

Case No. 21-21
Date Filed: 28 April 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 Washaboards LLC, George & Kathleen Kaufmann, Trs., for a special permit under section 10.1 G of the zoning bylaw to construct a 21-foot by 9-foot in-ground pool on a preexisting, nonconforming lot located at 8 Mullen Way, Assr. Pcl. 29A-43) in the R-20 Residential District.

1. On 25 April 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 30 April and 7 May 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, 19 May 2021 at 4:15 p.m. the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chairman, John Magnuson, Pam Dolby, 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. Reid Silva of Vineyard Land Surveying was present for the applicant. George Kaufmann was also in attendance.

Mr. Silva said that the project is straightforward and involves installing a small pre-fabricated concrete plunge pool and pool equipment shed on a preexisting, nonconforming lot. Silva noted that the Kaufmanns received a positive response from seven of their neighbors. The pool will meet all setbacks, as will the sound-proofed pool equipment shed.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. Letters of support from seven abutters (Magy Littlejohn, Dennis McAndrews,

Mike Zedalis, Jan Greis, Christopher Hall, David Albert Young, and Joseph McNeila))were circulated among the members prior to the hearing.

Dennis McAndrews of 102 Peases Point Way South was present and spoke in favor of the proposal. He said the Kaufmanns were great neighbors.

There was no one in the audience who wished to speak in opposition. Mr. Tomassian then closed the public portion of the hearing for discussion among the board members.

Mr. Tomassian said he was concerned because the lot is only 7200 sq. ft. – less than a third the size of a conforming lot in R-20.

Ms. Dolby said she was not so concerned about the size of the lot because of all the support from abutters. She commented that the pool and shed both meet setbacks. She also noted that any noise from the pool equipment will be abated as the equipment will be stored in a sound-proof shed.

Mr. Magnuson agreed, noting that the board has approved pools on similarly sized lots. He also commented that there are many pools already in the neighborhood.

Ms. Whipple said she had no problem with the proposal, commenting that it is a small pool on a small lot.

Ms. Bray said she worried that pools are changing the character of the neighborhood. She said that if the abutters had objected, she would not be in favor of it.

After some further discussion, Ms. Dolby made a motion to approve the project as presented. She said she does not believe that the project will have a negative effect on the neighborhood and noted that seven abutters had written in favor of the proposal. She noted that there were no objections to the project from town boards or departments and she believed that the proposal was in harmony with the general purpose and intent of the bylaw.

Mr. Magnuson seconded the motion and voted to grant the special permit for the same reasons. Ms. Whipple & Ms. Bray also voted to grant the special permit. Mr. Tomassian voted to deny.

A roll-call vote was taken. Motion carries 4-1.

Respectfully submitted,

Lisa C. Morrison, Assistant