

Case No. 13-21
Date Filed: 10 March 2021

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 Lauren & Leonard Stern for a special permit under section 10.1 G of the bylaw to construct a swimming pool on a preexisting, nonconforming lot located at 28 Hillman Drive (Assr. Pcl. 45-415) in the R-60 Residential District.

1. On 10 March 2021 the application, a true copy of which is marked "A," was presented to the Town Clerk.
2. An advertisement, a true copy of which is marked "B," was published in the Vineyard Gazette on 12 March and 19 March 2021.
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, 31 March 2021 at 4:30 p.m. the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chairman, Carol Grant, Julia Livingston - alternate, Nancy Whipple, and Robin Bray - alternate. Chairman Tomassian opened the hearing and read the necessary requirements for conducting remote meetings in compliance with both the Governor's order and the Open Meeting Law. The assistant read the legal notice. The applicant, Mr. Stern, was present as was his agent George Sourati.

Mr. Sourati began by noting that the application is before the board because the lot is just over 1/2 acre in R-60, where an acre-and-a-half is required for a conforming lot. The proposed pool was designed so that it hugs the existing deck and meets all setbacks. The pool is quite small and 5 1/2 feet deep at its deepest point. The applicant is proposing to put the pool equipment on a concrete pad in the northwest corner of the property. Mr. Sourati noted that the two closest abutters had written in support of the project.

Mr. Tomassian asked if there were any letters from town boards or departments. The assistant noted that Matt Poole had responded to her query regarding a letter from Nancy Quinlan.

Letters of support were received from direct abutters Hilary & Stephen Schultz of 28 Crocker Drive and Marianne & Joe Carter of 11 Katama Farm North.

A letter of opposition was received from Nancy Quinlan of 18 Katama Drive. Ms. Quinlan's property is over 200-feet from the proposed pool however she was concerned that the pool would have a negative effect on her well. She noted that a variance from the Board of Health was recently issued for the septic system on this property.

The assistant forwarded the letter to Matt Poole, Health Agent, who responded that the proposed pool meets all requirements of the health code and he is not concerned that it will have any effect on the water supply or on any neighboring wells.

There was no one in the audience who wished to speak either for or against the proposal.

Mr. Tomassian then closed the public portion of the hearing for discussion among the board. Ms. Grant asked about the pool equipment. Mr. Sourati said that the plan was to locate the pool equipment on an 8-foot by 12-foot concrete pad in the northwest corner of the property. Ms. Grant said that the board generally requires that pool equipment be located closer to the house and in a fully enclosed sound proofed structure.

Mr. Sourati said that there was no logical place for the equipment close to the house because of various windows and doors. Mr. Tomassian asked if it could be placed under the existing second floor deck.

Dave Hobaica of Easton Pools said that because the pool has a gas heater, it needs to be vented and there are code issues involved with placing it close to the house. It needs to be a minimum of 5-feet away from any doors or windows.

After some further discussion, the applicant agreed to place the pool in a sound-proofed shed no larger than 8-feet by 10-feet and in the same location as the proposed concrete pad.

Ms. Grant made a motion to approve the project saying that she believed it was in harmony with the general purpose and intent of the bylaw. She said she found the site to be appropriate and appreciated it that the applicant had worked to ensure that the pool conformed to the existing setbacks. She noted that the pool equipment will be fully enclosed in a sound-proofed shed no larger than 8-feet by 10-feet and in the same location as the concrete pad shown on the plot plan. She noted that there were no objections to the proposal from any town boards or departments and two direct abutters had written in support of the project.

Ms. Whipple seconded the motion and voted to grant the special permit for the same reasons and with the same condition.

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

Motion carries 5-0 by roll-call vote.

Respectfully submitted,

Lisa C. Morrison, Assistant