

Case No. 31-21  
Date Filed: 29 June 2021

### 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 Troy Bettencourt for a special permit under section 10.1 G of the zoning bylaw to install a swimming pool and pool equipment shed on a preexisting, nonconforming lot located at 4 Evelyn Way (Assr. Pcl. 29A-95) in the R-20 Residential District.

1. On 29 June 2021 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 2 July and 9 July 2021.
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 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, 21 July 2021 at 4:45 p.m. the hearing was opened and held via Zoom. The following board members were in attendance: John Magnuson - acting Chair, Nancy Whipple, Pam Dolby, Julia Livingston - alternate, and Robin Bray - alternate. Doug Hoehn was present for the applicant. The owners Troy and Donna Bettencourt were also in attendance.

Mr. Hoehn explained that the property, which is just off Clevelandtown Road, has been in the family for quite some time. The lot is nonconforming at 10,210 sq. ft., in R-20 where 21,780 sq. ft. is required for a conforming lot. The applicants recently received a special permit to construct a replacement dwelling on the property. The proposed pool was on the plan, but was not noted in the application. In any case, the location of the pool has since been revised because of changes to the bylaw affecting front setbacks.

The proposed pool is 30 x 14 with a saltwater filtration system. The equipment shed is 5 x 5 and soundproofed. Additional plantings are proposed and shown on the plan. No additional exterior lighting other than that mandated by the building code is proposed.

Mr. Bettencourt added that a bluestone patio will surround the pool. Mr. Hoehn noted that there are other pools in the neighborhood.

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. There were no letters from any abutters. There was no one in the audience who wished to comment either pro or con.

As no rebuttal was necessary, Mr. Tomassian closed the public portion of the hearing for discussion by the board.

Ms. Whipple made a motion to grant the special permit. She said she found the proposal to be in harmony with the general purpose and intent of the bylaw. She noted that there were no objections to the proposal from any town boards or from any abutters. She said she did not believe that the project would be detrimental to the neighborhood and noted that the pool equipment will be located in a fully enclosed, sound-proofed shed.

Ms. Dolby seconded the motion and voted to approve the project for the same reasons. Ms. Bray, Ms. Livingston, and Mr. Magnuson also voted to approve the project by a roll-call vote. Unanimously approved: 5 - 0.

Respectfully submitted,

Lisa C. Morrison, Assistant