



ZONING BOARD OF APPEALS

Town of Chilmark

MEETING MINUTES -DRAFT

July 28, 2022 at Chilmark Public Library

Present for the Board of Appeals were Frank Lo Russo - Chair, Allison Burger, Wendy Weldon, Chris Murphy, Joan Malkin, Russell Maloney, Joe Chapman, Fred Khedouri and Alison Kisselgof - Administrator. Also in attendance were Reid Silva, Daniel Whiting, Travis Lenkner, Alan Hoden, Nancy Ameen, James Mahoney, Kathie Carroll, Tim Carroll and Kara Shemeth.

The meeting came to order at 9:00 AM.

AGENDA ITEM #1: REID SILVA FOR CATHY HOFFMAN and DAVID GERSCH **16 Harding Hill (Map 18 Lot 59.4) / Application for Special Permit under By-law 4.2A3**

Mr. Lo Russo opened the public hearing at 9:05 AM. Mr. Maloney disclosed the applicant is a friend of his and recused himself from this hearing. Mr. Lo Russo appointed Mr. Chapman as a voting member.

Ms. Kisselgof shared the site plan on the screen mounted to the wall of the library meeting room.

Mr. Silva mentioned that there was a tree in the line of sight between the house and the proposed pool location. The current location of the pool was dictated by the distance from the lot lines but the owners do not want lose the tree. Mr. Silva said that the owners would like to redesign the layout so that the tree is not an issue but need more time. Mr. Silva requested a continuance of the public hearing until the August meeting so he could come back with a new site plan.

The Board asked that when Mr. Silva presents at the next meeting that he show the level of the water in the pool in relation to the house.

A motion was made to continue the public hearing and seconded. The vote passed with all members in favor.

AGENDA ITEM #2: REID SILVA FOR ALAN HODEN and NANCY AMEEN **458 North Road (Map 26 Lot 55) / Application for a Special Permit under By-law 6.11**

Mr. Lo Russo opened the public hearing at 9:12 AM. Ms. Kisselgof shared the site plan on the screen.

Mr. Silva began by stating the owner wanted to construct a garage with habitable space above. The square footage of proposed building is 709 sf, which is 275 sf over the allowable total livable area. Mr. Silva mentioned that the building would be visible from North Road. He went through the applicant's answers to the 13 criteria for By-law 6.11. Mr. Silva mentioned that the owner would like to add a solar array with electric charging stations on the garage but that the plans are not far enough along to include in this application.

The Board asked if there were any letters received from abutters, which there were not. The Board said that there was a need for a screening plan because of the visibility from the road. The Board was also concerned about the energy usage and recommended the enrollment in a green energy program. There was a discussion about where the water drains from this property. There was concern that waste water would drain into Menemsha Pond. Mr. Silva mentioned that the Conservation Commission reviewed and approved this project. Ms. Kisselgof offered that the Site Review Committee had also reviewed this application and found that it would have minimal impact on the roadside district.

Mr. Lo Russo opened the hearing to public comment at 9:41 AM. With no public comment offered, a motion was made to close the public hearing. The motion was seconded and passed by unanimous vote.

A motion was made to approve the application with the conditions that the applicant come back to the next meeting with a screening plan and proof of enrollment in a green energy supplier. The motion was seconded and passed with all Board members in favor.

AGENDA ITEM #3: DANIEL WHITING FOR JANET FERGUSON and DAVID SAYRE
27 Hewing Field (Map 12 Lot 82) / *Application for a Special Permit under By-law 4.2A3*

Mr. Lo Russo opened the public hearing at 9:47 AM. Ms. Kisselgof shared the site plan on the screen.

Mr. Whiting pointed out on the site plan where the fencing would be around the pool. He said that the natural pool would have a pump house that would be running year round with a waterfall. The pool would not have a cover because the filtration utilizes the water garden; however, there would be no heating of the water.

The Board was concerned with the line of sight to the pool from the house. There is only one window in the kitchen that faces the pool. In addition, the distance from the pool to the house is too far and there are tree and some vegetation in between.

The Board asked if there were any letters from abutters. Ms. Kisselgof answered no but offered that the project went before the Site Review Committee, which did not find any significant impact to the Meetinghouse Road/Tiasquam River District.

Mr. Whiting offered that the owners were open to moving the pool closer to the house and cutting down any vegetation in the line of sight.

A motion was made to accept the plan as presented but was not seconded. Instead, the Board suggested that Mr. Whiting come back with a new plan that addresses the safety concerns raised. The Board would also like a second site visit to the property to see the line of sight from inside the house.

Mr. Whiting said that he understands the issues the Board mentioned and asked for a continuance until the August meeting.

A motion was made to accept request for continuance, seconded and passed by unanimous vote.

AGENDA ITEM #4: REID SILVA FOR HACKET-McLEOD NOMINEE TRUST
8 Sams Way (Map 24 Lot 29.2) / *Application for a Special Permit under By-law 4.2A3*

Mr. Lo Russo began the continued public hearing at 10:04 AM. Ms. Kisselgof shared a revised site plan on the screen.

Mr. Silva said the new plan shifts the pool to the right and changed the distance from the house to the pool to 94 feet. Mr. Lenkner offered that the pool was placed in the current location because it was the flattest section of his property and was shifted as far as it could be towards the house. Mr. Lenkner also agreed to install an automatic safety cover to further allay the Board's safety concerns.

A motion was made to approve the application has presented and seconded. The motion passed by unanimous vote.

AGENDA ITEM #5: GLENN PROVOST FOR PAUL & JODY DARROW

18 Greenhouse Lane (Map 33 Lot 32) / Application for a Special Permit under By-law 8.3

The Board received an email from Mr. Provost requesting a continuance of this application until the next meeting.

A motion was made to accept the continuance request. The motion was seconded and passed with all members in favor.

AGENDA ITEM #6: GEORGE SOURATI FOR JOAN & JAMES HARTLEY

72 Cobbs Hill Road (Map 11 Lot 25.1) / Application for a Special Permit under By-law 4.2A3

The continued public hearing began at 10:18 AM. Ms. Kisselgof shared a revised site plan on the screen.

Mr. Sourati said that the fencing has changed on the new site plan. The fenced-in area is now smaller and does not envelope the proposed pool house but instead terminates at the corners of the building, using the structure as a barrier on the corner. The guesthouse is still within the fencing. Mr. Sourati said that the owners have agreed to add an automatic cover and alarm doors and windows of the pool house as well as install cameras. The pool location has not changed.

There was a conversation about three safety issues that The Board still has with this application: elevation, distance and fencing. The Board felt their issues with the line of sight due to distance from the house and the higher elevation of the pool were not improved in the new site plan. The Board also thought that the fencing around the guesthouse and using the pool house as a barrier was troubling. The Board suggested that the pool be lowered and that the fencing not include the guesthouse and pool house.

In light of the Board's continued safety concerns, Mr. Sourati requested a continuance until the next meeting.

A motion was made to accept the request for continuance. The motion was seconded and passed unanimously.

AGENDA ITEM #7: GEORGE SOURATI FOR JOAN & JAMES HARTLEY

72 Cobbs Hill Road (Map 11 Lot 25.1) / Application for a Special Permit under By-law 6.11

Since the previous application was continued, Mr. Sourati requested a continuance of this application until the next meeting as well.

A motion was made to accept the request for continuance. The motion was seconded and passed unanimously.

TOPICS NOT ANTICIPATED BY THE CHAIR: Ms. Malkin discussed the revisions to By-law 4.2A3 that have been in progress for some time. She suggested changing some of the wording about energy requirements. Ms. Malkin felt the by-law should read that onsite energy generation is strongly encouraged if the pool is heated. She felt that requiring onsite energy generation would not receive approval from the Attorney General and cited cases in Brookline. She went on to say that the Planning Board is fine with moving forward to a public hearing once the ZBA approved the final wording.

There was a discussion about moving the meetings back to virtual due to the recent rise in COVID cases on the island. It was decided that the next meeting would be remote and that Mr. Lo Russo would attend the meeting from town hall with Ms. Kisselgof available to assist with any Zoom and online issues that may arise.

DOCUMENTS:

Draft minutes from ZBA 6/30/22 meeting

16 Harding Hill VSLE Site Plan

458 North Road VSLE Site Plan

458 North Road Answers to 13 Criteria for By-law 6.11

458 North Road Site Review Committee Findings
27 Hewing Field Site Plan
27 Hewing Field Site Review Committee Findings
8 Sams Way Revised Site Plan
8 Greenhouse Lane Email Requesting Continuance
72 Cobbs Hill Road Revised Site Plan

ADMINISTRATION: A motion was made to appoint Mr. Lo Russo as the Chair of the Zoning Board of Appeals. The motion was seconded and passed by unanimous vote.

A motion was made to approve the minutes from the 6/30/22 meeting as presented. The motion was seconded and passed unanimously.

Next Hearing: August 22, 2022 @ 9:00 AM. Site visits August 21, 2022 @ 9:00 AM.

With no further business to conduct the meeting adjourned at 10:55 AM.

Respectfully submitted by Alison Kisselgof, Board Administrator.