

Case No. 37-23
Application filed: 3 October 2023

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 relating to the request by Valdemar Batista under section 10.1 G of the zoning bylaw to construct a 12 x 26 in-ground swimming pool and an 8 x 12 pool equipment shed on a preexisting, nonconforming lot at 51 Twentieth Street South (Assr. Pcl. 11-17) in the R-20 Residential District.

1. On 3 October 2023 the hearing notice, 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 6th and 13th of October 2023.
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, 25 October 2023, the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chair, Pam Dolby, Thomas Pierce, Carol Grant and Robin Bray - alternate. Chairman Tomassian opened the hearing and read the necessary requirements for conducting remote meetings in compliance with both the Governor's order and the Open Meeting Law.

Chris Miller and Raphael Nogueira from Millers Professionals were present for the applicant, as was attorney Eric Peters. The applicant, Valdemar Batista was also present. Mr. Miller began by noting that Mr. Batista has owned the property since 2019 and has been constantly improving the house. Mr. Miller said that once improvements to the house were completed, Mr. Batista promised his kids a swimming pool.

Mr. Miller said that Mr. Batista is proposing to install a 12 x 26 fiberglass pool, which will meet all setbacks. The pool will have a maximum depth of 5'6". The 8 x 12 equipment shed will be fully insulated to mitigate any noise from the pool equipment.

[Mr. Batista's application was accompanied by a narrative that explained his reasons for wanting a pool and his assurances that it would not only fit in with the neighborhood but enhance it as well.]

Mr. Tomassian asked if there were any letters from town boards or departments. There were none. Six letters from nine abutters were read: Francis Fisher III of 46 20th Street South, James & Jessica Boyle of 33 20th Street South, Mark & Melinda DeFeo of 17 20th Street South, Norman & Celeste Stickney of 65 20th Street South, Flauber Souza of 75 20th Street South and Jacob Cardoza of 21 20th Street South were read. All had reviewed the plans and were in full support of the project.

Mr. Tomassian asked if there was anyone present who wished to speak in favor of the project. Judy Soules said that she loves what Mr. Batista has done with the property. She said that the Batistas are neat and quiet neighbors whose children are well behaved. She said she loves to walk by the property. She said that Mr. Batista is respectful of the neighbors and the neighborhood.

There was no one present who wished to oppose the project and there were no letters of objection.

Attorney Peters commented that section 10.1 G 6 of the bylaw allows the board to grant permission for the pool after finding that the proposal will not be detrimental to the neighborhood. He also noted that the property has privacy fencing and additional fencing will be added as necessary to comply with pool regulations.

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

Ms. Grant said she was fine with the proposal and appreciated that the applicant had already specified that the pool equipment would be fully enclosed in a sound-proofed structure. She said she also appreciated that the applicant had done his homework and shown the plans to his neighbors.

Mr. Pierce agreed and said he was impressed with Mr. Batista's efforts to get his neighbors on board and with his narrative, where he laid out his reasons for wanting the pool.

Ms. Grant made a motion to approve the project, saying that she found the proposal to be in harmony with the general purpose and intent of the bylaw. She said she found the site to be appropriate, noting that all the proposed structures met the setback requirements. She also noted that the applicant had the strong support of many of his neighbors. She said she did not believe that the project would have a negative effect on the neighborhood.

Ms. Dolby seconded the motion and voted to grant the special permit for the same reasons.

Ms. Bray, Mr. Pierce, and Mr. Tomassian also voted to grant the special permit for the same reasons.

Respectfully submitted,

Lisa C. Morrison, Assistant