

Case No. 38-22

Application filed: 15 November 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 relating to the request by Kirk & Elizabeth Oswald for a special permit under section 10.1 G of the zoning bylaw to convert the second floor of a garage into an office and half-bath. The property is located on a preexisting, nonconforming lot at 32 Washque Avenue, Assr. Pcl. 48) in the R-120 Residential District.

1. On 15 November 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 the 18th and the 25th of November 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, 7 December 2022, the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chair, Nancy Whipple, Thomas Pierce, Carol Grant, and Pam Dolby. 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.

Mr. Oswald began the presentation noting that he received a special permit in March of 2021 to construct a garage with storage space above. He said that, as he has been working from home for the past two years, it has become evident that he needs private office space. Mr. Oswald said that, contrary to what one of his neighbors alleged, the garage was built exactly according to the specifications and plans approved by the ZBA. He said that he intends to keep the first floor as a garage. The only change to the first floor would be insulating and enclosing the stairway up to the second floor. He will ensure that the conversion meets the required building and fire codes.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. There were letters of support from Judy & Paul Belazis of 42 Washque Ave, and from Barbara & Michael Palladino of 24 Washque Ave. There was also a letter of opposition

from the Morales Family of 30 Washque Ave. The Morales were concerned about the effect of the half-bath on Chappaquiddick's aquifer and whether it would become a guest house.

Barbara & Michael Palladino said that the Oswalds are excellent neighbors, who are always willing to help out.. They both said that the improvements Michael has made to the property benefit the neighborhood.

Paul Bleicher of 31 Washque Avenue said he agreed with the Palladinos' comments and added that the Oswalds are really wonderful neighbors. He noted that they have landscaped their property beautifully and built a quality structure. He said he fully supports the proposal and that of all the neighbors, he most likely to see any activity resulting from the conversion.

Mr. Oswald said he took issue with the comment made in the Morales letter that the garage did not comply with the approved plans and said he had no intention of turning the garage into a guest quarters. Mr. Oswald said that he has planted arborvitae between his and the Morales' property for privacy.

There was no one present in the audience who wished to oppose the proposal and Chairman Tomassian closed the public portion of the hearing for discussion by the board.

Ms. Grant asked if a second form of egress was needed. Mr. Pierce said he thought the Building Inspector would only require two forms of egress for a second floor apartment.

Ms. Whipple said she found it to be a modest request and commented that the garage was an attractive structure.

Mr. Pierce agreed.

Ms. Dolby commented that effects on the aquifer are not calculated by the number of bathrooms or plumbing fixtures, but by the number of bedrooms. She commended the applicants for applying for a special permit for the conversion and noted that many people have just gone ahead and converted the second floor of their garages into living spaces without permits. Ms. Dolby said that Covid put many people in the same position as the Oswalds: needing more space to work from home.

Mr. Tomassian said he had no issue with the proposal.

Ms. Grant said she was impressed with the positive comments by the majority of neighbors which, she said, speaks volumes.

Mr. Pierce made a motion to grant the special permit saying that he found the proposal to be in harmony with the general purpose and intent of the bylaw. He noted that the majority of abutters were in favor of the proposal and said he believed the conversion would not have a negative effect on the neighborhood.

Ms. Dolby seconded the motion and voted to approve the special permit for the same reasons.

Ms. Grant, Ms. Whipple, and Mr. Tomassian also voted, by roll-call vote, to approve the project for the same reasons. Motion approved: 5 – 0.

Respectfully submitted,

Lisa C. Morrison, Assistant