

Case No. 34-22

Application filed: 24 October 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 Igor Vukoje for a special permit under section 10.1 G of the bylaw. The applicant is proposing to (a) construct an in-ground pool, (b) a second floor deck, (c) a sound-proofed pool equipment shed, and (d) a storage shed. The property is located on a preexisting, nonconforming lot at 13 Briarwood Drive (Assr. Pcl. 11-37) in the R-60 Residential District.

1. On 24 October 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 October and 4 November 2022.
3. Notice of the hearing, a copy of which is marked "C," was mailed, postage prepaid, to the petitioners; the abutters and abutters to 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 November 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 Dan Larkosh and Igor Vukoje were both present for the hearing. Mr. Larkosh began by saying that there are several similarly sized, nonconforming lots in the neighborhood that have pools. Larkosh noted that the lot is a nonconforming .62 acre property. He said that according to the bylaw, the improvements Mr. Vukoje is asking for are allowed by special permit. Mr. Larkosh noted that both the pool and the second floor deck will be at the rear of the property and not visible from the street. The proposed shed will be visible, but will replace two temporary sheds and allow Mr. Vukoje to store materials inside rather than in the yard.

Referring to a letter from abutter Jeff Crowell that was circulated prior to the hearing, Mr. Larkosh said that his client does recall a loud birthday party in the past, but assured the board that this will not occur again. He said that Mr. Vukoje now has a six-month-old child. The pool and deck are intended for the enjoyment of his immediate family.

Mr. Tomassian asked if there was anyone present who wished to speak in favor of the proposal. There were not. Mr. Tomassian asked if there was anyone present who wished to speak in opposition to the proposal. There were not.

Mr. Tomassian asked if there were any letters from town boards or departments. There were not.

The assistant noted that Richard Wilton, who is a direct abutter to the north, called to find out more about the application. He said he was in favor of getting rid of the temporary sheds. He said he found Mr. Vukoje to be a good neighbor.

As noted, a letter of opposition from Jeff Crowell of 10 Hollow Way, who abuts Mr. Vukoje's property on the east, was circulated prior to the meeting. Mr. Crowell had serious concerns about the proposal. He stated that over the years there have been numerous noise complaints. He said that there have been many parties on the property, both during the day and at night. He said that there was loud music, foul language, bright lights, and general disturbance. He was concerned about the number of people who appear to inhabit the dwelling, noting that there were often many cars parked on the property. He said that he has seen on-line advertisements for room rentals. He said that the addition of a pool and second floor deck will give the inhabitants more opportunities to be outside and increase the likelihood of further disturbance.

Mr. Crowell noted that his guest house will be in direct view of the second floor deck, again increasing the potential for disturbance by noise and light. He also commented that the properties are separated by an ancient way, which is to be maintained as a six-foot buffer. He said he did not think this buffer was taken into account when siting the pool. Mr. Crowell urged the board to deny the application.

Mr. Tomassian then closed the public portion of the hearing for discussion by the board. Ms. Whipple was concerned that the effect of the second floor deck on the neighbor. She was also concerned about the design of the deck and its 'hodgepodge' of railings.

Ms. Dolby asked how the deck would be accessed from inside the structure. Mr. Vukoje said that the access will be from a second-floor hallway, which is adjacent to three bedrooms.

Mr. Pierce asked how many bedrooms were in the house. Mr. Vukoje said that there were four bedrooms. He said that he is not renting any rooms in the house. Only family members live in the house.

Ms. Whipple asked how many people live in the house. Mr. Vukoje replied that the house is occupied by his partner and child, as well as his brother and his brother's wife. He said that he personally owns four cars, two of which he uses for business.

Ms. Grant asked how many kitchens were in the house. Mr. Vukoje replied that the house has just one kitchen.

Mr. Tomassian said that he takes the neighbor's concerns seriously and said he does not believe that Mr. Vukoje has been a respectful neighbor. Ms. Whipple agreed. Mr. Pierce

added that adding a deck and a pool at this point would only seem to aggravate the situation.

Mr. Tomassian suggested that Mr. Vukoje withdraw the application and return in a year, and prove his intent to be a good neighbor.

After consultation with his client, Mr. Larkosh asked the board to allow his client to withdraw the application.

Mr. Pierce, Ms. Dolby, Ms. Whipple, Ms. Grant, and Mr. Tomassian all voted to allow the applicant to withdraw the proposal.

Unanimously approved 5-0.

Respectfully submitted,

Lisa Morrison  
Assistant