

Alison Kisselgof

From: Chris Alley <calley@sbhinc.net>
Sent: Tuesday, May 25, 2021 2:40 PM
To: Alison Kisselgof
Subject: Shanus-Merkel Special Permit modification - 17 Howell Lane - Assr Pcl 27-3
Attachments: Shanus-Merkel revised site plan 5-25-21.pdf

Alison:

See attached pdf of revised site plan and architectural drawings. The proposed expansion is 4'x22'=88 sq ft but the additional "Living Area" only shows up as a 48 sq ft expansion of the proposed second floor office. (On the basement and floor levels the expansions are not interior, they are basement walkout and first floor screened porch expansion).

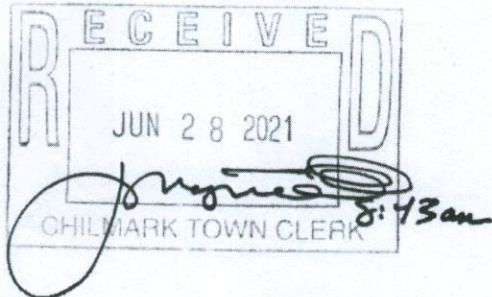
I have adjusted the square footage numbers on the site plan in green.

The Con Com has approved this revision as minor and not rising to the level of needing to re-open the hearing. Kara has written an amended Order of Conditions

Call me with any questions. think Tracey Smith from our office will Zoom in on Thursday

Thanks

Chris



Chilmark Board of Appeals
NOTICE OF DECISION ON SPECIAL PERMIT (4-PAGES)

Owner: Stephen Merkel and Robin Shanus, Trustees of Magnolia Realty Trust

Applicant: Chris Alley, Schofield, Barbini & Hoehn

Address: 17 Howell Lane

Map: 27 Lots: 1.3, 3

Date: August 28, 2019

A petition under Chilmark's Zoning By-Law Article 4 Section 4.2A1; Article 6 Section 6.11 and Article 11 Section 11.6B was filed by Chris Alley of Schofield, Barbini & Hoehn for Steven Merkel and Robin Shanus. The applicant seeks permission to construct an 800 sq. ft. guesthouse under Article 4 Sec. 4.2A1; tear down and build a new single-family residence and build a pool house for the existing pool. Under Article 6 Section 6.11 the total living area for the new house is 4,443 sq. ft.; the guesthouse has 835 sq. ft. of living space and the pool house has 266 sq. ft. of living space for a total of 5,544 sq. ft. The amount of living space requiring a Special Permit for ten-acres is 5,250 sq. ft. The total maximum living area allowed with a Special Permit is 7,750 sq. ft. Under Article 11 Section 11.6B the project is replacing structures within 100 feet of a wetland draining into a coastal pond. The application was heard at a duly posted public hearing held on August 28, 2019. The Board voted unanimously with five in favor to approve the petition and revised plans dated 8/28/19 as presented with the following special conditions: 1. The only access to the pool house shall be from inside the pool enclosure. 2. The only access to the storage shed shall be from outside the pool enclosure. 3. All construction vehicles shall only access the site via Howell Lane and shall not use the alternative from the lower spur of Pease's Point way to Marjo's Way unless Howell Lane is impassable. 4. As offered by the applicant, a de-nitrifying septic system shall be installed for the main house needs. 5. The power needs for the guesthouse and pool house shall be added to the existing green energy program that is utilized for the built-in pool. 6. As outlined in the narrative for Section 6.11, point # 11, the recycled waste materials handling shall be included in the general contractor's construction contract.

The following summarizes the Board's assessment for each of the thirteen criteria outlined in Section 6.11: *1. The project, when complete, would be visible, including during the winter, from public ways, water bodies, cemeteries and neighboring properties, and if so whether:*

a. OK: the impact of the project on the existing rural, scenic character of the site and the surroundings has been mitigated through building siting, building design and landscape design;

- The proposed main house is sited over the footprint of the existing house which helps to both minimize impacts on the topography and maintain a setback from Howell lane.
- The proposed pool house is positioned directly adjacent to the existing pool at the Northeast, the corner most remote from the view shed. Its proposed roof is a low slope garden roof, which is intended to mitigate its presence in the landscape. The program replaces existing gable structures to be removed that were located within the 100' wetland regulated area.
- The proposed guest house is tucked away to the North side of the site, downslope from existing structures, and outside the view shed. It is within the existing deciduous tree line, and behind the existing field stone wall.

b. OK: the project retains natural buffer areas or, where that is impracticable, provides sufficient landscape screening; and

- All grading is designed to protect root systems of existing trees.
- The project retains all natural buffer areas on the site including the existing hardwood and evergreen trees behind the house.

c. OK: the project minimizes the impact of exterior and interior lighting on the surrounding area and minimizes glare from windows or other reflecting materials incorporated in the project;

- All site lighting is designed to meet Chilmark Bylaws Article 5 and to utilize low canopy down lighting
- The design employs shading and louvers to minimize glare from glazing, particularly on the west side of the house

2. OK: The project protects the natural features of the site and retains the natural landscape of the site after completion of construction;

- The design retains the natural landscape, and tree cutting is kept to a minimum, limited to small caliper trees. Our current estimate is that approximately 8 trees will need to be removed.

3. OK: The project avoids altering the natural landscape, minimizes the size of lawns and recreational facilities, uses native species for landscaping, and retains natural vegetation on slopes;

- The proposed finish floor of the Main House is 2'-0" lower than the existing finish floor in order to bring the terrace closer to existing grade.
- The proposed landscaping uses native species and retains natural vegetation on slopes.
- Existing topography is maintained, and no new lawns or recreational facilities are created.

4. OK: The project minimizes grading alterations and executes grading and excavation so that the contours of the land are the same following construction as those previously existing on the site and adjacent to it;

- The house sits on an existing knoll. Where retaining walls are necessary for basement access, the impact on the grade is minimized and the position is designed to save existing trees.

5. OK: Roads and other ways are designed to curve to fit the landscape and permit shared driveway entrances where possible;

- The design uses existing drives for access to parking and extends the existing east drive slightly for access to guest parking. Drives are screened by existing tree buffers which are maintained.
- The parking areas use pervious materials.

6. OK: The project maintains the visual integrity of ridge lines by keeping construction below the ridge line and at least 10' below the average height of the existing trees on wooded ridges and hilltops on the lot;

- The roof ridge heights of the proposed structures abide by Article 6 Section 6.2 of the Chilmark Bylaws.
- With the exception of the low pool house structure, the proposed architectural language seeks to refer to barn and agrarian structures, gable barns and sheds typical to the area.
- The proposed structures are all lower than trees in adjacent buffer zones.
- The additional square footage requested is housed within the same volume of the building in the attic of the gable.
- Please also note that Robin Shanus and Stephen Merkel own the following parcels: Assessor Parcel 27-3 and Assessor Parcel 27-1.3, two contiguous lots totaling 10 acres, as well as Assessor Parcel 27-1.2, a noncontiguous conservation lot of 2.4 acres.

7. *OK: In open land, buildings are sited behind fields against the backdrop of adjoining woodlands;*

- All proposed buildings are sited behind fields and against the backdrop of adjoining woodlands.

8. *OK: The project preserves and protects natural features of the site such as scenic points, water courses, large trees, historic spots, traditional stone walls and similar community assets;*

- The proposed retaining wall for the parking area to the south of the site is positioned to minimize impact on existing trees.
- Approximately 20ft of the existing 260ft stone wall is to be incorporated into the foundation of the guest house.
- The existing stone wall running east/west is to remain untouched.

9. *OK: The project incorporates measures to reduce or mitigate excessive negative water quality impacts on ponds, wetlands and other water bodies both during construction and after completion;*

- Storm water run-off will be handled through on site mitigation techniques.
- Per the 7/14/19 Conservation Commission plan review and approved revised site plan dated 7/16/19, designated stockpile locations are called out such that they are not in the 100' wetlands or within 200' of the stream.
- Additionally, as shown in the 7/16/19 Site Plan, a silt fence is to be maintained throughout the shed roof replacement

10. *The power needs for the guesthouse and pool house shall be added to green energy program utilized by the pool equipment. The project is designed to minimize fossil fuel use such as by incorporating energy efficiency, conservation techniques, and using renewable energy sources.*

- The design includes insulated and air tight construction through passive house standards
- The project plans to use heat exchangers as a means of mechanical heating/cooling (air to air or ground source).
- The project uses shading devices to reduce solar heat gain from western exposure and has a green roof at the pool house.
- The owners, Robin and Stephen, participate in "Green Powered" and support renewable energy through the Green Energy Consumer's Alliance for both the pool and voluntarily for the residence. They plan to continue to do so in order to mitigate electrical energy consumption.

11. *The recycled waste materials handling shall be included in the general contractor's construction contract. In relation to its construction and possible eventual demolition, the project uses environmentally sound and sustainable design and building techniques.*

- The proposed house reduces operational emissions by incorporating passive house standards, uses renewable materials, and avoids plastic/petroleum based and sprayed-in insulation types to enable reuse of materials in the event of eventual demolition.
- All waste materials will be separated by type and components will be recycled and reused where possible.

12. *The project avoids significant adverse impacts on habitat, including:*

a. N/A: whether the project meets the requirements and/or recommendations of the Massachusetts Natural Heritage and Endangered Species Program (NHESP) if the project triggered its review; and

- Not applicable. The project does not trigger review by NHESP

b. N/A: if the project involves the clearing of more than one acre of NHESP Core or Priority Habitat, whether the project minimizes habitat fragmentation and has a defined development envelope limiting the disturbed area to the smaller of 35% or 2 acres of the designated habitat; and

- Not applicable. The project does not clear more than an acre of NHESP Core or Priority Habitat; see response in Section 2.

13. *OK: The project protects and preserves historical and archaeological resources.*

- The proposed house is sited over the footprint of the existing house to minimize impacts on the land.
- The program is organized around site features such as existing field stone walls.

IMPORTANT:

FIRST:

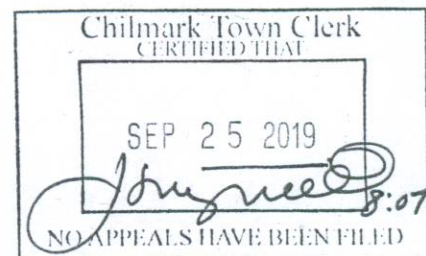
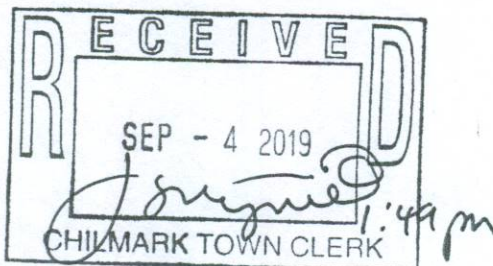
Any appeal from the decision of the Board of Appeals can be made only to the Superior Court for Dukes County or to the Land Court under Section 14A of Massachusetts General Laws, Chapter 240 and must be filed within twenty calendar days following the filing of the decision with the office of the Town Clerk, as evidenced by the date of the Clerk's date stamp and signature below, as provided in Section 17 of the Zoning Act.

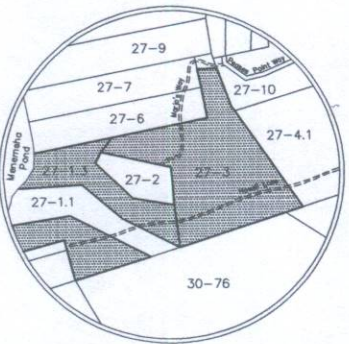
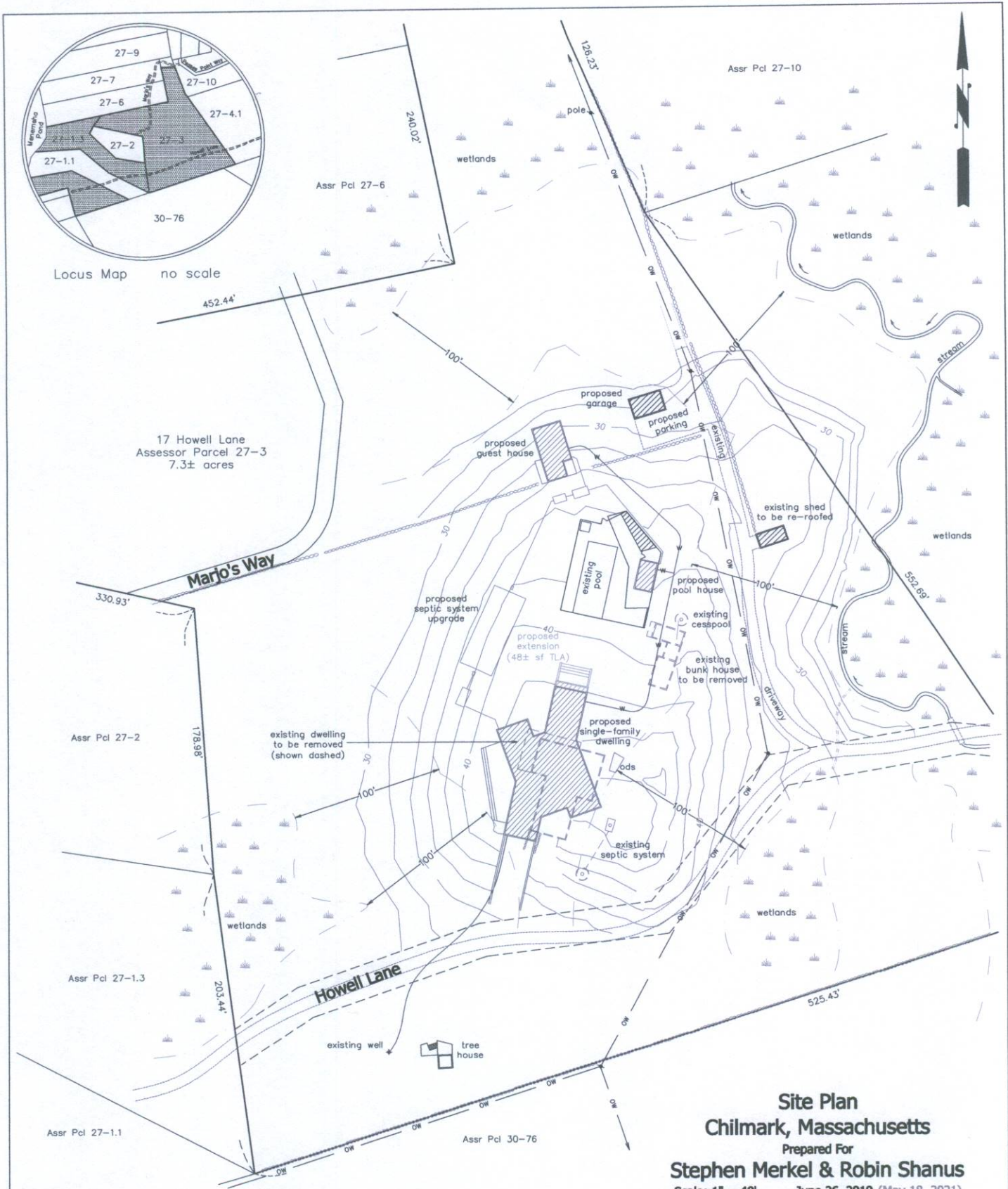
SECOND:

This Decision and any building plans approved by the Board of Appeals must be recorded in the office of the Recorder of Deeds and a record of the recording of both the decision and any building or other plans must be submitted to the Board of Appeals before a building permit may be issued. All plans to be recorded must be printed on 8 1/2" by 14" plain paper.

Chairman, Board of Appeals

Copies to Applicant, Town Clerk, Building Inspector, Planning Board, Board of Health, Tax Collector, Assessor, Selectmen and abutters





Locus Map no scale

17 Howell Lane
Assessor Parcel 27-3
7.3± acres

Site Plan
Chilmark, Massachusetts
Prepared For
Stephen Merkel & Robin Shanus
Scale: 1" = 40' June 26, 2019 (May 18, 2021)

Schofield, Barbini & Hoehn Inc. 
Land Surveying & Civil Engineering
12 Surveyor's Lane, Box 339
Vineyard Haven, Mass.
508-693-2781
www.sbhinc.net
MV 8614

- Notes:
- A. Wetlands delineated by Cooper Environmental Services, Inc.
 - B. Existing cesspool and septic system to be abandoned, pumped, and backfilled with clean sand
 - C. Existing footprint within 100' of wetlands: 62 sf - proposed footprint within 100' of wetlands: 21 sf
 - D. Applicable lot area (27-1.3 + 27-3): 2.7 ac + 7.3 ac = 10.0 ac
TLA allowed by right: 3500 sf + (7.0 ac x 250 sf/ac) = 5250 sf
TLA allowed by Special Permit: 6000 sf = (7.0 ac x 250 sf/ac) = 7750 sf
- Proposed TLA: Main House: 4491 sf
Pool House: 266 sf
Guest House: 835 sf
TOTAL: 5592 sf (342 sf or 6.5% above allowable by right)