

Case # 8-2021  
Date Filed: 4 February 2021

DECISION OF THE ZONING BOARD OF APPEALS  
ON THE REQUEST FOR A SPECIAL PERMIT

Owner/Applicant: Jean M. Walshe  
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At a meeting held remotely via Zoom on Wednesday, 3 March 2021, the Edgartown Zoning Board of Appeals voted unanimously (5-0) to grant a special permit under section 10.1 G of the zoning bylaw to allow the construction of a of a swimming pool and pool cabana on a preexisting, nonconforming lot located at 14 Shurtleff's Way (Assr. Pcl. 20B-22.1) as shown on the site plan dated 7 January 2021 by Vineyard Land Surveying & Engineering and on the floor plans and elevations submitted by Sullivan & Associates dated 22 December 2020. The Board reviewed the application, the plans, and all other materials and information submitted prior to the close of the public hearing. The board received and gave due consideration to the testimony given at the public hearing [See Record of Proceedings].

FACTS:

1. The property is a preexisting, nonconforming 11,800 sq. ft. lot in the R-20 Residential District.
2. The property is in a neighborhood of similarly sized lots that have been similarly developed, although it is adjacent to the R-5 Residential District, which is characterized by smaller lots.
3. There are several pools located in the neighborhood.
4. The current application is a redesign of an earlier proposal that was withdrawn in order to attempt to address concerns raised by some abutters.
5. The applicant has reduced the size of the proposed pool and brought it closer to the main residence. The cabana has been reduced in size and relocated. The applicant has also relocated the outdoor shower, limited seating to one area, and placed the pool equipment in a fully enclosed basement space under the cabana - all in an attempt to locate the structures and activities as far as possible from her neighbors.
6. The applicant intends to maintain the current dense plantings along the sides and rear of the property, and has proposed the installation of a sound-attenuating fence to further augment noise reduction and protect privacy.
7. There will be no exterior lighting in the pool area, other than that mandated by the building code.
8. There was no opposition to the project from town boards or departments. Three out of four direct

abutters were in favor of the project, and many others in the neighborhood either wrote or spoke in support.

9. Several abutters on Silva Lane did not support the project citing noise, light pollution, neighborhood character, and environmental concerns.

FINDINGS:

The board finds that the proposal - as revised - complies with the provisions of 10.1 G of the bylaw for the following reasons:

1. The applicant has designed the project in such a way as to minimize both noise and light pollution, primary concerns of the neighbors.
2. Because of these measures, the board has determined that the project will not be substantially more detrimental to the character of the neighborhood as a whole.
3. The proposal meets or exceeds all setback requirements of the R-20 district.

CONDITIONS:

No additional conditions were placed on this permit.

This decision of the Board of Appeals and a record of proceedings are on file in the Zoning Board office and in the office of the Town Clerk, Town Hall under Case No 8-2021.

Zoning Board of Appeals,

Lisa C. Morrison, Assistant

Note: This decision was filed in the office of the Town Clerk on 12 March 2021. Appeals, if any, should be made pursuant to Section 17 of Chapter 40A of the Massachusetts General Laws and should be filed within 20 days of the filing of this decision in the office of the Town Clerk.

\_\_\_\_\_2021

I hereby certify that no appeal has been filed in the twenty-day period following the date of filing this decision.

Attest: \_\_\_\_\_