

Case No. 26-19
Date Filed: 29 July 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 ADB Trust – Jonathan Blum for a special permit under section 10.1 g 3.6 of the bylaw to install a swimming pool, pool-equipment shed, fence, and patio on a preexisting, nonconforming lot located at 99 Cooke Street, Assr. Pcl. 20C-171) in the R-5 Residential District.

1. On 29 July 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 August 2nd and August 9th 2019.
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, 21 August 2019 at approximately 8:30 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, Nancy Kelly – alternate, and Gerry Conover, alternate.

Jonathan Blum, property owner, and David Hobaica from Easton Pools were present. Blum said he was proposing to install a 12-foot by 24-foot pool on his property at 99 Cooke Street. The lot is 4792 sq. ft. Blum noted that there are several pools in the immediate area, including next door at 97 Cooke Street, which was just built. Blum said he had support from his neighbors. The pool equipment will be housed in a sound-proofed 6-foot by 8-foot shed. He said there will be minimal lighting – just what is required by the building code.

There were no letters of objection from town boards or department or from any abutters. There was no one present who wished to speak in opposition to the proposal. A letter of support from abutter David Yass, owner of 148 Upper Main Street, was read.

Grant asked why the pool shed was located so close to the setbacks. She asked if the equipment could be located in the basement. Hobaica replied that having the equipment in the basement could cause venting issues. He said that it is not the ideal location.

Blum noted that there are quite a few pools in the area including on Patrick Ahearn's property, on Maggie White's, and at 142 Upper Main Street.

Tomassian agreed that there were many pool in town, a trend he would like to see stopped.

Grant said that there are three pools abutting her property and that it can get noisy. Whipple replied that at least it is convivial noise as opposed to the noise from, say, a leaf blower.

Ms. Whipple made a motion to grant the special permit saying that she found the project to be in harmony with the general purpose and intent of the bylaw. She said she found the site to be appropriate and said she did not believe that the pool would be harmful to the neighborhood. She noted that there was no opposition to the project and that one immediate abutter had written in support of the project.

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

Ms. Grant, Mr. Tomassian, and Mr. Conover also voted to grant the special permit. Unanimously approved. .

Respectfully submitted,

Lisa C. Morrison, Assistant