

Case No. 25-21
Date Filed: 25 May 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 Carl & Kimberly Hyman for a special permit under section 10.1 G of the zoning bylaw to construct a 14-foot by 30-foot in-ground pool and pool equipment pad on a preexisting, nonconforming lot located at 4 Young Street (Assr. Pcl. 45-4) in the R-60 Residential District.

1. On 25 May 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 28 May and 4 June 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, 16 June 2021 the hearing was continued to 7 July 2021 as the Massachusetts Legislature had not yet passed a measure allowing meetings to continue to be held remotely after the end of the state of emergency.

On Wednesday, 7 July 2021 at 4:30 p.m. the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian - Chairman, Pam Dolby, Nancy Whipple, John Magnuson, and Robin Bray – alternate. Kara Shemeth of Schofield, Barbini & Hoehn was present for the applicant.

Ms. Shemeth explained that the property, which is just off West Street, is in a neighborhood of preexisting, nonconforming lots. The lot is nonconforming at 26,435 sq. ft. in R-60 Residential District, where 43,560 sq. ft. is required for a conforming lot. Ms. Shemeth said there are seven pools within 300-feet of the property. The pool equipment will be located on a cement pad adjacent to an existing shed on the south side of the property.

Mr. Tomassian asked if there were any letters from town boards or abutters. There were none. There was no one in the audience who wished to comment either for or against the proposal.

Mr. Tomassian closed the public portion of the hearing for discussion by the board. No one had any questions or concerns.

Ms. Dolby commented that generally the board requires that pool equipment be fully enclosed in a sound-proofed structure, not left in the open on a cement pad.

Ms. Shemeth said that she would revise the plan and amend the application to include enclosing the equipment in a fully soundproofed structure attached to the existing shed.

Mr. Magnuson made a motion to grant the special permit. He said he believed the project was in harmony with the general purpose and intent of the bylaw. He said he did not believe that the pool would be detrimental to the neighborhood with the provision that the pool equipment be fully enclosed and sound-proofed. He noted that there were no objections to the proposal from any town board or abutters. He said he thought the pool was well sited on the lot and conformed to the general purpose and intent of the bylaw.

Ms. Whipple seconded the motion and voted to approve the project for the same reasons. Ms. Dolby, Mr. Tomassian, and Ms. Bray also voted to approve the project by a roll-call vote. Unanimously approved: 5 - 0.

Respectfully submitted,

Lisa C. Morrison, Assistant