

Martin Gold and Jacki Meyer
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January 12, 2024

Zoning Board of Appeals
Town of Chilmark
401 Middle Road, PO Box 119
Chilmark, MA 02535

Re: MARTIN GOLD FOR JACQUELINE MEYER; 12 Valley Ln (Map 3 Lot 48): Request to Remove Fencing Around Pool with Automatic Safety Cover.

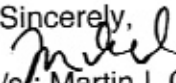
To The Zoning Board of Appeals:

A special Permit was issued on November 29, 2022 for a swimming pool with fencing, gates and alarms (if applicable) in accordance with MA Building Code 780CMR 120.M. (A copy of the Special Permit is Attached).

Since the Chilmark pool by-law has recently been amended and, as amended, eliminates the requirement for a fence, we are requesting that the special permit be amended to exclude the fence, gates and alarms. The pool will still have, as originally proposed, an automatic cover and a winter safety cover. We kindly ask that this amendment be approved.

Copies of the approved plan and the proposed amended plan without the fencing are also attached. If you require any further information please do not hesitate to ask me.

Thank you very much for your consideration.

Sincerely,

/s/; Martin I. Gold
Martin I. Gold



ZONING BOARD OF APPEALS

Town of Chilmark
401 Middle Road, PO Box 119
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(508) 645-2114

NOTICE OF DECISION ON SPECIAL PERMIT

JACQUELINE MEYER
12 Valley Lane

On Thursday, October 27, 2022, the Chilmark Zoning Board of Appeals held a public hearing via ZOOM conference call at the request of Travis Ritchie of R+D Studio, on behalf of Jacqueline Meyer, for a special permit to construct a 16' x 32' in-ground swimming pool, deck and pool house.

The property is located at 12 Valley Lane (Map 3 Lot 48).

APPLICABLE LAW:

The application was made in accordance with Article 4 Section 4.2A3 Chilmark Zoning By-law for a pool.

APPLICANT PROVIDED MATERIALS:

- APPLICATION – received on September 20, 2022.
- SITE PLAN – “A001” prepared by R+D Studio, Scale 1/16” = 1’; dated September 13, 2022.
- POOL HOUSE FIRST FLOOR PLAN – “A101” prepared by R+D Studio, Scale 1/4” = 1’; dated September 13, 2022.
- BUILDING ELEVATIONS – “A200, A201” prepared by R+D Studio, Scale 1/4” = 1’; dated September 13, 2022.

NOTICE:

A public hearing notice was advertised in the Vineyard Gazette on two consecutive Fridays, October 7 and October 14, 2022. Hearing notices were posted by the Town Clerk, placed on the Town’s website, placed on the Zoning Board of Appeals bulletin board, and distributed to appropriate town departments. Abutters within 300 feet, certified by the Assessors’ Office, were notified by mail on September 27, 2022.

HEARING:

A public hearing was opened on October 27, 2022, at 9:05 AM. The applicant requested a continuance on October 27, 2022. The public hearing was closed on November 29, 2022 at 9:21 AM.

FINDINGS:

1. The owner has owned the principal dwelling on this lot since 2018.
2. The proposed location of the swimming pool, fencing and associated equipment meet 50 foot setback requirements.
3. The proposed location of the swimming pool and related equipment does not materially impair the view of natural surroundings from a way used by the public, from public land or from abutting lots.
4. There is a clear line of sight from the house to the swimming pool from the living room.
5. Pool related equipment will be contained in a sound-insulated space within a shed.
6. An automatic pool cover will be installed.
7. The pool water will be heated by an electric air source heat pump with the energy supplied by an existing solar array.



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FINDINGS (CONTINUED):

8. The dwelling is included as part of the pool enclosure. The applicant has agreed to install alarms on the doors leading into the fenced-in area and on the windows facing the pool.
9. The solar array has a backup battery to provide power to close the automatic safety cover in the event of a power outage.

DECISION:

The Board voted unanimously to approve this application with condition with five in favor.

STANDARD POOL CONDITIONS:

USE AND SAFETY:

- The swimming pool shall only be used by residents of the principal dwelling and their guests.
- Swimming pool enclosures, fencing, gates and alarms (if applicable) must be in accordance with MA Building Code 780CMR 120.M and must be maintained in good working order at all times.
- The clear line of sight from the principal dwelling to the swimming pool, as determined by the Zoning Board of Appeals, must be maintained free of visual obstruction.
- The swimming pool must be kept covered with a winter safety cover during off-season.
- Vegetation within 4' of the outside perimeter of the swimming pool enclosure (other than as abuts the exterior of a structure serving as part of an enclosure) must be maintained at ground level to avoid the possibility of anyone using the vegetation to climb over the fence. Vegetation in the approved line of sight must be perpetually maintained so as to not obstruct the line of sight.

WATER:

- The initial fill of the pool shall come from an off-site source and shall not occur until the pool enclosure is installed and the pool area safely secured.
- The concentration of potentially hazardous chemicals in the water shall be significantly reduced and properly tested before any necessary draining of the pool water directly into the ground of the property.
- A stand pipe location shall be approved by the Fire Chief before obtaining a Building Permit.

LIGHTING, NOISE AND ENERGY:

- Pool lighting shall comply with Zoning Bylaw articles 5.5, 5.6 & 5.7 regarding Outdoor Lighting. Submerged in-pool lights and path lights are permissible.
- The swimming pool and related equipment must comply with Chilmark Zoning Bylaw Article 5, Section 5.9 ("Exterior Mechanical Noise Abatement").



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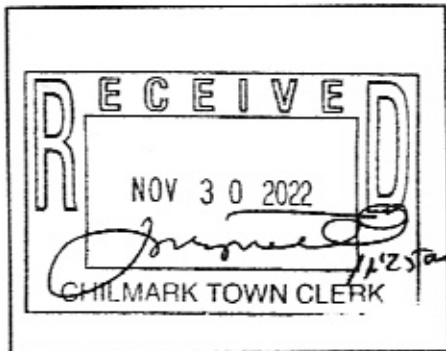
COMPLIANCE:

- The applicant/owner may not change any conditions specified above without first seeking further Zoning Board of Appeals approval.
- The applicant/owner shall comply with any applicable Conservation Commission Order of Conditions, Massachusetts Department of Environmental Protection Wetlands Order of Conditions, Board of Health regulations and Building Code.
- 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.
- This special Permit may not be transferred to a new owner.
- Compliance with this Special Permit will be enforced by the Building Inspector.

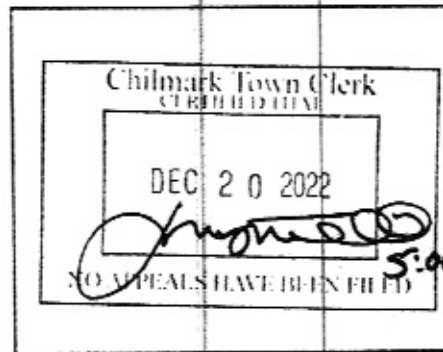
Any appeal from the decision of the Board of Appeals must be made to the Superior Court to the Land Court and must be filed within twenty calendar days following the filing of the decision with the office of the Town Clerk, as evidenced by the date of the Clerk's date stamp and signature below, as provided in Section 17 of Massachusetts General Law Chapter 40A.

Administrator for the Chairman, Board of Appeals

Copies to Applicant, Town Clerk, Building Inspector, Planning Board, Board of Health, Tax Collector, Assessor, Select Board, noticed parties, and any person requesting a copy at the public hearing.



Received by Town Clerk



End of Appeals Period Attestation by Town Clerk

TRUE COPY ATTEST:
Jennifer L. Christy
Chilmark Town Clerk

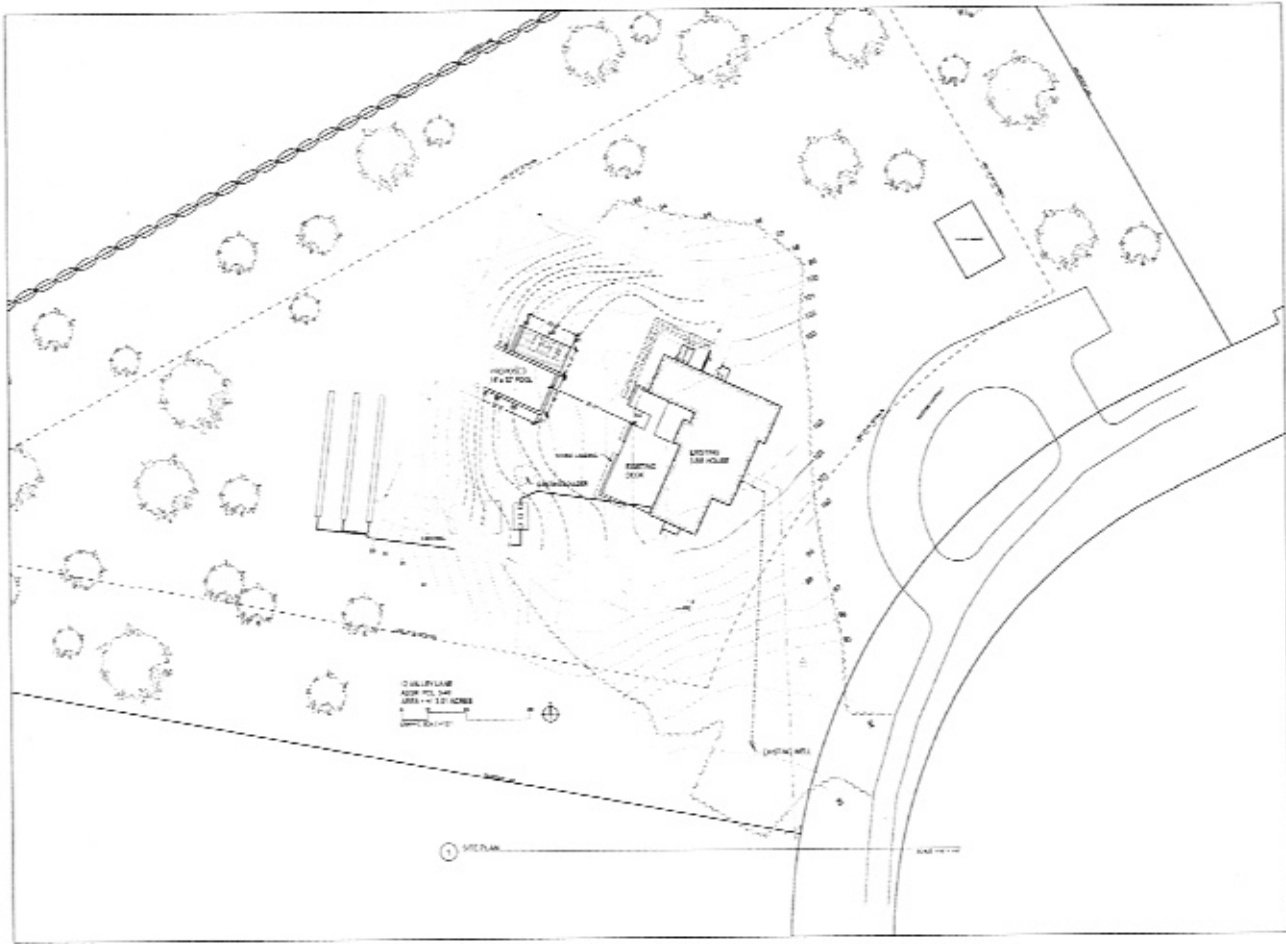
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MICHAEL J. MURPHY ARCHITECTS
1000 15th St NW
Washington, DC 20004

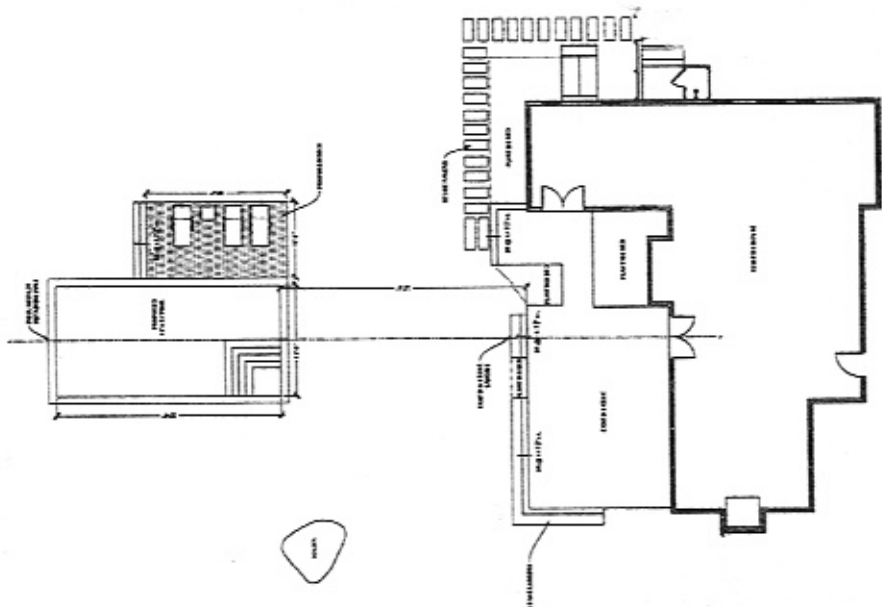
1/20/2014

1/20/2014

A001



Proposed Amended Plan
w/o fence



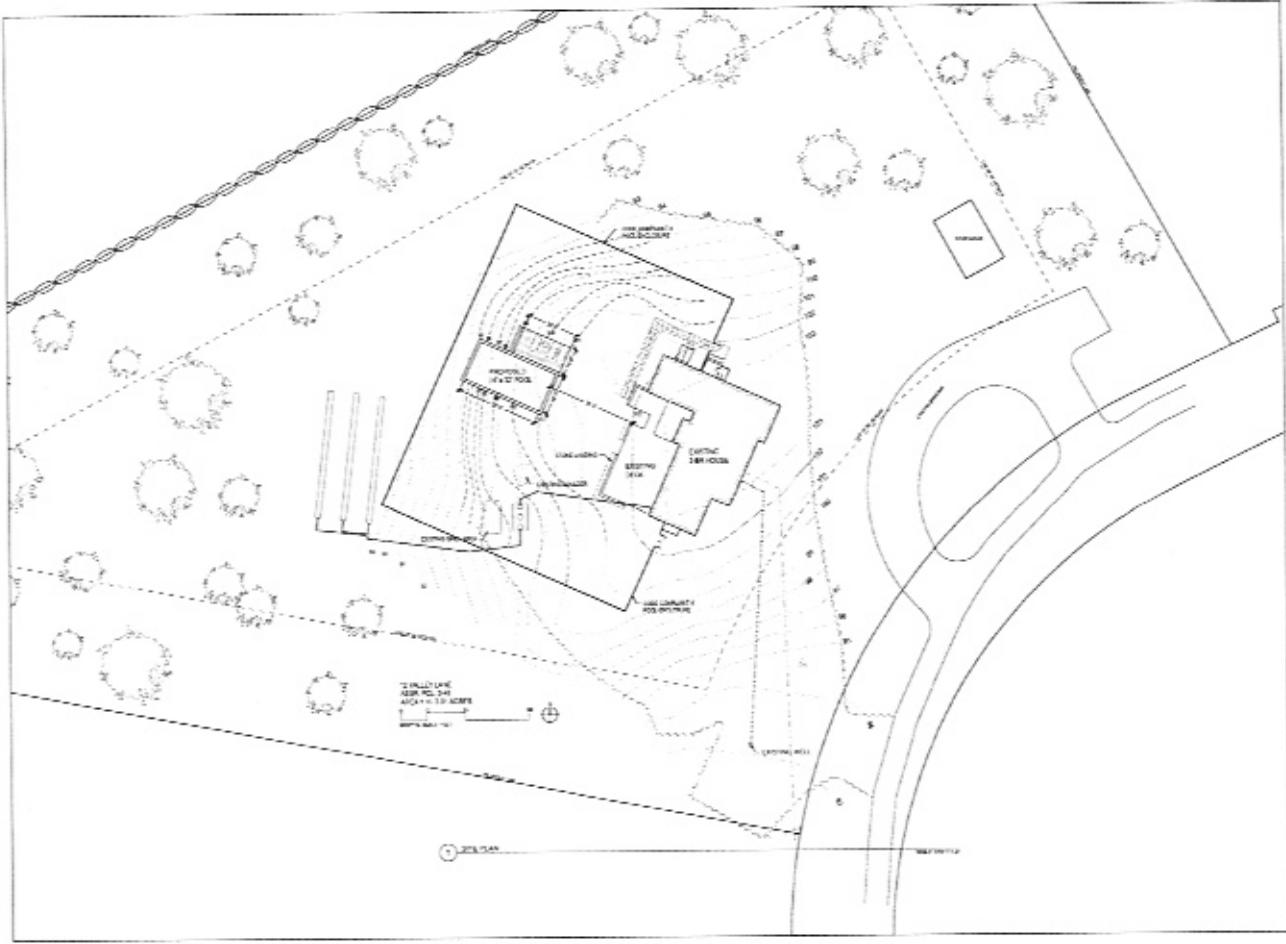
Proposed Amended Plan
 No Fence

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20
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MEYERHOLD
ARCHITECTS
1111 14th St
Berkeley, CA 94710

0116-424

A001



Approved plan w/fence