



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

March 27, 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, Section 4.2 (A)(3)

at the premises owned by (Owner of Record) Magic Vineyard LLC

at 100 Beach Plum Lane (street address),

Assessor's parcel MAP 21 LOT 78

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

Pool: Article 4, Section 4.2(A)(3):

construct a 20' by 40' in-ground swimming pool

- Pool to be heated by airsource heat pump.
- Energy demand for pool and related equipment to be supplied by proposed roof-mounted solar array above the proposed pool house.
- Pool equipment will be housed within proposed pool house.
- the pool fence enclosure will terminate at the exiting office and pool house; Any access points into the pool area will be alarmed as necessary to meet the Mass. building code.

Petitioner *Riv. [Signature]* March 27, 2023

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

Telephone Number 508-693-3774

Application for Proposed Pool – Bylaw Review Summary

Applicant: Magic Vineyard LLC #100 Beach Plum Lane, Chilmark Assessor Parcel 21-78
VLS&E Job No. 567-8

The following is a summary of the zoning requirements for permitting of a pool on the above referenced project.

Chilmark Zoning Bylaw Section 4.3

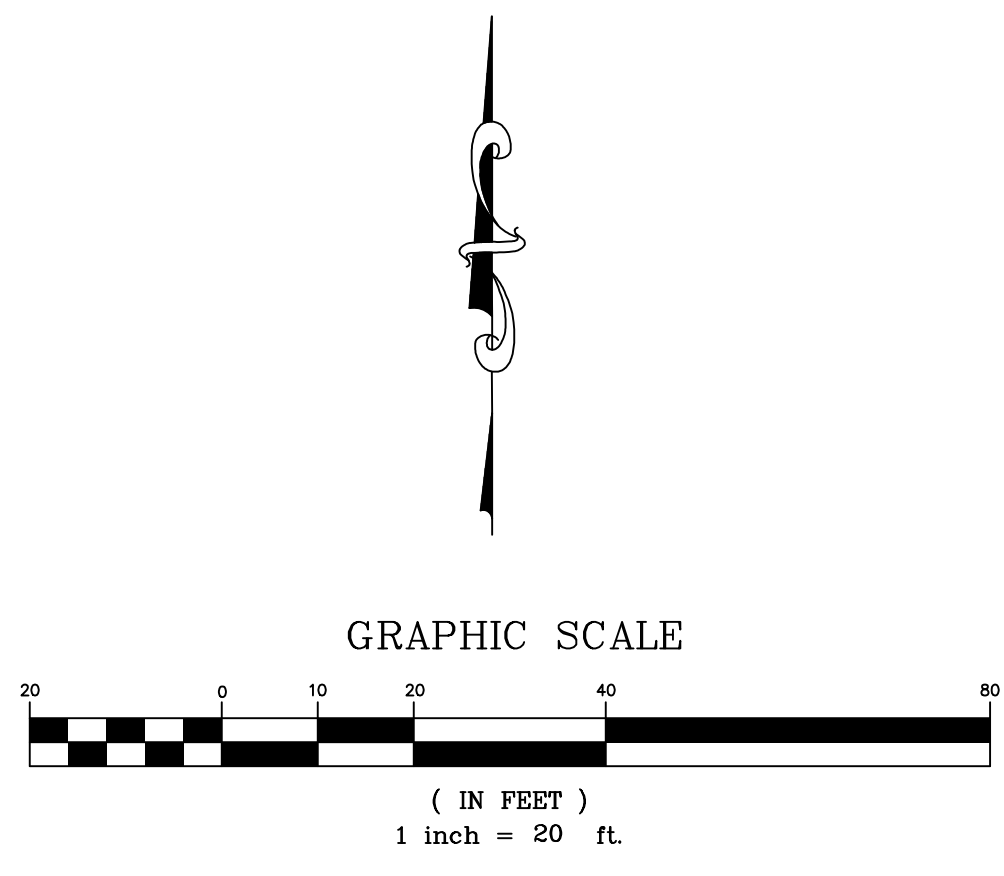
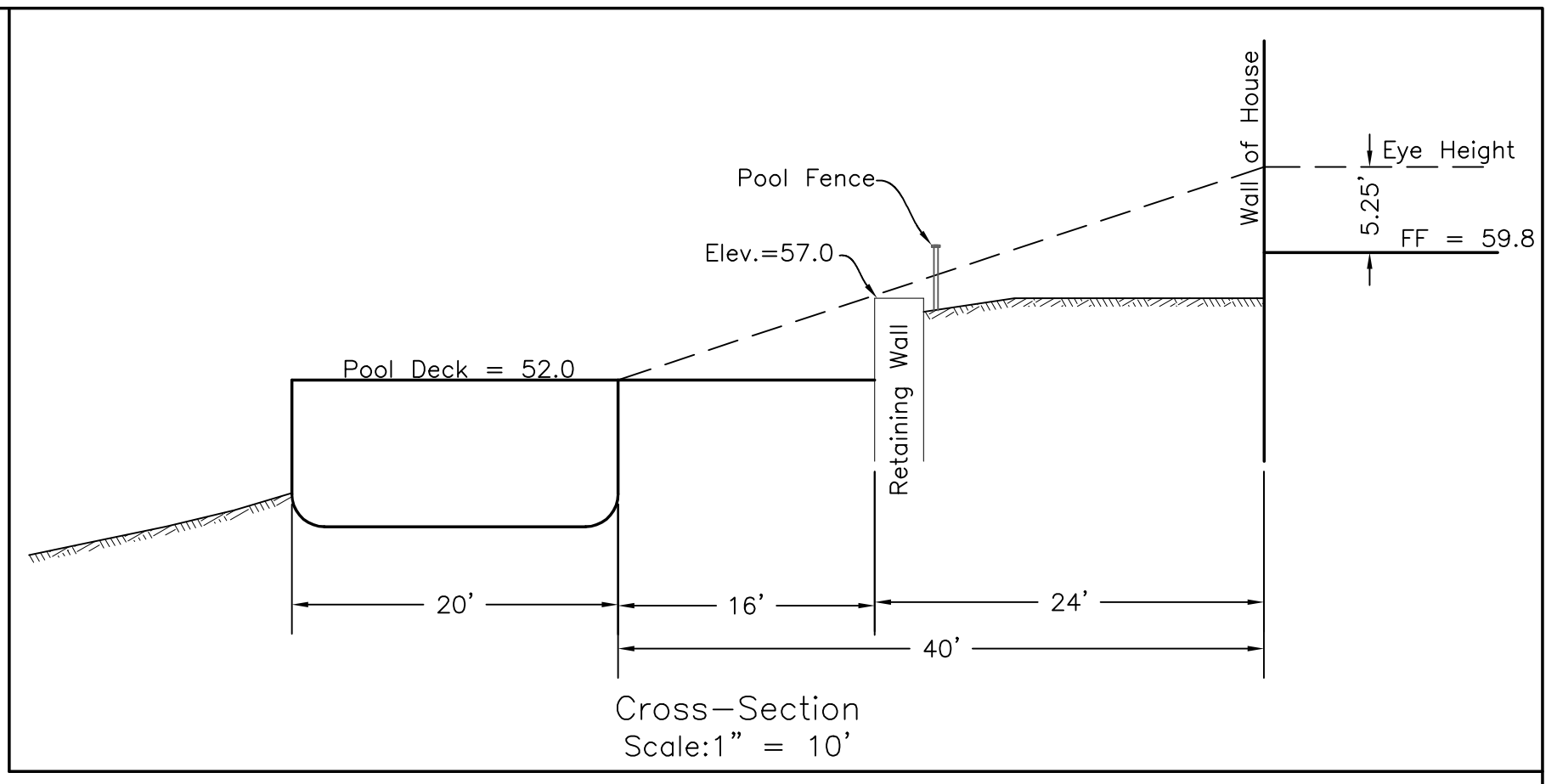
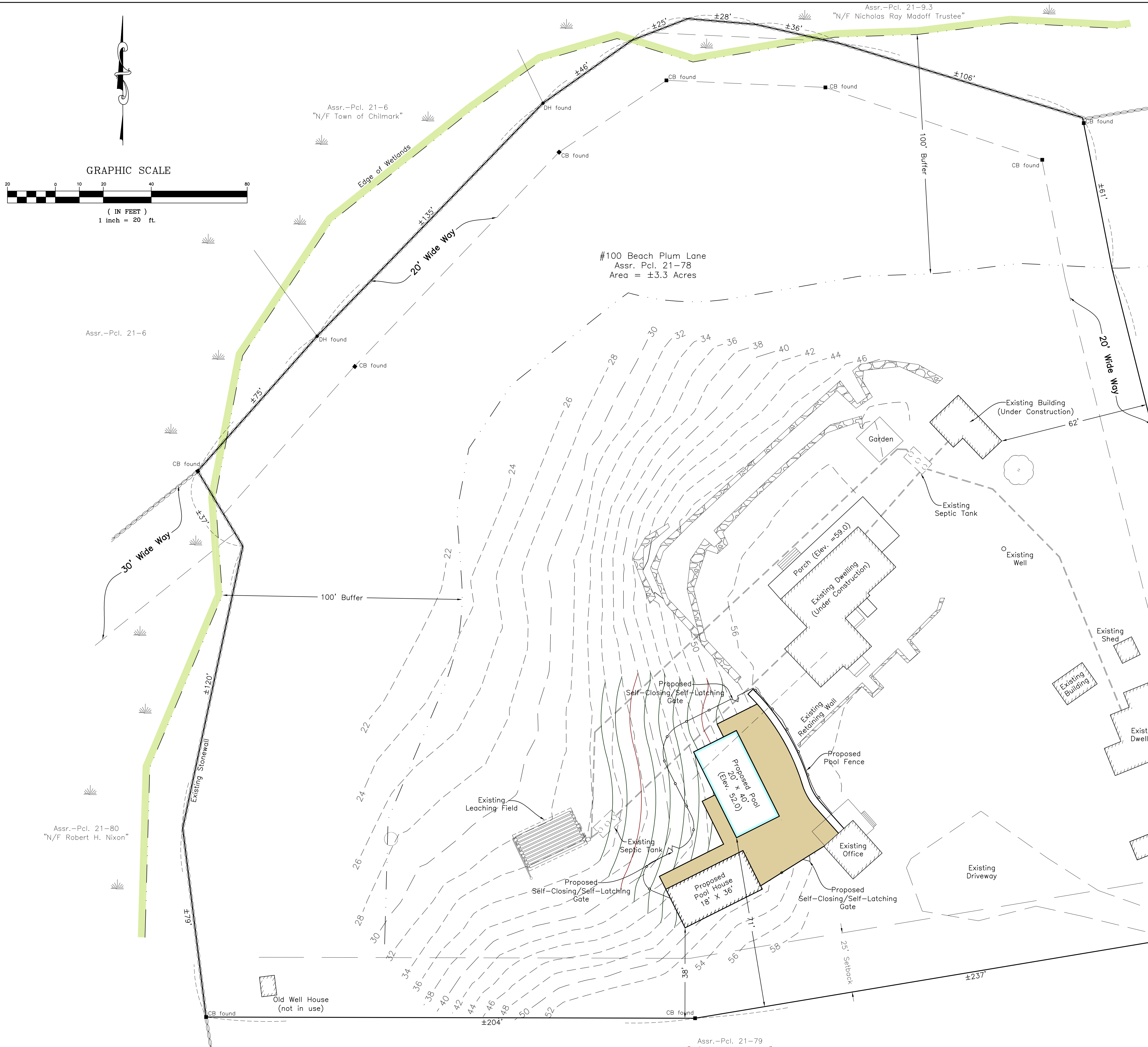
- a. Permitting and Enforcement (Special Permit requirement): A Special Permit has been applied for within this application.
- b. Application (2 year ownership): Magic Vineyard LLC purchased the property on November 30, 2020 (Dukes County Registry of Deeds Land Court Certificate No. 14958 Document No. 89288 Book 81 Page 311).
- c. Use (owner/guests only): The proposed pool is a private residential pool and will be used solely by the property owner and their guests.
- d. Setbacks: The proposed pool location is greater than 50' from all lot lines.
- e. Enclosure (building code requirements): The pool enclosure will be a 4 foot high wood post and wire fence that meets the requirements of the referenced MA State Building code. The enclosure terminates at the existing office and proposed pool house structures; windows and doors will be alarmed per the MA Building Code as necessary.
- f. Location (not impair views of natural surroundings by public/abutting space, direct visibility): The existing house is visible from the Menemsha area, however, the pool will be placed lower on the hill and will be surrounded by retaining walls as currently exist around the house. We do not believe the pool will adversely affect views and vistas from Menemsha
- g. Covers: An automatic safety cover will be installed on the proposed pool.
- h. Energy Use (solar or alternative systems): The pool will utilize an air-source heat pump for the heating demand. The energy will be supplied by the proposed roof-mounted solar array above the proposed pool house.
- i. Lighting: The minimum pool and safety lighting will be installed and will comply with the lighting section of the bylaw.
- j. Noise bylaw: The pool and associated equipment is located within a sound insulated structure and will meet the requirements of the "noise" bylaw.

k. Screening and Landscaping: Tree plantings are being proposed on the southern property line to help screen the pool and pool area from the neighboring "Nixon" property.

l. Fire Protection: A stand-pipe for fire-fighting purposes will be installed on the property in a location approved by the fire chief

m. Initial Filling (offsite source): The pool will be filled from an off-site source after such time that all pool fencing and all safety equipment are in place.

n. Drainage (hazardous chemicals): The pool filtration and treatment will be by a "salt-water" system. The pool will be pumped-down approximately 6" to 12" prior to closure at the end of each season. The pool will be opened and allowed to off-gas potentially harmful chemicals prior to pumping. The water will be tested prior to pumping and the water will be pumped to a drywell as shown on the site plan.



Zoning District: IV
 Setbacks: 25' All Sides
 Height Limit: 13' Flat or Shed, 24' Gable

Wetlands Flagged By:
 Cooper Environmental Services, LLC

Notes: This lot is not located within the Zoning Coastal District as indicated on the Chilmark Zoning Maps

Site Plan in
 Chilmark, Mass.
 Prepared for
Magic Vineyard LLC
 Scale 1" = 20'
 March 27, 2023

VINEYARD LAND SURVEYING & ENGINEERING

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

May 8, 2023

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

1. **Visibility from public location:** The site is visible from the Menemsha area, however, the property is approximately 1,100 ft away from the parking lot in Menemsha and the pool and pool house will be built into the hill and have vegetation that helps to screen the structures.
2. **Protection of natural features and landscape:** The addition will be located in a cleared, meadow area and will not require the require significant tree or brush removal.
3. **Alteration of natural landscape:** The site contains significant topography. The house and structures have been built on the top of the hill requiring retaining walls. The propose pool and pool house are planned to be built directly adjacent to the house and will require the relocation and addition of some retaining walls. A modest amount of grading is required for this project to maintain a close proximity between the house and the pool. An alternative site for the pool was explored in a lower, more level area of the lot but was discarded as an option due to the distance between the house and pool.
4. **Minimizes grading:** See above.
5. **Road and driveways designed to curve:** There are no changes or additions to the road, driveway or parking area as part of this project
6. **Maintains views of ridgelines:** views of ridges and hills will not be affected by the addition.
7. **Buildings sited behind fields:** The building and pool have been designed close to the existing house and on the backside of the existing meadow/field.
8. **Preserves and protects natural features:** There will be no changes to the natural landscape of the property.
9. **Measures to protect water quality of ponds & wetlands:** The project is located outside of the state and local wetlands buffer zones. A drywell has been proposed for the disposal of pool water during seasonal pump-down.
10. **Minimize use of fossil fuels:** The project proposes roof mounted solar array to offset energy use and utilize a high efficiency air-source heat pump for pool heating and cooling. The project will meet or exceed all the insulation and energy requirements.
11. **Incorporates sustainable design:** The addition will be wood frame construction to match the existing structure.

12. **Avoids impacts to NHESP habitat:** The project is not located within an Estimated or Priority habitat area
13. **Protects/preserves historical resources:** There are no known historical or archaeological resources in proximity the proposed addition.