

Case No. 14-21  
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 Catherine & Richard Thompson for a special permit under section 10.1 G of the bylaw to install a swimming pool, pool equipment shed, and deck on a preexisting nonconforming lot at 137 Katama Road (Assr. Pcl. 29A-18.2) in the R-5 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 4:45 p.m. the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian - Chairman, Carol Grant, Nancy Whipple, Julia Livingston - alternate, 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's representative, Doug Hoehn; the landscape contractor Fred Fournier; and the applicants, Rich & Catherine Thompson, were all present.

Mr. Tomassian recalled that the applicant had been before the board back in February. He said he remembered that the applicants were requesting the pool as therapy for an autistic son. He said the initial proposal had concerned some abutters, and the application was withdrawn for redesign.

Mr. Hoehn began the presentation by outlining the various changes to the proposal: the pool has been shifted 90 degrees and centered at the rear of the lot. The length of the pool was reduced from 24- to 22-feet. The 12-foot width remains the same. The bluestone patio has also been reduced in size.

Fred Fournier, landscape contractor, showed some slides of the proposed hedge of 8- to 10-foot high evergreens on all three sides of the rear of the property. In addition, a six-foot high stockade fence will be erected on the property line. This will completely screen the pool from the neighbors.

The bluestone terrace has been reduced from 578 sq. ft. to 484 sq. ft. The pool is now 15-feet from Mr. Tobin's property to the south. Formerly it was 8-feet from that property line.

Mr. Fournier noted that the fully enclosed and sound proofed 6-foot by 8-foot pool-equipment shed is in approximately the same location on the north side of the house.

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

The assistant noted that no new letters had been received. Mr. Tomassian said that he recalled the letters from the previous application, which were fairly evenly divided between pro and con.

Charles Tobin of 139 Katama Road asked if the pool equipment will run 24/7. Mr. Tomassian noted that the location of the pool equipment was on the opposite side of the lot from Mr. Tobin's property. He said it is his understanding that modern pool equipment is very quiet, but he encouraged Mr. Tobin to return to the board if he found the equipment too loud.

Bonnie Carter of 145 Katama Road welcomed the Thompsons to the neighborhood. She told Mr. Tobin that she lives next to a pool in New Jersey and that the equipment does not run 24/7 and is actually very quiet.

As there were no additional comments, Mr. Tomassian then closed the public hearing for discussion by the board.

Ms. Grant said she thought the pool could have been moved closer to the house and further from the rear setback.

Mr. Hoehn commented that the abutter to the rear was supportive of the pool.

Ms. Bray asked if there were other pools in the neighborhood. Mr. Hoehn responded that there are no pools on the abutting properties, but that there are a number of them scattered throughout the immediate neighborhood.

Ms. Whipple commented that she thinks the tall evergreens and fence will be very effective screening the pool from the neighbors and will help to mitigate noise as well.

Ms. Livingston made a motion to grant the special permit saying she believed the project complied with the bylaw and would not be detrimental to the neighborhood.

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

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

Unanimously approved 5-0 by roll-call vote.

Respectfully submitted,

Lisa C. Morrison, Assistant.