

Case No. 19-19
Date Filed: 18 June 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 Adaelton & Laudiceia Amaral for a special permit under section 11.9 f of the zoning bylaw to construct a garage with apartment above on a preexisting nonconforming lot located at 74 Saddle Club Road, Assr. Pcl. 22-1.224 in the R-60 Residential District.

1. On 18 June 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 June 21st and June 28th.
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, 10 July 2019 at 7:30 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, Robin Bray – alternate, and Nancy Kelly – alternate.

Applicant Adaelton Amaral told the board that he purchased the property in November of last year. He said that he would like to build a garage with an apartment above. The apartment would be approximately 860-sq. ft. and contain one-bedroom. There is currently a two-bedroom main house on the property.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. Abutters George & Sharon Murphy of 76 Saddle Club Road asked if the property will remain residential. Mr. Amaral replied that it will remain residential. It will be an investment property; both units will be rented.

Ms. Grant asked if there were any residency requirements for the owner. Mr. Tomassian pointed out that residency requirements are necessary only for accessory apartments and

island independent living situations. However, Mr. Tomassian cautioned Mr. Amaral that he will be responsible for the property and that he should be very careful who he chooses as tenants.

Mr. Amaral assured the board that he is aware of his responsibility to the neighborhood and will only rent to quiet and responsible tenants.

Ms. Grant asked why a half-bath was needed in the garage portion of the structure. Mr. Amaral said it was added as a convenience. Ms. Grant said that she was worried that with a half-bath the space could morph into an additional rental unit. She thought the half-bath was unnecessary and thought it should be removed.

The Murphys asked Mr. Amaral how many trees he planned to remove, they hoped that a buffer of trees could remain between the two properties. The Murphy property is to the south of this property, on the side away from the proposed driveway.

Mr. Amaral said that he intends to remove as few trees as possible on the property. He said that he was willing to talk to the Murphys prior to cutting any trees on their side of the garage.

Ms. Whipple objected to the two outside staircases. She thought one should be contained in the structure. She asked about the height of the proposed garage. Mr. Amaral replied that it would be between 24 and 26-feet – it will not be higher than the existing main house.

Ms. Grant was concerned office shown in the apartment could easily become a bedroom. She was concerned that it could be rented out as a transient residential facility. Mr. Amaral said that it will not be a boarding house.

After some further discussion, Ms. Whipple made the motion to approve the project with the following conditions:

1. Each bedroom shall have a maximum capacity of two occupants: four in the main house and two in the garage apartment.
2. Exterior staircase on the south side of the garage shall be relocated to the interior of the structure.
3. Half-bath on the first floor of the garage shall be removed.
4. In order to maintain privacy, the applicant will cut as few trees as possible. Applicant will consult with his neighbors to the south (Mr. & Mrs. Murphy) prior to cutting any trees on their side of the garage.
5. Applicant will submit a revised site plan to the Zoning Board that incorporates the above conditions prior to applying for a building permit.

Ms. Whipple said that with the above conditions, she found the project to be in harmony with the general purpose and intent of the bylaw. She said she believed the site was appropriate and that the new structure would not be objectionable to the neighborhood provided the conditions were adhered to. She also noted that the proposal complies with all necessary provisions of the bylaw.

Ms. Kelly seconded the motion and voted to grant the special permit for the same reasons and with the same conditions.

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

Respectfully submitted,

Lisa C. Morrison