

Case No.9-24
Date Filed: 4 March 2024

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 by Igor Vukoje for a special permit under section 10.1 G of the zoning bylaw to install a swimming pool on a preexisting, nonconforming lot. The property is located at 13 Briarwood Drive (Assr. 11-37) in the R-60 Residential District.

1. On 4 March 2024 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 8th and 15th of March 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, 27 March at 4:00 p.m. the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian - Chairman, Pam Dolby, Thomas Pierce, Nancy Whipple, and Julia Livingston, alternate.

The applicant, Igor Vukoje, made the presentation. Mr. Vukoje said he would like to improve the backyard of his property by putting in a pool in the place of an abandoned tennis court. Mr. Vukoje said the pool meets all setbacks and the sound-proofed pool equipment shed will be just off his existing deck, far from any neighbors. Mr. Vukoje noted that there are quite a few pools in the immediate neighborhood; one of which was approved just a month ago by the board and is just one lot over at 9 Hollow Way.

Mr. Vukoje said that he applied for a pool about a year and a half ago, but withdrew his application after a neighbor complained about noise and parties. Mr. Vukoje said that he now has a two-year old son and a quieter lifestyle. He said he does not intend to turn his property into party central. He said that he wishes to be considerate of his neighbors and their privacy. Mr. Vukoje said he intends to add additional plantings to the perimeter of his property in order to further enhance privacy and mitigate sound.

Mr. Tomassian asked if there was anyone present who wished to comment either for or against the proposal. No one did.

The assistant read a letter of approval from John Honeycutt, the president of the Sandy Valley Road Association. She said she had also spoken with Jeff Crowell, the neighbor who objected to the previous pool application. Mr. Crowell said that the noise level had improved somewhat, but that he did not wish to comment either for or against the current application.

A letter from Marilyn & Tom Hopkins, sister and brother-in-law of abutter Richard Wilton - who passed away recently - was read. The Hopkinses objected to the installation of the pool, saying they were concerned about noise and large parties. The Hopkinses asked if an outdoor kitchen or bar were part of the application, or if a sound system and additional exterior lighting were included. They are concerned that the addition of the pool will have a negative effect on their quality of life.

The Hopkinses were also concerned about a growing pile of brush on the boundary between the two properties.

Mr. Vukoje reiterated that he has no intention of hosting large parties on his property. No outdoor bar, sound system, or excessive exterior lighting is proposed. He said he will be respectful and considerate of all his neighbors.

Mr. Vukoje also noted that the Hopkinses do not live at 9 Briarwood, but in Vineyard Haven. He said he is not sure what brush pile they could be referring to and showed a photograph of the Hopkins' property, which showed the property boundary as largely full of understory brush and scrub oak. He said that a tree fell on his house during a recent storm and he piled up the logs in the woods. He also commented that the pool is over 75-feet from the Hopkins' property and will not be visible.

Mr. Tomassian closed the public portion of the hearing for discussion by the board.

Ms. Dolby said that she did not think brush piles and exterior lighting were zoning matters *per se*, but noted that the board could add conditions to the permit if they wished. Ms. Dolby noted that there were a number of pools already in the neighborhood. She also commented that the proposed pool was some distance from the Wilton/Hopkins property. She noted that the pool equipment shed was located adjacent to Mr. Vukoje's home not and not next to any property boundaries.

Ms. Whipple said that she believed Mr. Vukoje had taken pains with the proposal not to irritate his neighbors.

Ms. Livingston noted that there was adequate area to support the pool, it was not sandwiched in on a tiny lot like many pools downtown.

Mr. Pierce made a motion to grant the special permit saying that he believes the pool to be in harmony with the general purpose and intent of the bylaw. He noted that there were other pools in the neighborhood. Mr. Tomassian added that Mr. Vukoje has stated several times that he did not intend for the property to become a nighttime party spot and was not planning to install excessive outdoor lighting, a sound system, or an outdoor bar or kitchen.

Ms. Whipple seconded the motion and voted to approve the request, commenting that Mr. Vukoje seems to be doing a good job.

Mr. Tomassian, Ms. Livingston, and Ms. Dolby all voted to approve the special permit for the same reasons.

Unanimously approved by roll-call vote: 5 - 0.

Respectfully submitted,

Lisa C. Morrison, Assistant