

Case No. 36-23

Application filed: 21 September 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 Eric & Amy Lazar for a special permit under section 10.1 G of the zoning bylaw to construct a 16 x 9 plunge pool and a pool cabana with equipment storage on a preexisting, nonconforming lot located at 4 Bernard Way, Assr. Pcl. 20C-99 in the R-5 Residential District.

1. On 21 September 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 September 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, 11 October 2023, the hearing was opened and held via Zoom. The following board members were in attendance: Carol Grant – Acting Chair, Thomas Pierce, Robin Bray – alternate, Gerry Conover – alternate, and Julia Livingston – alternate. Acting Chairman Grant 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.

Alex Morrison made the presentation. The applicant, Eric Lazar, and the designer, Hilary Grannis were also present. Mr. Morrison explained that the Lazars would like to install a plunge pool and a three-sided open cabana on their 7,500 s.f. lot on Bernard Way. The pool and the 16 x 19 cabana will be located on the rear portion of the lot, adjacent to an existing patio. All new construction will meet the necessary setbacks. The overall lot coverage will change from 27% to 38%.

Ms. Grant asked if there were any letters from town boards or departments. There were none. Letters of support from Akram Elouche of 49 Chase Road and John & Patty Harkins of 32 Hannah's Way were read. Mr. Elouche asked that the Lazars not initiate construction during the summer, as their property is very close.

Mr. Morrison said that he has been in touch with Mr. Elouche and notified him that the construction would take place in the off-season. He also informed Mr. Elouche that the pool will be precast and delivered to the site. The majority of work will consist of digging the hole, which should only take a day or two.

Mr. Morrison noted that he had also spoken with abutter Ken Galley, who had no objections to the project. Mr. Morrison commented that there were two pools on nearby properties belonging to Mr. Galley.

There was no one in the audience who wished to comment either for or against the proposal.

Ms. Grant then closed the public portion of the hearing for discussion by the board.

Ms. Livingston asked about other pools in the neighborhood. Mr. Morrison said that in addition to the two pools on the Galley properties, there are at least two additional pools within 500 feet.

Ms. Livingston asked how the lot coverage was calculated. Ms. Grannis said that she factors in the footprint of any structures – including decks and porches, as well as any hardscape – including pools and patios. The net gain in lot coverage would be about 11%.

Ms. Grant asked if the pool equipment will be fully enclosed and sound proofed. Mr. Morrison replied that it will be in a sound proofed section located in the rear of the cabana and accessed through a set of double doors.

Ms. Livingston made a motion to approve the project as presented, 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 and that two abutters had written in support of the project. She noted that there were other pools in the neighborhood and said she did not believe that the pool would have a negative effect on the 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. Bray, Mr. Conover, and Ms. Grant 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