

Case No. 37-22

Application filed: 15 November 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 relating to the request by Leslie Topham for a special permit under section 10.1 G of the zoning bylaw to install an in-ground pool on a preexisting, nonconforming lot located at 5 Plains Head Lane (Assr. Pcl. 45-16.39) in the R-60 Residential District.

1. On 15 November 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 the 18<sup>th</sup> and the 25<sup>th</sup> of November 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, 7 December 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.

Tracey Smith of Schofield, Barbini & Hoehn was present for the applicant, who was also in attendance. Robbie Robertson of Waterfront Builders was also present. Ms. Smith explained that the property is located at the intersection of Thaxter Lane and Plains Head. The proposal is to install a 16 x 34 pool on a preexisting, nonconforming .53-acre lot. No spa is proposed and the pool equipment will be located in an insulated sound-proofed shed located north of the pool. All proposed structures meet the required R-60 setbacks.

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.

No one in the audience had any questions or concerns. Mr. Tomassian then closed the public portion of the hearing for discussion by the board.

Ms. Dolby commented that she thinks the pool and the pool equipment shed are well located on the property – far from abutters and facing the street. She said she saw no reason not to approve the proposal.

Ms. Grant asked about the dimensions of the proposed pool equipment shed. Mr. Robertson responded that it will be 7 x 10 and partially recessed into the ground.

Ms. Grant asked about the rectangle on the pool patio. Ms. Smith replied that it was the proposed location of a grill.

Ms. Dolby made a motion to grant the special permit, saying that she believed the applicant had done a good job of locating the pool away from abutters. She said that because the pool equipment will be located in a sound-proofed shed – also well away from any abutters – it is unlikely that the neighbors would be disturbed by mechanical noise.

Ms. Grant seconded the motion and voted to approve the special permit for the 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