

Case No. 30-23
Application filed: 22 August 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 James W. Clabby III & Mary K. Clabby for a special permit under 10.1 G of the zoning bylaw to demolish an existing single-family dwelling and construct a new conforming 2-bedroom dwelling with attached garage. The property is located at 20 Oakdale Drive, Assr. Pcl. 13-27 in the R-60 Residential District.

1. On 22 August 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 25th of August and the 1st of September 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, 13 September 2023, the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chair, Nancy Whipple, Carol Grant, Thomas Pierce 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.

George Sourati and Darran Reubens were present for the applicants. James Clabby was also in attendance. Mr. Sourati began the presentation noting that the Clabbys had been before the board earlier this summer and had withdrawn their application as the proposed addition that was presented would create a new nonconformity on the lot. The new application involves demolishing the existing dwelling and constructing a new two-bedroom, two-story structure with attached garage that conforms to all setbacks and height restrictions.

The new structure will be 51-feet from the front and rear property lines and 26-feet from the sides. The structure will be 31-feet from mean natural grade.

Mr. Reubens presented the elevations and floor plans noting that the house is a simple design that fits well on the lot. The attached one-car garage is 310 s.f. The first floor footprint is 1082 s.f., the second floor 968 s.f., and the front porch is 214 s.f. The existing one-story bungalow was 782 s.f., not including decks and porches. Mr. Reubens said that the proposed house meets the Clabbys' requirements for year-round living.

Ms. Grant asked about the second floor office and whether it could become a third bedroom. Mr. Reubens noted that it will have a wide opening as per the Board of Health's requirements.

Mr. Tomassian commented that he believes the Clabbys addressed the board's concerns as stated at the earlier meeting.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. There were no letters from abutters.

Mr. Eisenberg of 21 Oakdale Drive said that while he is not opposed to the project, he noted that the proposed house is considerably larger than what exists on the lot, all because of an incursion of just a few feet into the setback. [Mr. Eisenberg was referring to the previous application where the Clabbys proposed an addition to the house that did not meet setbacks and would have created a new nonconformity and required a variance.]

Ed Traves a long-time resident of Oakdale had a number of questions. He asked whether a new driveway was proposed. Mr. Reubens replied that no changes to the existing driveway are proposed and no new curb cuts are planned

Mr. Traves wanted to know if the new construction would affect his adjacent property. Mr. Reubens said that the existing driveway provides a large staging area and there would be no incursions into the Traves property during construction.

Mr. Traves asked if any protection was proposed for the fresh water pond, which is on his property but probably just 25 feet from the Clabbys eastern property line. Mr. Reubens responded that a silt fence will be installed along the property line during construction.

Mr. Traves asked if the existing foundation will be used. Mr. Reubens replied that the existing foundation is a constructed of block, which is not as stable as a poured foundation. The Clabbys are proposing a new, poured foundation.

There were no further comments or questions. Mr. Tomassian then closed the public portion of the hearing for discussion by the board. He said he did not think a rebuttal was necessary as Mr. Reubens had already answered Mr. Traves' questions.

Mr. Pierce said that he believed the project was in harmony with the general purpose and intent of the bylaw. He noted that the project meets all setbacks and that there is adequate area for the development. He said there was no real opposition to the proposal and noted that no letters had been received from any abutters or town boards. He proposed the following condition: A silt fence will be installed along the eastern property boundary and will remain in place until the construction is complete and the area stabilized.

Ms. Whipple seconded the motion and voted to grant the special permit for the same reasons and with the same condition.

Mr. Tomassian and Ms. Grant also voted to approve the project for the same reasons.

Ms. Dolby voted not to approve the project.

Motion carries 4 to1.

Respectfully submitted,

Lisa C. Morrison, Assistant