

Case # 17-2023

Application Filed: 6 June 2023

DECISION OF THE ZONING BOARD OF APPEALS
ON THE REQUEST FOR A SPECIAL PERMIT

Owner/Applicant: Edmund Joseph Willoughby, Tr.

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At a meeting held remotely via Zoom on Wednesday, 28 June 2023, the Edgartown Zoning Board of Appeals voted (4-1) to grant a special permit under section 10.3 C (Island Independent Living) of the zoning bylaw to allow the construction of a 3-bedroom residence on an 11,500 s.f. conforming lot located at 30 Curtis Lane (Assr. Pcl. 20A-96) in the R-5 Residential District.

The application was accompanied by a site plan (dated 11 July 2022) by Vineyard Land Surveying and elevations and floor plans from Impresa Modular dated 20 June 2022. [For details concerning the hearing please see the Record of Proceedings filed with this Decision on-line and in the office of the Town Clerk.]

FACTS:

1. The property consists of a .26-acre conforming lot with a one-story, 3-bedroom dwelling.
2. The applicant is proposing to construct a two-story, 3-bedroom modular home for himself, his son, and granddaughter.
3. The applicant is proposing to gut the existing three-bedroom residence and convert it to a one-bedroom rental unit under the terms of the Island Independent Living bylaw 10.3 C.
4. The maximum number of bedrooms allowed on the lot is four.
5. The existing garage will be removed and the driveway extended for additional on-site parking
6. There were no objections to the proposal from any town boards or departments. One abutter wrote in favor of the proposal. Three abutters voiced concerns about the position of the house on the lot and the need for additional screening.

FINDINGS:

1. The board found the proposal to be appropriate and in harmony with the general purpose and intent of the bylaw: there is at least one other Independent Living Unit in the neighborhood.
2. The board found that the project will conform to the requirements of 10.3 C as the applicant has stated that he will reside on premises and will rent the existing dwelling to year-round residents for a period of not less than ten years. As per 10.3 C 3 d, this “residency requirement must be assured by deed restriction running with the land.”
3. The board found that there is adequate parking on the site.
4. The board also found that the proposal conforms to the design and site requirements enumerated in 10.3 C.
5. The board further found that the need for alternative housing continues to be acute throughout Edgartown and the Island as a whole.

CONDITIONS:

1. After the house is constructed and prior to receiving a Certificate of Occupancy, the applicant will develop a landscape plan in consultation with his neighbors. The plan will be submitted to the Zoning Board and will become part of the file.
2. In view of the fact that the Fire Department is not in favor of a false front door, the applicant will either keep a functional front door or design the front façade of the house so that it is compatible with the character of the neighborhood.

This decision of the Board of Appeals and a record of proceedings are on file in the Zoning Board office and in the office of the Town Clerk, Town Hall under Case No: 17-2023.

Zoning Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 7 July 2023. Appeals, if any, should be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws and should be filed within 20 days of the filing of this decision in the office of the Town Clerk.

_____2023

I hereby certify that no appeal has been filed in the twenty-day period following the date of filing this decision.

Attest: _____