

Meeting Minutes

Chilmark Planning Board Meeting

April 14, 2023

11:00AM

Via remote participation

Present: Ann Wallace, Hugh Weisman, Catherine Thompson (arrived at 11:24AM), Peter Cook, Rich Osnoss, Janet Weidner, Mitchell Posin

Not Present:

Public & Board/Comm. Members: Fred Khedouri, Jessica Roddy, Lindsey Scott, Andy Goldman, Sergio Modigliani, Clark Goff. Jeffrey Dubard

Staff: Jennifer Christy, Admin. Asst., Alison Kisselgof, Tim Carroll (left meeting early)

Site: Remote Meeting/Participation on ZOOM

- Chairperson Rich Osnoss called the Planning Board meeting to order at 11:00AM. Rich Osnoss described the reason to call the meeting is for the Chairperson to receive guidance from fellow Board members.
- Rich Osnoss stated he would review the activities of the Peaked Hill Pastures (PHP) RFP Committee and said he would make a statement and also would like to hear from the other Planning Board representative to the PHP RFP Committee, Peter Cook. He stated his purpose was to find a way for all to agree and move forward with the project.
- Rich Osnoss stated his view that the Planning Board has various issues with statements made at the Peaked Hill Pastures RFP Committee. Rich Osnoss listed the issues.
- Rich Osnoss also stated that he has been in contact with Judy Barrett, a consultant who had briefly worked with the RFP Committee.
- Rich again reiterated his intention to work together and as a team.
- Peter Cook was recognized and stated that he occupies different positions on the Planning Board and the Peaked Hill Pastures RFP Committee and he has some different views on the process. He stated he had written two memos: one on the topic of where the Committee stands and one that is a recommendation to hire a consultant to draft an RFP.
- Peter Cook read aloud his first memo and his second memo.
- Hugh Weisman was recognized, expressed agreement with points made by Rich Osnoss and Peter Cook, and also asked that a draft amendment to the ATM 2022 Warrant Article be shown on the screen. The draft was shared by Alison Kisselgof. He expressed the desire to amend the 2022 warrant article and bring the amended warrant article to the Town meeting for a vote.
- Janet Weidner questioned the accuracy of the amount stated in the warrant article.
- Fred Khedouri was recognized and stated his agreement to the points made by Peter Cook. Fred Khedouri addressed individual points and stated his opinion that the PHP RFP Comm. has a broad mandate and he noted that the Select Board wants participation by abutters on the PHP RFP Committee. He stated his fear that Planning Board members have the intent to change the process. He also expressed support for the hiring of a consultant and noted his feeling that the process may proceed without conflict. Fred Khedouri stated a key concern was that the process of hiring a consultant and working with that consultant should not hinder the momentum of the project.
- Rich Osnoss recognized the respectful participation of Fred Khedouri and explained that what set him off was that he had thought that the RFP committee had agreed to pursue an RFP and then he heard later that there was a parallel path to "go it ourselves", which he disagreed with.

- Lindsey Scott was recognized and stated that she has reflected on the process and thinks that the most important thing is to keep moving forward on the Peaked Hill Pastures project, a project that has broad support. Lindsey Scott noted there is broad enthusiasm for the Peaked Hill Pastures project. She noted that there appears to be disagreement and conflict over small points. Lindsey Scott further noted that the idea to move forward without an RFP or with one does not represent divergent paths. Lindsey explained the background to hiring the engineer was for the purpose of developing the overall goals of the warrant language and for the purpose of identifying where the road and septic and access would be and to further the steps needed for opening up the four homesite lots (you-build or by the developer of the other units). She noted that the work would not be in conflict with the warrant article due to the fact that the work would need to be done in any case to move forward with the rental units. Lindsey explained that working to move forward on the homesite lots is not in opposition to the warrant article language.
- Lindsey Scott further stated that the job of the PHP RFP committee is to flesh out the 2022 concept warrant article and the committee is not in opposition to an RFP to develop three rental buildings or the Planning Board pursuing a zoning bylaw amendment. She stated that the PHP RFP committee is trying to move forward to make the 4 homesites available as quickly as possible and they are trying to move forward on the task of identifying the most affordable, logical location of the rental units, and these are the tasks of the warrant article as the Town has requested the committee to address. She further expressed the feeling that there is no opposition to the Planning Board; it appears, she noted that the Planning Board has an agenda to change the zoning bylaws, but that is not the given task of the committee. Lindsey also noted that working through the issues of this project via zoom as opposed to in-person has led to more disconnect, possibly, because it is sometimes unclear who has precedence to speak and lead the discussion.
- Lindsey further stated that the PHP RFP Committee is not in opposition to the Planning Board at all. She noted that it appears the Planning Board would like to pursue a zoning bylaw change, but this is not the specific mandate of the PHP RFP committee which is following the direction of the Select Board who were directed by the Town by Town Meeting vote. Lindsey advocated for all to eliminate any drama about the project when there is harmony and agreement on the project.
- Rich Osnoss thanked Lindsey Scott and stated he was in favor of hiring a consultant, he is in favor of working with Vineyard Land Surveying and that the Planning Board is not set on pursuing a zoning bylaw amendment. He stated his desire is to gather all of the necessary information, interacting with a consultant and hearing from developers, before committing to development at the PHP site. Rich thought that hearing all of the options to complete the project at PHP is very important before taking any action since many people have different views on what should be done and how. Rich Osnoss explained that where he differs with the PHP RFP Committee, on the topic of PHP, is that he would like to hear from a consultant all of the options that may be available to the Town before money is spent or any actions are taken. Rich expressed concern that this process is needed due to the fact that there are competing views about the site's use. Rich Osnoss imagined that a consultant would be able to offer ideas for all the possibilities for the site including exemptions, the use of 40B or the benefits of a zoning bylaw change and they would be able to offer ideas for the funding of the project before determining what is best. He noted finally that all want the project to go forward, but the process of identifying the very best strategy and identifying the potential costs is an important step that must be taken carefully. Rich expressed concern that a parallel process to move

forward with expenditures may not be best. He thought that there is a road block now and that direction is needed from the Select Board and possibly mediation is needed.

- Lindsey Scott was recognized and agreed that direction is needed from the Select board to clarify whose responsibility is what, but she resisted the idea of mediation. She noted that the PHP RFP Committee members were appointed by the Select Board to actualize the project. She noted that clarification must be gained on whether the Committee is tasked with writing an RFP and stopping or is it to figure how to get this done and get it done. Lindsey further thought that clarification is needed and then the Committee members need to get back into their lanes so that an effective completion of the task can be accomplished.
- Rich Osnoss expressed dismay that the consultant, Judy Barrett, was lost and that he did not pursue reestablishing the connection with Ms. Barrett. Rich Osnoss noted a great concern that the Town not encumber the balance of the acreage at PHPs. He feels there is division due to this concern as well because the PHP RFP Committee does not accept that this issue must be a part of the planning for PHPs.
- Hugh Weisman was recognized and advocated the development of a comprehensive plan through an RFP before moving ahead with any part of the PHP site or any of these parallel paths.
- Peter Cook mentioned that he has been agitating for a public hearing to address the 6.10 bylaw to see if and why it is still applicable. Peter clarified that a hearing on the bylaw does not mean that there is definitely an initiative to change the bylaw and that the Committee was told that the rental part of the PHP project would not be able to move forward, as described in the 2022 warrant article concept, if the zoning bylaw was left in place. Peter Cook asked if anyone disagreed with the notion that the Town would benefit from a comprehensive RFP.
- Fred Khedouri was recognized and he thought that all would agree that a professional and comprehensive RFP would be beneficial. He noted that an RFP would not create a challenge but when it is circulated and feedback is found. He thought the work of VLSE should not be suspended while the Committee waits for a master plan in the form of a plan from a consultant.
- Peter Cook asked the sense of everyone is there anything more crucial at this time than to hire a consultant and he moved to hire Judy Barrett to develop an RFP for this project.
- Janet Weidner mentioned her support for keeping the project moving forward and keeping the ball rolling and thought that in May the Planning Board, the PHP RFP Committee get on the Select Board's agenda to get really clear on marching orders.
- Rich Osnoss noted that the PHP RFP Committee members are present at the level of a quorum and urged them to be sure to address posting meetings properly.
- Ann Wallace was recognized and stated that the 2022 concept warrant article does not identify 4 homesites, but rather two homesites and two turnkeys. Ann further stated VLSE is not a designer and that a developer, that we choose with the help of a consultant, would help next in the development of this project. It was her view that VLSE is not needed at this time. Ann Wallace further noted that the encumbrance issue is serious and she does not agree that a parallel path is beneficial to the project at this time.
- Lindsey Scott asked for clarification about encumbrance.
- Ann Wallace stated that Counsel said that to do the parallel path of developing the homesites now would encumber the full 16 acres and the Town and the PHP RFP Committee and the 2022 warrant article specifically stated that the remaining land not used by the homesites and the rentals would be maintained for future use.
- There was discussion about how the plan to develop PHPs for the homesites may impact the total land at PHPs. Lindsey Scott again asked for clarification on how the work to develop the 6-8 acres for housing impacts the other remaining acreage. Rich Osnoss responded that Town

Counsel said that future changes to the bylaws would have no effect on the encumbrance. He further stated that the only other structures would be sheds and small things like that. Lindsey Scott thought that we may have reached the root of the problem: the Planning Board is interested in stalling the movement of developing the homesites now so that this issue of encumbrance and bylaw changes can be resolved and not limit the future development of the PHPs site whereas the PHP RFP committee is trying to accomplish the task laid out for them in the warrant article as quickly as possible. Rich Osnoss stated that he did not mean to do any stalling, but just wanted to keep working with a consultant and the consultant was thrown away. Lindsey Scott said that the consultant, from her memory, did not provide the work that was requested.

- Fred Khedouri was recognized and stated that he agreed with Ann Wallace and that the encumbrance, once created, by utilizing the existing bylaw to calculate the acreage and the number of rental units would be there. He stated that other Town uses, non-rental uses, may be allowed. He noted that if a 40B is used to develop the housing then the bylaw would be void. Fred Khedouri thought it is good that the Planning Board is pursuing the issue of the zoning bylaw and the issue of encumbrance.
- Peter Cook supported what Fred Khedouri said and said the discussion about the encumbrance was distressing due to the fact that it seemed to restrict the Town's use of the PHPs site, but it would only affect the rental portion of the project. He reiterated that there is nothing more urgent than getting a consultant lined up now.
- Mitchell Posin asked who the consultant works with to develop the ideas for the Town. Rich Osnoss stated it would begin with the PHP RFP Committee and a decision would be made by the Select Board.
- Jeffrey Dubard was recognized and stressed that every part of a development are interrelated and it presents challenges to move forward with one area without knowing the comprehensive plan. The development of 401 State Road in West Tisbury, he stated, was done with the consultancy of Judy Barrett and her work was valuable. Jeffrey Dubard again reiterated his view that a parallel initiative is not advisable.
- Rich Osnoss stated one thing coming out of the meeting is the need to get clarity on the tasks that the Planning Board and the PHP RFP committee each do from the Select Board. He also noted that there is a need to get clarification on the 2022 warrant article.
- Rich Osnoss stated that the Board and Committee are in agreement on a lot, but just need to know whether the development of PHPs should wait until a comprehensive plan is developed by a consultant.
- Peter Cook suggested that the PHP RFP Committee be commended for their work to date and the Planning Board move quickly to urge the Select Board to hire Judy Barrett.
- Lindsey Scott stated that the idea to sit down with the Select Board to gain clarity is a good one—particularly the role that the PHP RFP Committee must take.
- Andy Goldman shared that Jim Malkin asked the PHP RFP Committee to the first Select Board meeting in May.
- Rich Osnoss suggested waiting until May to go to the Select Board to gain clarity and he advocated only stating, if anything at all, at the Town Meeting that the Planning Board and the PHP RFP Committee will be meeting with the Select Board in May.
- Lindsey Scott suggested that the Select Board be asked to provide direction on the project.
- Discussion occurred about the use of funds from the Molly Flender Affordable Housing fund for the PHPs project. Andy Goldman confirmed that the Molly Flender Affordable Housing committee has already approved funds for expenditure.

- Peter Cook stated that the news is that the Committee is ready to hire a consultant. Janet Weidner stated that it would fall under Article 2 at the Town Meeting for Committees to make a report, but she thought possible a written report might be best. Lindsey agreed and praised the process at the meeting today for rebuilding the teamwork of the Planning Board and the PHP RFP Committee. She specifically offered a schematic that has been developed by the PHP RFP Committee and she thinks it may be a noncontroversial written document to provide to voters.
- Ann Wallace urged not providing a schematic and she thought it may bring up questions that the Committee and the Board are not ready to answer.
- Rich Osnoss thanked the members of the PHP RFP Committee members for attending the meeting today. He suggested that the two entities, Planning Board and PHP RFP Committee, meeting again before the Town Meeting to develop a unified simple statement.
- Hugh Weisman asked for confirmation that the PHP warrant article would be withdrawn.
- Janet Weidner suggested the CPC warrant article has seven sections to it and then when she gets to the 7th one, as Moderator, she will know that Andy Goldman will be standing to withdraw that part of the Article.
- Rich Osnoss stated that at the next joint meeting they decide the proper response that all agree on. Lindsey Scott suggested that voters be directed, by Andy Goldman and after he withdraws the section, to the written report and no other members of the Planning Board or PHP RFP Committee stand to speak.
- Some discussion occurred about the path forward and the topic of hiring a consultant. Ann Wallace made a motion that the Planning Board authorize Rich Osnoss, as Chairperson, to delay hiring of the consultant until direction is provided in May from the Select Board. Rich Osnoss stated he would connect with Judy Barrett and let her know the process. Lindsey Scott suggested that another person may be best to reach out to Judy Barrett. She also expressed concern that there would be no work to update Town voters on if there is no decision to hire Judy Barrett and also noted that the Tuesday meeting of the PHP RFP Committee will vote on the motion to hire Judy Barrett. Janet Weidner advocated moving forward whatever it takes and she thinks the plan by Lindsey Scott to initiate communication with Judy Barrett is a good path forward.
- Jessica Roddy suggested that maybe a report is not needed for the Town Meeting since everyone is aware that these projects take many years to develop and possibly there is nothing to report. She suggested that no report be provided to town voters on April 24, 2023.
- It was agreed that there be no update report be provided at the Annual Town Meeting.

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

Next Meeting(s):

- Monday, April 24 , 2023, 4:30PM

Documents:

- Two Memos written by Peter Cook re Peaked Hill Pastures RFP Committee
- Draft Amendment to existing ATM warrant article (2022)

Meeting adjourned at 12:54PM. Minutes respectfully submitted by Jennifer L. Christy