

February 21, 2023

9 Moses West Road
Chilmark Mass. 02535

RE: PETITION FOR SPECIAL PERMIT – 138 STATE ROAD

Dear Chilmark Zoning Board members:

I am writing on behalf of my sister, Ellen Hollander, my brother, Jonathan Hollander, and myself, co-owners of 9 Moses West Road. We were notified last week of the proposed development at 138 State Road in Chilmark. The applicants are requesting a special permit to expand the property to a size that substantially exceeds the limits allowed by the Chilmark Zoning Bylaws. In addition, the applicants are proposing to install a large in-ground swimming pool and cabana within the Coastal District on a property that sits directly alongside Stonewall Pond. We are writing to oppose this application.

Regarding the size of the proposed development, Chilmark voters in 2013 passed a regulation that restricts the size of homes built in Chilmark based on the total size of the lot. This regulation was adopted, in my words, to preserve the rural character and natural beauty of Chilmark, and to avoid undue adverse environmental consequences. The regulation specifies a maximum living area of 3,500 sq. ft. on a three acre lot, with an additional 250 sq. ft. for every acre over three. According to the Town notice, the proposed development at 138 State Road would exceed the maximum living area limit by 876 sq. ft.

We can conceive of no acceptable reason why the Chilmark Zoning Board of Appeals would disregard the intent of the Chilmark voters and grant the requested special permit in regard to the total living area at 138 State Road.

Regarding the proposed 18' by 50' swimming pool and cabana, we also request that the application be denied. 138 State Road lies directly alongside Stonewall Pond, with an extended shoreline. For this reason, it is designated as a District of Critical Planning Concern by the Martha's Vineyard Commission and in the zoning bylaws of the Town of Chilmark.

Swimming pools are completely prohibited at locations within 100 feet of Chilmark's ponds, designated as the Shore Zone, and are only permitted under very limited conditions in the area immediately beyond that, defined as the Inland Coastal District. The northeastern portion of the swimming pool appears to lie precisely at 100 feet from Stonewall Pond. These factors require strict application of Chilmark's zoning regulations.

The intent of the bylaw that restricts development within Chilmark's Coastal District is described in Section 11.5 of the bylaws. The bylaw is intended to insure, among other conditions, that development in these districts:

- A. Will not result in undue water, air, land or noise pollution;
- C. Will not result in increased beach erosion or damage to the coastal ecology or wetlands;
- D. Will cause no damage to fisheries and shellfish;

- F. Will result in as little interruption as possible of public views overlooking the site, nor will it allow construction which is not in harmony with the landscape type;
- H. Will not result in a deterioration of the rural character of Chilmark by proliferation of accessory structures.

We believe that the regulation regarding development within the Chilmark Coastal District clearly indicates that the swimming pool proposal should be denied. However, if the Chilmark Zoning Board of Appeals ultimately decides to allow this project to proceed, significant modifications to the plan should be required.

Most importantly, the size of the swimming pool should be greatly reduced. In addition, the Zoning Board should require (a) that the pool be re-located further than 100 ft. from Stonewall Pond; (b) that the pool's visibility be screened from higher surrounding properties on all sides by appropriate natural vegetation; (c) that the Cabana be disallowed with the exception of space to enclose necessary pool equipment; and (d) that all appropriate measures are adopted to avoid the risk of environmental damage to Stonewall and Quitsa Ponds and the surrounding wetlands.

Sincerely,

A handwritten signature in dark ink, appearing to read "David Hollander", with a long, sweeping underline.

David Hollander, for
Ellen Hollander and Jonathan Hollander

To: Chilmark Zoning Board of Appeals

To be read at the meeting as we don't zoom, and we wish to be heard

Re: Proposed Construction at 138 State Road

My wife, Susan Jones, and I, Bruce Yaune, of 6 Eliot Ave., Chilmark are concerned about the impact the proposed plans for a pool and enlarged and additional buildings at 138 State Road will have on our neighborhood. We feel that a pool at this fragile location, mere steps from the pond and ocean, should be out of the question. Disallowed. Please see the letter we delivered to the Conservation Commission last week, a copy of which was also sent to you. It spoke to our concerns regarding overflow issues and overuse of our shared aquifer. In addition, the neighborhood noise level would surely be increased, with the pool and cabana noise carrying over Stonewall Pond, disturbing the neighborhood. Also, isn't there a rule about renovating in the footprint of existing structures so near water and boundaries? And the plans to enlarge the existing main house and add new buildings – isn't that overburdening that littoral property? Please protect this Stonewall area. We have all tried to do so for generations. Thank you for your consideration.

RECEIVED

FEB 22 2023

Town of Chilmark
Board of Selectmen
Front Desk

To: The Chilmark Conservation Commission & The Zoning Board of Appeals.

It has been an interesting experience being a phone participant during your recent meeting regarding the property at 138 State Road. Even though much time was spent involving other properties – it is clear you all seem dedicated and involved, and I thank you for your work.

However, after listening to Reed Silva who commented at great length about what your commissions' bylaws are not reflecting, and after talking with Kara Shemeth, I'm wondering why and how you all permitted an 18 x 40 ft. pool, patio etc. to be approved in fragile coastal Stonewall Pond littoral land. It is clear something is very wrong.

Kara explained that the Chilmark Conservation Commission only has power to protect the wetlands. How can this be so? Who then, tries to uphold the "rural character of Chilmark"? If you are only dealing with wetlands, then you should call yourselves the wetlands watch, or something to that effect. The Conservation Commission should have a wider scope – a more varied and inclusive mission statement. What of the rare black racer snake the Biodiversity Works group has tried to educate we dwellers by the pond who share that fragile space with these creatures? What about the churned-up destruction of the driveway and land as all these proposed plans are implemented? The noise dimension alone will be a terrific nuisance – or more – to humans and wild occupants who hang on around the ever increasing pressures of human encroachment.

It seems your commission, perhaps fearful of lawsuits, advises and adjusts until whatever the land "owner" wants, the land "owner" gets. It seems to me the "land" always loses. (Who really protects the land?) I was heartened to hear a "No" over a firepit at Squibnocket. Why can there not be a "No" for a proposed pool at Stonewall, steps from the pond and the sea? It just makes sense to say "No" during these challenging times of climate change, resource availability and over development.

Please revisit this entire plan. The reckless gouging of the earth to create a pool, patio, outbuildings and to enlarge an already existing large house should be stopped. When is enough enough, and who, what commission, can be the arbiter

for land protection over and above human vanity requests? Can the Chilmark Conservation Commission conserve more than wetlands?

Thank you for your time and attention. Some "glitch" occurred during the 3/16 meeting. I spoke to Kara of this. I was unable to respond to the rushed public comments portion of your meeting, as were fellow zoom watchers; none of us are in favor of this project.

March 21, 2023

Thank you,

Susan Jones 6 Eliot Ave,
Chilmark,

Bree Young 7 Summer St,
V.H.

March 29, 2023

To: The Chilmark Zoning Board of Appeals

From: Susan D. Jones
6 Eliot Ave.
Chilmark, MA

I'm writing to you members of the ZBA to urge a re-thinking of the 138 State Road project. I feel the need to give you some historical context. Roughly 20 years ago, the first house on the right of Eliot Ave. (#3) was a small 3 room cottage with a yellow door. We all called it "Yellow Door". It was owned by Marsan Beckhoff, and when she died it was bought by Julie Flanders. Julie rented it out for several years before selling it to the builder, Tom Tate, who then planned and built a "remodel" of that 3 room cottage into the behemoth it is today. He claimed to have left a wall up so it was considered a remodel and not a rebuild. All notices to the neighbors were delivered very late in the process, so we as a neighborhood, and even as individuals, were unable to affect any changes in those bloated plans.

I hired a lawyer who suggested I hire an hydrologist to investigate the water situation. I hired Craig Saunders. Alarmingly, his report stated that all of us, from Hariph's Creek Bridge to Squibnocket, share a single small aquifer. If all the planned water features were installed and utilized - depending on rainfall - we could all potentially run out of water in approximately 10 years of regular use.

Since then, other plans have been approved on other lanes who share this aquifer, and now an additional burden is planned at 138 State Road. Will this be the straw that breaks this camel's back?


The property that rims the pond at 20 Eliot Ave. has had salt water in their well. At one point the owners planned a lap pool - which was denied. Clean water in our proximity to the pond is a constant concern. We all test every year for salt and other contaminants.

However, when I took the hydrologist's report to the Board of Health, I was literally told that they would not have permitted Tate's plan had I gotten that information to them THE DAY BEFORE. I was one day late because we were given such short notice. The town is much better about notifications now, but back then it was suggested that I talk to Tate. He's a reasonable man, I was told. So I did. I told him it was one of the smallest cottages on the lane, situated gracefully on top of a high hill. Why bulldoze and dig down into the hill to make such a large remodel? He was rude and defensive, saying he was building his "dream house", and would live in it "for the rest of my life" and "**BUILD IT I WILL**". In truth, it was another of his spec homes - to be flipped - but it sat for years before anyone bought it. Fortunately, the current owners are environmentally conscious, although they did install rose and flower gardens that will no doubt need watering.

I know that was a different plan at a different time. We are now facing hotter, dryer summers, and all the ecological consequences associated with climate change. It seems ill-advised to permit such extensive and invasive plans in such a sensitive ecological area. On our side of Stonewall Pond, there has been a graceful simplicity that "more" does not improve upon. The luxury is the place itself; the alchemy, the magic is already there - no need to turn land into water by way of a pool. Generations of Kingfishers have furthered their numbers on the banks of that property, and the brush, which someone at the last meeting said could be easily "dispatched", is home to many other birds. The size and implementation of these proposed plans will disturb and displace much of what is lovely there. A new landscaping scheme will inevitably require more water use, as will refilling the proposed pool.

I urge you to ask the new owners to simplify and scale back their plans so less damage is done to an already beautiful place.

Thank you.


78 Summer St
Vineyard Haven, MA
02565