

Case No. 32-22

Application filed: 27 September 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 Ann Montgomery McKenzie, Tr. for a special permit under section 10.1 G of the zoning bylaw to remove an existing swimming pool and shed and install a new pool and detached bedroom on a preexisting, nonconforming lot located at 16 Cummings Way (Assr. Pcl. 29B-42) in the R-5 Residential District.

1. On 27 September 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 30 September and 7 October 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, 19 October 2022, the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chair, Nancy Whipple, Thomas Pierce, Carol Grant, and Pam Dolby. 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 and designer Hilary Grannis were present for the applicant. Mr. Moriarty noted that Ms. McKenzie had been before the board this past summer and received a special permit to reconstruct portions of the existing main house. Mr. Moriarty said that the existing pool had failed, and they would like to replace it with a slightly smaller pool, 335 s.f. as opposed to 396 s.f.

The property is approved for 4 bedrooms – there are currently 3 bedrooms in the main house. The applicant is applying for an additional detached bedroom, which would bring the total number of bedroom up to four. Mr. Moriarty pointed out that the proposed structure was designed to look like a barn, similar to one which was on the property in the past. The one-story structure will have a 315 s.f. detached bedroom. The pool equipment will be located in the basement of the detached bedroom and accessed through an interior stairway. The total proposed square footage will be 418 s.f.

Mr. Moriarty noted that the project has been approved by the Historic District Commission.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. There were no letters from abutters or from members of the public.

Susan Brown, an abutter to an abutter living at 144 Katama Road, said she was primarily concerned about noise and was happy to hear that the pool equipment will be located underground.

Diana Muldaur Dozier, a direct abutter since 1953, was concerned about water from the pool draining down to her property, which is downhill and immediately adjacent to the McKenzie lot. She said that she has known the McKenzies for decades, and knows that Ann loves her pool. She said she is in no way against the project, she just wants to know where the water will go when the pool is drained for the winter.

The assistant noted that it is no longer customary for modern pools to be drained; usually the water is drawn down some and the pool covered for the winter. Mr. Tomassian agreed, noting that a pool near him remains full year-round.

There was no additional public comment and Mr. Tomassian closed the public portion of the hearing for discussion by the board.

No one on the board had any questions or concerns.

Ms. Whipple made a motion to grant the special permit, saying that she believed the proposal to be in harmony with the general purpose and intent of the bylaw. She noted that there were no opponents to the project. She noted that the new pool was about 60 sq. ft. smaller than the existing pool. She said she thought the new design would be an improvement and that the project was compatible with the neighborhood and would not over burden the lot. She also noted that the project meets all the setback and height requirements for the R-5 Residential District.

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

Mr. Pierce, Ms. Grant, 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