

John A. and Judith G. Boynton
90 Plum Bush Point Road
West Tisbury, MA 02575
508-693-7304
jboynton@boyntonconsulting.com

26 January 2023

West Tisbury Zoning Board of Appeals
Larry Schubert, Chair
P.O. Box 278
West Tisbury, MA 02575

Boynton Objection to Special Permit Application from Jeffrey and Carolyn Carney – 80 Plum Bush Point Road, West Tisbury 02575

Dear Mr. Schubert and Members of the West Tisbury Zoning Board of Appeals,

Summary

We request that the West Tisbury Zoning Board of Appeals reject Jeffrey and Carolyn Carney's application for a Special Permit related to construction of a new in-ground swimming pool, spa and pool shed because the proposed plans are not in compliance with the West Tisbury Zoning Board of Appeals Bylaws. The proposed pool shed containing noise-producing pool equipment is located almost on our property line and is much larger and more ventilated than the current pool shed. It would cause us unacceptable noise disruption and be aesthetically unattractive. Consequently, this application should be refused.

Background

We have owned 90 Plum Bush Point Road, the property abutting the Carneys on our north side, for about 22 years. We share an extensive property line with the Carneys.

Objection – Unacceptable Noise Levels

Bylaws Section 8.5-4 on Swimming Pools states:

“In order to minimize noise impacts on neighbours, associated noise-producing pool equipment shall be located as far as possible from abutting properties, and at least the minimum required setback and shall be installed in a sound insulated enclosure.”

This section clearly articulates the Town of West Tisbury's intent to protect neighbours from unwarranted and excessive noise from pool equipment in pool sheds.

Contrary to this bylaw, the Carney's proposed pool shed containing noise-producing equipment is sited almost on our property line. The Carneys own large acreage and there is an abundance of usable land near the pool and away from our property. Nevertheless, the proposed pool shed is sited at nearly the closest possible point to our home on their property. (The Carney's site plan omits showing the location of our home.)

Both our master bedroom and a guest bedroom are on the side of our home closest to the proposed pool shed. We do not have air conditioning in our home. The windows are open continually in the warmer months and we spend considerable time on our open front deck. The noise from the Carney's existing pool shed (which is located almost where the proposed pool shed would be) has bothered us for years, despite it being insulated. The noise is disruptive during the day and especially at night when it keeps us and our guests from sleeping. We have mentioned this problem to the Carneys on many occasions.

Furthermore, the proposed pool shed is significantly larger, taller, and has much larger air vents than the current pool shed. This indicates to us that the new pool equipment will likely be much larger and noisier than the existing pool equipment. The significantly larger air vents will also let more of the noise escape.

To eliminate unacceptable noise, any new pool shed should be sited on the Carney's readily available land and set back as "**as far as possible**" (see Bylaws) from our abutting property.

Objection – Denigration of Aesthetics at Our Property

In addition to the significant noise disruption, the construction of a much larger, taller pool shed almost on the property line will denigrate the appearance of our property. The noise and presence of the pool shed will be noticeable from the north side and front yard of our home.

Potential Remedy

As noted above, the Carneys own significant acreage and there is an abundance of open, usable land convenient to the proposed pool installation. The approximately 50-80-foot open space within the pool fencing area between the Carney's pool house (guest house) and their driveway is clearly shown on the site plan. The Carneys also have an existing mature, high row of rhododendron planted within the fenced area along our boarder.

If the proposed pool shed were sited on the Carney's side of the rhododendron hedge and close to their pool house, the noise disturbance from this equipment would be reduced and the proposed pool shed would not be visible from our property. The pool shed would still be convenient to the pool.

Summary

The Special Permit Application from Jeffrey and Carolyn Carney that will be discussed at the Zoning Board of Appeals Public Hearing on 2 February 2023 is non-compliant with the West Tisbury Zoning Board of Appeals Bylaws. Therefore, we request that it be rejected.

Thank you very much for your consideration.

Sincerely,

John and Judith Boynton

