

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

jboynton@boyntonconsulting.com

March 30, 2023

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

Boynton Additional Comments for March 30 Meeting Regarding 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,

Further to our letter of March 28, 2023, we wish to mention to the Board that as of Thursday, March 30 at 11:00am we have still not heard from or received updated revised plans from the Carneys regarding their proposed pool project.

Unfortunately, we will not be able to participate in the hybrid Board meeting this evening. We have submitted an objection letter regarding the Carneys' plan **515 carney – 2c site plan 20ft.pdf** which is attached to the Board agenda. However, we are very concerned that if the Carneys present any new revised plans to the Board later today or at the Board Meeting, we will not have had any time to review the revised plans thoughtfully and provide the Board with our comments. This seems contrary to the minutes of the Board's February 2 meeting that state:

"The applicant was encouraged to return with modifications requested by the neighbors, site the shed 50 ft. away, plan for an electric heat pump instead of propane in an opportune time for the neighbors to review it."

Thank you for your consideration of our continuing concerns and objections.

Sincerely,

John and Judith Boynton

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

March 28, 2023

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

**Boynton Comments for March 30 Meeting Regarding 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,

We note on the Board Agenda for the March 30 meeting that the Special Permit Application from Jeffrey and Carolyn Carney is scheduled for review. In early March, the Carneys provided us with their revised project plans referred to in the March 16 Board agenda as **515 carney – 2c site plan 20ft.pdf**. We reviewed these plans carefully and provided a letter to the Board on March 16 outlining our continuing objections to this revised “20 foot” plan. Our March 16 letter will be presented to the Board on March 30.

We also understood that the Carneys requested that their project review be continued to the March 30 Board meeting to give them time to rework their project plans. As of 10:00am on Tuesday March 28, we have received no updated plans from the Carneys.

We are very concerned that if the Carneys present new revised plans to the Board in the next 2 days or at the Board Meeting, we will not have adequate time to review the revised plans thoughtfully and provide the Board with our comments. This seems contrary to the minutes of the Board’s February 2 meeting that state:

“The applicant was encouraged to return with modifications requested by the neighbors, site the shed 50 ft. away, plan for an electric heat pump instead of propane in an opportune time for the neighbors to review it.”

Thank you for your consideration of our continuing concerns and objections.

Sincerely,

John and Judith Boynton

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

jboynton@boyntonconsulting.com

March 16, 2023

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

Boynton Objection to March 16 Version of 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 Carneys' revised proposal for a new pool, sauna and pool shed that will be reviewed by the Board on March 16 be rejected for several reasons. It does not comply with the West Tisbury Zoning Board of Appeals Bylaws Section 8.5-4. It is inconsistent with the Board's encouragement to the applicant at the 2 February Board meeting. In addition, we feel it does not adequately address our continuing concerns about unacceptable noise and visual impacts from the proposed pool shed on us and our property.

Background

The Carneys provided us with a revised site plan and pool shed drawings that we understand will be presented at the March 16 Board Meeting. We were frustrated that this was the third version of the Carneys' project proposal where the pool shed was sited significantly less than the 50 feet minimum setback requirement in the above-mentioned Bylaws. After reviewing these revised plans in detail, we initiated a phone conversation with the Carneys on March 7, 2023 to express our concerns and objections.

Based on our review and phone discussion, it is our understanding that:

1. The Carneys are not proposing to use an electric heat pump to reduce noise because they feel it is inefficient to run and will not heat their pool quickly enough.

2. The Carneys are not considering locating their proposed pool shed any further than 20 feet from our property line although they have sufficient usable land to do so.

3. The Carneys are not considering moving the proposed pool shed to an open area between their guest pool house and driveway (50 feet from our property line), because they are reserving that area for their future personal enjoyment. They are also not considering moving the proposed pool shed to other usable open land around their pool area that is 50 feet back from our property line.

4. The size of the proposed pool shed has been increased from 120 square feet to 150 square feet.

We advised the Carneys that we continue to have real, significant concerns about the siting of their proposed pool shed. The basis of our continuing concerns and objections is outlined below.

Objection - Unacceptable Noise Level

The proposed pool shed is much larger than the existing pool shed (nearly triple the size) and will contain significant noise-producing equipment for a proposed expanded pool and spa complex. The design of the proposed pool shed will include four 2-foot by 2-foot louvers for air circulation which will let a large amount of noise to escape. It is our understanding that the Carneys are not proposing to use an electric heat pump to reduce the noise.

While the March 16 revised proposed location of the pool shed is somewhat further away from our master and guest bedrooms than the Carneys' prior proposal, it is still very close to our home which has bedrooms on that side of the house. Our house is not air conditioned; therefore, our windows are generally open during the warmer months of the year. Noise from the proposed pool shed would disrupt our internal environment.

The March 16 proposed location also places the pool shed extremely close to our front yard, gardens, the entrance to our house and main driveway parking area. Hence, unacceptable noise from the pool equipment would be present, audible, and unpleasant when we enter or leave our house, greet guests, or work in the yard.

Furthermore, the Carneys already have a large unenclosed, uninsulated air conditioning unit (not shown on their site plan) located within three feet of our property line and about 20 feet from their proposed pool shed location. This air conditioning unit runs during all the warmer months to cool their guest pool house and currently bothers us continually in our home (especially the guest bedroom and screened porch), gardens, entrance pathway, driveway entrance and parking area with its noise. By adding the proposed noise producing pool shed within 20 feet of our property line and very close to the Carneys' existing air conditioning unit, it would compound the unacceptable noise that impacts us and our property.

The Carneys also know that we are avid gardeners who work (quietly, by hand) in our gardens regularly during three seasons of the year. Our main perennial, herb and specimen tree and plant gardens are located in our front yard and along the entrance path and driveway right along the property line. (For example, there is an approximately 10-foot-wide, 50-foot-long garden just on our side of the property line in the area where the Carney's proposed pool shed is now sited). The March 16 proposed siting of the Carney's pool shed would produce even more continuing, unacceptable noise in our cherished gardens and front yard where we spend the majority of our outdoor time.

Lastly, the Carneys have indicated to us that their March 16 pool shed proposal would require the permanent removal of a very significant portion of their existing rhododendron hedge. We estimate that up to a 25-foot-long section of the hedge would need to be permanently removed in its entirety to prepare the site and install a 15 foot by 10-foot pool shed (with appropriate air circulation) as they propose. Replacement of the removed hedge section with a very large noise-producing pool shed would further compound the noise impacts of the proposed pool shed in a prominent, important area of our property close to our house. While some replacement plantings behind the proposed pool shed on the Carneys' side of the property line may be possible, it would take years for these plantings to provide noise reduction or screening value.

Objection – Denigration of the Visual Aesthetics of Our Property

Our main objection to the Carneys proposed pool shed sighting is unacceptable noise. However, it would also have a negative visual impact on our gardens, entrance pathway, driveway entrance and parking area.

The March 16 proposed 150 square foot pool shed is significantly larger and taller than the existing pool shed, and larger than the Carneys' 120-square-foot previous proposal. Its proposed height is 9.5 feet, about 2-3 feet taller than the existing pool shed.

The March 16 proposed location would place this large pool shed near our gardens, entrance pathway, driveway entrance and parking area where we spend considerable outdoor time and greet our guests. Removal of a large section of the Carneys' rhododendron hedge would further increase the pool shed's negative visual impact on us.

Potential Remedy/Conclusion

We request that the Carneys' March 16 proposal be rejected. If approved, we request that it be conditioned on the proposed pool shed being sited at least 50 feet from our property line in accordance with the West Tisbury Zoning Board of Appeals Bylaws and consistent with the Board's encouragement to the applicant at the February 2 Board meeting. It can be seen from the site plan that the Carneys could comply easily by simply moving the proposed pool shed between their driveway and existing guest pool house or to the north side of the expanded pool complex. A 50-foot setback from our property line would also allow retention of the entire mature rhododendron hedge rather than compounding the unacceptable noise and visual impact of the Carneys' proposed pool shed by the removal of up to a 25-foot-long section of the hedge in its entirety.

Lastly, we request that the Board require an electric heat pump (rather than propane) be used in any approved pool shed proposal given the negative impact of noise producing equipment in our rural environment.

Thank you very much for your consideration.

Sincerely,

John and Judith Boynton