



ZONING BOARD OF APPEALS

Town of Chilmark

MEETING MINUTES -DRAFT

September 22, 2022 (via ZOOM)

Present for the Board of Appeals were Frank Lo Russo - Chair, Allison Burger, Wendy Weldon, Joan Malkin, Russell Maloney, Fred Khedouri and Alison Kisselgof - Administrator. Also in attendance were Daniel Whiting, Justin Corbett, George Sourati, Felicia Ellsworth, Brian O'Dowd, Jake Wright, James Hartley, Ken Abbott, Kara Shemeth & Bill S.

Joe Chapman and Chris Murphy were not present.

The meeting came to order at 9:00 AM.

AGENDA ITEM #1: GEORGE SOURATI FOR WILL SEWARD and MICHELLE NAN SEWARD **69 Cobbs Hill Road (Map 11 Lot 25.3) / Application for Special Permit under By-law 4.2A1**

Mr. Lo Russo opened the public hearing at 9:05 AM. Mr. Lo Russo appointed Mr. Khedouri as a voting member.

Mr. Sourati started by sharing an aerial map of lot and then the site plan. He pointed out the location of the guesthouse on the plan. Mr. Sourati said that he was informed early in the day that the owner moved into the house in September 2018, which means that the dwelling has not be occupied for five years as is require for a special permit under by-law 4.2A1.

The Board discussed whether a special permit could be issued at this time if the five year requirement had not been met yet. The consensus was that the applicant should re-apply for the special permit once the five year requirement was met.

Mr. Sourati requested to withdraw the application without prejudice. A motion was made to accept the request and was seconded. The request was approved by unanimous vote.

AGENDA ITEM #2: 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**

In the absence of Mr. Murphy and Mr. Chapman, the Board did not have a quorum to proceed with this public hearing. The application was continued until the October meeting.

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**

This was a continued public hearing. The applicant was asked if they wanted to proceed with just four voting members present. The applicant confirmed that they would like to proceed.

Mr. Whiting recounted the scope of the project and said that the owners had done their best to address concerns about the line of sight from the house to the pool.

The Board discussed the most recent site visit and the changes that were done to improve the line of sight. The grilles in the windows facing the pool had been removed. The Board felt the view of the pool was improved with this change. The

applicants had offered to install cameras and the Board mentioned that this addition would also improve the safety.

A motion was made to close the public hearing, seconded and passed by unanimous vote.

With no further discussion, a motion was made to approve the plan as presented with the following conditions: the window grilles shall remain off the windows facing the pool indefinitely and cameras shall be installed to monitor the pool area. The motion was seconded and passed with all four voting members in favor.

AGENDA ITEM #4: 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

This was a continued public hearing. The applicant was informed that only four members were present at the meeting to vote and a unanimous vote would be required in order to obtain a special permit. The applicant requested to continue with public hearing with just four voting members.

Mr. Sourati recounted the history of this application, which has been pending before the Board for almost a year. He mentioned that representatives from the architectural firm were present at today's meeting as well as Mr. Hartley and Felicia Ellsworth, an attorney representing Mr. Hartley. Mr. Sourati shared the most recently revised site plan. He went over the changes to the plans since the last presentation: the pool was lowered another foot and is now ~3 inches lower than the first floor of the main dwelling, the pool was shifted 20 feet closer to the house, trees in the view channel will be removed and the pool fencing location was changed to terminate at the corners of the guest house.

The Board complimented the applicant on the changes made to the plans in response to their safety concerns. However, there was still some concern about the location of the pool fencing. Because the fencing terminates at the walls of the guest house and gym/pool house, all doors and windows that lead to within the fencing area would need to be alarmed. It was mentioned that there is a higher risk of drowning in instances that buildings are included within the pool fencing. Mr. Sourati said that these concerns were discussed with the owners and that they did not want to change the current design; however, the owners do agree to alarm all the necessary doors and windows. Mr. Sourati mentioned that the design complies with Massachusetts state code.

The Board was also wary of the distance from the house to the pool. Although the pool was brought 20 feet closer to the house, there is still a distance of ~120 feet between house and pool. In addition, there was no direct line of sight presented from the interior of the dwelling but instead from the screened-in porch. Mr. Sourati mentioned that the owners would be willing to install cameras to improve visibility of pool activity from inside the house. He also offered to limb some lower branches of trees that are in the line of sight from the deck and add an automatic pool cover.

There was a brief discussion about the parcel and conservation considerations. Conservation Commission administrator Kara Shemeth went over the minutes from their meeting on this project. She said that the project was approved with standard conditions and there were no other concerns from the Commission except to make sure the location of the pool was outside of the flood plain, which it is. Mr. Sourati also mentioned that the Board of Health had approved the plans.

The hearing was opened to public comment at 9:52 AM. With no public comment offered, a motion was made to close the public hearing, seconded and passed by unanimous vote.

After a short discussion by the Board, a motion was made to accept the application with the following conditions: guesthouse & gym/pool house doors and windows shall be alarmed, cameras shall be installed, trees in the line of sight shall be removed and trees just outside the line of sight shall be limbed.

The motion was seconded. Three Board members voted in favor of the motion but the fourth member abstained, causing the motion to fail and the application to be denied.

AGENDA ITEM #5: 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

This was a continued public hearing. The applicant was asked if they wanted to proceed with just four voting members present. The applicant confirmed that they would like to continue.

Mr. Sourati shared and went over the plans for gym/pool house including the floor plan and elevations. He then shared and read the answers from the applicant to the 13 criteria questions required for by-law 6.11. At the request of the Board, Mr. Sourati shared a letter included in the application which indicated the total living area (TLA) allowed for the property (4,825 sf), the square footage of the guesthouse (447 sf) and pool house (828 sf) and the amount of square footage over the allowable TLA that this application is requesting (600 sf).

The Board asked the applicant about criteria question #10 and what renewable energy source would be used. Mr. Sourati said that since no solar array was planned, the owner would enroll in a supplier green energy program. A motion was made to close the public hearing. The motion was seconded and passed with all members in favor.

The Board asked if any letters were received from abutters. Ms. Kisselgof replied that no letters were received.

A motion was made to accept the application as presented with the condition that the applicant enroll in a renewable energy program. The motion was seconded and passed by unanimous vote.

AGENDA ITEM #6: 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 October meeting. A motion was made to accept the continuance request. The motion was seconded and passed with all members in favor.

AGENDA ITEM #7: REID SILVA FOR THE YARD, INC.

#6 The Yard (Map 26 Lot 95) / Application for Special Permit under By-laws Article 6 Section 6.6, Article 8 Section 8.3

AGENDA ITEM #8: REID SILVA FOR THE YARD, INC.

#1 The Yard (Map 26 Lot 92) / Application for Special Permit under By-law Article 6 Section 6.11

AGENDA ITEM #9: REID SILVA FOR THE YARD, INC.

#7 The Yard (Map 26 Lot 91) / Application for Special Permit under By-laws Article 6 Section 6.11, Article 8 Section 8.3

Mr. Silva had emailed requesting a further continuance of these applications until the October meeting since the applications are still under review by the Martha's Vineyard Commission. A motion was made and seconded to accept the request to continue all three applications. The motion was approved with all Board members in favor.

TOPICS NOT ANTICIPATED BY THE CHAIR: Ms. Kisselgof recounted conversations from the previous day's site visit in which member mentioned the possibility of not visiting properties for guest house applications because these visits offered little added value. Ms. Kisselgof polled Board members to see if they would like to do site visits for guest house applications in the future. The consensus was that site visits should still be performed for these applications.

DOCUMENTS:

69 Cobbs Hill Road aerial map

69 Cobbs Hill Road site plan revision date 9/16/22

69 Cobbs Hill Road Gym/Pool House floor plan and elevations
69 Cobbs Hill Road Letter indicating square footage of project and TLA

ADMINISTRATION: Ms, Malkin pointed out that the word “is” was missing in a sentence in the first paragraph. A motion was made to approve the minutes from the 8/25/22 meeting with the correction. The motion was seconded and passed unanimously.

Next Hearing: November TBD 2022 @ 9:00 AM. Site visits November TBD 2022 @ 9:00 AM.

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

Respectfully submitted by Alison Kisselgof, Board Administrator.