

Case No. 8-22

Application filed: 28 February 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 Robert & Meaghan Robinson for a special permit under section 10.1 G of the zoning bylaw to construct two additional wings to an existing residence and to install a 16 x 38 swimming pool on a preexisting, nonconforming lot located at 33 Codman Spring Road (Assr. Pcl. 22-7) in the R-60 Residential District.

1. On 28 February 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 4 March and 11 March 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, 23 March 2022, the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chair, Carol Grant, Nancy Whipple, Pamela Dolby, and Thomas Pierce. 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.

Attorney Robert Moriarty made the presentation. The applicant, Meaghan Robinson, was also present. Mr. Moriarty said that the Robinsons plan to do the project in stages: they would like to begin with construction of the pool. Mr. Moriarty then showed the board photographs of the existing house, which was partially renovated in 2020. In addition to adding the two wings, the Robinsons plan to improve the façade of the existing house by removing an 80s-style dormer.

Mr. Moriarty explained that the north wing would house a three-car garage with a bedroom, bath, and sitting room above. The south wing will have a family room, bed and bath on the first floor; the master suite and an additional bed and bath on the second floor.

Mr. Moriarty said the existing house had approximately 1284 s.f. of living space. The proposed additions total 2878 s.f., bringing the total amount of living space to 4162 s.f. Mr. Moriarty noted that the lot coverage increases from 6.18% to 13.4%, which is comparable to other lots in the area. The lot is just shy of $\frac{3}{4}$ of an acre and the proposed construction meets all the required setbacks and height restrictions.

Mr. Tomassian asked if there were any letters from town boards or departments. A letter from the Wastewater Department was read, noting that the applicant will be required to connect to sewer and obtain and record an easement for the necessary grinder pump.

Letters of support were received from the following abutters and neighbors: Roman Kogan of 25 Codman Spring Road, Wendy Naughton of 11 Edgartown Meadows Road, Jeff Lucier of 75 Whalers Walk, Joe & Emily Monteiro of 26 Codman Spring Road, and James Hagerty of 1 Edgartown Meadows Road.

Renee Viera Habekost of 46 Whalers Walk who abuts the property on the east side was concerned about noise. She said that another neighbor has a pool and the noise can sometimes be overwhelming. She said she believed that particular house is a rental, which probably means that it generates more noise than a typical year-round family home.

Mr. Moriarty said that he believed his clients plan on installing vegetation along the common boundary to mitigate noise and provide privacy.

Ms. Habekost said that she is not against the project, and noted that the Robinsons have already done a great job fixing up the property. She said she is sure they will continue to improve the property.

Wendy Naughton, another neighbor, said that she too she is in favor of the project and said that the Robinsons have done a wonderful job of improving the property and are an asset to the neighborhood.

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

Ms. Grant asked how high the additions were in comparison with the existing house. Mr. Moriarty said that the new bedroom wing will be 24-feet 3 $\frac{1}{4}$ -inches, approximately the same height as the existing house. The garage wing will be several feet lower than the existing house.

Mr. Pierce was concerned about the plan to install the pool first. He noted that the plot plan shows the pool shed attached to the garage. However, the garage would not be part of the first phase of construction so he wondered where the pool shed will be located in the meantime. He said it also seemed that the pool shed, as it is currently drawn, would violate setbacks as the 9 x 12 shed would appear to be 17-feet from the east property line.

Mr. Moriarty said that either the pool equipment will eventually be housed in the garage, or the pool shed will be partially buried so that it doesn't exceed 6-feet in height and, therefore, would not be considered a structure. In any case, the pool equipment will be fully enclosed and sound-proofed.

Ms. Dolby commented that it is an odd shaped lot with the 50-foot setback extending over the largest part of the triangle. She said that she thinks the design is well thought out. She noted that there were no strenuous objections to the project and that the neighbors were in support. Ms. Dolby made a motion to approve the special permit and said that she believed the project was in harmony with the general purpose and intent of the bylaw. She noted that there were similar lots in the area with pools and said she did not think that the project would negatively impact the neighborhood. She asked that a plan showing the planting of a vegetative screen between the pool and Ms. Habekost's property be submitted for the file as well as a plan showing the final location of the pool equipment shed.

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

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

Respectfully submitted,

Lisa C. Morrison, Assistant