



TOWN OF CHILMARK
CHILMARK, MASSACHUSETTS

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OFFICES:
Beetlebung Corner
Post Office Box 119
Chilmark, MA 02535
(508) 645-2110 Fax

To The Board of Appeals, TOWN of CHILMARK

January 11, 2023

The undersigned hereby petitions the Board of Appeals to issue a Special Permit under the terms of the Zoning By-laws of the Town of Chilmark:

Article 4, 6, Section 4.2A(3), 6.11(B)(2), & 11.6(A)2.d.
& 11

at the premises owned by (Owner of Record) Lenom House, LLC

at #138 State Road (street address),

Assessor's parcel MAP 33 LOT 16

In the following respect or any limitation, extension, change, alteration or modification of use, or method of use as may at hearing appear as necessary or proper in the premises.

State Briefly Reasons for Special Permit

Article 4, Section 4.2A(3) & Article 11 Section 11.6(A)2.d.:

To construct a 18' by 50' in-ground swimming pool and 9' by 22' pool cabana within the inland coastal district.

- Pool to be heated by airsource heat pump.
- Energy demand for pool and related equipment to be supplied by a proposed solar array.
- Pool equipment will be housed within a proposed 9' by 22' pool cabana.
- Pool enclosure will be a 4 foot high wood post and wire fence that meets the requirements of the referenced MA State Building code.

Article 6 Section 6.11(B)(2):

To exceed the Total Living Area limit by 744 SF.

- Allowable Square Footage Area (4.22 Ac. Lot) = 3,805 SF
- 5% Allowable addition w/o special permit = 144 SF
- Total Allowable Square Footage = 3,949 SF
- Total Existing Living Area: 3,321 SF
- Total Proposed Living Area: 1,504 SF
- Existing + Proposed Total Living Area = 4,825 SF

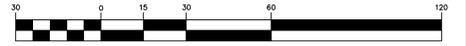
Petitioner Reid G. Silva
Reid G. Silva (Agent)

Address c/o Vineyard Land Surveying & Engineering, Inc.
P. O. Box 421, West Tisbury, MA 02575

Telephone Number 508-693-3774



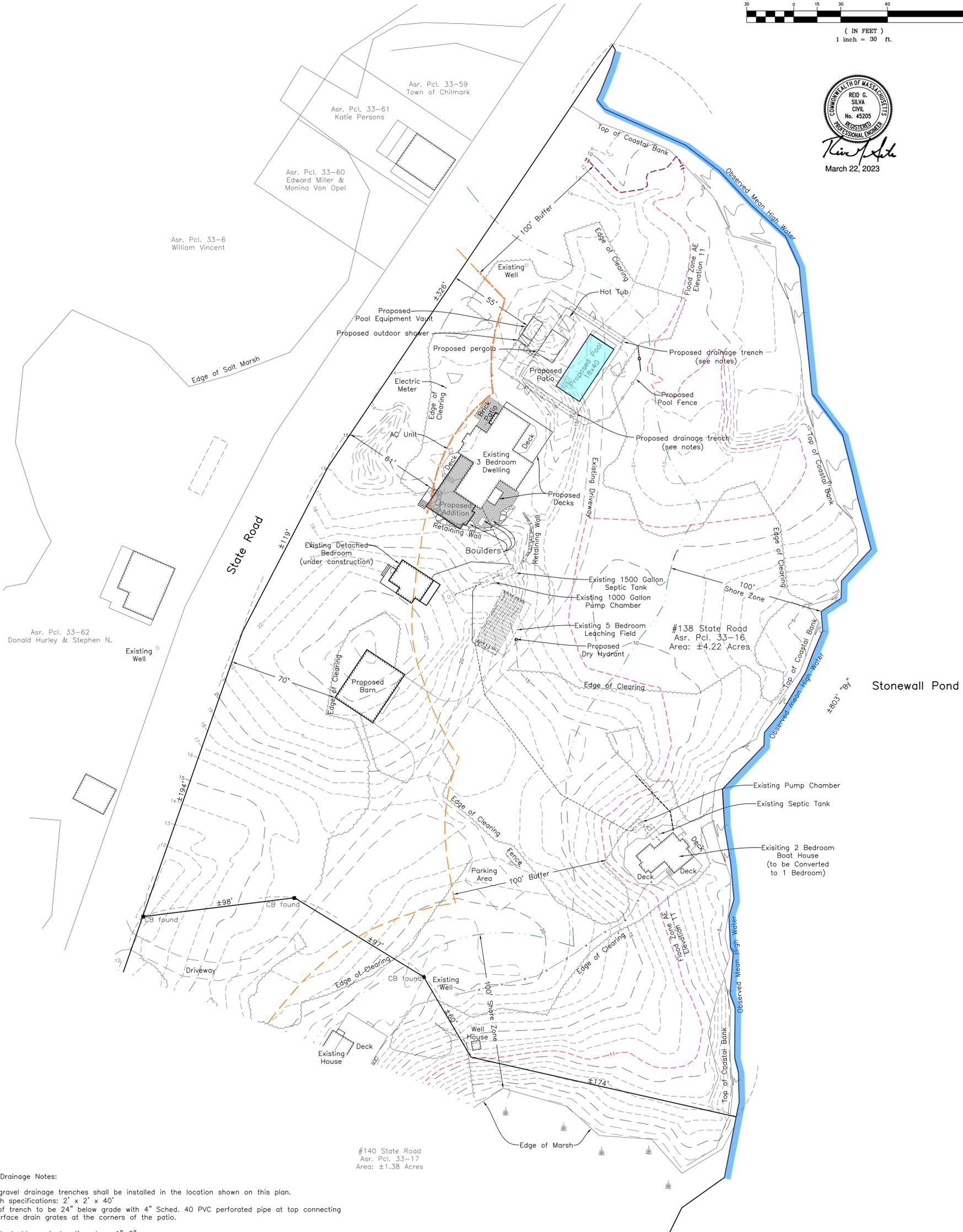
GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



Reid G. Silva
March 22, 2023



Pool Drainage Notes:

Two gravel drainage trenches shall be installed in the location shown on this plan.
Trench specifications: 2' x 2' x 40'
Top of trench to be 24" below grade with 4" Sched. 40 PVC perforated pipe at top connecting to surface drain grates at the corners of the patio.

Gravel: double washed native stone 1"-2"
Geotech filter fabric to be placed on top and sides of trench

Area of patio, pool and vault: ±2400 SF - ex. permeability ±1 FPD
existing drainage capacity: 2400 CFPD

Subsurface stormwater drainage system: permeability ±15 FPD
Area of gravel bed: 160 SF
drainage capacity = 160 SF * 15 FPD = 2400 CFPD

Elevation Datum: N.A.V.D. 88 (O.P.U.S.)
FEMA Flood Zone VE (EI = 12)

Zoning District: VI
Setbacks: 50' All Sides
* Setbacks to be confirmed by town official

Note: Locus lies within the Coastal District and South Road Roadside District.

Site Plan in
Chilmark, Mass.
prepared for
Lenom House LLC

Scale 1" = 30' December 14, 2022
Rev. 3/16/2023



**VINEYARD
LAND SURVEYING
& ENGINEERING**

12 Cournoyer Road
P.O. Box 421
West Tibbony, MA 02575
P 508-693-3774 F 508-629-0440
VLSE.net

May 23, 2023

ZBA Permit Considerations (Section 6.11(B)(2))

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. 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;

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

c. 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;

The site is visible from Stonewall Pond and Stonewall beach area. The addition to the house will be located within an existing patio area and will be set back significantly from the pond.

Vegetation and plantings around the house will help to screen and minimize the impact of the addition on the coastal district and roadside district. The vegetation adjacent to South Road will be preserved to provide screening to the road and privacy and sound attenuation for the property.

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

The addition to the house will be located within a patio/landscaped area with no change to an existing natural feature. The proposed garage/office has been sited to maximize separation to the pond and flood zones and will be constructed into an existing hill. The hillside will be re-graded slightly to adjust for floor/foundation heights but will maintain the natural character of a hill feature.

3. 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;

A landscape design prepared by Horiuchi Solien Landscape Architects has been provided with this application. No additional lawn area is proposed with this application and the landscape design incorporates native plantings for landscaping and screening.

4. 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;

As described above, the existing hill and landscape contours will largely remain the same with some regrading of the hill adjacent to the garage/office.

5. Roads and other ways are designed to curve to fit the landscape and permit shared driveway entrances where possible; - There are no changes or additions to the road, driveway or parking area as part of this project

The existing driveway meanders and winds along the natural contour of the property. Approximately 400 linear feet of the driveway is planned to be removed and replaced with native grass.

6. 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 proposed structures and additions are placed on the sides of hills with the surrounding cedar and oak vegetation extending above the ridge lines.

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

There is an existing field/meadow area within the lot. The structures and addition are planned on the north side of the open grass area and are set within the edges of the existing vegetation.

8. 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;

There are no natural features that will be impacted by this project.

9. 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;

The proposed garage/office structure is located outside of any wetland buffer zone and the addition to the house is sited on the upland side of the house and is only within the buffer zone to a flood zone. The septic system has been upgraded recently on this site and the proposed project will not increase the number of bedrooms or require increased septic flow.

10. The project is designed to minimize fossil fuel use such as by incorporating energy efficiency, conservation techniques, and using renewable energy sources.

The project includes a roof mounted solar array to offset energy use and also proposes the use of high efficiency air-source heat pumps for heating needs.

The project will meet or exceed all the insulation and energy requirements.

11. In relation to its construction and possible eventual demolition, the project uses environmentally sound and sustainable design and building techniques;

The addition will be wood frame construction to match the existing structure.

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

- 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***
- b. 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***

The project is not located within an Estimated or Priority habitat as listed on the current NHESP habitat maps.

13. The project protects and preserves historical and archaeological Resources;

There are no known historical or archaeological resources in proximity the proposed addition, however, the applicant has been working with the Wampanoag tribal resource officer (Randy Jardin), to inspect excavations to ensure unknown artifacts, if found, are not impacted.

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: 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 Yauney, 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.

Contact Information:

Bruce Yauney – 508-269-8545, byauney@gmail.com

Susan Jones - 508-245-1108, 508-696-6484

RECEIVED

FEB 22 2023

Town of Chilmark
Board of Selectmen
Front Desk

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:

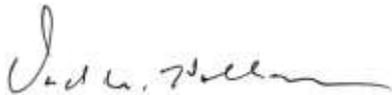
- A. Will not result in undue water, air, land or noise pollution;
- C. Will not result in increased beach erosion or damage to the coastal ecology or wetlands;
- D. Will cause no damage to fisheries and shellfish;

- 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: 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.

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 horizontal stroke at the end.

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

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

Alison Kisselgof

From: David Hollander ·
Sent: Thursday, May 18, 2023 1:28 PM
To: Akisselgof@chilmarkma.gov
Subject: 138 State Rd application

Alison,

I appreciate your willingness to discuss the various issues related to the proposed development at 138 State Road. I hope that my brother Jonathan Hollander can be present during the Zoning Board meeting on May 25. But either way, I request that during the meeting, you raise the issues that were set forth in our letter of objection dated February 21, 2023 and that are summarized below.

The property at 138 State Road is located directly alongside Stonewall Pond in a "District of Critical Planning Concern" as designated by the Martha's Vineyard Commission and in the bylaws of the Town of Chilmark. To me, that means that proposed development that is not directly and specifically allowed under the Chilmark bylaws should be subject to very careful review and consideration to insure that it complies with the intent and criteria enumerated in the zoning bylaws. I believe and appreciate that the Zoning Board is taking exactly this type of approach in their evaluation of this project. I would also point out that homeowners who purchase property in these sensitive areas are aware of the conditions that may impact and limit the type of development and expansion that is allowed on their property.

It is our view that the proposed project is inconsistent with the Chilmark Zoning Bylaws in several important respects:

1. The proposed expansion of the living area at 138 State Road substantially exceeds the limits established in the "Big House Bylaw" that was passed by Chilmark voters in 2013. We can conceive of no acceptable reason that the Zoning Board of Appeals would disregard the intent of Chilmark voters and grant the requested special permit, especially in such a sensitive area.
2. The proposed swimming pool in such close proximity to Stonewall Pond directly conflicts with the criteria for development in the inland coastal district as described in Section 11.5 of the bylaws. It would be hard to argue that permitting construction of a swimming pool situated barely more than 100 feet from Stonewall Pond would not be allowing "construction that is not in harmony with the landscape type" and would not result in "a deterioration of the rural character of Chilmark through the proliferation of accessory structures".
3. The potential for accidental damage to Stonewall Pond and the fisheries and shellfish that it supports must also be seriously considered by the Zoning Board of Appeals (see Section 11.5, criteria C and D).

For all of the above reasons, we are opposed to the proposed development at 138 State Road and hope that the Zoning Board of Appeals will deny the application for a special permit.

Thank you Alison.

David Hollander
for myself, Ellen Hollander and Jonathan Hollander, co-owners of 9 Moses West Road