

Case No.10-24
Date Filed: 4 March 2024

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 pertaining to the request by Gregg S. Jubin & Christina A. Aragona to reinstate a lapsed special permit that was granted October of 2021 under section 10.1 G of the bylaw. The permit allowed the construction of a plunge pool and a one-story, one-car garage on a preexisting, nonconforming lot at 49 Davis Lane (Assr. Pcl. 20D-135.2) in the R-5 Residential District.

1. On 4 March 2024 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 8th and 15th of March 2024.
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, 27 March at 4:30 p.m. the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian - Chairman, Pam Dolby, Thomas Pierce, Nancy Whipple, and Julia Livingston, alternate.

Attorney Robert Moriarty was present for the applicants. Mr. Moriarty said that the applicants would like to remove the request for the pool, as it was not approved by the Historic District Commission. They would like to proceed with the construction of the garage. Mr. Moriarty said that he believed the garage was in keeping with the neighborhood and in harmony with the general purpose and intent of the bylaw.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. There were no letters from abutters or other members of the public.

There was no one in the audience who wished to comment either for or against the proposal.

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

Mr. Tomassian asked if there were any changes to the previously approved garage. Mr. Moriarty replied that the plans are the same as those submitted and approved by the board in 2021.

Mr. Pierce asked if there would be a basement below the garage. Mr. Moriarty replied that there would be a full height basement below the garage, as shown on the submitted plans.

Ms. Whipple said she was happy to hear that the pool was no longer included in the application.

Ms. Dolby made a motion to grant the special permit saying she found the proposal to be in harmony with the general purpose and intent of the bylaw. She said she found the site appropriate and noted that the project had been previously approved by the Historic District Commission. She said she did not believe that the garage would have a negative impact and noted that there were no objections to the proposal from abutters or other members of the public.

Ms. Livingston seconded the motion and voted to approve the project for the same reasons.

Mr. Pierce, Ms. Whipple, and Mr. Tomassian also voted to approve the project for the same reasons.

Unanimously approved by roll-call vote: 5 – 0.

Respectfully submitted,

Lisa C. Morrison, Assistant