should be rented out for a minimum of one-year to year-round residents. She said that she is the chairman of the steering committee for Edgartown's Master Plan and this is just the sort of housing the plan is calling for.

Mr. Hajjar said that if he is forced to rent the apartments below market rate, he will not be able to build them as the project would not be financially feasible. He said he fully intends to rent to year-round residents with one-year minimum leases. He noted that this is what is done with the apartments above the post office on Upper Main Street. He said that he intends to make the rentals attractive to working people: teachers, firemen, policemen. He noted that all the apartments are all accessed through an alley and up a flight of stairs and are only around 550 sq. ft. He said that the Wharf is just down the street, which can be noisy on summer nights. He said he did not think the location and the lack of amenities would appeal to wealthy part-time residents or retirees. He reiterated that his intention is not to rent the apartments on AirBnB.

Ms. Dolby asked what kind of rent Mr. Hajjar was thinking of charging.

Ms. Whipple said that there is no question that more year-round housing is needed. She said she agrees that the apartments should only be rented on a year-round basis

Ms. Livingston said that she believed the lack of amenities, and the requirement to sign year-long leases with no subletting allowed, will keep the rents at a reasonable level that will be attractive to working people.

Mr. Hajjar reiterated that he wants year-round working people in the apartments, not summer residents or seasonal workers. Optimally, he would like long-term tenants, staying five or even ten years.

Ms. Dolby suggested a condition that required people to live in the apartments for 12 months. Ms. Livingston said she was not comfortable with requiring that kind of policing by a landlord.

Ms. Livingston made a motion to approve the project as presented. She said she found the proposal to be in harmony with the general purpose and intent of the bylaw. She noted that there were no objections from town boards or departments or from any abutters or other members of the public. She said that there was no question that Edgartown needed additional year-round housing. She said she thought the project was well designed and would not negatively impact the neighborhood. She included the condition that the apartments be deed restricted to one-year minimum leases with no subletting permitted.

Ms. Whipple seconded the motion and voted to approve the project for the same reasons and with the same conditions. Mr. Pierce and Ms. Grant also voted to issue the special permit for the same reasons and with the same conditions. Ms. Dolby voted to deny the request.

Motion carried 4-1.

Respectfully submitted,

Lisa Morrison
Assistant