



# ZONING BOARD OF APPEALS

## Town of Chilmark

### MEETING MINUTES - FINAL

#### **April 28, 2022 (via ZOOM)**

Present for the Board of Appeals and attending the meeting on Zoom were Russell Maloney Chairman, Allison Burger, Wendy Weldon, Chris Murphy, and Alison Kisselgof Administrator. Also in attendance were Ann Wallace, Bruce MacNelly, Hans Solmssen, Will Seward, George Sourati, Jill Goodman, Nancy Gould and Jeffrey DuBard. Joan Malkin, Frank Lo Russo and Joe Chapman did not attend.

The meeting came to order at 9:00 AM.

#### **AGENDA ITEM #1: GLENN PROVOST FOR PAUL & JODY DAROW**

**18 Greenhouse Lane (Map 33 Lot 32) / *Application for Special Permit under By-laws 6.6 & 8.3***

Mr. Provost submitted a letter from the owners requesting to withdraw this application without prejudice. A motion was made to accept the request. After a brief conversation about issues with this property, the motion was seconded and passed by unanimous vote of all four in favor.

#### **AGENDA ITEM #2: GEORGE SOURATI FOR WILL & MICHELLE NAN KIM SEWARD**

**69 Cobbs Hill Road (Map 11 Lot 25.3) / *Application for a Special Permit under By-law 4.2A3***

Mr. Maloney opened the public hearing at 9:10 AM and asked Mr. Sourati whether he would like to continue with just four voting members. Mr. Sourati said that he would proceed and started his presentation by sharing an artist rendering of the site line from inside the house to the pool. He then shared an aerial map indicating the location of the property for the application. Mr. Sourati showed the site plan and indicated the location of the pool, spa, cabana and open pavilion. He also pointed out the glass pool enclosure and the location of the gate. The site plan included screening planted along the eastern lot line to shield the pool from the neighboring property. Mr. Sourati mentioned that the pool and its equipment are further than 50 feet from the lot lines.

The Board asked if the applicants would consider an automatic pool cover. The owner stated he had no objection to installing an automatic cover. The power for the pool equipment was discussed. Although the application indicated that the power would come from a green energy supplier, the owner said that a solar array would be installed but not far enough into the planning to include on the application.

Mr. Maloney opened the hearing to public comment at 9:17 AM. Abutter Jill Goodman offered that she initially had concerns about noise from the pool but had spoken with the applicant and is satisfied with the plan he presented, which included the screening between the two lots.

With no other comments offered, a motion to close the public hearing was made at 9:20 AM. The motion was seconded and passed by unanimous vote.

A motion was made to approve the application as presented. The motion was seconded and passed with all four votes in favor.

#### **AGENDA ITEM #3: BRUCE MACNELLY FOR SOLMSEN FAMILY NOMINEE TRUST**

**56 N Abels Hill Road (Map 26 Lot 92) / *Application for Special Permit under By-law 4.2A1***

Mr. Maloney opened the public hearing at 9:22 AM and asked Mr. MacNelly if he would like to proceed with

just four voting members. Mr. MacNelly confirmed he would like to continue.

Mr. MacNelly shared the site plan for the application and indicated the location of the main dwelling. He said that the property was 3.7 acres and the square footage of the existing house is 2692. Mr. MacNelly mentioned the addition of an 800 square foot guesthouse would be within the allowable total livable area. He pointed out where a new driveway off of Cross Rip Lane would be added to access the guesthouse. Mr. MacNelly presented the floor plan and indicated the porch that was revised from the originally submitted plans to be open so its square footage would be omitted from the guesthouse total square footage, keeping the size within the limit of 800 square feet. Elevations and 3D drawings of the guesthouse were also shown.

The Board mentioned that conditions of the special permit would include Board of Health approval and a deed restriction stating the porch cannot be enclosed.

The hearing was open to public comment at 9:29 AM. Abutter Ann Wallace expressed her concern with the placement of the new driveway for the guesthouse. She asked if the applicant would consider moving the driveway because the dirt road has a dip that collects water after heavy rainfall and more traffic would exacerbate the issue. Ms. Wallace suggested that the driveway be moved to N Abels Hill, which is paved. Mr. MacNelly mentioned that the driveway installation would involve building the road up to control the runoff but that it would be worth considering moving the driveway to prevent damage to the dirt road from construction vehicles.

Applicant Hans Solmssen addressed Ms. Wallace's concerns. He mentioned that N Abels Hill Road has a fair amount of traffic in the summer months while Cross Rip Road has much less. Mr. Solmssen felt that exiting a driveway on N Abels Hill Road would be more difficult in the summer due to traffic. He said that the dip in the dirt road would be addressed to prevent runoff. Mr. Solmssen also read a letter that he wrote regarding the screened porch which had to be removed due to size restriction. His letter included a request to the Board to reconsider allowing the screened porch.

The Board stated that the by-law clearly indicated that screened porches be included in the size of the guesthouse and therefore no reconsideration could be made. It was suggested that Mr. Solmssen consider changing the plans if a screened porch was important to him.

Ms. Kisselgof read an email from abutter Michael Newbold in support of the project into the record. Ms. Kisselgof also read into the records a letter from the Planning Board indicating that the Board would not require a Criteria for Guesthouses in Previously Approved Subdivisions document because the subdivision was created prior to the effective date of the Subdivision Control Law.

With no further public comment offered, a motion was made to close the public hearing at 9:42 AM. The motion was seconded and passed by unanimous vote.

A motion was made to approve the application as presented. The motion was seconded and passed with all four votes in favor.

#### **AGENDA ITEM #4: REID SILVA FOR ORCHARD HILL NORTH LLC**

***61 North Road (Map 3 Lot 5) / Follow-up to Conditional Special Permit under By-law 4.2A3***

Mr. Silva was not in attendance so this item was moved to the next meeting agenda.

#### **AGENDA ITEM #5: GEORGE SOURATI FOR MAKENA B. HERGET 1983 TRUST**

***73 Quenames Road (Map 17 Lot 51) / Application for a Special Permit under By-law 4.2A3***

This application was requested be continued. A motion was made and seconded to accept the request. Vote to approve was unanimous.

**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***

This application was also requested be continued. A motion was made and seconded to accept the request. Vote to approve was unanimous.

**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***

This application was also requested be continued. A motion was made and seconded to accept the request. Vote to approve was unanimous.

**TOPICS NOT ANTICIPATED BY THE CHAIR:** Ms. Kisselgof relayed her discussion with town counsel regarding the exclusion of commercial space from the total livable area calculation. Town counsel does not have any recommendations yet and will get back to the Board after researching the issue.

**DOCUMENTS:**

Draft minutes from 3/24/22 ZBA Meeting

4/20/22 Letter from Paul & Jody Darrow requesting Withdrawal without Prejudice of ZBA application

69 Cobbs Hill Road Pool Site Line Rendering

69 Cobbs Hill Road Site Plan

69 Cobbs Hill Road Aerial Map

56 N Abels Hill Road Site Plan

56 N Abels Hill Floor Plan

56 N Abels Hill Elevations

4/21/22 Email from Michael Newbold in support of 56 N Abels Hill Road application

4/13/22 Email from Jen Christy regarding Planning Board review of the application

**ADMINISTRATION:**

MINUTES: A motion was made to accept the March 24, 2022 minutes as written and seconded. Ms. Weldon abstained from voting since she was not present at the meeting. The three voting members all voted in favor.

POOL BY-LAW DISCUSSION: Ms. Malkin requested that this topic be discussed at the next meeting.

NEW CHAIR: The Board discussed changing the Chair for the next meeting. Mr. Lo Russo is next in the rotation of Board members and will be asked if he would like take the position.

Next Hearing: May 26, 2022 @ 9:00 AM. Site visits May 25, 2022 @ 9:00 AM.

With no further business to conduct the meeting adjourned at 10:33 AM.

Respectfully submitted by Alison Kisselgof, board administrator.