

Case No. 35-23
Application filed: 5 September 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 Uenes F. Marques for a special permit under section 10.1 G of the zoning bylaw to construct a one-bedroom basement apartment on a preexisting, nonconforming lot located at 21 Bold Meadow Lane, Assr. Pcl. 22-53.126 in the R-60 Residential District.

1. On 5 September 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 8th and 15th of September 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 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, 27 September 2023, the hearing was opened and held via Zoom. The following board members were in attendance: Pam Dolby – Acting Chair, Nancy Whipple, Thomas Pierce, Gerry Conover – alternate, and Robin Bray – alternate. The chair 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.

Mr. Marques said that he would like to add a basement apartment to his three-bedroom home. The septic system has been designed for four-bedrooms. The proposal has had an initial review by both the Board of Health and the Fire Department.

Ms. Dolby asked if there were any letters from town boards or departments. There were none. There were no letters from any abutters or members of the public. There was no one in the audience who wished to comment either for or against the proposal.

Ms. Dolby then closed the public portion of the hearing for discussion by the board.

Mr. Pierce had some questions about the required two means of egress. One appears to be a bulkhead and the other a door, but there is no information on what the door opens up to.

The assistant noted that the application would need approval from the building/zoning inspector as well as from the board of health in order to proceed.

Ms. Dolby said she was not comfortable approving the application without knowing if the egress was adequate. She suggested continuing the hearing.

The assistant was able to contact the building inspector by phone and she joined the meeting shortly thereafter.

Ms. Milne assured the board that egress was - or would be - adequate before the application could proceed. She said that she may require that a dog house dormer be constructed instead of the bulkhead doors. She said that if any additional construction or expansion of the footprint is required to make the egresses compliant, she would return the application to the board for additional approvals.

Ms. Bray made a motion to approve the project with the proviso that should any substantial construction or changes to the footprint be required to make the two egresses compliant, the application would be returned to the board for additional approvals. She said she found the proposal to be in harmony with the general purpose and intent of the bylaw. She said she did not believe that the apartment would have a negative effect on the neighborhood. She said she believed the lot had adequate area and the property would not be overburdened. She noted that there were no objections to the proposal from any abutters, town boards, or members of the public.

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

Mr. Conover, Mr. Pierce, and Ms. Dolby also voted to grant the special permit for the same reasons and with the same condition.

Unanimously approved 5 to 0.

Respectfully submitted,

Lisa C. Morrison, Assistant