

November 3, 2011

Twin

TO: Distribution

FROM: Chuck H.

SUBJECT: ZBA Special Permit Decisions and Applications

This summarizes the decisions reached at the October 26, 2011 ZBA meeting and outlines the agenda for its November 15th meeting. The November 15 (and December 14) ZBA meeting dates are not the regularly scheduled dates because of the holidays.

October 26th Decisions:

1. **SPECIAL PERMIT APPROVED: REID SILVA FOR MADOFF 1991 REALTY TRUST; Article 6 Section 6.6; 16 Nickerson Farm Lane; Map 21 Lot 9.3:** Construct an addition to the existing single-family residence. A portion of the addition is 23.3 feet from the north lot line and does not meet the minimum 25-foot setback distance from the lot line.
2. **VARIANCE GRANTED WITH CONDITIONS (SEE REVERSE SIDE): JIM FEINER; Variance of Article 6 Section 6.9 under Article 9 Sections 9.3-9.8; 7 Ridge Hill Rd.; Map 11 Lot 47.3:** The purpose is to subdivide a 3.98-acre parcel of land to create a 0.98-acre affordable homesite housing lot with an existing dwelling that comply with local Zoning and Board of Health setback requirements. The 0.98-acre homesite lot is less than the minimum 1.0-acre required in the bylaw. A separate 3.0-acre vacant, buildable lot will also be created. The applicant believes the variance is consistent with the intent of Zoning Bylaw Article 6 Section 6.9. If approved, the applicant will meet with the Planning Board and Board of Health as needed.

November 15th Agenda:

1. **MICHAEL BARCLAY; Article 4 Section 4.2A3; 1 Osprey Lane; Map 25 Lot 117.2:** Construct a 45' X 13.5' in-ground swimming pool with the required four-foot high safety fencing. The pool is in a location that meets the minimum 50-foot setback distance from the lot lines. The pool fencing complies with MA. Building Code 780 CMR 120.M105 that governs pool barriers. The pool will have a key-operated, automatic safety cover. The pool equipment will be located in the adjacent garage. The pool water will not have an auxiliary heating system. The water filtration system will be non-chlorine based. The pool will be filled with water from an off-site source.
2. **REID SILVA FOR FRANK V. SICA; Article 4 Section 4.2A3 a-h; 60, 68 Prospect Hill Rd; Map 20 Lot 32; Map 14 Lot 26:** Construct a 20' X 40' built-in swimming pool with a geo-thermal heat pump water heating system and the required four-foot high safety fencing. The plan also includes an 8' X 74.5' lap pool; a 24' X 10' pool house with a bar, shower and storage shed; a 24' X 8' mechanical/electrical shed and an 8' X 8' hot tub.

**Chilmark Board of Appeals
NOTICE OF DECISION ON VARIANCE**

Owner: Charles F. and Kim M. Pachico; James Feiner Purchase and Sale Agreement

Applicant: James Feiner

Address: 7 Ridge Hill Road

Map: 11 Lot: 47.3

Date: October 26, 2011

An application for a Variance to Article 6 Section 6.9 was filed by James Feiner under Article 9 Sections 9.3 – 9.8. The purpose is to subdivide a 3.98-acre parcel of land to create a 0.98-acre affordable homesite housing lot with the existing dwellings that complies with local Zoning and Board of Health requirements. The 0.98-acre homesite lot is less than the minimum 1.0-acre required in the bylaw under Article 6 Section 6.9. A separate 3.0-acre vacant, buildable lot will also be created. The applicant believes the variance is consistent with the intent of Zoning Bylaw Article 6 Section 6.9. If approved, the applicant will meet with the Planning Board and Board of Health as needed. The application was heard at a duly posted public hearing held on October 26, 2011. The Board voted to grant the Variance with the following special conditions if the subdivision is approved by the Planning Board: 1. No guesthouse will be permitted on the 3-acre lot. 2. Every attempt will be made to site the single-family dwelling on the 3.0-acre parcel in a location that will have the least impact to the West Tisbury abutter - Map 34 Lot 2. 3. The 0.98-acre homesite lot will become a part of the Town's "pool" of total affordable homesite housing lots that have re-sale deed restrictions.

IMPORTANT:

FIRST:

Any appeal from the decision of the Board of Appeals can be made only to the Superior Court for Dukes County or to the Land Court under Section 14A of Massachusetts General Laws, Chapter 240 and must be filed within twenty calendar days following the filing of the decision with the office of the Town Clerk, as evidenced by the date of the Clerk's date stamp and signature below, as provided in Section 17 of the Zoning Act.

SECOND:

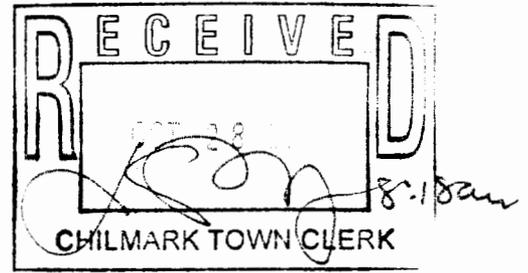
This Decision and any building plans approved by the Board of Appeals must be recorded in the office of the Recorder of Deeds and a record of the recording of both the decision and any building or other plans must be submitted to the Board of Appeals before a building permit may be issued. All plans to be recorded must be printed on 8 ½" by 14" plain paper.

Clerk, Board of Appeals

Copies to Applicant, Town Clerk, Building Inspector, Planning Board, Board of Health, Tax Collector, Assessor, Selectmen and abutters

True

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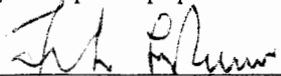
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