

Case No. 41-23
Application filed: 13 February 2023

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 Emerson Hazell & Sheila McHugh for a special permit under section 10.1 G of the zoning bylaw to demolish an existing two-bedroom dome and construct a new two-bedroom residence on two adjacent preexisting, nonconforming lots: 34 Thirteenth Street South (Assr. Pcl. 11B-112) and 33 Fourteenth Street (Assr. Pcl. 11B-111) located in the R-20 Residential District. The property is currently owned by Constance L. & Leo A. McHugh.

1. On 13 February 2023 the hearing notice, 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 10 February and 17 February 2023.
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, 1 March 2023, the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chair, Nancy Whipple, Carol Grant, Pam Dolby, and Julia Livingston – alternate. Chairman Tomassian opened the meeting and read the necessary requirements for conducting remote meetings in compliance with both the Governor’s order and the Open Meeting Law.

Ms. McHugh told the board that she and her husband both grew up on the island. She said she works at the high school and Emerson works in the Edgartown assessor’s office. They would like to tear down the existing two-bedroom dome structure and replace it with a new two-bedroom, single-family home. The dome is in a dilapidated state and is partially on the neighbor’s property. They plan to live in the new home year-round. Ms. McHugh said that she believes the project will benefit the neighborhood by getting rid of a structure that is both unsafe and an eyesore. The new structure will meet the required setbacks and height restrictions.

A photo of the existing dome was shared on screen. The applicants are proposing to build a South Mountain-designed 1440 s.f. two-bedroom cape with a farmer's porch. Ms. Grant asked if the footprint of the new house will be the same as that of the dome. Ms. McHugh said that the footprint of the proposed structure is 720 s.f.; the footprint of the dome is just under 400 s. f.

Ms. Grant asked about the existing one-bedroom guest house that is shown on the plan. Mr. Hazell said that they plan on living in the guest house while the house is being built. The guest house is nonconforming and was built without permits. Mr. Hazell said that after the house is built they will explore bringing the structure up to code and turning it into a detached bedroom. They are aware that guest houses are not permitted on lots with an area of less than 15,000 s.f. They are also aware that they will need to apply for a special permit. Mr. Hazell said that if it cost prohibitive to bring the structure up to code, they will remove it.

Mr. Tomassian asked if there was anyone in the audience who wished to comment on the application. Dennis Rogers of 31 Thirteenth Street South, said he had no problem with Mr. Hazell and Ms. McHugh living in the guest house while they are building the new residence. He said he had no problem with them removing the dome, which – he said – Leo McHugh said he would remove back in 2003. He said that Leo's son built the 'guest house' without a permit and tied it into an illegal septic system. He would like assurance that after the house is built, the 'guest house' will be removed.

Mr. Tomassian said that the applicants have stated that they intent to remove the structure if they are unable to bring it into compliance as a detached bedroom. If they do decide to keep the structure, it will need a separate special permit.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. Three letters of support were received from Chase Marcella & Lucia Dillon of 49 Fourteenth Street South, from Lancelot Webb of 43 Fourteenth Street South, and from Zivah Solomon & Carl Gosselin of Vineyard Haven. All were supportive of the proposal and said that Mr. Hazell and Ms. McHugh presence will be an asset to the neighborhood. .

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

None of the members had any questions or concerns. Ms. Whipple made a motion to approve the project as presented. She said that she believed the proposal was in harmony with the general purpose and intent of the bylaw. She noted that there were no objections from town boards or from any abutters, and that two close abutter had written in support. She said he believed that there was adequate land area for the new structure and that it would be an improvement. The following condition was placed on the permit: After the house is constructed the existing guest house will either be removed from the site or brought up to code and converted into a detached bedroom.

Ms. Grant seconded the motion and voted to grant the special permit for the same reasons and with the same condition.

Mr. Tomassian, Ms. Livingston, and Ms. Dolby also voted to approve the project for the same reasons and with the same condition.

Motion unanimously approved: 5-0.

Respectfully submitted,

Lisa C. Morrison, Assistant