



ZONING BOARD OF APPEALS

Town of Chilmark

MEETING MINUTES - DRAFT

April 22, 2021 (via ZOOM)

Present for the Board of Appeals and attending the zoom meeting via a roll call attendance were Russell Maloney, Chairman, Frank LoRusso, Vice Chairman, Wendy Weldon, Chris Murphy, Joan Malkin and Alison Kisselgof Administrator. Also in attendance were Robin Atlas, William Sullivan, John McGarry, Ted Rosbeck, Judy & Bruce Golden, Jerome & Gail Davidson, Sarah Morris, John Englert, Deborah McCormick, Joan Safford, George Sourati, Mike Van Linda, Barbara Rosenbaum, Joan Hughes, Rick Gilbert and Elisa Cohen. Allison Burger and Joe Chapman did not attend.

The meeting came to order at 9:05 AM.

AGENDA ITEM #1: WILLIAM SULLIVAN FOR JOHN AND VANESSA McGARRY

108 Hammett Road (Map 4 Lot 7) / Application under by-law 4.2A3

Mr. Maloney opened the public hearing at 9:05am. Mr. Sullivan presented the site plan dated 2/13/21 to construct a 384 sq. ft. pool house and 12' X 24' built-in swimming pool with the required 4-foot high pool enclosure in a location that meets the 50-foot setback distance from the lot lines. The pool water will be heated by an alternative energy-efficient program. The pool equipment will be in a sound-insulated Mech. Room within the pool house. The pool will have an automatic pool safety cover.

A brief discussion occurred regarding the heating of the pool and the placement of solar panels. Solar is most likely not a viable option for this property due to shading; however, owners also have not enrolled in a green energy supplier yet. Mr. Sullivan asked for any suggestions on which programs to use in addition to Verde Energy program.

Mr. Maloney opened the hearing to public comment at 9:17am.

Abutter Sarah Morris expressed concern about the location of the pool and wondered why the pool is being placed on the roadside of the house where it would be very public.

Abutter Jerome Davidson was concerned about the water source to be used to fill the pool and whether it would impact neighboring homes as well as wondered what defined an alternative energy source. Mr. Davidson was informed that the pool would have to be filled by an off-site water source and that the alternative energy source would be a green energy supplier. Mr. Davidson also expressed issue with the aesthetics of the placement of the pool, the size of the pool house and the proposed stockade fence.

The board asked whether the pool could be placed behind the house away from the roadside. Mr. Sullivan explained that the backyard elevation dropped off behind the house and visibility from the house for safety purposes would be poor. Mr. McGarry added that a pool in the backyard would also be in the view of a neighbor.

Since Springpoint has an architectural review board, Mr. Maloney suggested that abutters bring their issues with pool placement before this board. Mr. Sullivan said that project is currently under review by the Springpoint architectural review board but the board has not presented its findings.

The board cited By-law article 4 section 4.2A3f which states that the location of a pool should not impair abutters' view of natural surroundings and asked if Mr. Sullivan and Mr. McGarry would reconsider their proposal.

Mr. Sullivan requested the public hearing be continued so that applicant can finish discussion with Springpoint architectural review board and decide on green energy supplier.

A motion was made to continue public hearing at 9:37am and seconded. Motion passed unanimously with five in favor via roll call vote.

AGENDA ITEM #2: GEORGE SOURATI FOR LEE AND JOHN ENGLERT

31 Flanders Lane (Map 26 Lot 29) / Application under By-law 11.6A2c(a)

Mr. Maloney opened the public hearing at 9:39am. Mr. Sourati presented a site plan dated 2/1/21 and floor plan dated 12/14/20 to remove 429 sq. ft. of existing deck and stairs and construct 237 sq. ft. dining room addition and 265 sq. ft. deck and stairs to single family dwelling, adding a net increase of 74 sq. ft. that meets the 35-foot setback distance from lot lines for 2 acre lot. The project is in the 100 foot buffer zones of a fresh water pond, stream and wetland and was reviewed by Conservation Committee on 1/19/21. The Site Review Committee reviews this project on 4/5/21.

After a brief discussion and with no public comment a motion was made to close the public hearing at 9:45 am. The motion was seconded and passed unanimously via a roll call vote with five in favor.

A motion to approve the plan as presented was made and seconded. The vote passed unanimously via roll call vote with five in favor.

AGENDA ITEM #3: REID SILVA FOR BRUCE AND JUDY GOLDEN

30 Wintergreen Way (Map 18 Lot 22)/ Application under by-law 4.2A3

Reid Silva was not present for the meeting. Mr. Maloney asked the Golden's if they would like to proceed without Reid or a representative from VLSE and the applicants indicated they would like to continue with the hearing and present the project themselves. Mr. Maloney opened the public hearing at 9:47am. Judy Golden presented the site plan dated 4/16/21 to construct a 75' x 9' in-ground lap pool with a 20' x 85' polycarbonate structure in a location that meets the 50-foot setback distance from the lot lines. The pool water will be heated by an electric air source heat pump with power supplied by solar panels currently installed on garage. The pool water will be treated with a saline system. The pool equipment will be located in a detached 10' x 12' sound-insulated shed.

The board expressed the need for fencing around the pool for safety but were unsure whether the polycarbonate cover would negate the need for a pool safety cover. Mrs. Golden shared that the pool manufacturer stated the polycarbonate cover meets the criteria for the international code for pool enclosures but did not know the code citation. She offered that she could get more information about possible locking mechanisms available.

The board discussion concluded and, with no public comment, a motion was made to close the public hearing at 10:01 am. The motion was seconded and passed unanimously via a roll call vote with five in favor.

A motion to approve the project as presented with the contingency that a plan with a fence and a self-closing gate around the pool and a surrounding 4-foot buffer zone be presented to the board administrator before construction commences. Approval of the application was also subject to a stand pipe location being approved by the Fire Chief before obtaining a building permit. The motion was seconded and passed unanimously via roll call vote with five in favor.

AGENDA ITEM #4: JOAN HUGHES FOR TALIA N HERMAN TRUST (Talia Herman & Robin Atlas)
91 Gosnold Way (Map 14 Lot 31)/ Application under by-law 4.2A3

Mr. Maloney opened the public hearing at 10:02 am. Ms. Hughes presented a site plan created on 3/19/21 to construct a 20' X 40' built-in swimming pool with the required pool enclosure in a location that meets the 50-foot setback distance from the lot lines. The pool water will be heated by an electric air source heat pump with power offset by enrolling in the Verde Energy program until a solar array is installed. The pool equipment will be enclosed in an insulated 10' X 10' pool shed.

Ms. Atlas presented their plan to convert to solar energy on the property as soon as possible so the Verde Energy program would only be a temporary source for heating of the pool.

The board was concerned about the visibility of the pool from the house due to the wooden railing on the deck. Ms. Hughes explained that the railing did not actually meet building code and would be replaced by wire cabling. The applicant was asked if there would be an automatic pool cover which was confirmed.

After a brief discussion and with no public comment a motion was made to close the hearing at 10:11 am. The motion was seconded and unanimously approved via a roll call vote. A second motion was made to approve the plan as presented with the following special conditions: 1. Wire cabling shall be installed to replace current deck railing. 2. An automatic pool cover shall be installed. 3. The stand pipe location shall be approved by the Fire Chief before obtaining a Building Permit. 4. A dedicated power meter shall be installed for all of the pool-related equipment. 5. Each November after the pool is installed the owner shall provide documented proof to the Zoning Enforcement Officer that the renewable energy needs as contracted through a green energy program has been purchased. 6. If the ZBA determines the owner has not complied with these conditions the ZBA shall take appropriate actions to satisfy the renewable energy needs and source of power. 7. If at a future date the owner wishes to revise this arrangement, a petition for a new Special Permit with the proposed renewable energy plan must be filed for due processing. The motion was seconded and passed unanimously via a roll call vote with five in favor.

AGENDA ITEM #5: TED ROSBECK FOR RICK GILBERT AND ELISA COHEN
19 Wosoket Lane (Map 11 Lot 76)/ Continued Discussion

Ted Rosbeck presented the site plan dated 3/22/21 which showed the new fencing location around the pool.

After a brief discussion, the board made a motion that the change in fence location is not significant to the plans originally approved for the special permit on 8/27/20. The motion was seconded and passed by unanimous vote.

A motion was made to approve the new plan dated 3/22/21 as presented. The motion was seconded and passed by unanimous vote via roll call.

ADMINISTRATION: The draft March 25, 2021 meeting minutes were reviewed. A motion was made and seconded to approve the minutes as presented. With no discussion the motion passed by unanimous roll call vote.

Mr. Maloney checked to make sure that board members received information regarding the appeal at Dr's Creek Path. Members indicated that they did receive the paperwork.

Ms. Malkin suggested requiring materials for applications to be available to the board a certain number of days before the meeting. It was decided that materials be required at least 3 working days prior to the meeting or the application would have to be continued to next meeting. Ms. Kisselgof will inform regular contractors about this decision.

Next ZOOM Hearing: May 27, 2021 @ 9:00am. Site visits May 26, 2021 @ 9:00 am.

With no further business to conduct the meeting adjourned at 10:25 AM by a unanimous roll call vote.

Respectfully submitted by Alison Kisselgof, board administrator.