

Case No. 30-19
Date Filed: 28 August 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 38 Great Plains Way LLC, John Pantekidis, Tr. for a special permit under section 10.1 G of the zoning bylaw to construct a swimming pool, pool house, and pergola on a preexisting, nonconforming lot located at 1 Garden Cove, Assr. Pcl. 44-52, in the R-120 Residential District.

1. On 28 August 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 30th and September 6th 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, 18 September 2019 at 7:40 p.m. the public hearing was held in the Town Hall. The following board members were sitting for this hearing: Richard Knight – acting chairman, Nancy Whipple, Carol Grant, and John Magnuson.

Mr. Knight asked the applicant's representative if he was willing to proceed with a four-member board – with the understanding that a unanimous vote would be needed to grant the special permit. Dan Gordon, Landscape Architect, representing the applicant agreed to proceed.

Mr. Gordon presented the proposal, which is before the board because the property is 1.38 acres in the RA-120 Residential District where the minimum lot size to build a pool by right is three acres. Mr. Gordon explained that all the proposed structures meet the required 25 foot side and rear setbacks, as well as the front set back of 50-feet. An approval from the Conservation Commission has already been issued.

The pool equipment will be enclosed in a sound-proofed shed located on the east side of the pool. The pergola will not be roofed in.

Ms. Grant asked why the pool equipment shed was located close to the abutting property. Mr. Gordon explained that there was a road between the shed and the neighboring property, which is conservation land. There are no dwellings on that property.

Mr. Gordon submitted two letters from abutters supporting the proposal: one from Catherine & James Mazzara of 9 Garden Cove and one from Wesley Karger, Tr. of 5 Garden Cove Realty Trust.

Mr. Knight had some questions about the two dwellings on the property. Mr. Gordon said that both structures were one-family structures that are rented out as affordable units. The pool will actually be used by the owners of the adjacent property, 5 Garden Cove.

Mr. Knight was concerned that the property could easily turn into a condominium situation. Mr. Gordon said that this property and the adjacent one are owned by different trusts, but by the same family. There is no intention of 'condo-izing' any of the dwellings.

Mr. Knight asked if there were any letters from town boards or departments. There were none. There was no one in the audience who wished to oppose the project.

Mr. Knight then closed the public portion of the hearing for discussion by the board. Ms. Whipple said that she thought it was an interesting situation, but added that she was in favor of the plan overall, especially as affordable housing is involved.

Mr. Magnuson said that he sees it as adding a pool on a rental property. He said that he was not concerned with who uses the pool.

Ms. Grant 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 that there was adequate area for the proposed pool and noted that there had been no objections from any abutters and two had written in favor of the project. She said she believed the project would not be detrimental to the neighborhood.

Mr. Magnuson seconded the motion and voted to grant the special permit for the same reasons.

Ms. Whipple and Mr. Knight also voted to grant the special permit. Unanimously approved 4-0.

Respectfully submitted,

Lisa C. Morrison, Assistant