**APPROVED**

**Meeting Minutes**

**Chilmark Planning Board Meeting**

**February 27, 2023**

**4:30PM**

**Via remote participation**

Present: Ann Wallace, Hugh Weisman, Janet Weidner, Mitchell Posin, Catherine Thompson, Peter Cook, Rich Osnoss

Not Present:

Public & Board/Comm. Members: Clark Goff, Clarissa Allen, Joan Malkin, Russell Maloney, Wendy Weldon, Jefrey Dubard

Staff: Jennifer Christy, Admin. Asst.

Site: Remote Meeting/Participation on ZOOM

Chairperson Rich Osnoss called the meeting to order at 4:30PM.

**Continued Review of the Zoning Bylaw Amendment Proposal, section 4.2A, 3. Swimming Pool and/or Tennis Court:**

* Joan Malkin noted that she has met with Planning Board member Hugh Weisman and Rob Hannemann, of the Chilmark Energy Committee, and they have created a final draft proposal to amend sections g. & h. in 4.2A, 3. with additional questions for Town Counsel. The Board members reviewed the draft proposal and questions for Town Counsel after Jennifer Christy shared the document on the screen.
* Hugh Weisman reviewed the costs of covers and heating pools. He mentioned that the cost to run an electric heat pump compared with other types of heating is more cost-effective. Hugh also discussed the complexity of site-recovered energy sources. More discussion occurred about the benefits of a cover in terms of cost savings.
* Ann Wallace inquired about section b. in the new proposal and wondered if this was the language in the International Pool Code. Hugh Weisman confirmed that it is indeed language from the Code. Ann Wallace asked if it was advisable to quote from the Code due to the fact that the language of the Code would possible change in the future. Joan Malkin replied that it would be made explicit that it refers to the code that is in effect from time to time.
* Russell Maloney inquired how one would measure 70 percent of the energy produced by site-recovered source. Hugh Weisman replied to this question and said it would need to be a solar heating system or a site-recovery system. Russell Maloney wondered whether striking b. would simplify the process for the Board of Appeals. Joan Malkin answered this question and said this is how the ZBA would be able to require an automatic pool cover.
* Rich Osnoss inquired whether pool installers would be able to easily address the bylaw requirements in their application. Joan Malkin responded that the required responses from the applicant to the criteria identified in the bylaw are gathered before the hearing with assistance from the Board Administrator.
* Rich Osnoss expressed confusion with differing wording in the proposed amendment where in some places say “must” and sometimes “encourage”.
* Joan Malkin stated that the authors have tried to address two aspects of the proposal in one sentence.
* Joan Malkin noted that questions have been submitted to Counsel and there was some discussion about the calendar.
* Hugh Weisman and Russell Maloney discussed the possibility of applicants reaching 70% of site-recovered heat from their property.
* Rich Osnoss wondered if a pool installer such as Ted Rosbeck, who has attended other meetings of the Planning Board on this topic, might be invited to attend a future meeting to address whether he would be able to understand the amended bylaw.
* Russell Maloney suggested that an engineer could possibly attend a meeting as well so that clarification may be gained on how best to amend the bylaw. More discussion occurred about how to require pool covers that are powered and the benefits of a powered cover as opposed to one that is not powered.
* Cathy Thompson thanked all that have worked hard on the amendment proposal and asked for clarification about why the amendment to the bylaw would provide an option to applicants that would not be a doable option for applicants. Joan Malkin replied that it is a way to say to an applicant that they must have the powered cover unless they have the pool powered by at least 70% of site-recovered energy.
* Rich Osnoss summarized the status of the bylaw amendment history so far.
* Mitchell Posin asked why there is any local bylaw if the state code determines what is allowed.
* More discussion occurred the application of the code to pool applications and the possibility of speaking with other stakeholders re pool bylaws.
* Rich Osnoss suggested that the Board await the response from Town Counsel before taking additional action. Janet Weidner offered her feeling that it worries her that the proposal for amendments is not more fully formed and we are close to the April town meeting and wondered if it is wise to aim for April 24, 2023. Mitchell Posin advocated just placing the proposal in front of voters at town meeting and see what happens.
* Joan Malkin wondered if the Board members like the language in the proposal. Members stated they do not feel they may be informed enough to know, and others stated they trust the members of the Energy Committee and the Board of Appeals who are in favor of these changes. Joan Malkin suggested that a FAQ page maybe should be placed on the ZBA webpage to inform and educate applicants for building pools. Hugh Weisman shared his screen to show the difference in costs in heating pools with or without covers and with an electric heat pump, a gas heater or a standard heater.
* Russell Maloney opined that the next logical step is to wait for the response from Town Counsel and the Board Members and Joan Malkin agreed. Joan Malkin stated that the swimming pool amendment proposal is better and more well-crafted at this point. Russell Maloney thanked Joan for her lengthy work on this project.
* Rich Osnoss thanked everyone for their input and patience.

**Topics Not Reasonably Anticipated by the Chair at the Time of Posting:**

* Jefrey DuBard was present and was recognized and asked if the topic of demolishing houses in Town would be addressed at a future meeting. He noted 53 Wequobsque Road is a property that recently had a house demolished by the present owners.
* Brief discussion occurred and no other action was taken.

**Accessory Apartment Zoning Bylaw Amendment Proposal Discussion:**

* The Board members reviewed the draft bylaw changes for Guest Houses and Accessory Apartments drafted and proposed by Hugh Weisman on January 31, 2023. Hugh Weisman explained the proposed changes line by line.
* Rich Osnoss requested that the topic be placed on the next meeting’s agenda.

**Discussion Zoning Bylaw Amendment to section 6.10, 2. and impact on Peaked Hill Pastures affordable housing project:**

* Peter Cook presented the issue that is of concern: that the section of the zoning bylaws feels outdated and was designed at a time when things appeared to be different. He asked what is the argument now, today, for keeping this section of the bylaw in place and he feels that this is worth exploring.
* Rich Osnoss clarified that the bylaw, as it is in place, limits the building at the site to 18 bedrooms. He did not think that this was very far off the original proposal of 20 bedrooms and wondered if there may be downsides to eliminating the bylaw section.

**Master Plan:**

* No action was taken.

**Correspondence:**

* The correspondence was reviewed and no action was taken.

**Minutes:**

* Minutes from February 13th and January 23rd were reviewed and approved.

**Topics Not Reasonably Anticipated by the Chair at the Time of Posting:**

A motion was made to adjourn the meeting. The motion was seconded and passed unanimously by roll call vote.

**Next Meeting(s):**

* Monday, March 13 , 2023, 4:30PM

**Documents:**

* Proposal for amendments to the swimming pool section of the Chilmark Zoning Bylaws, 4.2A, 3.
* Revised proposal to amend the swimming pool section of the Chilmark Zoning Bylaws, 4.2A, 3.

Meeting adjourned at 6:16PM. Minutes respectfully submitted by Jennifer L. Christy