

Case No. 43-19  
Date Filed: 12 November 2019

## 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 of Carlos Ribiero for a special permit under section 10.1 g of the bylaw to relocate an existing dwelling and construct a garage with an apartment above on a preexisting, nonconforming lot located at 8 Twentieth Street North (Assr. Map 12B Lots 56.2 & 58) in the R-20 Zoning District.

1. On 12 November 2019 the application, a true copy of which is marked "A," was presented to the Town Clerk.
2. In addition, an advertisement, a true copy of which is marked "B," was published in the Vineyard Gazette on November 15<sup>th</sup> and November 22<sup>nd</sup> 2019.
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 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, 4 December 2019 at approximately 8:30 p.m. the public hearing was held in the Town Hall. The following board members were sitting for this hearing: Martin Tomassian- chairman, Nancy Whipple, Carol Grant, Richard Knight, and John Magnuson.

The assistant said that she had spoken about the property with Lenny Jason, the former building inspector. The property was initially one lot and was foreclosed on by Deutsche Bank, who asked if they could subdivide the property. Mr. Jason told them they could not as it would create a zoning violation. Apparently, the bank went ahead and divided the property and sold them as separate parcels. The issue was further complicated by the fact that the dwelling was on one lot and the septic system partially on the other.

Sasha Robinson White, architect, was present for the applicant, Carlos Ribiero, who was also in attendance as were Vera Dello Russo and Leslie Floyd, realtors for the prospective purchaser and the current owner, respectively. The original intent was to move the small building onto the portion of the property that abuts the Edgartown-Vineyard Haven Road and construct a new, two-story structure on the lot that abuts 20<sup>th</sup> Street.

After further examination, the existing dwelling was found to be full of mold and not worth preserving. The applicant would like to build a new, one story, one-bedroom structure with approximately the same footprint. This would be the guest house. The combined lot has an area of 16,553 sq. ft. – enough to support a guesthouse. There would be a total of three bedrooms on the property.

The new building would have office space, a garage and storage, and one bedroom and bath on the first floor. The second floor would have the master bedroom, kitchen, living area, and bath. The entry to the office would be off 19<sup>th</sup> Street and to the apartment off 20<sup>th</sup> Street. Mr. Ribiero will not store any trucks or construction equipment on the property.

Alan deBettencourt, Highway Superintendent, said that the town has an easement for a storm drain on the property. He said that there are a number of easements in the area that go back to the 70s. He said he is in the process of determining the status of these easements but they are often identified not by assessor's parcel but by numbered stakes that were put in when the road was being laid out.

Neither of the realtors present was aware of the easement. Mr. Ribiero said that his surveyor, Brooks Billingham, had made him aware of the easement. He agreed to work with Mr. deBettencourt to reinstate the easement.

There were no letters of objection or concern from other town boards or departments or from any abutters. Mr. Tomassian then closed the public portion of the hearing for discussion among the board.

Ms. Whipple made a motion to grant the special permit, saying that she believed the project was in harmony with the general purpose and intent of the bylaw. She commented that the special permit will allow a complicated zoning problem to be resolved. The following condition was placed on the permit: No building permit may be issued for this project until a new easement is recorded in the Dukes County Registry of Deeds, which gives the Highway Department and the town of Edgartown the right to use a portion of the property for drainage. Easement must be approved by both the Highway Department and town counsel prior to recording.

Mr. Magnuson seconded the motion and voted to grant the special permit for the same reasons and with the same condition.

Ms. Grant, Mr. Tomassian, and Mr. Knight also voted to grant the special permit for the same reasons and with the same condition.

Unanimously approved.

Respectfully submitted,

Lisa C. Morrison, Assistant