

Chilmark Zoning Bylaw for Pool/Tennis Court Proposed Amendment:
Final Draft
March 9, 2011

Article 2: Definitions:

2.22 Swimming Pools

For the purposes of this bylaw, a Swimming Pool shall be defined as any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable of containing water more than 42 inches deep at any point and has an area of 100 square feet or more.

Article 4.2 A

Section 3. Swimming Pool and/or Tennis Court. A swimming pool and a tennis court are considered accessory to the use of a principle dwelling. The Town will follow the current approved MA Building Code on Swimming Pools 780 CMR and will adhere to the following process:

a. **Permitting and Enforcement:** A Special Permit is required for a swimming pool or tennis court. The Special Permit is issued by the Zoning Board of Appeals and is enforced by the Building Inspector.

b. **Application:** The applicant/owner must own the principal dwelling for two (2) years before applying for a Special Permit for a swimming pool or tennis court. Principal dwelling ownership begins when an occupancy permit for the principal dwelling is issued by the Building Inspector or from the date of transfer of property with an existing occupiable dwelling. Special Permits for new swimming pools and tennis courts may not be transferred to new owners.

c. **Use:** Such swimming pool or tennis court is used only by **the** residents of **the** principal dwelling and their guests.

d. **Setbacks:** No portion of the swimming pool or tennis court may be located within 50 feet of any boundary line of said lot. Related equipment will be placed in a location approved by the Zoning Board of Appeals. Depending on the lot, the Zoning Board of Appeals may require a sound insulated shed or underground vault for pool related equipment.

e. **Enclosure:** Swimming pool enclosures are required and must be in accordance with current MA Building Code 780 CMR 120.M. If a stone wall is used for fencing, it must meet MA State Building Code Guidelines for Solid Barrier Surfaces, 780 CMR 120.M 105 Barrier Requirements, Section 3.

f. **Location:** The location of the swimming pool, related equipment or tennis court shall not materially impair the view of natural surroundings from a way used by the public, from public land or from abutting lots. For safety reasons, there must be a clear line of sight from the principal dwelling to the swimming pool, as determined by the Zoning Board of Appeals.

g. **Covers:** All swimming pools will be equipped with a winter safety cover for off-season use.

h. **Energy Use:** Heated swimming pools (including the heating system, pool related pumps, filters and circulators) are permitted if the heat is supplied by solar or alternative systems, which are the most current energy-efficient systems, as approved by the Zoning Board of Appeals. If a water heating system is added to an existing swimming pool, a Special Permit is required for the installation.

i. **Light:** The swimming pool or tennis court must comply with Chilmark Zoning Bylaw Article 5, Section 5.5, 5.6 and 5.7. Submerged in-pool lights and path lights are permissible. Tennis courts may not be lighted.

j. **Noise:** The swimming pool and related equipment or tennis court must comply with Chilmark Zoning Bylaw Article 5, Section 5.9.

k. **Screening and Landscaping:** A screening plan shall consist of native, non-invasive species, provided they are consistent with Article 4.2A, sections 3.f and 3.j and must be perpetually maintained for the life of the pool.

l. **Fire Protection:** An accessible and functional standpipe is required for pools containing more than 7500 gallons of water with the design, placement and operation to be reviewed by the Chilmark Fire Chief.

m. **Initial Filling:** The initial filling of the pool shall come from an off-site source and shall not occur until the pool is in compliance with e. Enclosure and the pool area may be safely secured.

n. **Drainage:** The concentration of potentially hazardous chemicals in the water must be significantly reduced and properly tested before any necessary draining of the pool water directly into the ground of the property.