



ZONING BOARD OF APPEALS

Town of Chilmark

MEETING MINUTES - FINAL

May 26, 2022 (via ZOOM)

Present for the Board of Appeals and attending the meeting on Zoom were Russell Maloney - Chair, Allison Burger, Wendy Weldon, Chris Murphy, Joan Malkin, Frank Lo Russo, Joe Chapman and Alison Kisselgof - Administrator. Also in attendance were Douglas & Mary Benefit, Skye MacDuff, Greg Ehrman, Greg Whiting, Reid Silva, Daniel Larkosh and Ted Rosbeck.

The meeting came to order at 9:01 AM.

AGENDA ITEM #1: DOUGLAS & MARY BENEFIT

14 Quansoo Road (Map 11 Lot 29.4) / *Application for Special Permit under By-law 4.2A1*

Mr. Maloney opened the public hearing at 9:05am.

The Board discussed whether this application should have been applied for under By-law 6.12A5, which describes the conversion of an accessory apartment to a guesthouse. It was the consensus that the application should have included this by-law in addition to 4.2A1 but that the outcome of the application would be the same. The Board decided to proceed with the application as submitted.

There was a question as to whether the dwelling would meet all the requirements of By-law 4.2A1. After review of the By-law stipulations, the only element in question was the septic system. Mr. Silva offered that the By-law states a guesthouse must show the ability to support a separate septic system but the Board of Health could still approve a shared system. The Board discussed approval from the Board of Health as a condition of issuing the special permit.

The hearing was opened to public comment at 9:15am. Ms. Kisselgof read a letter received from abutter Suzy Zell. Ms. Zell wrote that a good portion of the screening between the properties has been removed. She is also concerned with the size of the dwelling being increased and the usage of the guesthouse.

Mr. Benefit refuted Ms. Zell's statement regarding the removal of screening, explaining that he had planted more trees than were removed. Mr. Benefit also offered that his septic system could support 5 bedrooms and his current residence only has 4 bedrooms (3 in the main house and one in the accessory apartment). He mentioned that the septic system has room for expansion as well.

Ms. Kisselgof noted that the Planning Board reviewed the application and decided to not take any action. Ms. Kisselgof also mentioned that she could find no other special permit issued for a conversion of accessory apartment to guesthouse to reference for which by-laws needed to be included on the application.

With no further public comment offered, a motion was made to close the public hearing at 9:19am. The motion was seconded and passed by unanimous vote.

It was suggested that the Benefits send a letter of approval from the Board of Health to Ms. Kisselgof for issuance of the special permit since this project does not require a building permit.

A motion was made and seconded to approve of the application with the condition of approval from the Board of Health. The motion passed by unanimous vote.

AGENDA ITEM #2: GREG WHITING FOR WILLIAM POWELL & GAIL SCHARGEL

11 Azalea Lane (Map 29 Lot 7) / Application for a Special Permit under By-law 6.6

Mr. Maloney opened the public hearing at 9:21am.

Mr. Ehrman began the presentation by going over the project details. He explained that the spiral staircase to the roof deck would encroach on the setback by 2 feet and that the abutting neighbor has written a letter of support.

Mr. Maloney opened the hearing to public comment at 9:23am. Ms. Kisselgof read the letter of support from the abutting neighbor into the record. With no other public comment offered, a motion was made to close the public hearing at 9:24am. The motion was seconded and passed by unanimous vote.

A motion was made to approve the application as presented and the motion was seconded. The motion passed with five out of five in favor.

AGENDA ITEM #3: 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 shared the original and revised site plans for the pool proposed at 61 North Road, pointing out the changes made. The fencing in the revised site plan no longer use the main dwelling as a barrier but instead runs parallel between the house and pool. The fencing does include a corner of the screened porch as a barrier but there are no doors leading out to the pool within the enclosure. Mr. Silva indicated that the fencing along the west side was drawn incorrectly within the setback and a final version would be sent in which the fence would follow the lot line.

The Board was satisfied with the changes to the pool fencing. Mr. Silva was reminded that plantings should be kept trimmed so as not to impede the line of sight from the house.

The Board unanimously voted to approve the revised site plan.

AGENDA ITEM #4: 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

Mr. Sourati shared an aerial map of the property showing the distance of the pool from the five abutting neighbors' dwellings. He then showed a revised site plan and pointed out that the use the house as a partial barrier remained since the owner did not want a fence between the pool and the house. Mr. Sourati explained that the fencing had shifted to omit a door that leads into the house at the southwest corner. He indicated doors to a closet and a half bathroom that would be included in the fencing and stated that neither door leads into the house. Mr. Sourati said that the pool was moved slightly closer to the house and that an automatic safety cover will now be installed. All doors within the pool enclosure would be alarmed. 10 feet of vegetation around the pool would be cleared.

The Board asked for clarification of which doors would be alarmed. Mr. Rosbeck answered that there are two doors and one slider on the house which have alarms. He also explained that the windows would either be alarmed or secured to not open more than 4 inches to comply with state code. The Board asked about alarming the screened porch door. Mr. Sourati confirmed the owner has agreed to alarm the door of the screened porch as well.

Mr. Maloney opened the hearing to public comment at 9:38am. With no public comment offered, a motion was made to close the public hearing at 9:39am. The motion was seconded and approved by unanimous vote.

The Board commended the applicant for making significant changes to their original plans at the Board's request to improve the safety of the pool.

A motion was made to approve the application as presented with standard pool conditions applying. The motion was seconded and passed with all five members in favor.

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 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 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:

DOCUMENTS:

Letter abutter to 14 Quansoo Road
Letter from abutter to 11 Azalea Lane
61 North Road revised site plan
73 Quenames aerial map
73 Quenames revised site plan

ADMINISTRATION: Ms. Kisselgof mentioned that an application from American Tower Corporation was received to renew the special permit for the Distributed Antennae System in town. The special permit renewal would require the Chilmark Plan Review Committee to convene for a public hearing which includes members of the Zoning Board of Appeals and the Planning Board as well as another individual appointed by the Select Board. Ms. Kisselgof has scheduled this meeting for June 22nd and wanted to give the ZBA members the date to mark on their calendars. Materials will be emailed shortly to members.

MINUTES: A motion was made and seconded to approve the minutes as written. The motion passed by unanimous vote. Ms. Malkin & Mr. Lo Russo abstained since they were not present at the 5/26/22 meeting.

POOL BY-LAW DISCUSSION: Ms. Malkin reviewed the history of the amendments to the pool by-law that have been pending since 2018. Ms. Malkin is concerned that the energy provision will be rejected by the Attorney General due a precedent case in Brookline. She suggested changing the language to read “if a swimming pool is heated, applicants are strongly encouraged to use a heat pump heating system together with an onsite solar or other renewable system.”

After a lengthy discussion regarding energy sources available to heat a pool, a motion was made that Ms. Malkin should send her proposed pool by-law edits to the Planning Board for review. The motion was seconded and passed unanimously.

NEW CHAIR: Mr. Lo Russo has agreed to become Chair of the Board in July when meetings are expected to go back to in person. Since there is a chance that meetings will not resume at the Town Hall in July and more information may be available in the coming month, the Board decided to wait on voting to appoint Mr. Lo Russo as Chair until the next meeting.

Next Hearing: June 30, 2022 @ 9:00 AM. Site visits June 29, 2022 @ 9:00 AM.

With no further business to conduct the meeting adjourned at 10:15 AM.

Respectfully submitted by Alison Kisselgof, Board Administrator.