

Case No. 1-22
Date Filed: 4 January 2022

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 Irving J. Schoppe for a special permit under section 10.1 G of the zoning bylaw to construct a pool and equipment shed on a preexisting, nonconforming lot located at 24 Down Harbor Road (Assr. Pcl. 36-330) in the R-60 Residential District.

1. On 4 January 2022 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 7 January and 14 January 2022.
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, 26 January 2022 at 4:00 p.m. the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chairman, Nancy Whipple, Pamela Dolby, Tom Pierce, and Robin Bray – alternate. Chairman Tomassian opened the meeting and explained the board's policies and procedures. He noted that the meeting is being held in compliance with both the Governor's order and the Open Meeting Law.

Dolby noted that there was an error in the hearing notice, which indicated that the proposed pool was 4 x 15, whereas the plan shows that it is the equipment shed that is 4 x 15 and the pool is 12 x 27. Chairman Tomassian said that he believed the hearing could continue, unless objections arise, and noted that the plan showing the pool as 12 x 27 has been available to the public on the website for several weeks.

Ken Abbott of Schofield, Barbini & Hoehn was present for the applicant. Mr. Abbott explained that the lot is 25,367 s.f. located in a development of similarly sized preexisting, nonconforming lots. He noted that there were many pools in the immediate neighborhood.

The pool equipment will be located in a 4 x 15 shed that will be attached to the east side of the existing garage.

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

There was no one in the audience who wished to comment either for or against. As there was nothing to rebut, Chairman Tomassian closed the public portion of the hearing for discussion by the board.

Mr. Tomassian said he assumed that the shed would be sound-proofed. Mr. Abbott said that he believed the building inspector will require the building to be sound-proofed. Mr. Tomassian said that it is the custom of the Zoning Board to make sound-proofing of pool equipment sheds a requirement of the special permit.

Ms. Bray asked whether the patio that surrounds the pools needs to meet setbacks. The assistant replied that as it is under 30-inches it is not considered a structure and therefore need not comply with setback requirements.

Ms. Dolby made a motion to grant the special permit saying that 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 or from any abutters. She said she believed that the project, as presented, would not have a negative effect on the neighborhood. She noted that the pool equipment will be located in a shed attached to the existing garage and more that 25-feet from the property boundary. She said that there was a good deal of vegetation in the area of the shed that will act as further sound proofing. She asked that the condition that the pool shed be fully sound proofed be added as a condition of the permit.

Mr. Pierce seconded the motion and voted to grant the special permit for the same reasons and with the same condition.

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

Respectfully submitted,

Lisa C. Morrison, Assistant