

Case No. 9-20
Date Filed: 28 April 2020

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 Peter & Susan Eident for a special permit under section 10.1 G of the bylaw to install a swimming pool on a preexisting, nonconforming lot located at 26 Woodhaven Drive, Assr. Pcl. 10-1.116) in the R-60 Residential District.

1. On 28 April 2020 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 1 May 2020 and 8 May 2020.
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, 13 May 2020 at 2:15 p.m. the public hearing was held remotely via Zoom. The following board members were sitting for this hearing: Martin Tomassian – Chairman, Richard Knight, Carol Grant, Nancy Whipple, and Robin Bray– alternate. Chairman Tomassian introduced the board members and read the necessary requirements for conducting remote meetings in order to comply with both the Governor's order and the Open Meeting Law.

Peter & Susan Eident were present via Zoom. Mr. Eident began the presentation by saying that he would like to install a 16-foot by 30-foot pool. He said he intends to replace the existing chain link fencing with a 6-foot high stockade fence. He noted that there are three pools already in the neighborhood. He said that he and his wife have both retired and they would like to use the pool for aquatherapy. The pool will not have any diving boards or slides. The pool equipment will be located in a fenced area right next to the house where the existing air conditioning equipment is located. Eident said that he doesn't anticipate that the pool equipment will generate much noise – he is proposing to use a very small pump. He noted that in addition to the 4-fence, there are shrubs surrounding the enclosure that will help to dampen any mechanical noise. The sides and rear of the property are wooded.

Mr. Eident said that he went around and showed the plans to his neighbors and no one had any problem with the project.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. The only letter received was from Orlando Garcia, president of the Island Oaks Association. The letter said that the association had not yet reviewed the project. The assistant noted that the letter was dated 5 May and it was her understanding that the association has since been able to favorably review the proposal.

Douglas Furbush of 3 Treetop Road, a direct abutter, spoke in favor of the proposal. He approved of the 6-foot high stockade fence.

Tomassian then closed the public portion of the hearing for discussion by the board. Grant asked if the pool equipment should be fully enclosed, not merely fenced. Tomassian said that he would usually agree that the equipment should be fully enclosed, but in this instance it will be located next to air conditioning equipment that will likely make more noise than the pool equipment. He said he was willing to let it go, with the understanding that if neighbors complain about noise, the equipment will have to be fully enclosed and sound-proofed. Mr. Eident said that if he receives complaints he will enclose it.

Mr. Knight made a motion to approve the project as presented. He said he found the proposal to be in harmony with the general purpose and intent of the bylaw. He said he found the lot to be large enough to accommodate the pool without detriment to the neighbors and noted that there were no objections to the pool from abutters.

Ms. Bray seconded the motion and voted to approve the project for the same reasons.

Ms. Grant, Ms. Whipple, and Mr. Tomassian also voted to grant the special permit for the same reasons. Unanimously approved 5 to 0.

Respectfully submitted,

Lisa C. Morrison, Assistant