

Case No. 6-23  
Application filed: 4 May 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 Juan C. & Kristen F. Fernandez under section 10.1 G of the zoning bylaw to demolish an existing four-bedroom dwelling and construct a new three-bedroom dwelling and detached two-car garage with bedroom above. The property is located on a preexisting, nonconforming lot at 15 Young Street (Assr. Pcl. 44-16) in the R-60 Residential District.

1. On 4 May 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 19<sup>th</sup> and 24<sup>th</sup> of May 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, 7 June 2023, the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chair, Pam Dolby, Thomas Pierce, Nancy Whipple 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.

Chris Alley of Schofield, Barbini & Hoehn began the presentation noting that this is a half-acre nonconforming lot in a development of similarly sized lots. Mr. Alley noted that with the exception of the front porch, the proposal meets all the required setbacks and height restrictions, The porch is 46-feet from the front property line. The Board of Health has approved a new enhanced-treatment septic system.

Rob Piper-Roche, architect, said that the existing house is barely livable. The Fernandezes are hoping to spend more time on the island. They own a business and work from home. They are hoping to construct a more spacious, more livable, and more comfortable home.

The existing four-bedroom home is to be demolished and replaced with a three-bedroom dwelling and a detached two-car garage with 397 s.f. bedroom above. The large office on the second floor of the dwelling will enable the Fernandezes to work from home.

Mr. Piper-Roche explained that the Board of Health requires that the basement be unfinished, and - because of the new HERS (Home Energy Rating System) requirements - heating and cooling equipment must be located in conditioned space. This is why there is a mechanical closet on the second floor of the residence.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none.

Letters from one abutter, Martha Roberts of 14 Young Street, and from neighbors Michael Klein and Susan and Howard Bromberg of 2 Young Street and 5 Young Street, respectively, were received and posted on line. Both Mr. Klein and Mr. Bromberg were present.

The assistant read the letter from Ms. Roberts, who was concerned about the possibility that a fifth bedroom could easily be created by adding a wall to the second floor office space. Ms. Roberts noted that the house has been rented out on a weekly basis from Memorial Day to Columbus Day. She was concerned that a fifth bedroom could increase the number of tenants staying on the property.

Mr. Bromberg was concerned that the detached bedroom above the garage was larger than the master bedroom and the possibility that an additional bedroom could be created above the garage.

Mr. Klein noted that he is a full-time, year-round resident. He was also concerned that a fifth bedroom could easily be created on the second floor of the residence, noting that the space was adjacent to a bathroom and had a closet. He said was pleased that the revised plans included an advanced-treatment septic system. He said that he believes the proposed dwelling will be one of the largest in the neighborhood.

Mr. Piper-Roche said that the size of the detached bedroom was determined by the size of the garage. He said that the applicants have no intention of turning the second floor office into an additional bedroom

Mr. Alley noted that the footprint of the proposed structure is 2100 s.f., 2670 s.f. if the garage is counted. He said that the size is comparable to many other structures in the neighborhood. The Roberts property across the street has a footprint of 2890 s.f.

Kristen Fernandez reiterated that they have no plans to add a fifth bedroom. She noted that as the house will have no attic, the basement will be used for storage and gym equipment. She said that they have no intention of renting out this house.

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

Ms. Dolby said that she believed there was adequate room on the lot to move the house back four feet so that the front porch complied with the 50-foot front setback requirement. She also noted that the second floor office is quite large and asked for more details about the mechanical closet and the HERS requirements.

Ms. Grant agreed with Ms. Dolby that the house should be shifted back four feet to meet setbacks.

Ms. Whipple said she thought it was a well thought out plan, but agreed that the house should be shifted back.

Mr. Alley said he would prepare a new site plan showing the house moved back four feet to conform to R-60 setbacks.

Ms. Dolby made a motion to grant the special permit saying that she believed the project to be in harmony with the general purpose and intent of the bylaw based on the assertion by Mr. Alley that a revised site plan would be submitted. She said that she believed the project was comparable to other developments in the Crafts Field neighborhood and said she did not think the proposal would have a negative effect on the neighborhood. She noted that there was no change in the overall bedroom count, which remains at four.

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

Mr. Tomassian, Ms. Whipple, and Mr. Pierce also voted to approve the project for the same reasons and with the same conditions. Unanimously approved 5 to 0.

Respectfully submitted,

Lisa C. Morrison, Assistant