

Case No. 17-21
Date Filed: 29 March 2021

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 Vivian & Fred McMullen for a special permit under section 10.1 G of the bylaw to demolish and existing residence and construct a new single-family dwelling and detached garage on a preexisting, nonconforming lot at 30 Mill Street (Assr. Pcl. 20D-4.2) in the R-5 Residential District.

1. On 29 March 2021 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 2 April and 9 April 2021.
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, 21 April 2021 the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chairman, Carol Grant, Nancy Whipple, John Magnuson, and Pamela Dolby. Chairman Tomassian introduced the board members and read the necessary requirements for conducting remote meetings in compliance with both the Governor's order and the Open Meeting Law.

Designer Liane Thomas made the presentation. Vivian McMullen was also present. Ms. Thomas said that the McMullens currently have a house in Katama, but are looking forward to relocating to the village. The existing one-story house is uninsulated and not in good repair. The McMullens are hoping to build a four-bedroom colonial style home with a two-car detached garage.

Ms. Thomas explained that because of a surveyor's misunderstanding, the front yard setback was erroneously determined to be 7-feet 8-inches. Unfortunately, the surveyor was using the side yard of an adjacent house to calculate the setback, rather than a front yard

setback. In response to several abutters, the McMullens decided to move the house back to meet the standard 20-foot front yard setback and revised their plan accordingly.

Ms. Grant expressed some concern that the plan had been changed, however the assistant explained that the revised plans had been sent out to all the concerned abutters.

Ms. Thomas said that abutters had raised two major concerns: the setback issue and the status of the Siberian elm. Ms. Thomas said that she submitted the new plan to Bob Hegarty, who has been caring for the tree for many years. Ms. Thomas submitted a letter from Mr. Hegarty dated 21 April 2021 in which he stated that the tree will be protected during the construction process. It was noted that the small front stoop does project out a few feet into the front yard setback, but the board did not have an issue with this.

Because of the house being moved back, the McMullens will no longer keep the existing garage, which they had planned to use as a yoga studio. It will be removed along with the main house.

Chairman Tomassian asked if there were any letters from town boards or departments. There were none. The assistant noted that there had been correspondence among several sets of abutters and the applicant including: Jenny Young, Roy & Nancy Meekins, Justine & Paulo DeOliveira, Julia Livingston and Kathryn Muir. These letters were circulated among the members in advance of the hearing and are in the file.

Mr. Tomassian asked if there was anyone present who wished to speak in favor of the application. Justine & Paulo DeOliveira said that both Vivian and Fred McMullen were incredibly responsive and cooperative to all their abutters. They fully support the project.

Andrew Muir of 32 Mill Street, who shares a rear property boundary with the McMullen property was concerned about the size of the house. He said it appears that the house is close to 5000 sq. ft., which - he said - is large for a small lot. He said he hoped the tree will survive the construction process.

Ms. Thomas responded that the square footage of the proposed house is just over 3000 sq. ft., not 5000. She said she did an analysis of the neighborhood and there are several lots in the immediate area that are also nonconforming with similarly sized houses. She said that there are houses of similar architectural design in the neighborhood. She said she believes that the McMullens will be good neighbors and respect their abutters privacy and concerns.

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

Ms. Grant confirmed that the existing garage is being removed.

John Magnuson said that the proposed house is not that large at just over 3000 sq. ft. and confirmed that there were similarly sized houses in the neighborhood.

Ms. Whipple said she found the project to be very much in keeping with the neighborhood.

Ms. Dolby said that while the proposed house is considerably larger than the existing, she was impressed by the McMullens willingness to work with their neighbors and address their concerns.

Mr. Magnuson made a motion approve the project saying he found the proposal to be in harmony with the general purpose and intent of the bylaw. He said he found the site to be appropriate and noted that the applicants had eliminated the second garage. He said that he did not find the house to be oversized for the area and did not believe it would be detrimental to the neighborhood. He noted that the applicants had hired an arborist to ensure the safety of the tree during the construction process.

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

Ms. Dolby, Ms. Grant, and Mr. Tomassian also voted to grant the special permit for the same reasons. Motion carries: 5 – 0.

Respectfully submitted,

Lisa C. Morrison, Assistant