**APPROVED Meeting Minutes**

**Chilmark Planning Board Meeting**

**August 14, 2023**

**4:30PM**

**Via remote participation**

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

Not Present:

Public & Board/Comm. Members: Paul Iantosca, Ruby Iantosca, Susan Mottau, Clark Goff, Mary Nada, Adam Petkus, Kris, Marc Tabah, Mara, Amy Weinberg from Beetlebung Farm, Rebecca Miller, Leslie Prosterman, Sherif, LC Amy’s Asst., Betsy C (arrived at 5:57PM)

Staff: Jennifer L. Christy

Site: Remote Meeting/Participation on ZOOM

Chairperson Osnoss opened the meeting at 4:30PM

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

* The Board reviewed the latest draft from June 29, 2023. Jennifer Christy shared her screen of the latest draft.
* Peter Cook suggested that a member of the Planning Board meet with the Building Inspector to look at some of the issues regarding a number of amendments to the Accessory Apartment and Guest House areas of the ZBLs.
* Adam Petkus, Building Inspector, was recognized and characterized his reasoning behind submitting a document showing possible areas of the ZBLs that may require amendment. He characterized his list of topics that may need to be reviewed is an outline of things that are coming up that don’t seem to be well-defined. They are, he noted, things that are coming up and may need more review.
* Mitchell Posin suggested that the number in the first three lines of 4., in the draft proposal, be 1100, not 1080.
* Ann Wallace suggested that an explanation of why the Board is interested in amending the ZBLs to allow for larger Accessory Apartments be provided to the Building Inspector. She stated that the reasons are:
  + A possible larger inventory of affordable housing if a larger Accessory Apartment is allowed.
  + A larger area for a family member or caregiver to live.
* Adam Petkus addressed what he has seen in his short time as the Building Inspector: Guest Houses and Accessory Apartments on large parcels. He hopes to see applications that are for more housing for family members and for affordable housing.
* Discussion occurred about the need, as presented by the Building Inspector, to define certain terms in the ZBLs.
* Hugh Weisman commented that he is interested in meeting with the Building Inspector and Rich Osnoss asked for the topic be on the next meeting agenda.

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

* The topic was postponed to the next meeting on August 28, 2023.

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

* Rich Osnoss recognized the farm members in attendance.
* Discussion occurred about how to move forward and what a subcommittee may contribute to the process.
* Rich Osnoss reminded all that at any time 10 registered voters may also petition the Select Board to initiate the adoption or change of zoning bylaws and he also noted that he had completed some research of agri-business zoning bylaws in other communities. He urged the group to make a list of items that the group may agree on that address parking issues, how many people will attend events and how many events. He mentioned that he is not sure the Planning Board is ready to assist with the development of a zoning bylaw because the Board members are not knowledgeable yet about what the farm group wants. Rich Osnoss thought the Board needs to be more “reactive” at this point to what the Farm group proposes. Rich Osnoss expressed the goal that the zoning bylaw is clear and provides definitive parameters on what is permitted.
* Mitchell Posin inquired about who would be the enforcer of the possible zoning bylaw requirements. Rich Osnoss stated he thought it would depend on the ultimately approved zoning bylaw. Rich Osnoss encouraged the Farm group to continue working on he proposal.
* Amy Weinberg of Beetlebung Farm explained that the group has tried to come up with a “laundry list” of things that would address the needs of the farms and she said the important thing is that they want clarity on the permitted uses just in general and they are hoping to do is to have events that are less than 30 people with the support of the Town. She is hoping that these small gatherings would not present traffic and parking issues and they would like acknowledgement of the fact that the zoning bylaws now permits this kind of gathering at farms—classes, farm tours, mushroom foraging event with a meal of mushrooms. She noted that the farms have been told that they are zoned as agricultural and are therefore not permitted to have these events and they would like “buy-in” that they need to diversify revenue stream in order to survive. Amy Weinberg noted the first goal is an agreement that the economic viability necessitates allowing these commercial events. She noted that the first part of their bylaw proposal addresses the small events that are then just permitted. Then, she said, if the attendance is bigger than 29 or 30 people, what would be the restrictions and that is what the draft bylaw addresses and which would require permitting. Amy Weinberg concluded that the farms are trying to get approval to do, without special permits, these small events that they feel do not present traffic and parking issues. She asked Board members to let the farms know what they are fearful of and they want to start a conversation about what the farms should be thinking about.
* Rich Osnoss confirmed that the immediate concern of the farm groups is to develop a bylaw that addresses smaller events that involve approximately 30 person events. Amy Weinberg stated she would not want to speak for other members of the farm group, but she thought an initial approval of smaller events would certainly indicate support from the Town.
* Mara Flanagan thought that since the process will be lengthy for any bylaw amendment she thought that as much as can be done as possible at this time would be her preference.
* Mara Flanagan clarified that the Farm group’s first priority, and in terms of addressing “low-hanging fruit”, is to understand what may be permitted in the future, through a zoning bylaw amendment, for smaller events of 30 and under participants and then to also understand whether the Town would allow larger events. She asked Rich Osnoss if his suggestion is to just work as much as possible on the development of a bylaw and to then return to the Board for feedback.
* Ann Wallace said that at the last Planning Board meeting the Building Inspector attended and he is the one to get a clear sense of what the Farms must do to have an event permitted. Rich Osnoss said that the Building Inspector may not assist the Farm group with the writing of a bylaw. Ann Wallace said she thought that Adam Petkus would not be able to help develop the bylaw, necessarily, but could identify what the Farms are currently able to do so that there would be clear direction for the Farm groups in writing a bylaw that addresses what they would like to be permitted.
* Peter Cook stated that the proposed farm zoning bylaws would be a significant change and noted that this project is not only about amending the zoning bylaws, but also will require looking closely at the community to identify what the Chilmark community wants in the future. He noted that each farm is different and will require somewhat different approaches in order for it to be viable. Peter Cook noted that all of this needs to be in public discussion and it is a very useful discussion because it has a lot to do with what the Town will look like in the future and what the culture of the Town will be. He noted because of the fact that it is such an important discussion it will be a lengthy discussion and process.
* Mitchell Posin noted that it is hard to make a living as a fisherman so we try to help them out as much as we can and he noted, also, that small farming anywhere is almost impossible to do anywhere in America. He noted that anything that can economically help to make a farmer stay a farmer is beneficial. He noted that he has a very hard time keeping the Allen farm a sustainable venture-he moves out of his house for 6 months a year and he has weddings on the land and this makes it so there is an Allen Farm.
* Rich Osnoss supported the effort to move forward. Rebecca Miller of North Tabor Farm stated the Farm group has worked on their draft that they have submitted for a very long time and she would like someone to look at what the farm Group has proposed and tell them where the holes are. Jennifer Christy shared her screen, at the direction of Rich Osnoss, of what the farm group submitted.
* Mitchell Posin noted there is a “right to farm” regulation in Massachusetts. He thought it would be a good idea to research the Right to Farm language. He thought it would be beneficial to understand what the Right to Farm regulation provides farmers. Mara Flanagan noted that the Farm Bureau has said that the Right TO Farm process is a powerful statement for a town to make, but that it does not address activities that farms want through the zoning bylaws and she mentioned Falmouth, MA is a “Right to Farm” community. Mara Flanagan noted that the Right to Farm language is mostly concerned with protecting the farmer from noise, environment, odor issues, for example, from neighbors rather than providing language that addresses the agri-business interests of farms.
* Discussion occurred about the appropriate timing of discussion and public hearing on a proposal for zoning bylaw amendments.
* Cathy Thompson agreed that issues will be overcome and it would be important to develop a concrete bylaw proposal before going forward with a public hearing.
* Amy Weinberg noted that revisions to the proposal that the Board members have in front of them have been made. She noted she is in agreement with Rebecca Miller and wants some to poke holes in their proposal so that they can get clarity on what is an appropriate proposal. Amy Weinberg also noted that the farm group needs to find out what they are allowed to do and they also agree that the proposal is not ready for a public hearing.
* Janet Weidner proposed that all Board members look at the proposed farm ZBL amendments and come back to the next Board meeting with comments.
* Janet Weidner suggested that at the next meeting a line by line review of the amendment proposal could be done and then the Board can see where things are going after that. Rich agreed with this plan and also noted that he is also set on not having this issue “drag out”.
* Ann Wallace agreed with Rich to work with more definition and also noted that the Planning Board wants to support the farms and she noted that a lot of events will be in the summer and wanted the farms to think about this in writing their zoning bylaw proposal. Rich Osnoss stated that noise might need to be addressed as well.
* Peter Cook expressed the opinion that what has already been submitted is fine for a public hearing and we should move toward a public hearing as soon as possible and he suggested that the Planning Board commit to moving towards a public hearing as soon as possible for the reason of getting feedback particularly from those who are against the proposal which then would allow the farm group to address those concerns. Peter Cook made a motion to start public hearings on the agricultural bylaw proposal. Rich stated he would agree to place the topic on the next agenda. Mitchell Posin seconded the motion of Peter Cook and inquired if he needs to recuse himself because he is a farmer. Rich asked that the motion be restated. Peter Cook restated that the motion is that the Planning Board is to proceed to hold a public hearing on the zoning bylaw proposal as quickly as possible. Rich Osnoss thought that the farmers wanted more time to fine tune the wording. Mara Flanagan stated that they need to fine tune and looked forward to the Planning Board’s review to the bylaw in advance of the next meeting, as suggested by Janet Weidner.
* Rich Osnoss stated the farm bylaw proposal will be placed on the next agenda.
* Mara Flanagan stated that the farm group would like to revise their draft and resubmit to the Board.
* Mitchell Posin suggested that a good thing that may come out of this would be that young people may choose to work in farming and encourage others to take steps to protect the planet.

**Correspondence:**

* Rich Osnoss recognized Ruby Iantosca who read from a prepared statement encouraging the Planning Board to ban pickle ball courts in Town.
* Leslie Prosterman was recognized and stated that she supported efforts to restrict pickle ball in Chilmark.
* Paul Iantosca was recognized and encouraged the Planning Board to restrict pickle ball courts in Chilmark. He asked that the Planning Board consider making tennis courts and pickle ball courts different things in the ZBLs.
* Mary Nada was recognized and expressed her view that pickle ball courts should be banned in Chilmark.
* Peter Cook stated that a written proposal needs to be put forward in order for a public hearing to occur.
* Kris mentioned that there is progress being made to create paddles and/or balls that make less noise or a better noise.
* Ann Wallace suggested that the noise levels be addressed instead of a particular sport.
* Rich Osnoss suggested that the Board members read the materials sent to the members via email before the next meeting.
* Rich Osnoss stated he would place this agenda item on the agenda for the next meeting.

**Master Plan:**

* Janet Weidner, chairperson of the Subcommittee, reported on the progress from the Subcommittee.

**Minutes:**

* May 8, 2023 draft minutes were reviewed and approved as amended.
* May 22, 2023 draft minutes were reviewed and approved as written.
* June 12, 2023
* June 26, 2023
* July 24, 2023

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

**Next Meeting(s):**

* Monday, August 28 , 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 6:45PM. Minutes respectfully submitted by Jennifer L. Christy