

**Tim & Liz Moriarty
1 Hawk Valley Road
Chilmark, MA 02535**

April 23, 2024

Chilmark Zoning Board of Appeals
401 Middle Road
Chilmark, MA 02535

RE: Special Permit Application of 10 Overview Road, LLC (Map 18, Lot 88)

Dear Members of the Chilmark Zoning Board of Appeals:

We are year-round residents of 1 Hawk Valley Road, immediate abutters to 10 Overview Road. We are concerned about the project at 10 Overview Road, and the applicant's request for a special permit to build a swimming pool. We are particularly troubled that no screening is planned for this project.¹

At the outset of construction, large trees were removed from 10 Overview Road along our common boundary, which provided valuable screening between the properties. Thereafter, the grade of the area surrounding the new construction appears to have been elevated, and the basement foundation was built in such a way that it rises above the natural grade by several feet. While we understand that increasing the natural grade and building a 24' structure on top of an elevated basement may have afforded the applicant northerly and southerly water views, the result is a towering structure, with multiple large windows, achieved by what may be a violation of the Chilmark Zoning Bylaws.²

While it is not clear from the plans, the proposed swimming pool appears to be situated on an elevated terrace, on an open hillside. There is very little natural screening on 10 Overview Road. Our chief concerns are the intrusion of light and noise that will carry over from the pool and elevated terrace area. Additionally, the proposed location of the pool vault is just outside of the setback closest to our home. A large oak tree sits in the center of the stakes marking the pool vault's proposed location, meaning yet another source of valuable screening will be taken down. The few remaining trees that provide natural screening on 10 Overview should be preserved.

North Abel's Hill is a heavily wooded area, characterized by natural vegetated privacy buffers between homes. We are concerned that without adequate measures to mitigate light and noise, the proposal could be detrimental to the wooded, rural character of North Abel's Hill.

The pool could be more appropriately sited to limit its detrimental impacts on the neighborhood. A recently-built pool at 37 North Abel's Hill is appropriately couched between the house and the garage, surrounded by natural vegetation, in a depression, rather than on top of a hill. It is not intrusive, and is barely detectable from the public way. 10 Overview has a large expanse of

¹ See Application – Bylaw Review Summary, ¶ k: "Screening and Landscaping: There are no additional plantings being proposed in this application."

² See Chilmark Zoning Bylaw, Section 2.7 (defining "Maximum Height" as "The distance between the highest point of the structure [...] and the mean *natural* ground level on the perimeter of the proposed structure.")

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undeveloped wooded land behind the new dwelling, out of sight from the public way. Siting the pool in this location, instead of on the sloped, unscreened, open field in the front yard, would be more in line with preserving the character of the neighborhood.

We respectfully request that any special permit be conditioned on the applicant providing adequate natural vegetative screening to reduce light and noise pollution from the pool and terrace. We also request that the applicant situate the pool vault closer to the dwelling, and that this Board condition any special permit on its sound-proofing. We feel that such conditions are necessary to preserve the special character of the neighborhood, and would be in harmony with the Bylaw's purpose of protecting "the unique natural, historical, ecological, cultural, scenic and other values of the Town."

Respectfully,



Tim and Liz Moriarty



Sally Anderson, Trustee
White Oak Nominee Trust, owner of
1 Hawk Valley Road

cc: Adam Petkus, Building and Zoning Inspector

April, 17, 2024

To Whom It May Concern,

I am an abutter to a property in Chilmark, specifically Abels Hill. The project address is 10 Overview Drive.

I am writing to express my, and my brother's, concerns regarding noise attenuation.

10 Overview Drive's front yard, where the pool is being located, is a wide, open field with a downward slope right into our backyard.

Our hope is that there is some plan to add plantings or something else which might reduce the way sound travels.

I also plan on attending the Zoom meeting next Thursday.

Regards,

Jim Kenyon

49 North Abels Hill Rd.



RECEIVED
APR 19 2024
Chilmark Town Hall

Ann C. DeWitt
7 Overview Road
Chilmark, MA 02535
9/20/2023.

Chilmark Zoning Board of Appeals
C/O Alison Kisselgof-akisselgof@chilmarkma.gov

Dear Chilmark Zoning Board of Appeals,

I am writing regarding the special permit request for the swimming pool at 10 Overview Road, Chilmark, MA 02535. I am a year-round abutter to this property. It is directly in the view of my home.

This large project directly affects my home for a number of reasons:

- 1) I am concerned about noise and light from both the new home with its large windows and now a pool to be sited in the middle of what was once a sloping natural field. The level of my second floor and master bedroom are almost exactly at the height of their previous deck and on summer nights the sound and light from the previous home would carry into my house. The terrace and lower level will again be almost equal to my home level. I have spoken out the window or called to the owner to please have their company move inside during the wee hours of the night. This is a quiet neighborhood and there are at least 4 abutters to this property. The adjacent neighbor also has tenants that I know have been affected by the noise and have felt awkward about calling. I realize there is a sound ordinance in Chilmark but calling the police would only be my final option and not necessarily a neighborly gesture. I would also kindly ask that no outdoor sound system be put in around the pool. The owners do have a history of renting their home.
- 2) My other concern is the drainage change this project may cause. The run off from this project and hillside comes onto my property because of the way Overview Rd is curved and sloped. The run off goes directly into the lower end of my driveway and behind my garage. This is not unique to the winter season of 2023-2024. The sides of Overview Road have become eroded from this problem. I fear the large excavation done for the house and now proposed for the pool could seriously exacerbate a future drainage problem. I would like the board to take this into consideration when reviewing the plans to adding a swimming pool to the natural hillside. I am also especially concerned about pump down from the pool at the end of every season which is noted in the Vineyard land Surveying documentation that accompanies this request. Where will this water go?

There is no screening plan, landscape plan, or pool plan submitted for this project. Before we proceed, I think it is fair to ask for the pool drawings and landscape plans before the Board considers this project.

Sincerely, Ann DeWitt

Wendy Bujak
PO Box 1479
West Tisbury, MA 02575

April 28, 2024

Chilmark Zoning Board of Appeals
% Alison Kisselgof
401 Middle Road, PO Box 119
Chilmark, MA 02535

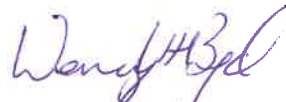
Subject: 10 Overview Road, Chilmark, MA

I am writing this letter in regard to the proposed pool located at 10 Overview Road, Chilmark, MA. I am an abutter and have property located at 15 Overview Road on Abel's Hill in Chilmark. I am also writing on behalf of my siblings and daughter who spend time at 15 Overview Road.

We are very concerned about the location of the proposed pool. We don't see any plans to mitigate the noise and light that will come from this pool. The plans show the proposed pool to be located in the front of the house and situated in an open field. As a next-door neighbor, this directly impacts me and my family.

Our hope is that the zoning board takes our concerns into consideration before letting this project move forward.

Sincerely,



Wendy Bujak
PO Box 1479
West Tisbury, MA 02575