

Case: 4-18
Date Filed: 5 February 2018

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 Andrew M. Rosenberg for a special permit under section 11.9 f of the zoning bylaw to construct an 18-foot by 40-foot swimming pool on a preexisting, nonconforming lot located at 28 Fisherman's Knot Road in the R-60 Residential District.

1. On 5 February 2018 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 February 9th and February 16th 2018.
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, 28 February 2018 at 7:00 p.m. the public hearing was held in the Town Hall. The following board members were sitting for this hearing: Martin Tomassian – Chairman, Carol Grant, Nancy Whipple, Richard Knight, and Robin Bray – alternate.

Cody Coutinho of Vineyard Land Surveying was present for the applicant. Mr. Coutinho noted that the pool meets all the required setbacks. The lot is just shy of an acre, but less than the acre-and-a-half to be a conforming lot in R-60.

Mr. Tomassian asked about the retaining walls shown on the site plan. Mr. Coutinho said that they were in place when the Rosenbergs bought the property. The house was constructed with a walk-out basement and patio. The retaining walls were necessary to hold back the soil. The proposed pool will be located in an existing hollow.

Mr. Knight asked about the location of the pool equipment. Mr. Coutinho replied that it will be located in a sound-proofed 4-foot by 7-foot shed located on the east side of the house.

Mr. Tomassian said he thought that pools were a luxury on nonconforming lots. He said he could understand if someone wanted an addition to their house, but was not sure that pools should be allowed on nonconforming lots.

Mr. Knight said that although he was interested in Mr. Tomassian's perception, he did not see the request as out of the ordinary. He suggested that the board continue the hearing and visit the site.

Ms. Grant asked if there were any letters from town boards or departments. There were none. There were no letters from any abutters.

Ms. Grant noted that in addition to being located in a low spot, the pool is surrounded by shrubbery that will help to mitigate any noise.

There were no additional questions or concerns.

Mr. Knight 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 section 11.9 (f) of the bylaw. He noted that there were no objections from any neighbors. He said that because the pool is located in a low spot, surrounded by shrubbery, and the pool equipment fully enclosed in a sound-proof shed, he did not believe that the pool would adversely affect the neighborhood.

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

Ms. Bray and Ms. Whipple also voted to grant the special permit for the same reasons.

Mr. Tomassian voted not to grant the special permit saying that because of the shape and nonconformity of the lot and the fact that it was surrounded by at least five other lots, he believed the pool would have an adverse effect on the neighborhood.

Respectfully submitted,

Lisa C. Morrison, Assistant