



ZONING BOARD OF APPEALS

Town of Chilmark

MEETING MINUTES - FINAL

September 23, 2021 (via ZOOM)

Present for the Board of Appeals and attending the meeting on Zoom were Russell Maloney, Chairman, Frank Lo Russo, Vice Chairman, Wendy Weldon, Chris Murphy, Joe Chapman, Joan Malkin and Alison Kisselgof Administrator. Also in attendance were Reid Silva, Emily Gadd, Jonathan Lipnick, Paul & Diane Kretschmann, Jon Weingarten, Jessica Mason, Alex & Amy Finklestein, Richard DeWitt, and Kris Horiuchi. Allison Burger did not attend.

The meeting came to order at 9:05 AM.

AGENDA ITEM #1: REID SILVA FOR JESSICA MALKIN MASON & GREGORY MASON ***20 Henry Hough Lane (Map 25 Lot 23) / Application for a pool under by-law 4.2A3***

Mr. Maloney opened the public hearing at 9:06 AM and appointed Joe Chapman as a voting member. Ms. Malkin recused herself since she has a personal connection to this application.

Reid Silva shared the site plan for the project. Mr. Silva indicated where the pool would be located and pointed out the existing septic system that had to be avoided for pool placement. The landscape plan was also presented and Mr. Silva indicated the existing solar array that would be used to power the pool equipment.

The board commended the applicant for a well-presented plan that met all the bylaw guidelines.

Mr. Maloney opened the hearing to public comment at 9:12 AM.

Abutters Paul & Diane Kretschmann thanked the Masons for answering all their questions during the planning phase. Ms. Kretschmann mentioned that their bedroom is on the side of their house by the proposed pool location and asked if the pool equipment noise would be measured to ensure bylaw guidelines are met. Mr. Silva explained that the decibels of noise are not normally measured and could not be determined until the pool was installed and functioning. The landscape architect Kris Horiuchi mentioned that the applicants were also concerned about the pool equipment noise and further explained how the equipment would be placed in an enclosure with stone and concrete sides and an open top needed to allow air to come in contact with the heat pump. Ms. Kretschmann accepted the answers and had no other questions.

With no further comment offered, a motion was made to close public comment. The motion was seconded and passed by unanimous vote.

A motion was made to accept the proposal as submitted and seconded. The motion passed unanimously.

AGENDA ITEM #2: REID SILVA FOR 4 SOUTH ABELS HILL ROAD NOMINEE TRUST ***4 South Abels Hill Road (Map 24 Lot 219) / Application for a pool under by-law 4.2A3***

This is a continued public hearing with Joan Malkin as the alternate voting member. Mr. Maloney opened the public hearing at 9:18 AM.

Ms. Kisselgof read two new letters into the record, both in support of the application. The letters were from North Abels Hill resident Michael Newbold and abutter Topher Solmssen.

Mr. Maloney opened the hearing to public comment at 9:22 AM.

Mr. Silva shared a graphic created to show new screening planned between the Finklestein's property and the Gadd residence. Abutter Emily Gadd asked about the height of the trees in the graphic. Mr. Silva estimated the height would be somewhere in the range of 12-15 feet which he felt should be sufficient to block the view of the pool from the Gadd house. Owner Alex Finklestein offered that the trees will shield the view of the pool from the Gadd residence but not impede the Gadds' view of the ocean.

The board discussed the reasoning for why they originally wanted this application continued, which included further assessment of whether the pool would adversely affect the character of the neighborhood and review of the previously denied Sacks pool application, which abutters mentioned at the previous hearing. After reviewing the information regarding the Sacks pool application denial, the board members determined that the facts of the Sacks case were not applicable to the Finklestein's application. Upon further review of the character of the neighborhood after the second site visit, it was concluded that the addition of a pool would not unreasonably interfere with the abutters' enjoyment of their properties.

A motion was made to close the public hearing at 9:29 AM. A second motion was made to approve the application as presented with the condition that the proposed tree screening be added to the landscape plan. The motion was seconded and passed by unanimously via roll call.

AGENDA ITEM #3: KRIS HORIUCHI FOR BEETLEBUNG ROAD LLC
33 Beetlebung Road (Map 20 Lot 34 &35) / Application under by-law 6.6

Ms. Horiuchi requested that this application be withdrawn.

Mr. Maloney appointed Mr. Chapman as a voting member. A motion was made to approve the withdrawal without prejudice and seconded. The motion passed by unanimous vote.

AGENDA ITEM #3: DISCUSSION OF POOL BYLAW UPDATES

Ms. Malkin shared that her computer was having problems and appears to have lost her files, including those regarding the pool bylaw change. She requested that this agenda item be discussed at the next meeting and Mr. Maloney asked Ms. Kisselgof to include the topic on a subsequent meeting agenda.

ADMINISTRATION: The draft August 26, 2021 meeting minutes were reviewed. A motion was made to accept the minutes as written and seconded. The motion passed by unanimous roll call vote.

Due to a Zoom bombing this week during a Conservation Commission meeting, security protocols for meetings were adjusted to avoid future incidents. The new protocol involved removing attendee's control of mute, video and file sharing. However, these new protocols proved to be tedious in practice and Mr. Maloney requested a review of security with the Town Administrator before the next meeting.

Next Hearing: October 28, 2021 @ 9:00am. Site visits October 27, 2021 @ 9:00 am.

With no further business to conduct the meeting adjourned at 9:31 AM by a unanimous roll call vote.

Respectfully submitted by Alison Kisselgof, board administrator.