

Fran Demers
17 Hawk Valley Rd.
Chilmark, Ma. 02535

To the Chilmark ZBA

As part owner of the Gadd house at 322 South Road in the South Abel's Hill neighborhood immediately next to the Finkelstein house, I am asking that their proposed pool be denied.

There are plenty of pools on the north side of Abel's Hill but the lots are much larger, most being 3 acres or more so there is not a problem with noise or privacy. The south side however is broken into very small lots with houses in some cases built close to the lot lines and owners have been for the most part courteous and conscious of their neighbors privacy and try to keep the noise to a minimum. A pool unfortunately creates noise and carries across small areas, creating disturbance.

There is something to be said for the character of a neighborhood and the south side of Able's Hill has always been a quiet, peaceful place to live in the summer. A pool would change that and certainly for abutting properties.

This is not personal in that the Finkelsteins have been good neighbors on both the north and south sides of the Abel's Hill Association. It has everything to do with the physical aspect of a pool in a quiet and densely populated area.

Emily B. Gadd
322 South Rd.
Chilmark MA 02535

August 24th, 2021

To: Chilmark ZBA

Re: Finkelstein Pool Proposal

I am writing to oppose the proposed pool adjacent to the Gadd property located at 322 South Rd.

South Abels Hill has traditionally been composed of small dwellings on small lots. Although the size of the new houses has changed the size of the lots have not and will never change.

A pool will be a significant change to our now peaceful and quiet neighborhood due to the noise a pool will generate. It is simply not possible to screen with landscape to dampen the noise.

I am citing a decision from 2010 regarding a proposed pool on South Abel's Hill:

After extensive public hearings and litigation, on March 1, 2010, the ZBA denied the owner the special permit he sought and defeated his court appeal.

.. In finding that the proposed pool would be a "significant intrusion into the character of the neighborhood," and "not in the character of the neighborhood," the Chilmark ZBA expressly cited "the unique topography of the neighborhood, and specifically the [subject] property in relation to [its]..neighbors," the "significant intrusion of the structure into the character of the existing development of the neighborhood," which they described as "camps in natural settings with erratic boulders and open vistas." neighbor

to its immediate south. (Lot 215) In sum, in varying language, in denying the special permit, the ZBA found the proposal “not in the character of the neighborhood,” “causing a further change in the character of the existing neighborhood,” and “too much of an intrusion on the character of the neighborhood.”¹

I can only say that I oppose the pool for the above reasons.

Sincerely,

Emily B. Gadd

Trustee

E.S. Gadd QPRT

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¹ Chilmark ZBA Minutes, March 1, 2010.

August 25th, 2021

Dear ZBA members,

We kindly request that you consider denying the Finkelstein pool application.

Pools are noisemakers. If one stands on the western portion of the Gadd deck, directly outside the master bedroom, one is instantly made aware of the negative impact that a pool would have on the Gadd's quality of life. We worry that the Gadds would be hearing pool noise at all hours of the day and night. Sound carries easily in our neighborhood, not only because of the mostly small, non-conforming lots, but because of the slope of the hill, which creates an amphitheater-like effect. The proposed pool and cabana would only increase the noise problem, disturbing not just the Gadds, but other neighbors, as well. Planting trees might mask the pool, but would fail to solve the issue of noise. Placing the pool so close to the Gadd home, we believe, would seriously compromise the Gadd's ability to enjoy their property.

We would encourage the ZBA to arrange a site visit to the Gadd property, in order to understand more fully the project's negative impact.

Thank you.

Susan Scheuer and Jonathan Lipnick
7 Yardarm Lane
Chilmark, MA

PHILIP J. DEMERS
17 HAWK VALLEY ROAD
CHILMARK, MA 02535



Town of Chlmark
Zoning Board of Appeals

August 26, 2021

Re: Finkelstein Swimming Pool Application

For your consideration,

While apparently meeting the setback requirements for a lot of less than three acres, the proposed pool, in close proximity to other under sized lots, can be seen as a significant imposition upon the neighbors.

While not thinking about property values as part of my daily routine, a pool for the applicant would increase the value of that lot. I do not see how it could do anything but lower the values of abutting properties.

While the ZBA is an appropriate forum for this discussion it will be up to us on Abel's Hill to live with what ever decision is reached. If the application is denied I hope that we could move on peacefully. If it is approved I hope that the applicant would recognize the imposition and use the pool modestly with the intent of minimizing the noise and maintaining civil hours of use. Trees and landscape plantings do not block noise.

A technical question; How does one find a "non- resource area" for the dumping of treated pool the water at the time of Winterization and any subsequent one foot lowering of the pool because of rain and snow melt. A 20 by 54 foot pool lowered one foot is 1,080 cubic feet or 8,078.9611 gallons of water?

We all should be thinking about how to tread lightly upon the earth.

Thank you,

Phil

Michael F. Newbold
21 Cross Rip Lane
Chilmark, MA 02535
[REDACTED]

September 5, 2021

Dear Chilmark Zoning Board of Appeals:

I write this letter in support of Alex and Amy Finkelstein's application to build a pool on their Abel's Hill property.

Along with my wife Beth, I have been the owner on north Abel's Hill of 21 Cross Rip Lane for 12 years. Prior to that, I have been coming to Abel's Hill since the early 1970's, and since 1978 my parents owned 2 Wauwompauque Trail, which I now own with my siblings.

Based on my experience with Alex and Amy, I am confident they will be responsible pool owners and will not negatively impact the south Abel's Hill neighborhood. Enjoying the outdoors on Abel's Hill, whether it be gatherings of family and friends, hikes, tennis, games, or use of a pool, is what makes it such a joyful place, and in my experience those activities can be done without harming the character of the Hill as a neighborly and peaceful place.

Finally, while I am the current President of the Abel's Hill Association, I write this letter in my individual capacity as a member of the Association, not as an officer or a member of the Board.

Sincerely,

Michael F. Newbold

Michael F. Newbold

Alison Kisselgof

From: Solmssen, Topher [REDACTED]
Sent: Tuesday, August 31, 2021 1:17 PM
To: akisselgof@chilmarkma.gov
Cc: Alex Finkelstein
Subject: Support for the Finkelstein pool

Hi Alison-

I am the Trustee for the Buttercup Trust, which owns our family house at 334 South Rd, 50 feet across South Abel's Hill Rd from the Finkelstein home, and is part of the Abel's Hill Association.

Our grandfather built our house in 1954, when there were almost no other homes in the surrounding area.

There was no house at 4 Abel's Hill until Alex and Amy built their home 6 years ago.

The Finkelstein family has been very respectful neighbors, and a great addition to the Abel's Hill community.

We have not heard any more noise or activity since Alex and Amy moved in than we did prior to their house being built.

We are supportive of the Finkelstein's building a pool at 4 Abel's Hill, and do not expect it to impact the character of the neighborhood.

Sincerely,

Topher Solmssen

Topher Solmssen

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Pronouns: he, him

RBC Pride: I am an ALLY