

Approved Meeting Minutes

Chilmark Planning Board Meeting

February 12, 2024

4:30PM

Via remote participation

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

Not Present:

Public & Board/Comm. Members: Thomas Humphrey, Ruby Iantosca, Clark Goff, Clarissa Allen, Daniel Greenman (MV Times), Susan Greeley, Deb, Claire Keith, Beetlebung Farm (Mara Flanagan), Laurie, Amy Weinberg, Rebecca Miller, Krishanna Collins (at 5:59PM), Willa Kuh, Rebecca Gilbert, Bill Veno, Caitlin Jones, Reid Silva, Deb Hancock, Jeffrey Dubard, Jonathan Adler, Mallory Watts (5:36PM), AN, Claire Keith, Dinah Andrews, Joan Malkin, Lauren Lynch (5:58PM), Thomas Bena (6:44PM), Annette Cingle, Brian Athearn (6:18PM), Matt

Staff: Jennifer L. Christy

Site: Remote Meeting/Participation on ZOOM

The Meeting was opened at 4:34PM by Chairperson Rich Osnoss.

Continued Public Hearing: Pickle Ball Court Use:

- The public hearing was opening at 4:35PM.
- The chairperson asked if there was further discussion regarding the proposal of a bylaw amendment. Peter Cook noted that there are developments in the industry that may or may not mitigate the impact of pickle ball and stated he would be reluctant to ban a sport that people like. He stated he thought that the Board should review what changes to the playing of pickle ball could be implemented that would help people in the community. He thought it would be best to keep thinking about this topic.
- Ann Wallace noted that she has the new ordinance from Centennial CO which had a moratorium on pickle ball that expired and they developed regulations to setbacks and noise. She offered to send this to the Board members through the admin. Asst. Jennifer Christy.
- Ruby Iantosca was recognized and wondered what they should do if they hear the noise. Should she call and have a person come with a machine to measure the noise, she asked Rich Osnoss suggested that what Peter Cook was suggesting is that the Board wait to review the developments in noise reduction efforts in the industry before suggesting that there be a bylaw amendment. Rich Osnoss also stated that there is a low likelihood that there will be a proliferation of pickle ball courts while regulation of the pickle ball court use is being deliberated on due to the possible risk that pickle ball use of courts may be regulated.
- There was no other discussion. Cathy Thompson made a motion to continue the hearing to Monday, Feb. 26, 2024 at 4:30. The motion was seconded by Ann. Joan Malkin asked if there was no moratorium in place and noted that an applicant would come to the ZBA with an application. Joan Malkin asked if the state of affairs is that the ZBA would be in the position of determining the advisability of a location for pickle ball. Rich Osnoss stated that that is the case, but that if it were him he would advise the applicant that the Planning Board is considering regulation that would possibly restrict the use of pickle ball courts. Peter Cook amended the motion to be continued to March 11, 2024, 4:30PM and the motion was passed unanimously by roll call vote.

Minutes:

- December 14, 2023 were not reviewed.
- January 8, 2024 were reviewed and approved unanimously, by roll call vote, as presented.

Annual Town Report 2023 DRAFT:

- The Board members reviewed the draft and amended the draft to include the chairperson of the Trails and Byways Committee, Jim Feiner.
- Cathy Thompson made a motion to approve the town report draft as amended. The motion was seconded and passed unanimously by roll call vote.

PB Subcommittee - Master Plan:

- Janet Weidner, Chairperson of the Subcommittee, provided a summary of what has occurred up to this point.
 - The Subcommittee is reviewing the approximately 18 responses that have been received and working to identify main topics that are mentioned.
 - Looking to obtain as much data as possible in order to next work with a consultant for the next step.
 - Awaiting the reports from a few Boards and Committees and Depts.
- Rich Osnoss inquired about zoning bylaw amendments and the master plan. Janet Weidner stated that this is a topic that the Subcommittee is reviewing in the context of a Master Plan and a number of Boards, Committees and Departments have mentioned, in their survey responses, a review of the zoning bylaws and other regulations is needed.

Correspondence:

- The Board members reviewed a letter from Peter White regarding habitation of a structure at Map 25, Lot 1B. Jennifer Christy was asked to put the letter received from Peter White on the shared screen. She shared the meeting packet and scrolled to the letter from Peter White.
- The Board Members read the letter and it was displayed on the screen to the public. Rich Osnoss and Board members discussed the contents of the letter and Joan Malkin inquired if the letter author had inquired with the Building Inspector.
- The Board members suggested that the person be directed to the Building Inspector and the plan for the lot be consulted. Rich Osnoss suggested that the topic be revisited at a future meeting.

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

- Rich Osnoss opened the public hearing at 5:13PM.
- Reid Silva summarized where the state of the subdivision plan is today and mentioned that the Board of Health is in process with their review and Reid Silva stated soil tests and septic plans are in process.
- Rich Osnoss stated that the road condition, after the review of the road at the site visit, appeared to be adequate. He mentioned on the way out the road on the straightaway there aren't any turn-outs which he thought that the people on the road should be aware of.
- Rich Osnoss inquired about the referral of the property to the MV Commission and asked for the opinions of the other Board members. Cathy Thompson stated that she would support approval of the subdivision plan at this time. Janet Weidner also agreed that she would support approval and thought that it would be good to communicate with the MV Commission the Board's support of the subdivision. Rich Osnoss suggested that if the plan is referred to the MV Commission the Board could send a letter of support of the project.
- Bill Veno was recognized and stated he thought there were some triggers of the DRI checklist that would be triggered by the subdivision plan: habitat, farming were two he mentioned.

- Rich Osnoss stated his appreciation of Bill Veno's input, but he asked if the Board feels that the subdivision is triggered and therefore is automatically sent to the Commission then he would want the MVC to know that the Board members support the plan. He stated he is trying to do the right thing, but it is a little unclear what is the right step forward.
- Joan Malkin was recognized and emphasized that any information or views on the subdivision of the Board would be very useful and they help to inform the Commissioners at the MVC. She thought that a straw poll that results in support of the plan is not as helpful as explaining why the Board is in support of the plan.
- Rich Osnoss discussed the possibility of a review of the topic of an MVC referral and that the Board may want to consider this longer. Reid Silva was recognized and noted that the process is going to take months and a little delay will not make a difference. Reid Silva further mentioned that he would imagine that, as an applicant, he would be thinking of density, use of land, historic use of land, what's appropriate in the neighborhood. He noted that if the plan is referred to the MV Commission that they will end up addressing areas that have nothing to do with the Planning Board's oversight. The MVC will address energy and they aren't things that the Planning is looking at. He reiterated that land use, historic land use are things that the MV Commission will find interesting as to how the Planning Board views it.
- Rich Osnoss asked Jennifer Christy to compile the information about a referral to the MV Commission before the March 11th meeting.
- A straw poll was taken how the Board feels about the subdivision. The Board did not express any reservations about the application for this subdivision. A motion was made to continue the public hearing to March 11, 2024 at 5:10PM. The motion was seconded. The motion was approved unanimously by a roll call vote.

Discussion: Agricultural zoning bylaw amendments:

- Rich Osnoss opened the topic for discussion and noted that correspondence has been received and read aloud a letter submitted by Matt Poole.
- Rich Osnoss read aloud a letter submitted by Ginny Jones.
- Amy Weinberg responded to the views of those whose letters were just read aloud and she described the process that brought them to go back to the existing bylaw which appears to allow them to do what they already want to do. She advocated for a "test period" that would allow the farms to try some things out this summer and see how it works. Amy Weinberg also noted an MVC report published a little while ago and noted that there are recommendations in it that may not have been acted upon at the time.
- Rich Osnoss thanked Amy Weinberg for her comments and noted that the Board is only 7 members and they want to support farms, but that things take time and they are trying to work on the topic and more interaction with the Townspeople is needed and the Master Plan process will be important to the process in terms of the information it will provide. He stated his understanding of how frustrating it may be that the Planning Board may not be able to resolve this issue soon. He noted that after years on the Board, the Planning Board wants to be confident that they can stand behind it 100% and that it has a very great chance of passing.
- Amy Weinberg stated that she is stating that the farm group is not seeking an amendment to the zoning bylaws, and they are not trying to resolve it. She noted they are just trying to test things in small increments to see how it impacts the Town and experience how it goes. Rich responded that it was his understanding that the farms need a determination or a resolution of the question of how the zoning bylaws need to be changed or amended to allow the farms to do what they want to do in the eyes of the Building Dept. Amy Weinberg said she did not think this was correct. Rich Osnoss stated he thought some applications had been made and they were

not approved, but he thought he could be wrong. Amy Weinberg stated that so much has changed over the last years and months that she did not know whether Rich Osnoss was correct. Rich Osnoss suggested that the Board needs to develop some sort of statement that the Building Dept. can look at, maybe with help be Town Counsel, so that there is agreement on what may be permitted. He noted that there is talk of a pilot program, but he stated that in terms of a bylaw that doesn't work and the townspeople need a firm grasp of what that means.

- Hugh Weisman stated that he hears that what the farm group is suggesting is that they go through a trial summer and have their events and we see as a town if a bylaw needs be enacted. Amy Weinberg stated that yes that is what she is suggesting and she expressed a desire to show that what the farms are doing is not going to be a detriment to the community. She further stated that she is searching for the blessing and permit of the town to do something to show what it looks like.
- Hugh Weisman thought that this is a good idea. Janet Weidner was recognized and thought that the Planning Board does not have the authority for the permitting of a "trial" summer period and if there is to be one then it might be in the purview of the Select Board and the Zoning Administrator. She further stated that there would need to be approved by the Building Inspector she thought and she thought if there were a trial program there would need to be some way to evaluate the program and she reiterated that she did not think the Planning Board could initiate this at all. Rich Osnoss agreed.
- Rebecca Miller stated that she thought the Planning Board could provide a recommendation and she thought that there is a lot of fear. She noted nothing bad has happened so far. She noted that she has done farm dinners and they have grown a lot and she does not know of any issues anyone has with farm dinners. She understands the fear since there are farms of varying size, but she is wondering how to allay the fears or come up with separate plans for the different farms. She stated she would commit to staying within "bounds" and noted she is not interested in a commercial restaurant venture on the farm.
- Rich Osnoss responded with a description of the difficulty of developing a bylaw that would address the different kinds of farms and farmers in Town. He noted that all know that the intentions of the farmers are good, but he noted that townspeople want to know what the limits are.
- Cathy Thompson lauded the process and asked if there is not desire on the part of the farm group for the Planning Board to develop a bylaw, then what is it that the farm group would like.
- Rich Osnoss stated that if there is no action taken, even if conversation continues, then we go into the summer at the status quo.
- Peter Cook expressed the idea that it is becoming clearer that this is about people's assessment of what the Town future is and what town character means and how the farm community fits into that future. He noted that something needs to be demonstrated as working or not and he thought he is in favor of trying out things this summer and see how people react. He noted that a trial period could show that farms are an asset.
- Rich Osnoss asked how the Planning Board moves forward. He noted that the Board cannot allow or disallow something to happen and that is really the Building dept. that addresses this. He expressed sympathy with the lack of guidance for farms as to what they can and cannot do.
- Mitchell Posin stated we are here because the Building Inspector said that it wasn't his right to give permission to the farms and that this is what Matt Poole is addressing in his letter. He stated, as a farmer and not a Board member, it is not the Planning Board's right to say go ahead to the farms.

- Hugh Weisman asked about what application farms make for events. Amy Weinberg stated that they applied for permission, with a commercial kitchen, for six farm dinners, one per month, from May to October, for 24 people or less. This was denied, she stated, by the interim Building Inspector.
- Rich Osnoss suggested that the Board engage with the Building Inspector. Amy Weinberg reminded the Board that Adam Petkus was a part of the discussion in the beginning, but that he would not be engaging in discussion now except to consider an application. Mara Flanagan thought that the Planning Board may help the farm group talk with Adam Petkus.
- Bill Veno wondered if the activities of the farmers are activities that were done when the former Building Inspector was in office and permitted or not and he thought that the farmers can appeal the decision of the zoning administrator to the zoning board of appeals. Hugh Weisman noted that the Building Inspector has said he will enforce the zoning laws, but that he may be amendable to a trial period.
- Rich Osnoss asked that the Building Inspector be asked to the next meeting.
- Discussion occurred regarding the submission of applications to the Building Inspector as a test.
- Rich Osnoss asked Jennifer Christy to work with him to contact the Building Inspector.
- Bill Veno was recognized again and he noted that it seems like a small group or task group should be formed to explore the topics. He thought Board meeting aren't really set up for these types of discussions.
- Ann Wallace informed Bill Veno that a small task force with farmers would be a conflict of interest and she noted that the idea of a subcommittee was also not possible due to the fact that the Board is very busy.
- Amy Weinberg suggested that the farms could resubmit a new application as a test and something they are genuinely interested in pursuing and then see how the process goes. She stated her desire to find out what would be permitted without doing the event.

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

- Hugh Weisman had Jennifer Christy shared draft Guest House and Accessory Apartment draft amendments as of Feb. 12, 2024.
- Hugh Weisman briefly reviewed the draft.
- Rich Osnoss stated he will need to have a clear understanding of the changes, as they differ from the current bylaws, before things can be really addressed.

Correspondence:

- The Board members asked if Jennifer Christy could inquire with Tim the location and size of the cabinets.
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A motion was made to adjourn the meeting. The motion was seconded and the meeting adjourned at 6:44PM.

Next Meeting(s):

- Monday, Feb. 26, 2023, 4:30PM

Documents:

Minutes respectfully submitted by Jennifer L. Christy