

Case # 12-18
Date Filed: 21 March 2018

DECISION AND FINDINGS OF THE ZONING BOARD OF APPEALS

Re: Request for a special permit under section 11.9 f of the Edgartown Zoning Bylaw
Owners/Applicants: Jamie M. & Emily I. Weston
Assessor's Parcel: 45-419
Book: 75 Page: 71

PROCEDURAL HISTORY

1. Application is for a special permit under section 11.9 f of the bylaw to construct a swimming pool on a preexisting, nonconforming .51-acre lot.
2. The property is located at 14 Katama Farm Road North in the R-60 Residential District.
3. A public hearing - after proper notice was given to abutters, town departments, and placed in the *Vineyard Gazette* - was held on Wednesday, 11 April 2018 in the Town Hall.
4. The application was accompanied by a plot plan dated 14 December 2017 by Schofield, Barbini & Hoehn.
5. The Board reviewed the application, the plans, and all other materials and information submitted prior to the close of the public hearing. [See Record of Proceedings].

FACTS

1. The property consists of a preexisting, nonconforming .51-acre lot in the R-60 Residential District. A conforming lot in the R-60 district is an-acre-and-a-half.
2. The lot is located in a neighborhood of half-acre-sized lots that became nonconforming when the town changed the dimensional requirements from .5 an acre to 1.5 acres in April of 1980.
3. The applicant is proposing to construct an in-ground swimming pool immediately adjacent to a deck at the side of their house. The pool will be partially blocked by an existing garage and meets all setbacks.
4. The proposed pool will be surrounded by a four-foot fence and shrubbery. The rear portion of the property that abuts the Imbriglia property is well vegetated.
5. The pool equipment will be located in fully enclosed sound-proof shed situated on the west side of the garage. The shed also conforms to setbacks.

6. A majority of the immediate neighbors were in support of the project. There were no letters of objection from any town boards or departments.

7. One immediate neighbor said that while he did not object to the pool, he wanted to ensure optimal noise abatement.

FINDINGS:

The Board finds that the proposal complies with the provisions of 11.9 f necessary for the granting of the special permit for the following reasons:

1. It is in harmony with the general purpose and intent of the bylaw, which allows swimming pools on single-family lots in residential neighborhoods. A special permit is needed because the lot area is .51 of an acre, less than the required acre-and-a-half needed for a conforming lot in R-60.

2. As the applicants have agreed to augment existing plantings along the property line shared with the Imbriglias to further abate sound and provide a visual barrier, the Board finds that the pool will not be substantially more detrimental or objectionable to the neighborhood.

3. In addition, the pool equipment will be located in a fully enclosed sound-proofed shed attached to the existing garage.

Based on the above findings and reasons, the Board voted in favor of granting the special permit 5-0.

CONDITIONS

1. Applicant will plant additional vegetation along the property line shared with the Imbriglias.

2. All pool equipment will be housed in a fully enclosed sound-proof shed attached to the garage.

This decision of the Board of Appeals and a record of proceedings are on file in the Zoning Board office and in the office of the Town Clerk, Town Hall under Case No: 12-2018.

Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 13 April 2018. Appeals, if any, should be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws and should be filed within 20 days of the filing of this decision in the office of the Town Clerk.

_____ 2018
I hereby certify that no appeal has been filed in the twenty-day period following the date of filing this decision.

Attest: _____