

Case No. 7-20
Date Filed: 2 June 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 Dale & Andrea Hamson for a special permit under section 10.1 G of the bylaw to install a swimming pool and construct an open-sided pavilion on a preexisting, nonconforming lot located at 7 Katama Drive, Assr. Pcl. 45-49) in the R-60 Residential District.

1. On 2 June 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 5 June and 12 June 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, 24 June 2020 the hearing was continued to 30 June 2020 because the board consisted of only four members and the applicant wished to proceed with a five-member board. The board reconvened remotely via Zoom on 30 June 2020 and the public hearing was held at 3:30 p.m. The following board members were sitting for this hearing: Martin Tomassian – Chairman, Carol Grant, Nancy Whipple, Pam Dolby, 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.

Ezra Sherman of Sherman Associates made the presentation for M/M Hamson. Landscape contractor Caleb Nicholson and pool contractor Ted Rosbeck were also present. Mr. Sherman explained that the Hamsons have owned the property for ten years and were hoping to turn the property into a summer retreat for themselves and their young children, who are not yet old enough to swim at South Beach. Mr. Sherman noted that the proposed pool is on the small side at 16 by 30 and will be quite shallow. A typical pool is usually 20 by 40.

A pavilion is proposed for the west end of the space to provide a shaded place for the family to gather. The structure will be completely open on three sides and partially open at the rear to provide for air flow.

The pool fencing will be mostly hidden by vegetation and will be black metal mesh. The pool equipment will be enclosed in a sound-proofed shed as shown on the plan.

A map of the area showed several pools in the neighborhood.

Letters of support for the project from two abutters were read. Robert & Katherine Sheehan of 5 Katama Drive and Jay & Teri Chattaway of 4 Katama Drive – both close abutters - were enthusiastic about the project.

There were no letters from town boards or departments and no one in the audience who wished to comment either pro or con.

Mr. Tomassian then closed the public portion of the hearing for discussion by the board.

Ms. Grant said that although she has no problem with the pool, she is concerned that the pavilion could turn into a party zone. She said she has friends who live next door to a pool pavilion and there are parties and lights on every night. She noted that there was also a fire pit and a hot tub on the plan.

Ms. Bray said she too was concerned about the possibility of the area becoming a nuisance to the neighborhood.

Mr. Sherman noted that the Hamsons are not intending to turn the property into a rental, but to use it as a family oasis. He said that the pavilion will be an open structure and will not be used as a guest house, it is just a place for the family to gather and keep out of the sun. He said it has a very small footprint and will not accommodate many people. Mr. Sherman said that he tried to design the project so as to minimize disturbance to the neighbors,

Ms. Dolby said she thought the pool was well located on the lot and commented that two abutters had written in favor of the proposal and there were no concerns or complaints from anyone.

Mr. Tomassian suggested that the board could review the permit in a year.

Ms. Bray said she thought that if noise became an issue for the neighbors, there were existing town ordinances in place to address those complaints.

Ms. Dolby made a motion to approve the project as presented. She said she believed the project was appropriate for the neighborhood citing the fact that there were several pools nearby and two abutters were in favor of the proposal. She noted that the structures met all the necessary setbacks. Provided that provided loud parties did not become commonplace, she did not think that it would be detrimental to the neighborhood.

Ms. Whipple suggested that a condition be placed on the permit letting the applicants know that if there are frequent noise complaints, the board has the right to revisit or amend their decision.

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

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

Respectfully submitted,

Lisa C. Morrison, Assistant