**Approved Meeting Minutes**

**Chilmark Planning Board Meeting**

**May 8, 2023**

**4:30PM**

**Via remote participation**

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

Not Present:

Public & Board/Comm. Members: Bill Veno, Billy Meegan, Clark Goff, Laura Silber, Deb Hancock, Fred Khedouri, Marie Larsen, Jessica Roddy, Lindsey Scott, Julie Flanders (joined at 5:36pm)

Staff: Jennifer Christy, Admin. Asst.

Site: Remote Meeting/Participation on ZOOM

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

**Great Rock Bight Trust Form A, Map 9, Lot 2.3, 14 Brickyard Rd:**

* Due to the fact that Reid Silva was not yet present to address this Form A, the Chairperson Rich Osnoss postponed discussion on this topic.

**Cont’d Discussion: Plan for moving forward on hearings for an amendment to ZBL Section 6.10, Exception for Affordable Rental Housing:**

* Chairperson Rich Osnoss invited Peter Cook to address the meeting on this topic.
* Peter Cook stated that there is a need to contact Counsel with more specific information on how changes to zoning bylaws in this area may impact the Town. He mentioned would it make a difference if a provision was made to have an apartment for a person who cares for the property. He further mentioned that there has been communication from Counsel that the bylaws need to be looked at, but we need to know what is possible and the ramifications may be to changes made.
* Rich Osnoss stated he did not think that Counsel is needed at this time and wondered what would be proposed to change the zoning bylaws in this section.
* Hugh Weisman stated he had a proposal that he drafted that changes the bylaw just by numbers and he also noted that a project that utilized 40B has also been discussed.
* Rich Osnoss inquired whether Peter Cook would want to move forward or postpone further discussion at this time.
* Peter Cook stated he would propose a public hearing on this bylaw to see if it could be amended to change the numbers or to create an exemption for town-owned property. He suggested to let this discussion happen and see where it takes the Town.
* Rich Osnoss clarified that a bylaw amendment needs to be proposed in writing that the Board could submit to the Select Board.
* Peter Cook made a motion to let the Select Board know that we would like to have a public hearing on a proposal to change the bylaw section addressing exemptions for affordable rental apartment lots required from language that requires three acres to one acre. Hugh Weisman amended the motion to include “and miscellaneous language changes.”
* Janet Weidner asked if the Planning Board or the Peaked Hill Pastures RFP Committee had reached out to Counsel on this topic. Rich Osnoss replied that Counsel has brought up several possibilities to address the issue with the exemption for affordable rental housing zoning bylaw, but that they did not specify any that was best. Rich Osnoss further noted that they (Counsel) mentioned changes to the ZBLs and, alternatively, the use of 40B and they mentioned the possibility of making exceptions for town-owned property which was felt to be problematic.
* Hugh Weisman mentioned that his proposal to amend section 6.10 of the ZBLs includes numerical changes and also changes to definitions and he asked if Jennifer Christy could share the draft of his March 15, 2023 draft for “Alternate Draft Revisions to Bylaws Section 6.10 (Revised March 15, 2023).
* Jennifer Christy shared her screen with the draft submitted by Hugh Weisman. Hugh Weisman reviewed his proposal.
* Jessica Roddy mentioned that the defined term, “rental unit”, should be capitalized.
* Peter Cook seconded the amendment to the motion, made by Hugh Weisman.
* Rich Osnoss clarified that the document that is on the screen is the one that encompasses the motion made by Peter Cook and amended by Hugh Weisman, both Peter Cook and Hugh Weisman agreed that their motion is encompassed by the March 15, 2023 draft. Rich Osnoss asked if Jennifer Christy would change the “rental unit” phrases, in the draft, to “Rental Units”, in response to Jessica Roddy’s point that a defined term should be capitalized throughout. The motion was seconded. Marie Larsen asked for clarification of what the zoning bylaw amendment proposal encompassed and Rich Osnoss clarified that the proposal is to amend section 6.10 that only addresses affordable rental housing on town-owned land. Marie pointed out that the bylaw also addresses land owned by a non-profit agency, land trust or other non-profit legal entity. There was more discussion. The motion was brought to a vote. Rich Osnoss took a roll call vote and the motion to submit the draft bylaw amendment to the Select Board passed unanimously.

**Discussion: Future Peaked Hill Pastures Affordable housing process:**

* Rich Osnoss alerted the members that a joint meeting is occurring between the four members of the Peaked Hill Pastures RFP Committee and the Select Board on this coming Thursday and he shared his screen and read aloud a description of the process. Rich Osnoss proposed a letter to be sent to the PHP RFP committee and the Select Board. Rich then shared his screen. Rich Osnoss then read from a letter he proposed to send to the PHP RFP Committee and the Select Board. Rich Osnoss opened the topic up for discussion.
* Mitchell Posin clarified that the first thing the Town will get from a consultant is what we can do and the path that we must follow. Rich Osnoss replied that a consultant has experience moving forward the process. Janet Weidner inquired whether there is any issue with conflict of interest since the Select Board wanted two members from the Peaked Hill Pastures neighborhood to serve on the committee.
* Fred Khedouri was recognized and stated that the Select Board would issue the RFP and the PHP RFP committee would provide advice. Fred Khedouri clarified that the conflict of interest issue was something brought up by another person. He further noted that in contact with the Ethics Commission, there is no conflict.
* Fred Khedouri addressed the issues he sees in the bylaw amendment to section 6.10. Fred Khedouri also noted that he felt that there may be topics presented as fact in the statement from Rich Osnoss that are actually opinion.
* Fred Khedouri stated that Lindsey Scott has made contact with a consultant and a plan is to approve an agreement on Thursday, the day of the next Planning Board meeting. He advised that a consultant will provide advice, but will not make decisions on this project.
* Rich Osnoss stated he felt that his statement was based in fact and advised the other Planning Board members that if they do not want to support a statement sent to the Select Board that this would be ok and further stated that the concern that he has with the PHP RFP committee is the plan to not have a comprehensive plan for the developer for the Peaked Hill Pastures area, separating out the Homesites from the affordable apartments and moving forward with one part of the plan for PHPs area.
* Hugh Weisman explained that Mitchell may have conflated what consultants do and developers do. He clarified that the RFP, which is what the consultant helps to develop, is what is then sent out and developers submit proposals in response to that document. Hugh Weisman also stated that he has an understanding of the warrant article language that says “various levels” besides 150%.
* Peter Cook stated that one thing that all agree on is that the project must go forward. Additionally, there is a proposal to hire a consultant already in the works and that consultant will present information that will inform our decision making, the Select Board’s, and our thinking about how to present the proposal to the Town, and he stated that the conflict of interest issue has been addressed. He continued to say who chairs the PHP RFP committee is a non-issue. He continued to say that a letter regarding the events of the last year is not needed.
* More discussion occurred regarding the letter that Rich Osnoss drafted to the Select Board and the PHP RFP Committee.
* Peter Cook was recognized and he stated he is not interested in what has happened before this day and he also stated he disagreed that the Planning Board will not have anything to do with the PHP RFP process since the committee has two Planning Board members, Rich Osnoss and Peter Cook, on the committee.
* Rich Osnoss resolved that it appeared that there is no consensus on sending a letter to the Select Board as drafted.
* Janet Weidner made a statement that she did not think that a letter would need to be sent and she is noticing there appears to be a spirit of moving forward.
* Hugh Weisman stated his agreement and asked the Planning Board reps Cook and Osnoss and advised that no “parallel” path should be followed and that the development at PHPs should not proceed until a comprehensive plan is made.
* Cathy Thompson stated she is with Ann Wallace with having trouble reading something quickly and she suggested a shorter letter with key points instead.
* Rich Osnoss stated he did not need to send a written letter if he has the support of the other Board members. Cathy Thompson stated she supports the chairperson.
* Hugh Weisman asked if there would be more members added to the PHP RFP committee.
* Rich Osnoss responded that he thought there would be a discussion about this topic.

**Discussion: Possible bylaw for Chilmark re housing and short term rental:**

* Rich Osnoss thought that Select Board member Jim Malkin had originally proposed this agenda item. Jim Malkin was not present.

**Cont’d discussion on FOITS (Fractional Ownership Interval Time Share) topic:**

* Rich Osnoss recognized Laura Silber. Laura Silber described that the All Island Planning Board requested that the MVC come up with a scope of work for a comprehensive short term rental study for the island. The scope of work was shared three weeks ago with all the Towns.
* Laura Silber described the progress that other island Towns have made in bylaws to address FOITS properties.
* Peter Cook stated bylaws to address FOITS are essential and time is of the essence. He urged that this could be addressed right away.
* Laura Silber stated that the primary decision is whether to pursue a full ban on timeshares with fractional ownership limits language included or only allowing it in part of the Town (Tisbury and Edgartown bylaws).
* Rich Osnoss asked if the Board should review the documents before meeting with Laura again at a future meeting where the Board can go through the pros and cons.
* Laura said she would resend the documents for the Board to review and would return on May 22, 2023 to address questions. Ann Wallace asked if the Housing Committee members and a Select Board member should attend the May 22 meeting as well. Rich Osnoss thought it would be better to meet as a Board on May 22nd and then, after that, they could meet with the Housing Committee and a Select Board after that.

**Accessory Apartment & Guest House Zoning Bylaw Proposal Discussion:**

* Rich Osnoss asked that the draft of the bylaw amendment proposal should be sent to the Building Inspector for a review before it is addressed at a Planning Board meeting.
* Hugh Weisman stated he would draft an introduction and get this to Jennifer Christy before the amendment proposal is sent to the Building Inspector.
* Rich Osnoss asked if the topic could be placed on the next agenda.

**Timing of Bylaw planning schedule for a possible Special Town Meeting:**

* Jennifer Christy provided general information about when a fall town meeting might occur.

**Master Plan:**

* Bill Veno attended and stated he would assist in helping the Planning Board move forward.
* Ann Wallace and Janet Weidner suggested that a subcommittee get together in person to review what information has already been gathered and to create a path forward. The other members of the original Master Plan committee were Cathy Thompson and Peter Cook.
* It was decided to meet, in person, at 3pm before the Planning Board meetings at 4:30pm.

**Correspondence:**

* The Board members reviewed the correspondence and took no action.

**Reappointments/Appointments:**

* The reappointments of the various representatives to the Boards and Committees were listed and the motion to reappoint was moved by Ann Wallace and seconded by Peter Cook. The reappointments were voted unanimously by roll call vote.

**ATM and ATE Update:**

* Rich Osnoss noted the reelection of Janet Weidner to a five year term on the Planning Board at the April 26, 2023 Annual Town Election.

**Minutes:**

* Feb. 27th minutes were approved as written. March 13th, March 27th, April 3, April 10 and April 24, 2023 were not approved.

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

**Next Meeting(s):**

* Monday, May 22 , 2023, 4:30PM

**Documents:**

* Great Rock Bight Trust Form A Plan and Application, r’cvd on April 14, 2023 from VLSE
* Letter submitted by Rich Osnoss

Meeting adjourned at 6:21PM. Minutes respectfully submitted by Jennifer L. Christy