

Case No. 15-21
Date Filed: 29 March 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 Jim Petrillo d.b.a. D.H. LLC for a special permit under section 10.1 G of the bylaw to construct a swimming pool and equipment shed on a preexisting, nonconforming lot at 21 Down Harbor Road (Assr. Pcl. 36-324) in the R-60 Residential District.

1. On 29 March 2021 the application, a true copy of which is marked "A," was presented to the Town Clerk.
2. In addition, an advertisement, a true copy of which is marked "B," was published in the Vineyard Gazette on 2 April and 9 April 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 April 2021 the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian – Chairman, Carol Grant, Nancy Whipple, John Magnuson, and Pamela Dolby. Chairman Tomassian introduced the board members and read the necessary requirements for conducting remote meetings in compliance with both the Governor's order and the Open Meeting Law.

Reid Silva was present for the applicant - who was also present. The applicant would like to construct a 20 x 40 pool on a preexisting, nonconforming 40,000 sq. ft. lot in R-60, where an acre and a half is required for a lot to conform. No pool house is proposed, just a 12 x 12 sound-proofed pool-equipment shed. Mr. Silva noted that they made some minor adjustments to the plan to accommodate abutters John & Russ Etherington: they have added screening on the west side of the property to enhance privacy and they have moved the pool-equipment shed from the west side of the property to the east side. Both the pool and the equipment shed meet setbacks. No additional patios or decks around the pool are proposed.

Chairman Tomassian asked if there were any letters from town boards or departments. There were none.

A letter of approval from the Down Harbor Association was read. A letter of concern from Eileen MacElroy and Patrick Bowler, abutters at the rear of the property, was also read. Ms. MacElroy requested that the pool be shifted so that it would be further from their property line. It is currently right at the setback line. Ms. MacElroy suggested that the pool could be moved closer to the house if it was rotated 90°. Ms. MacElroy asked for additional details on the proposed screening at the rear of the property and commented that Mr. Petrillo had completely cleared the rear of the property of trees without consulting the association or his direct abutters.

Russ Etherington, the abutter to the west, said that moving the equipment shed and the additional plantings proposed on his side had resolved his concerns and he had no additional comments.

Mr. Tomassian then closed the public portion of the hearing for discussion by the board. Ms. Grant was concerned that the abutter to the east, Thompson, had not had an opportunity to review the revised plan, which moved the equipment shed 25-feet from his property line.

Ms. Dolby agreed that she would like to hear from Thompson. She suggested that the applicant consider moving the pool to accommodate abutters MacElroy and Bowler.

Mr. Magnuson also thought the Thompsons should be notified of the change. Ms. Whipple agreed and thought it made sense to move the pool closer to the house and away from the Bowler/MacElroy property line.

Mr. Petrillo said that he prefers the pool location where it is. He said he did take Mr. Etherington's suggestion to move the shed and add vegetation. He said that he hears noise from the Bowler's second floor deck.

Ms. Dolby made a motion to continue the hearing until 5 May 2021 in order to give the Thompson's a chance to review the new plan. She suggested that the applicant reach out to the MacElroy/Bowlers and see if their concerns can be addressed.

Mr. Magnuson seconded the motion. Unanimously approved by roll-call vote: 5-0.

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On Wednesday, 5 May 2021 the board reconvened at 2:30 p.m. via Zoom. The following board members were present: Martin Tomassian - Chairman, Carol Grant, John Magnuson, Pam Dolby, and Nancy Whipple. Notice of the hearing was posted at the Town Hall and on the town's website.

Reid Silva of Vineyard Land Surveying was present for the applicant. Mr. Silva said that Mr. Petrillo had reached out to his neighbors but they have not yet had a chance to meet and review the plans. Mr. Silva said that he would like to withdraw the application until all parties are 'on the same page.'

Ms. Dolby made a motion to allow the applicant to withdraw the application. Ms. Whipple seconded the motion. Unanimously approved by roll-call vote: 5-0.

Respectfully submitted,

Lisa Morrison
Assistant