

Case No. 32-21  
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 Jim Petrillo d.b.a. 21 D.H.R , LLC for a special permit under section 10.1 G of the zoning bylaw to construct a 20 x 40 in-ground pool and a 12 x 12 pool equipment shed on a preexisting, nonconforming lot located at 21 Down Harbor Road (Assr. Pcl. 36-324) in the R-60 Residential District.

1. On 29 June 2021 the application, a true copy of which is marked "A," was presented to the Town Clerk and posted in the town hall.
2. An advertisement, a true copy of which is marked "B," was published in the *Vineyard Gazette* on July 2<sup>nd</sup> and July 9<sup>th</sup> 2021 and posted on the town's website.
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 4:00 p.m. the hearing was opened and held via Zoom. The following board members were in attendance: Martin Tomassian - Chairman, Pam Dolby, Nancy Whipple, Julia Livingston - alternate, and Robin Bray - alternate. Reid Silva of Vineyard Land Surveying was present for the applicant.

Mr. Silva reminded the board that this application was before them in April in as slightly different form. That application was withdrawn after several neighbors expressed concern.

In response, the applicant has moved the proposed equipment shed to the northeast corner, away from the Etherington property. Pool equipment will be fully enclosed in a sound-proofed Pine Harbor shed.

Mr. Silva said that in order to address neighbor Patrick Bowler's concerns, additional vegetative screening was proposed, as shown on the plan. A letter from Mr. Bowler approving the plan was included in the application package. Mr. Bowler is in the process of installing a pool on his property.

Mr. Tomassian asked if there were any letters from town boards or abutters. There were none. There were no additional letters from abutters.

Abutter John Etherington was present at the Zoom hearing and confirmed that all his concerns were addressed by the revised plan.

Mr. Tomassian thanked Mr. Silva for resolving the concerns of his client's neighbors and closed the public portion of the hearing for discussion by the board. No one had any questions or concerns.

Ms. Bray made a motion to approve the project as presented saying that she found the proposal to be in harmony with the general purpose and intent of the bylaw. She said she did not believe that the pool would be detrimental to the neighborhood, noting that there were no objections from any of the neighbors to the revised plan. She said she thought the pool was well sited on the lot and commented that there were other pools nearby.

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

Respectfully submitted,

Lisa C. Morrison, Assistant