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THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST TIS BURY
ZONING BOARD OF APPEALS

DECISION OF THE BOARD OF APPEALS ON THE PETITION OF Christopher M. Zilla filed with the West Tisbury Town Clerk on September 25, 2019 Special Permit 2019-32.

Applicant: Christopher M. Zilla, 479 State Rd, Unit 1069, West Tisbury, MA 02575

Property Owner: Christopher M. Zilla, whose title is recorded at the Dukcs County Registry of Deeds and described in Book 796 Page 517, dated April 28, 2000.

Agent: Doug Dowling, Smith & Dowling

Locus: 224 Vineyard Meadow Farms Rd., Assessor's Map 37 Parcel 20 RU district, (3.24 acres).

Plans: 1) Site Plan prepared by Landscape Construction, dated July 15, 2019.
All plans on file at the Zoning Board of Appeals Office.

Notice: Certified abutters list mailed on April 28, 2019, and advertised in the Martha's Vineyard Times on August 29 and September 5, 2019.

Hearing & Request:

The hearing was held on September 12, 2019 for an application from Christopher M Zilla for a Special Permit to construct a 20x40 foot in ground swimming pool.

Requirement: Section 8.5-4 (C) Swimming Pools by Special Permit, of the West Tisbury Zoning Bylaws.

Present: Nancy Cole, Larry Schubert, Toni Cohen, Julius Lowe and Deborah Wells

Absent: N/A

Decision: On September 12, 2019 the Zoning Board of Appeals voted unanimously to GRANT with CONDITIONS, a Special Permit for a 20x40 foot in ground swimming pool.

Vote for: Nancy Cole, Larry Schubert, Toni Cohen, Julius Lowe and Deborah Wells

Abstained: N/A

Findings:

- 1) The total lot size is 1.4 acres
- 2) The pool equipment will be housed in a sound insulating enclosure
- 3) Two abutters attended the hearing to support the application
- 4) There is already thick, natural screening from abutters

5) The application met the Review Criteria of Section 9.2-2 of the West Tisbury Zoning Bylaws.

Conditions:

1) The applicant and installers must ensure that the barrier fencing is acceptable to the West Tisbury Building Inspector and meets the requirements of the Building Code. The applicants and installers must comply with all other safety requirements and further permitting as required by the West Tisbury Zoning and Building Inspector and Board of Health. The applicant and installers must comply with all requirements as stated in Massachusetts State Building Code (CMR) 780 which regulates the requirements for swimming pools.

2) The fencing should be of the height and description as in approved plans and sited as in approved plans. Any changes to the fencing must be approved by the Zoning Board of Appeals.

3) Lighting for the pool must conform to Section 8.6 of the West Tisbury Zoning Bylaws, the lighting regulations.

4) The initial filling of the pool must be from a mixture of well water and an off-site source of water brought in by tanker. At any time that the pool is substantially or completely drained, the water must be pumped into a tanker and disposed of off-site in a responsible manner and site. The refilling of the pool must be from a mixture of off-site source of water brought in by tanker and well water. This condition must be posted in visible place for the pool service employees to see. The applicant must ensure that the service company is aware of this condition.

5) The applicant and the pool service company must do any minimum maintenance draining of the pool in such a manner as to direct all drainage away from any wells on the property or neighboring property, and away from any wetlands. Drainage must not flow onto neighboring property. Drainage may not occur until such a time that there is no longer any chlorine or other salt content in the water. This condition must be posted in a visible place for the pool service employees to see. The applicant must ensure that the service company is aware of this condition.

6) Any changes to the pool application must be approved by the ZBA.

7) Temporary or permanent fencing as required by the West Tisbury Building Inspector must be in place before the pool may be filled with water, and the pool installation must be compliant with all State and Local regulations.

NO VARIANCE OR SPECIAL PERMIT SHALL TAKE EFFECT UNTIL:

1. **A period of twenty days has elapsed from the date of the filing of the Board's written Decision with the Town Clerk**, and the applicant has received a copy of the Decision bearing the certification of the Town Clerk that a period of twenty days has elapsed from the filing of the Decision and that no appeal has been filed, or the appeal has been denied or dismissed. The **Certified Decision** is recorded at the Dukes County Registry of Deeds and the recording fee has been paid at the Dukes County Registry of Deeds. **Only Original Documents will be accepted at the Registry.**
2. A receipt for the recording stamped by the Dukes County Registry of Deeds has been returned to the **Building & Zoning Inspector of West Tisbury** or to the office of the **West Tisbury Board of Appeals** who will turn over the receipt to the Building and Zoning Inspector.

3. The applicants may proceed with applying to the appropriate Town of West Tisbury Officers and Boards for any other development permits which may be required by law.

Any person aggrieved by the Decision of the West Tisbury Board of Appeals may appeal to Superior Court and must notify the Town Clerk of the action and submit a copy of the complaint within twenty days after the decision has been filed in the office of the Town Clerk.

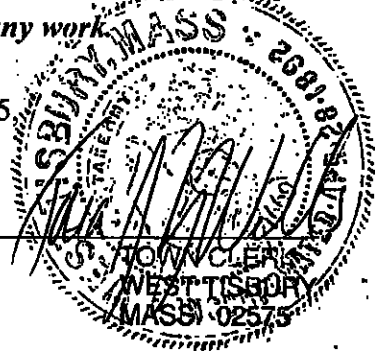
A Special Permit shall lapse in 2 years if not utilized. A Variance shall lapse in one year if not utilized.

The Building and Zoning Inspector may approve at his discretion, minor changes that come up during the building process. All major changes to the plans or significant material changes must be approved by the Zoning Board of Appeals. Please consult with the Inspector regarding any change. Failure to do so may nullify your permit and may require removal of the unapproved construction.

NOTE WELL; the applicant will obtain all other permits or authorization required by the Town of West Tisbury before proceeding with any work

Filed with the West Tisbury Town Clerk on September 25, 2019. *Jana H. [Signature]* September 25, 2019

I certify that no appeal has been made *October 18, 2019*



Case: 9/12/19
Date: Zilla
Map & Lot: 37-20

WEST TISBURY ZONING BOARD OF APPEALS
RECORD OF VOTE

The following members of the Board of Appeals vote to grant a Special Permit subject to the above stated term (see decision attached).

<u><i>Danny WS</i></u>	<u><i>[Signature]</i></u>
<u><i>Tom [Signature]</i></u>	<u><i>[Signature]</i></u>
<u><i>[Signature]</i></u>	<u>_____</u>
<u>_____</u>	

The following members of the Zoning Board of Appeals are in opposition to the grant of the Special Permit.

<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>
<u>_____</u>	

ATTEST: **Paulo C. DeOliveira**, Register
Dukes County Registry of Deeds