

# Approved Meeting Minutes

## Chilmark Planning Board Meeting

January 8, 2024

4:30PM

### Via remote participation

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

Not Present: Mitchell Posin

Public & Board/Comm. Members: Thomas Humphrey, Ruby Iantosca, Clark Goff, Sergio Modigliani, Clarissa Allen, Tucker Drummond, Susan Greeley, Daniel Greenman (MV Times), mcook, deb, Claire Keith, Beetlebung Farm (Mara), Mimi Drummond, Adam Turner (MVC), Lauren Lynch, Amy Weinberg, Pam Goff, Rebecca Miller, Krishanna Collins, Willa Kuh, James Sandler, Jeffrey, Rebecca Gilbert, Matt Dix, Bill Veno, Kate Woods, Caitlin Jones, Susan Eddy, Reid Silva, David Price, Nicholas, Joan Clark, Eric Glasgow, Jonathan Adler, Mallory Watts, NA, Nathan Riggs, Steven Flanders, Sarah Flanders

Staff: Jennifer L. Christy

Site: Remote Meeting/Participation on ZOOM

The Meeting was opened at 4:30PM by Chairperson Rich Osnoss.

### Continued Public Hearing: Pickle Ball Court Use:

- The public hearing was opening at 4:30PM.
- Rich Osnoss described the results of some individual research on noise and pickle ball.
- Rich Osnoss opened the topic up for discussion. Peter Cook suggested that the Board may search for example regulations applied to deal with the activity of pickle ball and the noise and impact it has on a community.
- Rich Osnoss related that a town in Connecticut is in the process of regulating leaf blowers due to the noise issues.
- Ruby Iantosca described her frustration with dealing with neighbor noise and with the effort to keep noise issues at bay.
- There was no other discussion. Cathy Thompson made a motion to continue the hearing to Monday, Feb. 12, 2024 at 4:30. The motion was seconded by Ann and passed unanimously by roll call vote.

### Minutes:

- December 14, 2023 were not reviewed.
- December 18, 2023 were reviewed and approved as presented.

### Discussion: Agricultural zoning bylaw amendments:

- Due to the fact that it was only 4:45PM, the Chairperson decided to move this topic above the Eddy subdivision plan and summarized the events of the agricultural bylaw proposal to this date. Ann Wallace noted that the Board had requested Adam Turner from the MVC attend to assist with this process. Adam Turner expressed the desire to listen to the ideas and proposals at first so that he may see how he may contribute in a technical way.
- Amy Weinberg noted her willingness to work with the Town and the Planning Board to develop a proposal that works for the Town.
- Hugh Weisman noted that he is in favor of the farms succeeding, but does want to explore "guard rails". He thought it is possible that the Planning Board may start with the original proposal that the farm group presented earlier in the year. He further expressed that it will be important that the ideas reach a broader section of the Town to hear what the issues are.

- Janet Weidner noted that the Peaked Hill Pastures Affordable housing project had a process that worked and she thought it would work for this project. Janet described a series of forums, after a certain proposal was developed and noted that the MVC may be able to assist with this as they did at the time of the Peaked Hill Pastures forums. Adam Turner expressed agreement with the value of a process such as was done with the Peaked Hill Pastures project. Amy Weinberg noted that the existing zoning bylaw may be useful. Rebecca Miller expressed that there is a need to move more quickly for the farms and she would like to have something that is voted on at the spring Town Meeting.
- Claire Keith was recognized and read a prepared statement.
- Rich Osnoss stated that the agricultural zoning bylaw discussion would occur after the Susan Eddy subdivision proposal public hearing.

**Public Hearing, Susan Eddy Form C Subdivision Plan, Map 25, Lot 7.6, 12 Welles Way:**

- Rich Osnoss opened the public hearing at 5:12PM and read a letter received from the Board of Health. Rich Osnoss also read from an email received from Bill Veno at the MV Commission detailing some areas of the DRI Checklist that may be triggered and those were listed.
- Reid Silva shared his screen with the Susan Eddy Form C subdivision plan and presented the plan.
- Cathy Thompson suggested that a site visit be made to view the road.
- Ann Wallace moved to continue the hearing to Feb. 12<sup>th</sup> at 5:10PM (the 77<sup>th</sup> day after receipt of the plan via email on Nov. 27<sup>th</sup>, 2023). The motion was seconded by Cathy Thompson and approved unanimously by a roll call vote.
- Bill Veno was recognized and explained the MV Commission factors that he noted in his email that was read aloud by Rich Osnoss. Reid Silva noted that it would be beneficial to the applicant if it was known whether the Board felt that the proposal was viewed positively by the Board before the subdivision plan was referred to the MV Commission.
- Rich Osnoss asked Jennifer Christy to work with Board members to schedule a site visit to 12 Welles Way.

**Cont'd Discussion: Agricultural zoning bylaw amendments:**

- Discussion occurred regarding how to move forward. Rich Osnoss asked the Planning Board members what direction the Board should take.
- Peter Cook stated that this may not be about amending a bylaw. He asked what kind of activities on the part of the farmers and how many events are being proposed. He grouped some of the activities as either educational or commercial, the growing and sale of products. He advocated for an open forum type of process so that the whole range of ideas come out and may be worked out.
- Rich Osnoss thought that public outreach is important but he worried about the time needed and thought that the Planning Board meetings are also a good venue to hear from the public.
- Cathy Thompson noted previous large projects, such as the 'Big House bylaw' and the Peaked Hill Pastures affordable housing project, and noted that these large, important and impactful initiatives take considerable time to develop properly. Cathy advocated not going to public hearings right away since a proposal needs to be developed. Rich Osnoss suggested that the Planning Board work to develop a proposal.
- Ann Wallace wondered if the Board could collect all the submissions from the farmers and talk with Bill Veno at the MV Commission or Adam Turner to see if a facilitator could be obtained to help understand the proposals. Rich Osnoss asked if Ann would be supportive of a committee

appointed by the Select Board to work on a proposal. Peter Cook asked what sort of committee should be put together and noted that the farms are all very different with varying goals. He wondered if a “pilot program” could be developed that some farms could move forward with that would make clear what works and what may not work. Rich asked how to go forward.

- Ann stated that the Select Board specifically noted that a group that develops a zoning bylaw proposal should not have members that have a financial interest in the outcome. She noted that this is a good reason why she would advocate for a facilitator type of process to maximize community engagement.
- Rich Osnoss stated that outside assistance would be welcome. Amy Weinberg stated that she personally thinks that the existing bylaw is strong, broad and subject to interpretation. She welcomed public feedback and dialogue and wondered if facilitated conversations with the public could move forward but not with the goal of anything immediate. She thought it would be a good idea to take the temperature of the town and she thought that what is happening already is not really far from what is allowed already. She reiterated that the existing bylaw is broad, but she thinks that there has been an evolved sense since the 1970s of what a farm does, what a community values in farms.
- Rich Osnoss stated that the farm discussion would be on the next agenda and asked Jennifer Christy to work with the MVC representatives to develop a good way to encourage public participation. Clarissa Allen was recognized and wondered if you invite people to a forum it would be good to have something to respond to. She said townspeople have asked her what exactly is being proposed. Mimi Drummond was recognized and stated that she only recently became aware of the discussion and she has read an original proposal. She expressed some concern with changing the bylaws and urged the Town to be careful with any changes. She noted that there seems to be a lack of clarity in the proposal in terms of the size of events at farms and regularity. Mimi Drummond noted her appreciation of the careful thought that it appears the Planning Board is given to this topic and noted her concern with traffic.
- Sergio Modigliani expressed confusion and stated that the only permitted use in town is agricultural and agriculture is commercial. He noted that the zoning officer is arguing that commercial activity is inappropriate and he stated that that does not seem to be correct and noted that the non-farmers are the ones who are the “interlopers”.
- Joan Clark expressed curiosity about the bylaw and noted that changing a bylaw is a large project and obtained clarity on how a bylaw is developed and the procedure.
- Rich Osnoss reiterated that the topic will stay on the agendas going forward and that the Board will reach out to the MV Commission when they are ready with some proposal.
- Hugh Weisman was recognized and stated, assuming the farms can actually proceed with what they are already doing, what would be the effect of receiving a list from the farms about what they want to do and then we allow them to do it and see how it goes. He thought that maybe unless the farms are doing something wrong, maybe they are doing something right.
- Clarissa Allen stated that a farmer, Caitlin Jones, wanted it known that there is considerable discussion at the state level about farms and what they are permitted to do.
- Jonathan Adler was recognized and asked if the documents could be shared and placed online. Rich Osnoss stated that the documents would be posted online going forward.

#### **Zoning Bylaw Discussion, Accessory Apartment & Guest House Amendment proposals Discussion:**

- After brief discussion, it was decided that Rich Osnoss will meet with Hugh Weisman to discuss the next steps. No other action was taken.

#### **Discussion: Steven Flanders access to 0 Flanders Farm, Map 19, Lot 9:**

- Discussion occurred about the access to the lot.
- Reid Silva described the site and the issue of access by sharing his screen of the lot.
- Reid noted that the plan is to create a new access from Pasture Road. Steve Flanders explained that the access issue was found after the subdivision was approved by the Town and the access proposed is the least obtrusive way to get access to the lot. He noted that the family is trying to resolve the issue.
- Discussion occurred about what the future subdivision may be.
- Rich Osnoss asked Reid what limits the family from placing a road there to the lot now. Reid stated that one cannot just create an easement and call it frontage. The access now has to have approval from the Planning Board.
- Peter Cook asked if there another idea that would be competing with this to solve the problem. Steve Flanders stated that he does not want to put a road in that intrudes on anyone. Peter stated that he just wanted to know whether this is the option that makes the most sense.
- Ann Wallace stated her hope that whatever road or access gets decided on is a road that works with the town subdivision development.
- Rich inquired about where power would go and Steve Flanders stated that power would come from Pasture Road because he has rights over that road. Rich noted there has been discussion about the level of power coming in the road within the Peaked Hill Pastures affordable housing project. Steve stated he owns where the power comes in from Tabor House road and he would be amenable to assisting with this power issue.
- Hugh Weisman asked if it would be prudent to extend the road. Reid Silva stated that the road could be brought in and if people knew what they wanted to do in terms of a division then that would be ok.
- Janet Weidner asked what Reid needs to know today. Reid stated that he just wanted to take the temperature today and get feedback.
- Bill Veno was recognized and noted that a division of large parcels can trigger an MV Commission review such as for habitat, open space for example.

#### **PB Subcommittee on the Menemsha Traffic Calming review and Master Plan:**

- Janet Weidner, Chairperson of the Subcommittee, provided a summary of what has occurred up to this point.
- Janet Weidner referenced a memo that has been drafted and sent to Board Members in advance of this meeting to review.
- Ann Wallace made a motion to send the informational advisory memo to the Select Board. The motion was seconded and the motion was approved unanimously by a roll call vote.

#### **Minutes:**

- December 11, 2023 were reviewed and approved as amended.

#### **Correspondence:**

- The Board members were alerted to an email from Bill Veno about the rescheduled Overlay Zoning workshop on January 6, 2024.
- The Board members were alerted to the fact that the new dues statement from MA Planners was received and the dues are now \$90/year instead of \$80/year. It was decided that the DRAFT

budget with this amended number will be approved once the salary amounts are inserted in the budgets.

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**Zoning Bylaw Discussion-Accessory Apartments and Guest House:**

- It was decided that the Accessory Apartment/Guest House zoning bylaw topic be placed on the next agenda and that the materials shared by Hugh Weisman be sent again to the Board members.

A motion was made to adjourn the meeting. The motion was seconded and the meeting adjourned at 5:27PM.

**Next Meeting(s):**

- Monday, Jan. 22, 2023, 4:30PM

**Documents:**

Minutes respectfully submitted by Jennifer L. Christy