

Case No. 22-22

Application filed: 2 August 2022

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 by Amy R. Cassotta for a special permit under section 10.3 D of the zoning bylaw to convert a finished basement into an accessory apartment on a conforming 2.1-acre lot located at 7 North Bog Road (Assr. Pcl. 21-160.4) in the R-20 Residential District.

1. On 2 August 2022 the application, 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 5 August and 12 August 2022.
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, 24 August 2022, the hearing was opened and held via Zoom. The following board members were in attendance: Carol Grant – acting Chair, Nancy Whipple, Thomas Pierce, Robin Bray – alternate, and Julia Livingston – alternate. Ms Grant opened the hearing and read the necessary requirements for conducting remote meetings in compliance with both the Governor's order and the Open Meeting Law.

Ms. Cassotta said she bought the property back in December. She said her plan is to convert the basement into a year-round rental unit to provide her with additional income. Ms. Cassotta is a nurse and lives in the house year-round.

The Building Inspector, Ms. Milne, said that while the floor plan for the proposed apartment shows the required two means of egress, the stairway in the interior of the apartment leads to the inside of the main house, not directly to the exterior and consequently does not meet the building code. Ms. Milne said that she was confident that Ms. Cassotta will be able to either build an alternative legal egress or ask for an exemption from the state building code.

Ms. Milne said that she advised Ms. Cassotta to move ahead with the request for a special permit before digging into the access issues.

Ms. Grant asked if there were any additional comments from town boards or departments. There were not. There was no one present who wished to comment on the application either for or against. There were no letters from abutters or members of the public. She then closed the public portion of the hearing for discussion by the board.

The board then reviewed the application for compliance with the seven standards and criteria listed in section 10.3 D 3 of the bylaw.

Ms. Milne reiterated that the Zoning Bylaw does not override the state Building Code. She noted that while there is some overlap between the building code and the bylaw, before issuing a building permit she will ensure that the project meets the requirements of both the bylaw and the building code. She noted, for example, that she will ensure that there is adequate ventilation for the space and other criteria that are not listed in the bylaw.

Ms. Bray said that she thought granting the permit would be one less hurdle for the applicant. She said she believes that the project complies with the requirements outlined in the bylaw and noted that the creation of more year-round housing is a benefit for the town.

Ms. Bray made a motion to grant the special permit for the accessory apartment, saying that she believes the project meets the requirements of the bylaw. She noted that there is adequate parking on the 2.1 acre lot and said she did not think that the apartment would have a negative effect on the neighborhood.

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

Mr. Pierce, Ms. Livingston, and Ms. Grant also voted to grant the special permit for the same reasons.

Motion approved: 5 – 0.

Respectfully submitted,

Lisa C. Morrison, Assistant