

Case No 20-24
Date Filed: 17 June 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 for a special permit under section 10.1 G of the Edgartown Zoning Bylaw by Johan & Chloe Quintus. The project involves the renovation and addition to a preexisting, nonconforming residence, the demolition of an existing garage, and the construction of a detached bedroom with garden room below. The property is located on preexisting, nonconforming .14-acre lot at 84 South Water Street (Assr. Pcl. 29B-13) in the R-5 Residential District. .

1. On 17 June 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 21st and 28th of June 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, 10 July 2024 at 4:45 p.m. the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chair, Pamela Dolby, Nancy Whipple, Tom Pierce, and Robin Bray, alternate.

Chairman Tomassian opened the hearing and the notice was read. Mr. Tomassian asked who actually owned the property. Johan Quintus said that the property is held in trust, his parents are the trustees and he is a beneficiary of the trust.

Mr. Tomassian asked if there were other beneficiaries or trustees. Mr. Tomassian said that he has no way of knowing if all the trustees and beneficiaries are in favor of the project.

Ms. Dolby said that in many hearings the applicants and the owners are not the same. She noted that many, many properties in Edgartown are either held in trust or in a limited liability corporation.

Mr. Tomassian said that he would like a letter from the trustees authorizing Mr. Quintus to act on their behalf.

Chuck Sullivan, architect, made the presentation. He noted that the lot is a preexisting, nonconforming 5300 s.f. lot. The existing house and garage are also nonconforming with respect to setbacks.

The proposal involves removing the rear portion of the house, which is currently right up against the eastern property line. The proposed new addition would be 4.7' from the setback. The proposed addition on the west side will meet setbacks, as will the proposed garden room with detached bedroom above. Mr. Sullivan said that the garden room would be similar to a pool house, except that there will be no pool associated with it. There is no direct access between the garden room and the detached bedroom, and there will be no plumbing in the garden room. The goal in siting the structure is to maximize the rear yard. The existing garage is located closer to the house and more in the middle of the yard.

The detached bedroom and bath will be less than 300 s.f. Mr. Sullivan also noted that the front façade of the house will be preserved and the project has received approval from the HDC.

Mr. Sullivan stated that the summer house will be 19.5 feet in height, which he believes is in scale with other accessory structures in the area. Mr. Sullivan said he did a FAR study (floor area ratio - the measurement of a building's floor area in relation to the size of the lot) in the block between Cooke and High Streets, and this project is in line with other properties in the neighborhood.

Mr. Sullivan said that the existing vegetation on the Brittain side of the property will remain. He said that the tree on the west side of the property is not in the best of health, but the contractor assured him that the tree could remain during the construction process.

Mr. Tomassian asked if there was anyone present who wished to comment on the application.

Lucy Dahl of 80 South Water Street used her phone to video her backyard, noting that she could just see the Quintus property over the Brittain property, which she abuts. She said she was neither in favor nor opposed to the project.

Jane Bradbury of 85 and 88 South Water Street said she was a 'double abutter' as she owns the property directly to the south of the Quintus property, as well as the property directly across the street. Ms. Bradbury had a number of concerns. [See also Bradbury letters in file dated 2 July & 9 July 2024]. Ms. Bradbury said that her greatest concern was the harm the project would cause to the historic neighborhood. She said she believes that much of the vegetation on the property would be destroyed in the course of construction, rendering the view as a solid block of buildings. She said she thought the proposed house was "oversized and visually harsh."

She was also concerned that the accessory structure at the rear of the property would set a precedent for many more "guest houses-in-waiting" on Edgartown's small lots. She noted that it would be a simple matter to connect the detached bedroom to the garden room. She said that the mass and bulk of the structure would have a negative effect on her properties

as well as on the Brittain and the Hughes properties, as it would seriously overshadow their lots.

She also noted that the proposed two-story addition on the north side of the property is replacing an existing one-story addition. She said that this addition will be much larger and also contains a nonconforming and oddly shaped chimney that will be visible from the street as well as to the abutters on the north side.

Ms. Bradbury also had concerns about the proposed carport on the south side of the house.

Ms. Bradbury also noted the likely demise of a protected tree, and asked that the applicants be required to replant a sizable (12 to 15 foot) replacement tree.

Ms. Bradbury said she was worried that the 'garden room' would become a hang-out space for teenagers and adults, noting that it was just a few feet away from several neighboring bedrooms. She said she believed the Quintuses were asking for too much on such a small lot.

John Brittain said he has been a seasonal resident of 82 South Water Street for 50 years and has significant concerns about the project [See letters dated 2 July & 8 July]. Mr. Brittain said that the current plan creates additional nonconformities along the shared property line that will be more objectionable and detrimental to his abutting property and to the neighborhood as a whole.

He said that the proposed two-story addition with a large asymmetrical exterior chimney would add significant massing to the existing house that will be intrusive and overbearing to his adjacent property. It will block sunlight and views from many rooms in his house, as well as from his outside patio and garden. The proposed addition would also be visible to other abutting neighbors and to the public from South Water Street.

The existing one-story structure is 14'8" high and within 2-feet of the shared property line. The proposed two-story structure would be 27'3" and although it is further from the property line, portions of it would remain nonconforming.

Mr. Brittain also objected to the proposed two-story 'summer house' at the rear of the property, saying that it too would be overbearing. Even though the applicant agreed to reduce the height by a foot, it would still be taller than other accessory structures on the surrounding properties. The structure would block sunlight and views from the Brittain's much smaller 16-foot high cottage as well as shade both his garden and patio. The second floor windows would look directly into the Brittain's outdoor shower. Mr. Brittain said that the new structure would create significant massing and visual encroachment to all abutting properties. He said the proposed additions would be inconsistent with the character of the neighborhood.

Mr. Brittain included several photographs showing the proximity of the proposed additions to his property.

Sarah Jane Hughes, owner of 65 South Summer Street, also objected to the proposal. [See letter in file dated 2 July 2024]. Ms. Hughes said that the proposed summer house would block her family's view of the harbor from their property. Ms. Hughes said that the

proposed structure was too big for the small lot and would dwarf neighboring structures. Ms. Hughes urged the board to deny the application as it would reduce the neighborhood green space and overshadow the neighbors. She noted that the summer house could easily be converted to a guest house, which is not allowed in the R-5 Residential District on lots with less than 15,000 s.f.

Letters of objection were also received from Samantha Sutro of 96 South Water Street, Mr. & Mrs. Erdman of 15 Cummings Way, and Thomas Applegate of 61 South Summer Street [See file].

Chuck Sullivan commented that in the R-5 Residential District the side and rear setbacks are just 5-feet and many residences are preexisting, nonconforming. He noted that the proposal conforms to setbacks on the Bradbury side and improves the setbacks on the Brittain side: the existing house is practically on the property boundary; the proposed addition would be 4.7' from the property line, with the exception of the chimney, which encroaches a few inches more.

He noted that there was a discrepancy in the lot size: the Schofield plan has the area of the lot at 5334 s.f., while the town's property card has it at 6160 s.f. He commented that even using the smaller number, the floor area ratio is 5.9, which is still in range with other properties in the area.

Mr. Sullivan said that the summer house would be used in the same exact same way as a pool house - but without the pool. He said he believed it was unfair to assume that the room will be used as a space for drunken parties. He said that he believes Johan and Chloe are both good neighbors and good stewards and have no intention of turning the structure into a guest house.

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

Ms. Dolby said that she is not sure that the detached bedroom above the garden room meets the definition of a detached bedroom, which is defined either as "a freestanding structure or a bedroom over a *non-habitable* accessory structure..." She commented that this is a very small lot in comparison to others around it. She said that she thought the proposal called for a lot of massing on a small lot. She said she understands the neighbors' concerns about increasing a nonconformity and that it would have a negative effect on their properties.

She noted that even though the applicants removed the sink from the garden room, there is still plumbing in the structure. She said she believed the applicants were asking to do too much on such a small lot.

Mr. Tomassian agreed with Ms. Dolby and said that it was a very small lot and that he would not vote in favor of the project.

Ms. Bray said she too agreed with Ms. Dolby and Mr. Tomassian. She noted that the houses on this street are very close together. She agreed with Mr. Brittain that the chimney was too large and too intrusive.

Ms. Whipple said she visited the site and thought the proposed additions were too large for the lot.

Mr. Sullivan asked if the application could be withdrawn without prejudice.

Ms. Dolby said that if the project was denied, the applicant would have to return with a proposal that addressed all the reasons for the denial.

The assistant pointed out that a denial could be appealed, whereas a withdrawal cannot. In order to be approved, the revised application would also have to address both the board's and the abutters' concerns.

Ms. Dolby made a motion to allow the applicant to withdraw the application. Ms. Whipple seconded the motion and voted to grant the withdrawal.

Ms. Bray, Mr. Pierce, and Mr. Tomassian also voted to grant the withdrawal.

Motion passes 5-0.

Respectfully submitted,

Lisa C. Morrison, Assistant