

Case No. 44-23
Date Filed: 26 December 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 pertaining to the request of Bryan D. & Kim M. Garrison for a special permit under 10.1 G of the zoning bylaw to construct a 12 x 25 in-ground pool and a pool-equipment shed. The property is located at 3 Fourth Street North (Assr. Pcl 11A-99) in the R-20 Residential District.

1. On 26 December 2023 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 29th of December 2023 and on the 5th of January 2024.
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, 17 January 2024 at 4:00 p.m. the hearing was opened and held via Zoom. The following board members were in attendance: Pam Dolby –acting Chair, Carol Grant, Thomas Pierce, and Robin Bray – alternate. Chairman Tomassian was unable to attend due to a family emergency.

The applicants were informed that with a four-member board a unanimous decision would be required to grant the special permit (with a five-member board, one member can vote to deny). The applicants agreed to move forward with a four-member board rather than reschedule the hearing.

Bryan Garrison made the presentation. He said that he has contracted with Jesse Fuller to install a 12 x 25 in-ground pool. He said the pool will be located in the center rear of the property and will meet all the necessary R-20 setbacks. The pool equipment will be located in a 4 x 12 addition attached to the existing shed, and will be fully enclosed and sound proofed.

Mr. Garrison said that he spoke with both his immediate neighbors. The rear of the property abuts an unbuildable lot owned by Mike Calheta, who has no objections to the proposal. Mr. Garrison said that he spoke with Stephen Carey who owns the lot to the north, who was also on board with the project. Mr. Garrison said that he plans to install a row of arborvitae along the property lines to screen the pool and help with noise reduction.

Ms. Dolby asked if there were any letters from town boards or departments. There were none. The assistant noted that a letter had been received from abutter Stephen Carey, who had a number of questions about the project. The assistant suggested that Mr. Garrison get in touch with Mr. Carey and answer his questions prior to the hearing. Mr. Garrison said that he had called Mr. Carey and was able to answer his concerns. Mr. Garrison reported that Mr. Carey is pleased with the proposal.

[Mr. Carey had questions about pool fencing, plantings, the construction process, and outdoor lighting.]

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

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

Ms. Grant asked how far the pool was from the rear setback. The assistant replied that the plan shows the shed 10-feet from the rear setback and the pool is in line with the shed. Ms. Grant noted that the pool equipment will be located in an addition to the existing shed, which will be fully enclosed and sound-proofed

None of the members had any additional concerns.

Mr. Pierce made a motion to grant the special permit as presented. He said he believed the project was in harmony with the general purpose and intent of the bylaw. He said he believed the project was well designed and would not negatively affect the neighborhood. He noted that there were no objections to the proposal from town boards or any abutters. He said he found the site to be appropriate and said the pool would not overburden the lot. He asked that the applicant submit a landscape plan for the file.

Ms. Bray seconded the motion and voted to grant the special permit for the same reasons and with the same condition.

Ms. Grant and Ms. Dolby also voted to approve the project with the condition. Unanimously approved by roll-call vote: 4 – 0.

Respectfully submitted,

Lisa C. Morrison, Assistant