

Case No. 4-22
Application filed: 25 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 Jason & Desiree Kicza for a special permit under section 10.1 G of the zoning bylaw to construct a swimming pool and a pool equipment shed on a preexisting, nonconforming lot located at 106 Peases Point Way North (Assr. Pcl. 29A-41) in the R-20 Residential District.

1. On 25 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 28 January and 4 February 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, 16 February 2022, at the request of the applicant, the hearing was postponed to 2 March 2022 at 4:00 p.m. so that the application could be heard by a full five-member board. Notice of the postponement was posted in the Town Hall and on the town's website and calendar.

On Wednesday, 2 March 2022, the hearing was opened and held via Zoom. The following board members were in attendance: Carol Grant – Acting Chair, Nancy Whipple, Pamela Dolby, Thomas Pierce, and Robin Bray – alternate. Chair Grant 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.

Architect Sasha Robinson-White explained the proposal, which involves constructing a pool on a preexisting, nonconforming lot. A small pool-equipment shed will be located adjacent to an existing outdoor grill station. Equipment shed will be fully enclosed and sound-proofed.

After receiving a letter of concern from abutters Dennis & Elizabeth McAndrews, several changes were made to the plan: a row of 8-foot high arborvitae will be planted adjacent to

a 6-foot high privacy fence, which will be erected on the shared property boundary. The patio will be eliminated along the north side of the property and replaced by a small apron. Mr. Robinson-White said that they also intend to revitalize the remaining privet hedge.

Chair Grant asked if there were any letters from town boards or departments. There were none.

Abutter Dennis McAndrews said that he has reviewed the revised plan and would like to withdraw his concerns outlined in his letter of 12 February 2022. He said that he would like to be sure that these changes are incorporated into the order.

As there was nothing to rebut, Chairman Grant closed the public portion of the hearing for discussion by the board.

Mr. Pierce made a motion to approve the special permit. He said that he believed the proposal was in harmony with the general purpose and intent of the bylaw. He noted that there were no objections to the proposal from any town boards or from any abutters. He said that the applicant worked with his neighbor to arrive at a solution to privacy concerns. He also noted that there were similarly-sized nonconforming lots with pools in the neighborhood.

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

Ms. Bray, Ms. Whipple, and Ms. Grant also voted, by roll-call vote, to approve the project for the same reasons. Motion approved: 5 – 0.

Respectfully submitted,

Lisa C. Morrison, Assistant