

Case No. 36-20
Date Filed: 23 November 2020

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 Jean M. Walshe for a special permit under section 10.1 G of the bylaw to construct a swimming pool and pool cabana on a preexisting, nonconforming lot at 14 Shurtleff's Way (Assr. Pcl. 20B-22.1) in the R-20 Residential District.

1. On 23 November 2020 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 27 November and 4 December 2020.
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, 16 December 2020 at 4:15 p.m. the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chairman, Carol Grant, Nancy Whipple, John Magnuson, and Pamela Dolby. Chairman Tomassian introduced the board members and read the necessary requirements for conducting remote meetings in compliance with both the Governor's order and the Open Meeting Law.

In addition to the applicant, architect William Sullivan and engineer Reid Silva were also present.

Applicant Jean Walshe began the presentation saying that she has owned the property for 26 years and is planning for her retirement. She said she broke several bones last year and was unable to access the beach. Her mother, who visits, can only exercise in a pool. Ms. Walshe said that she reached out to her neighbors and received letters of support. She said that she only learned there were objections to her project today. She said that she understands that these neighbors are concerned about noise. She said she has no children and that she too values privacy, peace and quiet. She said that the project has been carefully

thought out – the pool equipment will be located in the basement and sound-proofed. There will be no spa and no jets.

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

Letters of support, which were included with the application materials and distributed to all the members, were received from: Annie Bryan of 26 Shurtleff Way, Kenneth Dobular of 15 Silva Lane, William Taylor & Chloe Mantel of 38 Plantingfield Way, Lincoln & Selena Kinnicutt of 20 Shurtleff Way, Peter Walshe of 10 & 11 Shurtleff Way, and Gordon Tyra of 9 Shurtleff Way. All were enthusiastic in their support of the project and commented that Ms. Walshe was an ideal neighbor who respected her neighbors and was a fine steward of her property. Many had been Ms. Walshe's neighbor for decades.

Letters of objection were received from Allison Doriss of Silva Lane; Alexis, Lauren & June Starke – all of 9 Silva Lane, Jenny Young of 16 & 18 Silva Lane, and Cathy Coe of 5 Silva Lane. All were concerned that the size of the lot was too small to accommodate the pool and cabana, and were worried about noise, lights, sustainability, and the proximity of the pool to the small lots on Silva Lane that back up to Ms. Walshe's property.

Mr. Tomassian then asked if anyone wished to speak in favor of the project. Mr. Kinnicutt of 20 Shurtleff Way said he was very much in favor of the project. He said he just heard that there were objections to the project and wondered why they had waited until the last minute.

Peter Walshe of 10 & 11 Shurtleff also spoke in favor of the project. He said that he has known Ms. Walshe all his life and confirmed that she has a great relationship with all her neighbors. [Mr. Walshe is the applicant's brother.]

Sally Kinnicutt said that Ms. Walshe is a great neighbor and that she would not be concerned with anything that Ms. Walshe wished to do on her property. She said Ms. Walshe is a very detailed and responsible person.

Annie Bryan of 26 Shurtleff agreed and said it was a very supportive and tight neighborhood. She asked the board to give Ms. Walshe 'the utmost consideration.'

Gordon Tyra noted that his great-grandfather had owned the property and he feels very fortunate to have Ms. Walshe as a neighbor.

Fred Fournier said that he has worked for Ms. Walshe for ten years. He said that he collaborated with Ms. Walshe on the pool siting and landscaping. He said that she is a very thoughtful and forthcoming person who is respectful of her neighbor's privacy.

Ken Dobular of 15 Silva Lane said that he and Ms. Walshe share a backyard boundary. He said he has known Ms. Walshe for 20 years and is supportive of the project and of Ms. Walshe making the Vineyard her primary residence.

Mr. Tomassian then asked if there was anyone who wished to object to the project. Cathy Coe commented that the properties on Silva Lane were considerably smaller than those on Shurtleff and the pool would have a greater negative effect on the Silva Lane properties. She

said it is not possible to screen out noise. She was concerned about the effects of lighting, pool pumps, and noise on the quiet neighborhood.

June Starke said that she has owned her home on Silva Lane since 1987. She said that, in her opinion, the lot was just too small to accommodate a pool and a pool cabana and still maintain the quiet modest character of the neighborhood.

Alexis Starke agreed and said that the pool would ruin their quality of life. She questioned why anyone would need a pool when they live on an island surrounded by beaches. She was concerned about the noise from parties and the pool's impact on the environment.

Lauren Starke commented that she believed her family's house would be the most affected, noting that the pool cabana was only 15-feet from the shared property line.

Reid Silva commented that some revisions had been made to the plan: there will be a full foundation beneath the pool cabana so all the equipment will be below grade. He noted that the pool is 21-feet from the property line, the pool cabana is about 20-feet from the property line.

Ms. Walshe said that no exterior lighting was planned for the pool area, and commented that the pool will not be visible from any neighboring lot.

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

Mr. Magnuson commented that this is not dissimilar from the earlier application that the board denied. He noted that it is a bigger pool and a larger cabana on a slightly larger lot – 11,800 s.f. as compared to 8200 s.f. He wondered if the pool could be made somewhat smaller and moved further from the property line.

Ms. Dolby said she agreed with Mr. Magnuson and thought some adjustments to the size and location of the pool could be made.

Ms. Grant said that she thought the pool cabana with a bathroom and a bar was more of a pool house than a cabana, which she thought of as a three-sided structure.

After some further discussion, Ms. Dolby made a motion to allow the applicant to withdraw the application. Ms. Whipple seconded the motion and also voted to allow the applicant to withdraw.

Mr. Tomassian, Ms. Grant, and Mr. Magnuson also voted to allow the applicant to withdraw. Motion carries: 5 – 0.

Respectfully submitted,

Lisa C. Morrison, Assistant