

Case No. 27-24
Date Filed: 27 August 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 relating to the request by Scott & Elizabeth Carson for a special permit under section 10.1 G of the zoning bylaw to demolish an existing 4-bedroom residence and two-story garage with bedroom above and construct a new 5-bedroom residence and detached garage with unfinished space above. The applicants are also asking to install an in-ground 18 x 40 pool. The property is located on a preexisting, nonconforming .82-acre lot at 7 Kent Harbor Road (Assr. Pcl. 36-317) in the R-60 Residential District.

1. On 27 August 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 August 30th and September 6th 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, 18 September 2024 at 4:15 p.m. the hearing was held via Zoom. The following board members were in attendance: Martin Tomassian - Chairman, Pam Dolby, Carol Grant, Nancy Whipple, and Julia Livingston - alternate. Chairman Tomassian opened the meeting and explained the board's procedures.

Architect Steve Pogue, General Contractor Gary BenDavid, and Chris Alley from Schofield, Barbini & Hoehn were present for the applicants, who were also in attendance. Mr. Alley began the presentation noting that the existing house was built in 1974. He said that the proposed new structures meet all the setbacks and the only nonconformity is the size of the lot, which is in a neighborhood of similarly sized nonconforming lots.

Mr. Pogue reviewed the plans with the board, noting that the proposed house, at 26-feet high, is 6-feet lower than what is allowed. He described the house as a coastal farmhouse style utilizing all natural materials.

Chairman Tomassian asked if there were any letters from town boards or departments. There were none. There were seven letters of support from notified abutters: Jessica & Chris Connors of 20 Down Harbor Road, Geoffrey & Catherine Fenn of 9 Down Harbor Road, Jim Petrillo of 21 Down

Harbor Road, Chuck Holzwarth of 10 Down Harbor Road, Dina Opici of 36 Down Harbor Road, Rob & Wendy Thompson of 25 Down Harbor Road, and Chris & Liza Branch of 6 Kent Harbor Road.

Russ and John Etherington, who co-own 17 Down Harbor Road, said that they too were in favor of the project. They have spoken to the Carsons and discussed landscaping and fencing.

There were no letters of concern, and no one in the audience who wished to speak against the project. Mr. Tomassian then closed the public portion of the hearing for discussion by the board.

Ms. Dolby said that she thought the proposal was attractive and that it would be an improvement to the neighborhood. She was, however, concerned about the unfinished storage space above the garage. She said that the second floor of the garage had both an outside stairway as well as two dormers. She said it appeared that the space could easily be converted into living space. She asked whether it was really a garage or a more of a pool house.

The assistant noted that a new state law allowing accessory dwelling units as of right will be going into effect in February of 2025. Some details are yet to be clarified, but it will require some changes to the bylaw.

Mr. Carson clarified that the garage will not be used as a pool house or living space. The downstairs will have space for one car and a half-bath. It will also have storage for pool floats and furniture. He said that the outside stairs will be removed, as will the dormers. The second floor will be accessed by a pull-down stairway. The pool equipment will be stored in a sound-proofed shed that will be attached to the rear of the garage, as shown on the plan.

Ms. Livingston had some questions about the total square footage. Mr. Alley replied that the total square footage – including nonhabitable space – will be approximately 8200 s.f. Less than the 10,000 s.f. maximum should the new bylaw, which is currently being appealed, become law. Ms. Livingston made a motion to approve the project as presented, pending a revised plan showing the garage with the exterior stairs and dormers removed. She said she believed that the plan was in harmony with the general purpose and intent of the bylaw and noted that seven abutters had written in favor of the project.

Ms. Dolby seconded the motion and voted to approve the project with the same condition. Mr. Tomassian, Ms. Whipple, and Ms. Grant also voted to approve the project for the same reasons. Unanimously approved by roll-call vote: 5 - 0.

Respectfully submitted,

Lisa C. Morrison, Assistant