

Case: 12-18
Date Filed: 21 March 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 Jamie & Emily Weston for a special permit under section 11.9 (f) of the zoning bylaw to construct a swimming pool on a preexisting nonconforming lot located at 14 Katama Farm North, Assr. Pcl. 45-419 in the R-60 Residential District.

1. On 21 March 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 March 23rd and March 30th 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, 11 April 2018 at 7:30 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, Richard Knight, Gerry Conover - alternate, and Robin Bray – alternate.

Keith Musinski, designer, made the presentation for the applicants, who were also present. Mr. Musinski reminded the board that the pool had been part of an earlier application for additions to the house. The pool portion of the application was withdrawn because of a neighbor's concern. Musinski said that there had been a good deal of discussion via email between the neighbors and his clients.

Emily Weston elaborated saying that the Imbriglias had asked that a solid fence or wall be built on the 25-foot setback line. Ms. Weston said that honoring this request would mean that they would not be able to use their garage. Ms. Weston said that she has two young children and that there are days when there is just too much traffic, no parking, or no time to make it to the beach.

Ms. Weston said she has not heard from either Mr. Welcom or Mr. Church that the Imbriglias had any issues with their pools, which are both closer to the Imbriglia property. She circulated a photo of the dense vegetative screening that exists along her property line and said that she and her husband are more than willing to augment the planting if necessary. She said that the pool equipment will be fully enclosed in a sound-proofed structure. She noted that the pool was essentially tucked into a nook made by the house and will not be visible from the Imbriglia property.

The pool will be approximately 175-feet from the deck of the Imbriglia dwelling and nearly 100-feet from the illegal structure on the Imbriglia property.

[Just prior to the meeting a letter from the Board of Health was submitted to the members. Matt Poole, the Health Agent, had written the board at the request of Emily Weston. The letter confirms that M/M Imbriglia have an illegal structure on their property. See file.]

Mr. Tomassian asked if there were any letters from town boards or departments. There were none.

Letters of support from Seth Welcom, Eugene & Maria Gilsenan, Steve Church, and Janet Michel – all immediate abutters – were read. A letter in support from neighbors Paul & Christine Crotty of Katama Farm Road North was also read. The assistant reported that she had received a call in support of the project from Paul Condlin, another resident of Katama Farm Road North.

Mr. Tomassian asked if there was anyone in the audience who wished to speak in favor of the project. Melissa Thomas, a landscape designer, said that she is not involved with this project, but has a lot of experience working with creative screening for pools. She said that vegetation is far more effective at mitigating noise than any kind of hard surface.

Mr. Tomassian asked if anyone was opposed to the project.

Steve Imbriglia said that he was not opposed to the pool, but just wanted to ensure that there would be optimal noise abatement. Mr. Imbriglia submitted a map of the area showing that there are already three pools in the immediate neighborhood. The Weston's would be the fourth pool installed in a six-year period.

Mr. Imbriglia said that he would prefer the pool to be in a different location and would like a six-foot fence built on the setback line to block out noise.

Mr. Knight asked Mr. Imbriglia about the illegal guest house on his property. Mr. Imbriglia said the structure was there when he bought the property and that he has been working over time to bring it into compliance. He said that he has removed the kitchen and the bedroom and is working on reducing the square footage. He said he did not appreciate the complexity of the problem when he purchased the property.

Mr. DeSorcy said that his company installs a lot of pools. He said that Chilmark requires sound testing for pools and he has found that vegetation works much better at absorbing noise than a fence. He noted that Katama, which is a relatively open area, is a noisy area regardless.

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

Mr. Knight said that he had no problem with the proposal provided the applicants (1) plant some additional vegetation along the property boundary shared with the Imbriglias and (2) fully enclose the pool equipment in a sound-proofed shed as sited on the plan.

Mr. Tomassian agreed and noted that the rest of the neighbors were in full support of the project.

Mr. Knight made a motion to grant the special permit saying that he believed the project was in harmony with the general purpose and intent of the bylaw. He said that he found the site appropriate and noted that there are other pools in the neighborhood on similarly sized lots. He said that with the two conditions listed above he did not think that the construction would be objectionable to the neighborhood. He noted that the majority of the abutters were in favor of the project.

Ms. Whipple seconded the motion and voted to approve the project for the same reasons and with the same conditions.

Mr. Conover, Ms. Bray, and Mr. Tomassian also voted to grant the special permit for the same reasons and with the same conditions.

Respectfully submitted,

Lisa C. Morrison, Assistant