

Case No. 26-23
Application filed: 1 August 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 William Honeycutt for a special permit under section 10.1 G of the zoning bylaw to construct a 14 x 34 pool and pool equipment shed on a preexisting, nonconforming lot located at 18 Woodhaven Drive, Assr. Pcl. 10-1.137 in the R-60 Residential District. On 23 August 2023 the hearing notice, a true copy of which is marked "A," was presented to the Town Clerk. Mr. Honeycutt is the prospective purchaser of the lot, which is owned by Vito E. Palermo & Mary Ann Palermo.

2. An advertisement, a true copy of which is marked "B," was published in the Vineyard Gazette on the 4th and 11th of August 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 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.

Mr. Tomassian made it known that he just became aware that the sellers of this property are his clients. He said that the purchase and sales agreement is not contingent on the Honeycutt's obtaining a special permit for a pool. He said that rather than have the Honeycutts return for a new hearing, he will refrain from commenting during the hearing and will vote last. He encouraged anyone to come forward if they had any objection to him sitting under those conditions. There were no objections.

Mr. Honeycutt began the presentation noting that he and his wife currently own a home about a half mile away. He said they are looking for a larger home with a bit more space. He said that this is intended as his family's primary residence and that they have no intention of renting out the property.

Mr. Honeycutt noted that there were six other swimming pools in the neighborhood.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none.

The assistant read a letter from abutter Bob Haberl of 6 Acorn Circle, directly across the street from the subject property. Mr. Haberl is not only a direct abutter but also president of the Island Oaks Homeowners Association. Mr. Haberl said that both he and the association are fully supportive of the Honeycutts proposal.

There was 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.

Mr. Pierce asked where the pool equipment will be located. The assistant pointed out the location of the small equipment shed on the plan. Mr. Pierce said that the project appears to meet all the board's requirements.

Ms. Grant made a motion to approve the project as presenting, saying that she found the project to be in harmony with the general purpose and intent of the bylaw. She noted that there were no objections to the proposal from town boards or departments or from any abutters. She further noted that a direct abutter and president of the Homeowner's Association had written in support of the proposal. She said she did not believe that the pool would have a negative effect on the neighborhood, noting that there were several pools in the immediate neighborhood. She placed the following condition on the permit: Pool equipment is to be fully enclosed in a sound-proofed shed.

Mr. Pierce seconded the motion and voted to grant the special permit for the same reasons and with the same condition.

Ms. Dolby, Ms. Whipple and Mr. Tomassian also voted to approve the project for the same reasons and with the same condition.

Unanimously approved 5 to 0.

Respectfully submitted,

Lisa C. Morrison, Assistant