

Case No. 55-21
Date Filed: 28 September 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 by Gregg S. Jubin & Cristina A. Aragon for a special permit under section 10.1 G of the zoning bylaw to construct an in-ground swimming pool and garage on a preexisting, nonconforming lot located at 49 Davis Lane (Assr. Pcl. 20D-135.2) in the R-5 Residential District.

1. On 28 September 2021 the application, a true copy of which is marked "A," was presented to the Town Clerk.
2. An legal notice, a true copy of which is marked "B," was published in the Vineyard Gazette on 1 October and 8 October 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, 20 October 2021 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, Thomas Pierce, Pamela Dolby, and Robin Bray – alternate. Chairman Tomassian opened the meeting and read the necessary requirements for conducting remote meetings in compliance with both the Governor's order and the Open Meeting Law.

George Sourati was present for the applicants and made the presentation. The property is the former Reston residence. The proposal involves the construction of a 9-foot by 21-foot plunge pool and a 13.5-foot by 26-foot one-story, one-car garage. The pool will be no deeper than 5.5 feet. Both the pool and the garage meet all setbacks. The pool equipment will be located in the garage in an underground sound-proofed vault. There will be no pool terrace or patio. The existing hedge along Davis Lane and the rear of the property will be supplemented with additional plantings. A 4-foot high pool fence will surround the pool area, but will not extend as far as the garage at the rear of the property.

Mr. Sourati noted that the one-story garage will mimic the Greek Revival style of the residence. A wooden garage door will face Davis Lane.

Chairman Tomassian asked if there were any letters from town boards or departments. There were none. A letter of support from abutters Tim & Mary Golding of 37 School Street, directly across Davis Lane, was read. Mr. Sourati indicated that he had letters of support from three additional abutters. Mr. Tomassian told Mr. Sourati that the letters could not be included as they missed the deadline for written submissions.

The assistant noted that Devon Reston had come to the office and said that he was not in favor of the proposal. Mr. Reston is no longer an abutter and declined to put his concerns in writing.

Dan Pfau of 25 School Street, a direct abutter to the north and a 25-year resident, said that he had reviewed the plans and had no concerns. He said the applicants were good stewards of the property.

Cristina Aragona, co-owner of the property, said that she and her husband are hoping to make Davis Lane their permanent residence. She said that she has recently undergone a hip replacement and is hoping to use the pool for continued hydrotherapy. She said she believes the pool will enhance the property, which she hopes will become a multi-generational family residence.

Mr. Sourati noted that the landscape architect, Melissa Thomas, was present if anyone had any questions. Mr. Sourati also shared a plan of the neighborhood showing the location of other pools and garages in the area, several of which are also on nonconforming lots. Mr. Sourati also noted that the pool is designed in such a way as to preserve as much of the green space on the lot as possible. There will be no increase in hardscape and the pool will be surrounded by just a narrow coping.

Mr. Tomassian then closed the public portion of the hearing for discussion by the board. Mr. Tomassian said that he recalled that the applicants had been before the board for the reconstruction of the house and had done a good job of improving on the original application. He said that he was not too keen on pools in this neighborhood, but wanted to hear what the other members thought.

Ms. Grant said that she approves of the location of the pool in the interior of the lot and blocked by the garage in the rear. She said she also likes that the green space is being preserved.

Ms. Dolby noted that several direct abutters support the project.

Ms. Bray said that she is concerned about the cumulative effect of pools in the downtown, and especially the possibility of excess noise. She said that she is willing to approve this one because it is small and reasonably placed on the property.

Ms. Dolby commented that the board is generally very careful when approving pools in the downtown area, and abutter support is crucial.

Ms. Dolby made a motion to approve the project as presented. She said she believed the proposal was in harmony with the general purpose and intent of the bylaw. She noted that there were no objections to the proposal from any town boards and that two direct abutters had either written or spoke in support of the project. She said she believed that the project,

as presented, would not have a negative effect on the neighborhood. She noted that the applicants proposed placing the pool equipment in the basement of the garage in order to ensure that noise from the equipment would not disturb the neighbors. She said that she believed the landscape plan was well thought out and designed to preserve the green space and keep the development as unobtrusive as possible.

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

Mr. Pierce, Ms. Bray, and Mr. Tomassian also voted, by roll-call vote, to approve the project for the same reasons. Motion carried: 5 – 0.

Respectfully submitted,

Lisa C. Morrison, Assistant