

Planning Board Minutes 12/17/18

APPROVED

Chilmark Planning Board Dec. 17, 2018

Present: Rich Osnoss, Peter Cook, Chris MacLeod, Catherine Thompson, Janet Weidner, Rich Osnoss, Mitchell Posin

Not Present: John Eisner

Public & Board/Comm. Members: Joan Malkin, Gary Maynard, Lucy Morrison, Daniel Consoni, Chris Murphy, Wendy Weldon

Staff: Jennifer Christy, Admin. Asst.

Meeting was called to order at 4:34 PM

- **Public Hearing: Swimming Pool Zoning Bylaw draft proposal:**

- Mr. Osnoss opened the public hearing at 4:34PM and there was brief discussion regarding the process for amendment to zoning bylaws.
- Chairperson Osnoss read into the public hearing the zoning amendment advertisement for the public hearing.
- The Board members reviewed the draft proposal documents.
- Discussion occurred regarding the process for adopting a zoning bylaw amendment proposal and whether the Planning Board is allowed to make any changes after the public hearing to the proposal before it is sent to the Board of Selectmen for inclusion in the warrant for the Annual Town Meeting on April 22, 2019.
- Mr. Osnoss read into the record the email sent to the Board from Mr. David Hobaica of Easton Pool & Spa, Inc.
- Mr. Osnoss read into the record the email sent to the Board from Sergio Modigliani.
- Mr. Osnoss read into the record the email sent to the Board from Ted Rosbeck.
- Mr. Cook stated he would not be able to make an informed recommendation to Town Meeting without being clear on what the international code for pools essentially says.
- The Board went through the red-lined amendment proposal, Article 4: Use Regulations, Accessory Uses, Section 4.2A and reviewed the changes proposed by the ZBA.
 - The Board had no issues with the preamble to 3. and 3. a.
 - Mr. Posin questioned the need for a person to not build a pool until 2 years after an occupancy permit. Discussion occurred.
 - It was noted that the change proposed to 3. b. does not change the meaning of the section and just clarifies the section.
 - Mr. Maynard suggested that the section simply state that the applicant/owner must own for two years rather than citing occupancy permits.
 - The Board had no comment on 3. b.
 - The Board had no comment on 3. c.
 - Ms. Malkin noted that the ZBA would like to change the suggestion of changes in 3.d. to add "Setback relief may be available under section 6.6" at the end.
 - The ZBA proposed changes to 3. e. as noted in in red. It was noted that the sections under e. and numbered 1 through 5 are new sections.
 - 1. was reviewed and the Board had no comment on the new section.
 - The Board discussed 2. at length and the ZBA members in attendance suggested removing the first sentence of 2. The Board and attending ZBA members agreed that the use of a wall of a principal dwelling as part of the pool barrier could be amenable to them.

- Mr. Maynard noted that 3. is compliant with the state code.
 - The ZBA members suggested that 4. be eliminated from the proposed changes.
 - The ZBA members suggested to eliminate all of 5. From the proposed changes.
- The ZBA proposed changes to f. to change it from Location to Line-Of-Sight Observation and the Board suggested no change to the suggested proposal from the ZBA.
- There was disagreement about section g. and the ZBA would like to keep their proposal as written in the red-lined version and adding a phrase at the end “and a winter safety cover for off-season use” while some Planning Board members would like to eliminate g. It was decided to amend the proposal to read, “Covers: All swimming pools must be equipped with a winter safety cover for off-season use and may be required to have an automatic, retractable pool cover.”
- The ZBA suggested that the last three words of section o. “at all times” be eliminated.
- In section h., the word “sustainable” was altered to “renewable” and the words shall be changed to must and the phrase “section 4.2A, 3. g.” is to be changed to “section 4.2A, 3. f.”
- The Board had no comment on section i.
- The ZBA noted that the word “Copley” needs to be changed to “comply” and to fix typos and to eliminate the word “preferably.”
- The Board had no comment on the changes proposed to k.
- The Board had no comment on the changes proposed to l.
- The Board had no comment on the changes proposed to m., n. o. or p.
- Mr. Osnoss suggested that the Board state that the Planning Board is in agreement with the proposed changes to the zoning bylaw except for g.
- Mr. Cook made a motion to recommend the zoning bylaw as amended to the Board of Selectmen for inclusion in the April 22, 2019 Town Meeting Warrant. The motion was seconded. The vote was unanimous.
- **Correspondence:**
 - Mr. Osnoss read aloud the letter from Bob Klimm regarding the Menemsha turn-around.
 - Ms. Weidner gave the Board an update on some of the topics brought up in the letter: a member of Mr. Klimm’s family who jointly owns the property was notified by the Conservation Commission and he was misinformed regarding the type of wetland identified in the area.
 - Mr. Osnoss read aloud the email sent to the Board of Selectman Chairman Jim Malkin and he read aloud a response email he received from Jim Malkin, Board of Selectmen chairperson.
- **Topics not reasonably anticipated by the Chairperson at the time of posting:**
 - No other topics were addressed.
- **Minutes:**
 - The minutes of December 10, 2018 were not reviewed.
- **Next Meeting:**
 - January 14, 2018, 4:30PM
- **Documents:**
 - Drafts of Swimming Pool Zoning Bylaw Proposal
 - Comments from Ted Rosbeck on the revision of the swimming pool bylaw amendment proposal.
 - Comments from Sergio Modigliani on the revision of the swimming pool bylaw amendment proposal.

- Comments from David Hobaica on the revision of the swimming pool bylaw amendment proposal.

Meeting adjourned at 5:49PM. Minutes respectfully submitted by Jennifer L. Christy