

Planning Board Minutes 11/13/18

APPROVED

Chilmark Planning Board Nov. 13, 2018

Present: Rich Osnoss, Peter Cook, Chris MacLeod, Mitchell Posin, Catherine Thompson, John Eisner

Not Present: Janet Weidner

Public & Board/Comm. Members: Clark Goff, Geoghan Coogan, Matt Dix, Jessica Roddy

Staff: Jennifer Christy, Admin. Asst

Meeting was called to order at 4:30 PM

- **Zoning Bylaw Discussion:**

- **Swimming Pool and/or Tennis Court 4,2A, 3. Zoning Bylaw draft amendment proposal**

- The Board reviewed the draft proposed swimming pool zoning bylaw amendment and the proposed revisions by the Zoning Board of Appeals and also reviewed proposed revisions submitted by Ted Rosbeck, owner of Island Pools.
- Mr. Rosbeck outlined his suggested revisions and noted that an important step for the Board would be to adhere to the building code when amending the zoning bylaw.
- Mr. Rosbeck suggested amendments to the zoning bylaw for pools to allow for more of an individual approach to each project while simultaneously placing reliance on the Zoning Board of Appeals to require restrictions that make the best sense for each project. He noted this suggestion could provide more protection for neighbors and could provide the flexibility that the ZBA would need to permit the best version of a project.
- He noted the number one way to increase safety for a pool is supervision and all the other elements such as fences, covers, lighting are secondary. He noted that the area of the bylaw that requires an unobstructed view of the pool from the living room does not necessarily increase the safety of the pool and he would prefer that the ZBA be given some flexibility in this area. Mr. Rosbeck agreed that the unobstructed view of the pool from the living area of the dwelling is another line of defense in terms of safety, but he proposes that the ZBA be given some leeway to address the need for a view of the pool depending on the project.
- Mr. Rosbeck noted that the section e., 1. is not correct because the building code is more restrictive than this section.
- Mr. Osnoss suggested that the Board wait on submitting the proposed zoning bylaw amendments to the Board of Selectmen until after a meeting where the ZBA members may also attend and describe their needs for changes in light of this new information from Mr. Rosbeck. The Board members agreed to wait on a submission of the proposed amendments to the Board of Selectmen.
- Mr. Cook noted that the Board attempt to understand the pool building code more completely and then, subsequently, try to draft a zoning bylaw that allows for the ZBA to have the correct and necessary amount of flexibility to address individual projects so that pools are the most safe and also the most well-sited.
- Mr. Rosbeck suggested that the Board identify the difference between zoning that helps to restrict the number of pools and zoning that focuses on maximizing the safety of the pools.
- There was brief discussion about the next steps. Mr. Rosbeck also noted that there are many communities that have adopted bylaws that increase efficiency in pools but these have not been adopted on the island so far and he would recommend this.
- Mr. Osnoss asked that Mr. Rosbeck's recommendations be sent to the ZBA so that they may review the ideas before the next discussion.

- **Correspondence:**

- The Board reviewed the letter from Geoghan Coogan regarding the North Tabor Farm Solar Array proposal.
- Mr. Osnoss read aloud the letter from Mr. Coogan.
- It was noted that the members of the North Tabor Farm Committee are in favor of the project, as stated at the October 2018 yearly meeting.
- The Board stated that there does not appear to be a need for Matt Dix to apply for a modification of the Form C subdivision plan and no action was taken.

- **Zoning Bylaw Discussion, Continued:**
 - **Green Communities: As-Of-Right Zoning Bylaw draft proposal:**
 - The Board reviewed the draft and noted some areas that will need clarification, but decided that it was drafted well enough to send to the Board of Selectmen at this point with the knowledge that a public hearing and possible revisions and clarification are in the future.
 - It was decided that Mr. Hannemann would be asked to attend the November 26th meeting to clarify some of the questions concerning the areas that are blank.
 - The Board made a motion to send the proposed As-Of-Right draft zoning bylaw to the Board of Selectmen for their meeting on November 20th, 2018. The motion was seconded and voted unanimously.

- **Guest House Report:**
 - The Board reviewed the draft of the Guest House Bylaw Amendment Pros & Cons and the cover letter to Chilmark Residents.
 - It was noted that the Board of Selectmen had seen this report and cover letter and had approved these documents to be provided at the Special Town Meeting on November 19, 2018.
 - Mr. Posin expressed some concerns that the problem that he wanted to address has not yet been satisfied and expressed hope that in the future his original concern to provide a way for middle class people to afford to live in Chilmark will be considered.

- **Topics not reasonably anticipated by the Chairperson at the time of posting:**
 - **Zoning Board of Appeals report**
 - The Board reviewed the November 9, 2018 report.

 - **Update from Subcommittee on the Menemsha Master Plan Work:**
 - No update was provided.

 - **Peaked Hill Pastures Proposals Committee Report:**
 - Brief discussion occurred regarding the next steps. It was noted that unless there is a clear plan to propose it is very difficult to identify strengths, weaknesses, and variables to evaluate the plan upon. It was noted that Selectman Doty proposed a skeleton plan at one of the Peaked Hill Pastures (PHP) Committee meetings that was helpful for the committee to use in the evaluation of the possibilities.
 - Mr. Cook suggested that the working subcommittee be reconstituted and Ms. Thompson volunteered to work on this subcommittee. He suggested that this subcommittee be tasked to develop a plan that addresses the PHP committee's conclusions, the Town's future land acquisition plan and the Master Plan.
 - Ms. Christy was asked to work with Mr. Cook and Ms. Thompson to determine a meeting of the next subcommittee and to provide maps for this subcommittee to work with.

- **Master Plan progress:**

- Brief discussion occurred regarding the status and the next steps for the Plan.
- **Minutes:**
 - The minutes of October 22, 2018 were reviewed and approved as written.
- **Next Meeting:**
 - November 26, 2018, 4:30PM
- **Documents:**
 - Model As-Of-Right Zoning Bylaw
 - October 2018 Green Communities Powerpoint Presentation
 - Draft Guest House Pros & Cons

Meeting adjourned at 6:45PM. Minutes respectfully submitted by Jennifer L. Christy