**APPROVED Meeting Minutes**

**Chilmark Planning Board Meeting**

**September 11, 2023**

**4:30PM**

**Via remote participation**

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

Not Present: Mitchell Posin

Public & Board/Comm. Members: Thomas Humphrey, Sergio Modigliani, Mara Flanagan, Amy Weinberg, Deborah Hancock, Rebecca Miller, Scott Darling (at 5:10PM)

Staff: Jennifer L. Christy

Site: Remote Meeting/Participation on ZOOM

**Chairperson Osnoss opened the meeting at 4:30PM**

**Discussion: Fractional Ownership Interval Time Share:**

* Rich Osnoss informed the Board members that Laura Silber of the MV Commission is not available to attend the meeting today.
* Jennifer Christy shared her screen of the last reviewed draft proposal prepared by Ann Wallace in July of 2023.
* Discussion occurred on what format the bylaw draft proposal should proceed.
* It was decided to send the draft to Laura Silber as formulated here and then hear from Laura and Bill Veno as to whether it is ready for a public hearing process.
* Cathy Thompson applauded the draft and thought that it seems a fine job of adapting Tisbury’s bylaw to the needs of Chilmark.
* Peter Cook asked the Board members to look closely at the second to last paragraph on the first page where the word ‘misuse’ is used and reiterated the need to understand our intent of the bylaw draft so that it is clear what the bylaw is to achieve.
* Rich Osnoss agreed to send the draft to Laura Silber this week.

**Discussion: Accessory Apartment and/or Guest House ZBL amendment proposal:**

* Rich Osnoss suggested that this bylaw amendment proposal should be postponed until more discussion occurs with the Building Inspector.
* Hugh Weisman agreed that certain definitions need to be agreed upon in order to move forward with the draft bylaw proposal.
* Hugh Weisman offered to meet with Adam Petkus, Building Inspector, in the near future in order to identify the definition of key terms that will be necessary for this proposal to make sense and be effective.
* It was noted that all the zoning bylaws are inter-related and Peter Cook stated that all of the bylaws need to be looked at completely. He suggested a working group to work to see how the bylaws may be improved and work together better.
* Rich Osnoss agreed to contact the Building Inspector in order to plan a meeting amongst Planning Board members and the Building Inspector.
* Sergio Modigliani noted that during the hearings on the Residential Bldg. Size bylaw (Big House Bylaw), the Assessor’s data was used to determine the living area.

**Discussion: Agricultural zoning and possible zoning bylaw amendments:**

* Rich Osnoss asked Jennifer Christy to share her screen of the latest draft of the Agricultural zoning bylaw proposal.
* Mara Flanagan was recognized and explained that the draft was created by looking at other agri-business and agri-tourism bylaws that exist in Massachusetts. She noted that a common framework was purpose, definitions, allowable uses. She emphasized that there was an attempt to make the proposed bylaw as simple as possible. Mara Flanagan went through the draft proposal section by section. She expressed interest in hearing an initial response.
* Peter Cook mentioned that the proposal appears to be very clear and ready for taking the discussion now to the community.
* Janet Weidner expressed interest in understanding the background to some of the numbers and noted that there appears to be a discrepancy in how many people are allowed for events, depending on whether the farms meet MGL certification.
* Rich Osnoss explained that a goal of the Board is to ask questions so that the proposal is as clear as possible before it goes before the Town.
* Mara Flanagan noted that the draft could be clearer about where exactly more than 40 people are allowed.
* Rich Osnoss noted that a definition of ‘Event’ would be helpful.
* Ann Wallace agreed that open-ended statements may raise questions about the impact on the community and noted that the attachment that the Beetlebung Farm group shared from King’s County in Maryland did have specificity that dealt clearly with light and noise for example. Ann urged the farm group to provide more description and specificity so that townspeople will have assurance that the community is protected.
* Mara Flanagan responded that the number of 40 was determined partly due to the fact that each of the farms involved has current parking for at least 20 cars.
* Cathy Thompson was recognized and wondered whether the bylaw proposal should include all of the specificity that is being discussed or is what is being considered really a procedure.
* Rich Osnoss stated that what the farmers want to do is not currently permitted by the zoning bylaws. He thought it absolutely needs to be a bylaw.
* Peter Cook thought that putting a number such as 40 out to the public initially may not be a good idea and wondered if the number that limits attendees is arrived at by the process. He noted that what happens at Beetlebung Farm could be transformational for the Town over the next 10, 20 and 30 years.
* Peter Cook thought that the proposal should proceed to a public hearing but that the emphasis should be the concept rather than be mired in details.
* Cathy Thompson wondered if there are zoning bylaws for Menemsha, for example, that identify specifics such as number of people attending ‘events’, etc.. and she noted that she sees some inconsistencies and wondered if there should be similar, parallel consideration of farms.
* Rich Osnoss noted that Menemsha may not seem a comparable area/use. Rich Osnoss wondered if it could be determined how many potential farms could be in the Town.
* Mara Flanagan noted that this is why the proposal needs to be an Accessory Use and the primary income needs to come from the farm.
* Deb Hancock noted that there may be issues with having operations that are like restaurants. She expressed concern with the potential change to the rural nature of the Town. She expressed further concern with farm partnerships with non-profit ventures and thought that this might result in many and large gatherings that are not limited.
* Mara Flanagan noted that she feels that this would be a good area to review and relook at.
* Rebecca Miller wondered why farms are allowed to host weddings, but not to have their own events that have food and drink. She wondered if the Planning Board could advise whether the farms can have weddings and events now. Rich Osnoss agreed that this question needs to be investigated.
* Rich Osnoss suggested that the discussion continue.
* Cathy Thompson noted that the Planning Board’s mission is on the homepage for the Board and it provides some key information about what the Town means when it says it supports farming.
* Amy Weinberg asked if a working group or subcommittee could work with the farm group to develop a bylaw. Rich Osnoss responded that the Board has the ability to form a subcommittee, but expressed some concern that there is enough people to create a subcommittee. Cathy Thompson volunteered to join a working group and Ann Wallace also volunteered here time as well.
* Ann Wallace noted that what would be helpful is to determine what part of the bylaw proposal is activity and what is the procedure and application of the bylaw.
* Amy Weinberg expressed interest in making the bylaw simple, but also palatable so that people’s concerns are addressed.
* Rich Osnoss noted that the portion of the draft proposal that indicates that more than 40 people can be in attendance at an event that is in partnership with a non-profit may not be something that townspeople will approve.
* Peter Cook noted that the issue of weddings and chef is a Board of Health issue and he thought that Deb Hancock’s point of easily falling down a slippery slope is a good warning. He thought that the town will need to get used to this idea for farms. He emphasized that the farm group needs to describe what the intent is for adding to/amending a bylaw.
* Rich Osnoss stated that Sergio Modigliani has requested to join a working group. He welcomed Sergio’s participation.
* Deb Hancock noted that it will be very important to understand and try ot foresee what unintended consequences may be and what will someone 10 or 20 years from now going to do with a farm if the bylaw proposal is approved.
* Amy Weinberg asked what would scare Board members in terms of what is not considered a farm activity or would be considered not appropriate.
* Rich Osnoss explained that the Planning Board just wants to ask all the questions so that the bylaw is as strong as possible. Peter Cook stated that 12 events sounds like a lot and 40 people sounds like a lot and those numbers may scare people. He thought it may be possible to have a 1-2 year trial period where in the beginning there is 6 events to try it out.
* Mara Flanagan noted that the 12 events number was selected partly due to the fact that the farms are year-round operations.
* Rich Osnoss noted that Ann Wallace and Cathy Thompson and Sergio Modigliani will join the farm group to help to develop a proposal.

**Discussion: Pickle Ball and possible zoning bylaw amendments:**

* Rich Osnoss recognized the research that Ann Wallace has submitted that details the steps for a moratorium. Rich Osnoss also explained other options that the Board could pursue in the steps to regulating pickle ball.
* Rich Osnoss explained that a temporary moratorium could be the best way to go in order to proceed with thought and planning.
* Ann Wallace noted that there were no Massachusetts pickle ball-specific bylaws. She also noted that she could not find bylaws that ban a specific sport in Massachusetts. Ann Wallace also noted that she researched the various noise ordinances, most which do not address pickle ball noise.
* Ann Wallace also noted that there are numerous law suits against the Towns having to do with pickle ball and thereby slowing down the process of Towns converting their public tennis courts to pickle ball courts. Ann noted that there is precedent for a 6 month moratorium on building pickle ball courts.
* Peter Cook thought that there is no word of support for pickle ball courts and wondered if a non-binding vote at a town meeting would indicate the support for a ban.
* Rich Osnoss stated that he has done a little research on the decibel level of pickle ball, compared with tennis. Rich thought that an outright ban would be less preferable to him when compared with addressing decibel levels of noise. He supported a moratorium approach.
* Hugh Weisman supported a moratorium proposal.
* Discussion occurred about the appetite that there is for the private installment of pickle ball courts in Town right now.
* Rich Osnoss inquired whether there is a need to go to Town Counsel with a proposal for a moratorium.
* Sergio Modigliani noted that Jay Segal has a lot of materials on the topic and the Planning Board members noted they have received this information.
* Peter Cook asked what should be done regarding responding to the correspondence that has been received by the Board. Rich Osnoss stated a specific response is not needed and the actions of the Board should send a message.
* Rich Osnoss suggested that the Select Board be notified that the Planning Board is planning to propose a moratorium on pickle ball courts. Rich Osnoss stated he would work with Jennifer Christy on this task.

**Discussion: Building Dept. and possible zoning bylaw amendments:**

* Rich Osnoss and Hugh Weisman noted that they would be in contact with Adam Petkus, Building Inspector.

**Master Plan:**

* Janet Weidner, chairperson of the Subcommittee, reported on the progress from the Subcommittee. She noted that the Select Board will be reviewing the survey at their meeting on Sept. 12, 2023 and then the Subcommittee will return to the Planning Board with a report for the next meeting.

**Correspondence:**

* Rich Osnoss recognized Ruby Iantosca who read from a prepared statement encouraging the Planning Board to ban pickle ball courts in Town.

**Minutes:**

* June 12, 2023 was reviewed and approved with changes, by roll call vote.
* June 26, 2023 was reviewed and approved with changes, by roll call vote.
* July 24, 2023 was reviewed and approved with changes, by roll call vote.

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

**Next Meeting(s):**

* Monday, Sept. 25 , 2023, 4:30PM

**Documents:**

Draft proposal for Accessory Apartment & Guest Houses zoning bylaw amendments

Draft proposal for farm zoning bylaws

Correspondence from townspeople re pickle ball

Meeting adjourned at 6:28PM. Minutes respectfully submitted by Jennifer L. Christy