

Case No. 23-23
Application filed: 18 July 2023

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 Joseph Monteiro & Emily Frazer Weedon for a special permit under 10.1 G of the zoning bylaw to construct a 15 x 30 pool and a 8 x 10 pool-equipment shed on a preexisting, nonconforming lot located at 26 Codman Spring Road (Assr. Pcl 22-6) in R-60 Residential District.

1. On 18 July 2023 the hearing notice, 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 21st and 28th of July 2023.
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 and abutters to abutters 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, 9 August 2023, the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chair, Nancy Whipple, Carol Grant, Thomas Pierce and Julia Livingston - alternate. 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.

Cody Coutino of Vineyard Land Surveying was present for the applicants and made the presentation. He noted that the lot is approximately 1-acre in area, making it a nonconforming lot in the R-60 Residential District, where an acre and a half is required for a lot to be conforming. Mr. Coutino commented that the majority of lots in the area are one acre or less. He also commented that there are a number of swimming pools in the neighborhood as evidenced by the GIS maps.

Mr. Coutino noted that the proposal meets all the R-60 setbacks and the pool will be surrounded by the necessary fencing. In addition, as shown on the plan, the applicants plan

to plant additional screening on the western boundary that abuts the Morris property. The pool shed will be fully enclosed and sound-proofed.

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

A letter of support was received from Robbie Robinson who lives directly across Codman Spring Road.

There were no additional letters and no one in the audience who wished to comment either for or against the proposal. Mr. Tomassian then closed the public portion of the hearing for discussion by the board.

Ms. Whipple asked about the height of the pool fence. Mr. Coutino said that it would likely not be any higher than the required four-feet.

Mr. Pierce made a motion to approve the project as presented. He noted that there were no objections to the proposal, which meets all the necessary setbacks. He said he did not believe the project would have a negative effect on the neighborhood, noting that one direct abutter wrote in support of the proposal. He also noted that there were a number of pools on similarly sized nonconforming lots in the neighborhood.

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

Mr. Tomassian, Ms. Whipple, and Ms. Livingston also voted to approve the project for the same reasons. Unanimously approved 5 to 0.

Respectfully submitted,

Lisa C. Morrison, Assistant