



ZONING BOARD OF APPEALS

Town of Chilmark

MEETING MINUTES - DRAFT **November 23, 2021 (via ZOOM)**

Present for the Board of Appeals and attending the meeting on Zoom were Russell Maloney Chairman, Allison Burger, Wendy Weldon, Chris Murphy, Joan Malkin and Alison Kisselgof Administrator. Also in attendance were Reid Silva, George Sourati, Ted Rosbeck, Amanda O'Malley, Justin Corbett, Erin Norrison, Deborah Walker & Christopher Rodger, Treff LaFleche, Gerald Hass and daughter Emily, Chuck Sullivan, Jonathan Brown, Steve Kraus, Chris Alley and an unidentified person at phone number 917-232-3079. Frank Lo Russo and Joe Chapman did not attend.

The meeting came to order at 9:07 AM.

AGENDA ITEM #1: GEORGE SOURATI FOR JAMES & JOAN HARLEY ***72 Cobbs Hill Road (Map 11 Lot 25.1) / Application for a pool under by-law 4.2A3***

Mr. Maloney opened the public hearing at 9:07 AM and appointed Joan Malkin as a voting member.

Mr. Sourati shared the site plan for the project and indicated the location of the buildings and the cove to the east of the property. He pointed out the pool location and the line of site to the main dwelling. He said there would be a 4-foot retaining wall on the north & east sides of the pool instead of fencing which low grasses would be planted along. The fencing would go through the southern wooded area and enclose the guesthouse and propose cabana as well as the pool. Mr. Sourati then shared a different plan with elevations – he indicated the elevation of the porch where visibility to the pool would be best, which was at 14.3 feet. He said that the pool elevation was 16.6 feet and so it would be 2.3 feet higher than the porch. Mr. Sourati indicated trees in the line of site and said that the owner wanted to keep them. Mr. Sourati presented the landscaping plan which showed more details of the pool area and indicated two self-locking gates on the north fence. He also showed a picture of the pool depth which included the retaining wall and the grass plantings. Mr. Sourati pointed out an area of the property between the house and the pool location where the Conservation Commission had said that the pool could not be placed because it was within the 100 year flood area.

The Board had a number of safety concerns with this proposal. The pool is a significant distance (~130 feet) from the house and is at a higher elevation making it difficult to see someone in the pool. It was questioned whether a person could get from the house to the pool fast enough if there was an emergency. The proposed plantings along the retaining wall which the landscape architect said would grow 12-18 inches would interfere with line of sight. There were also some trees in the line of sight that the owners wanted to keep which impede visibility from the main house. Lastly, the pool's retaining wall has no fencing along the top to prevent someone from falling.

The Board questioned the placement of the fencing around the guesthouse and the proposed gym/cabana and through the southern woods. The plan called for clearing of a number of trees and large area of brush both inside and outside the fence, which would cause more disturbance to the natural surroundings than necessary. This area and also the grounds between the house and the pool would need regular maintenance to keep clear of brush that could interfere with line of sight to the pool.

Mr. Maloney opened the hearing to the public comment at 9:35am.

Gerald Hass and his daughter started to comment but Ms. Kisselgof informed them that this was not the project to which they were abutters.

Mr. Sourati addressed some of the Board's concerns by saying that there are no regulations against removing trees and the fencing is in compliance with safety codes. He also said that the property did not have many suitable locations for a pool and that the Conservation Commission had already approved the current plans. Mr. Sourati offered that the pool height could be changed and trees in the line of sight could be removed to make line of sight better.

After some discussion about safety concerns, Mr. Sourati requested the public hearing be continued. A motion to continue the hearing was made and seconded. The motion passed by unanimous vote.

AGENDA ITEM #2: GEORGE SOURATI FOR JAMES & JOAN HARLEY

72 Cobbs Hill Road (Map 11 Lot 25.1) / Application for a guesthouse under by-law 4.2A1

The public hearing opened at 9:51am and appointed Joan Malkin as a voting member.

Mr. Sourati stated that the guesthouse would be demolished and rebuilt in the same footprint with the same height.

The Board questioned whether the Zoning Board needs to hear this application. Mr. Sourati explained that the building inspector Lenny Jason told him to bring the application before the Board.

The hearing was opened to public comment at 9:55am. With no comment offered, the public hearing was closed.

A motion was made to accept the guesthouse proposal as presented. The motion was seconded and passed by unanimous vote.

AGENDA ITEM #3: GEORGE SOURATI FOR JAMES & JOAN HARLEY

72 Cobbs Hill Road (Map 11 Lot 25.1) / Application under by-law 6.11

Mr. Maloney opened the public hearing at 9:56am and appointed Joan Malkin as a voting member.

Mr. Sourati re-shared the site plan for the property and pointed out the location of the pool house/gym being proposed. He then shared the elevation plans for the building. He explained that the addition of the pool house would require a special permit for additional living space.

The Board asked Mr. Sourati if this application should also be continued since the pool application is continued and any changes made to that application may affect this proposal.

Mr. Sourati agreed that this application should also be continued. A motion was made to continue the hearing and seconded. The motion passed by unanimous vote.

AGENDA ITEM #4: GEORGE SOURATI FOR SHEEPS CROSSING NOMINEE TRUST

0 Sheeps Crossing (Map 25 Lot 20.8) / Application under by-law 6.11

Ms. Malkin recused herself from this hearing since she is an abutter within 1000 feet. Mr. Sourati was asked if he would like to continue the hearing with 4 voting members, which would require a unanimous vote to pass. Mr. Sourati stated he would like to continue. The public hearing was opened at 10:02am.

Mr. Sourati shared the site plan for this project. He indicated where the detached bedroom would be located on the second floor in a garage that is currently being built. Mr. Sourati went on to share the architectural plans.

The Board asked if the Board of Health was consulted and Mr. Sourati said that they had and, in fact, the septic system had already been installed. There was a brief discussion about the Island Farm Road cluster subdivision, which allowed for 3500 square feet of livable space even though the property is under 3 acres.

Since this application was applied for under bylaw 6.11, Mr. Sourati also presented answers to the 13 criteria associated as follows:

- 1) The garage/detached bedroom will not be visible in the winter from a public way, a water body or a cemetery. The garage/detached bedroom will be over 600' ± from South Road and over 2,800' ± from Vineyard Sound. The garage/detached bedroom will be partially visible from some of the neighboring properties.
 - (a) The building siting and design have been carefully addressed by the Architect to minimize impact [on] the rural and scenic character of the site and surrounding area.
 - (b) Natural buffers will remain and additional landscaping is proposed between the garage/detached bedroom and Allen Farm Road.
 - (c) Exterior lighting is kept to a minimum and will be in accordance with the Building Code and the lighting requirements listed in the Zoning By-law. Outside lighting will be down shielded.
- 2) The limit of work boundary will be kept as tight to the building envelope as is possible. Natural features such as native ground cover, boulders and trees are being preserved.
- 3) The building is designed to maintain the natural landscape around it. The natural vegetation on the slopes surrounding the building will be protected and maintained. The landscaping around the structure will be minimal.
- 4) This is true in keeping with the design intent.
- 5) The proposed driveway will be shared with the main house and the garage/detached bedroom. The driveway is curved and follows the contours of the land.
- 6) The garage/detached bedroom is a small structure which will be built into the hillside and the ridge will be below the average height of existing trees. The overall height of the garage/detached bedroom is 24'. In the area of the structure, Allen Farm Road is approximately 4 to 5 feet higher in elevation than the detached bedroom.
- 7) N/A
- 8) The project includes savings surrounding trees and large boulders which is a primary goal for the owner. There are no water courses on the lot.
- 9) No work is proposed within 200' of a wetland. A silt fence will be maintained during construction as it is the owners' desire to minimize construction impact on the native site. All site run off will be managed and maintained within the limit of the work (both during and after construction).
- 10) There will not be any fossil fuels used to heat or cool the detached bedroom. The detached bedroom will be insulated in accordance with building code requirements.
- 11) The building has a wood frame and naturally weathered wood finishes. The building is designed to be energy efficient and uses environmentally sound material and building techniques.
- 12) (a) The project is not within NHESP jurisdiction and will not have an adverse impact on habitat. (b) N/A
- 13) The design intent of this project is for the building to sit quietly within the natural landscape. To the extent the natural qualities of the site are deemed historical resources, they will be protected. We are not aware of any archaeological resources on the property.

It was asked if a deed restriction would be appropriate for this property. After a brief discussion, it was agreed that any other proposal would need to come before the Board anyway so a deed restriction was not necessary.

The hearing was opened to public comment at 10:19am. 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 as presented with the condition that the detached bedroom use green energy as indicated in the answer to question 10 of the 13 criteria. The motion was seconded and passed by a unanimous vote.

AGENDA ITEM #5: CHRIS ALLEY FOR SILLIMAN WASS FAMILY TRUST
138R South Road (Map 17 Lot 45.2) / Application for a pool under by-law 4.2A3

Mr. Maloney opened the public hearing at 10:23am and appointed Joan Malkin as a voting member.

Mr. Alley shared the site plan and pointed out the location of the proposed pool. He indicated the fencing is directly around the pool and mentioned that the location of the pool will meet 50-foot setbacks from lot lines. Mr. Alley said that the power would be supplied by a solar array that is currently being designed by Wagner Pereira Electrical Contractor Inc. and should produce enough power to supply the entire property, not just the pool. He was aware of only one abutter who might be able to see the pool from their property.

The hearing was opened for public comment at 10:29am.

Abutter Gerald Hass and daughter Emily offered that there was visibility of the Silliman-Wass house from their property and wanted to know about screening.

Owner Deborah Walker answered that there was good deal of brush and trees in the way and should offer enough screening. In addition, Deborah said that the Hass house was not visible to them from the location of the pool in the spring, summer or fall and that the pool would not be used in the winter. She invited Gerald and Emily over to view the location of the pool.

Emily said that they believe they had been viewing the site plan incorrectly and thought the pool was between the two houses, which Mr. Alley had mentioned was not the case. She appreciated the offer to view the pool location and said she would do so.

With no more public comment offered, a motion was made to close the public hearing at 10:32am. The motion was seconded and passed by unanimous vote. (Please note: Ms. Malkin had to leave the meeting just prior to this motion and did not participate in this or any subsequent votes).

A motion was made to approve this application as presented and seconded. The application was approved by unanimous vote.

AGENDA ITEM #6: CHUCK SULLIVAN FOR CHRISTOPHER RODGER & DEBORAH WALKER

17 South Ridge Road (Map 18 Lot 36) / Application for a guesthouse under by-law 4.2A1

Mr. Maloney opened the public hearing at 10:33am. He asked Mr. Sullivan if he was okay to proceed with only four voting members and Mr. Sullivan answered in the affirmative.

Mr. Sullivan showed an aerial map indicating the location of the property and then presented the site plan. He indicated the main house and where the guesthouse is proposed. He mentioned that the guesthouse would not have a kitchen but would have 2 bedrooms. He said that the setbacks from lot lines would be met on all sides. Mr. Sullivan went on to present the architectural plans.

Mr. Maloney opened the hearing to public comment at 10:38am. 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 accept the application as presented and seconded. The vote passed unanimously.

AGENDA ITEM #7: REID SILVA FOR 4 SOUTH ABELS HILL TRUST

4 South Abels Hill Road (Map 24 Lot 219) / Request Change to Pool Special Permit Previously Issued under by-law 4.2A3

Mr. Silva presented a new site plan (revision date 11/17/21) for 4 South Abels Hill Road where the pool was moved 4 feet further from the house.

The Board asked if the pool move would have any adverse effects on the next door abutter, Emily Gadd. Mr. Silva explained that the abutter's issues were still being addressed by the screening plan and this pool move would not affect that aspect of the project.

The Board concluded that this change was de minimus and voted unanimously to approve the revised site plan.

DOCUMENTS:

72 Cobbs Hill Road Site Plan
72 Cobbs Hill Road Elevations
72 Cobbs Hill Road Landscape Plans
0 Sheeps Crossing Site Plan
0 Sheeps Crossing Architectural Plans
0 Sheeps Crossing 13 criteria for Bylaw 6.11
138R South Road Site Plan
17 South Ridge Road Aerial Map
17 South Ridge Road Site Plan
17 South Ridge Road Architectural Plans
4 South Abels Hill Road Revised Site Plan

ADMINISTRATION:

Next Hearing: December 30, 2021 @ 9:00am. Site visits December 29, 2021 @ 9:00 am.

With no further business to conduct the meeting adjourned at 10:43 AM.

Respectfully submitted by Alison Kisselgof, board administrator.