

**TOWN OF CHILMARK APPLICATION FOR SITE REVIEW**

**Filing Fee: \$20 Cash                      Date:                      Check #: 3248**

**Application #:**

**Assessors Map: 24 Lots: 209, 216**

**Street Address: 11, 15 Chappaquoit Road**

**Owner: Douglas Sacks**

**Owner's mailing address: P. O. Box 7138; Garden City, New York 11530**

**Applicant(s): Reid Silva; Vineyard Land Surveying & Engineering**

**Applicant's address: P.O. Box 421; West Tisbury, MA. 02575**

**Applicant's phone number: 508-693-3774**

**Description of the proposed development: Construct a 16' X 50' built-in swimming pool with a four-foot high stone wall retaining fence. A portion of the stone wall is less than 50 feet from the north lot line. A detached, sound-insulated pool equipment shed will be less than four feet above grade and approximately 15 feet from the north lot line.**

**REPORT OF THE SITE REVIEW COMMITTEE**

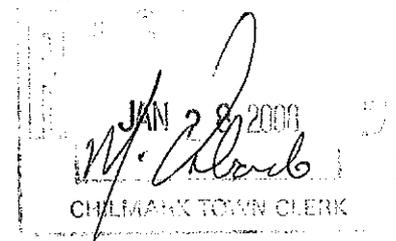
**Date: 1/23/08**

**Committee members present:**

<b>Name</b>	<b>Present</b>	<b>Name</b>	<b>Present</b>
Clarissa Allen, chair		Virginia Dyer	
Riggs Parker	X	Katie Carroll	
Mike Renahan		Rusty Walton	X
Lenny Jason		John Flender	X

**Permits required:**

<b>Action</b>	<b>Y</b>	<b>N</b>
<b>Building Permit</b>	Y	N
<b>Board of Health</b>	Y	N
<b>Conservation Commission</b>	Y	N
<b>Historical Commission</b>	Y	N
<b>Planning Board</b>	Y	N
<b>Zoning Board of Appeals</b>	Y	N

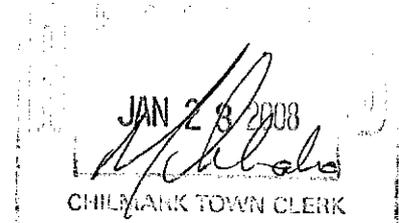

  
 CHILMARK TOWN CLERK

**Findings and recommendations:** The applicant will need to obtain a **Special Permit** from the Zoning Board of Appeals (ZBA). The Site Review Committee unanimously recommends the ZBA deny this application for the following reasons: 1. The detriments out weigh the benefits this proposal might have to the District of Critical Planning Concern. The overall development of this lot is not consistent with the character of the South

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**Abel's Hill neighborhood. 2. Specifically, the project does not satisfy the requirements outlined in the following Zoning By-Laws: The overall development of this lot exceeds the development limits outlined in Article 11 Sections 11.4 "extensive dredging, excavation, or clearing of land"; 11.5 F "will result in as little interruption as possible of public views overlooking the site, nor will it allow construction which is not in harmony with the landscape type."; and 11.5 H. "The intent of this by-law to insure that development in these districts (Overlay Districts) will not result in a deterioration of the rural character of Chilmark by proliferation of accessory structures." Article 4 section 4.2A3d. "The (pool) location will not interfere with the enjoyment of the view of the natural surroundings from a way used by the public, public land, or abutting lot."**

**In view of the recent Supreme Court decision in the Norwell case, we believe there is ample authority to reject this application as being inconsistent with the character of the neighborhood when considered in the context of the other accessory structures and potential activities supported by those structures. This is a neighborhood of small houses generally on small lots, and should not be transformed by ignoring this history.**



January 23, 2008

TO: Site Review Committee

FROM: Clarissa Allen, Chair, Site Review Committee

I've reviewed the site plan for Doug Sacks' pool and have the following comments. The applicant has a building site in one of Chilmark's oldest summer neighborhoods. Traditionally these homes have been simple summer camps. In recent years several have been modernized and expanded for year-round living while at the same time, their style has remained consistent with the character of the neighborhood.

I'd like to say that I strongly believe that one should be able to completely enjoy their home and land. However, I think it is unfortunate when this occurs at the expense of a close neighbor's enjoyment of their home and property.

In a small neighborhood such as South Abel's Hill it is extremely beneficial for all to cooperate and behave respectfully.

Clarissa Allen

JAN 29 2008  
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