

Case No. 10-23  
Application filed: 21 March 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 Michael Culbert under section 10.1 G of the zoning bylaw to (1) construct a detached 3-bay garage, (2) construct a 98 s.f connector between the house and the existing detached 2-bay garage (which will be converted to a music studio), and (3) construct a 65 s.f. connector between the new music room and existing art studio. The property is located on a preexisting, nonconforming lot at 149 Litchfield Road (Assr. Pcl.34-29) in the R-120 Residential District.

1. On 4 April 2023 the hearing notice, 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 7<sup>th</sup> and 14<sup>th</sup> of April 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 and abutters to abutters 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, 26 April 2023, the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chair, Pam Dolby, Thomas Pierce, and Carol Grant. 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. Tomassian informed the applicant that only four members were present for this hearing, and all four would need to vote in favor of the project in order for the permit to be granted. He told Mr. Culbert he could have the option of continuing the hearing for a five-member board if he wished. (With a five-member board, one member could vote against the project and it would still be viable.) Mr. Culbert said he understood and was willing to go forward with a four-member board

Mr. Culbert explained that he and his wife are preparing to move to the island year-round in the near future and they are hoping to make some improvements to their property to facilitate longer term residence. Mr. Culbert explained that the proposed three-bay garage

will be located on an existing apron that is currently used for parking. He said that the tree canopy is quite extensive and he does not believe that the garage will be visible to his neighbors. He will not need to cut any trees.

Mr. Culbert said that he plans to turn the existing two-bay garage into a music studio. His wife has a grand piano. The music studio will be connected to the house by a 98 s.f. connector, which will also house a portion of the expanded master bath. The music studio will also be connected to the existing art studio by a 65 s.f. connector.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. The assistant mentioned that the Health Agent, Matt Poole, had done an initial review of the project and said that the ZBA was free to proceed. There may be additional details that need to be worked out with the Board of Health and the possibility that the applicant would need a deed restriction to ensure that there is no sleeping space in the music studio.

There were no letters from any abutters or other members of the community. There was no one in the audience who wished to comment either pro or con.

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

Ms. Dolby asked if there would be plumbing in the new garage. Mr. Culbert replied that no plumbing is proposed.

Mr. Tomassian said that it seemed that there was a lot going on on the lot, which is only 1.7 acres. He said that the board may wish to consider limiting further development on the lot. Mr. Tomassian asked if Mr. Culbert had been to the board before for a special permit. Mr. Culbert replied that he received a special permit for the art studio/workshop in 2017. A 950 s.f. structure was approved, but only a 720 s.f. structure was built.

Mr. Pierce said that he did not think a development restriction was needed as Mr. Culbert would need to return to the board for any future developments.

Ms. Dolby made a motion to approve the project as presented. She said she did not believe that the addition of the garage or music room would intensify the use of the property. She noted that there were no objections from anyone. She said she believed that the project was in harmony with the general purpose and intent of the bylaw and that it would not be detrimental to the neighborhood. She proposed the condition that there be no living space in the new garage and no sleeping space in the music studio.

Ms. Grant seconded the motion and voted to approve the project for the same reasons and with the same conditions.

Mr. Tomassian and Mr. Pierce also voted to approve the project for the same reasons and with the same conditions. Unanimously approved 4 to 0.

Respectfully submitted,

Lisa C. Morrison, Assistant