**Approved Meeting Minutes**

**Chilmark Planning Board Meeting**

**February 26, 2024**

**4:30PM**

**Via remote participation**

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

Not Present: Hugh Weisman, Mitchell Posin

Public & Board/Comm. Members: Susan Greeley, Claire Keith, Tucker Drummond, Kate Woods, Clark, Thomas Humphrey (VGazette), Amy Weinberg, Krishanna Collins, Mimi Drummond, Deb, Mike Spangler, Matt Poole, Lauren Lynch, Mara Flanagan, person1, G.Vieira, Daniel Greenbaum (MVTimes), Julie Scott, Deb Hancock, Rebecca Miller, Rebecca Gilbert, iphone Guest, Peter Doyle

Staff: Jennifer L. Christy

Site: Remote Meeting/Participation on ZOOM

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

**Minutes:**

* The meeting minutes were not reviewed from the Feb. 12, 2024 Meeting or the Dec. 14, 2024 meeting due to the fact that the drafts were not yet completed.

**Discussion: Agricultural zoning bylaw amendments:**

* Rich Osnoss opened the topic for discussion and recognized Claire Keith who made a brief statement regarding the impact of the Beetlebung Farm activities on her home that is adjacent to the southeast end of the farm.
* Peter Cook was recognized and noted that the Board is very aware of the concerns regarding Farm activities and noted that it would be important to wait until 4:45PM for the full discussion.
* Amy Weinberg was recognized and noted that the Board was going to reach out to the Building Inspector and asked if the Board had received the email and attached proposals that she sent to the Building Inspector this past week. Rich Osnoss stated that the Board had received the emails and attachments. Amy Weinberg described the type of farm activities that they are planning and described the events as planned to by understated and the focus will be on local food. Amy Weinberg stated that the farm activities that connect the farms with the public is vital to the farms.
* Rich Osnoss noted he thought that there are many people who recognize the value of farms, but that there are people who are concerned with how much the farms may expand in terms of commercial activity. He noted that part of the difficulty for the Town is trying to ascertain how an expansion of commercial activity may look on different farms.
* Rich Osnoss noted that the Building Inspector had responded to a Planning Board inquiry and stated he would not be attending the Planning Board meeting due to the fact that he does not feel that he has any more to add to the discussion and he would respond to specific applications and he would possibly need to consult legal counsel.
* Peter Cook wondered about seeing if there is any sort of a test or pilot program so that people can see what one of these events would look like. Rich Osnoss stated he did not think that this was within the Planning Board’s purview.
* Matt Poole noted that the first step, administratively, for the farms is to apply for a temporary food event permit with the Board of Health (BOH). He further noted that last summer the BOH required farms applying for a temporary food event permit to obtain the sign-off of the zoning officer to confirm that it would be a permissible land use. He said that the BOH would not process the event application until hearing from the zoning officer about whether the land use proposed is satisfactory to the zoning officer. Matt Poole further noted that he did not feel that what has been submitted by the Beetlebung Farm is an actual application and also noted that an application for a special permit to the Building Inspector would not be the proper first step. The first step, he noted again, would be a temporary food event permit application, then it is forwarded to the zoning officer where it is either deemed an appropriate land use or it is not and if it is yes the BOH processes the food safety application and if it is no then the BOH would not process the application.
* Matt Poole asked if there was a specific reason for an event, as described by Beetlebung Farm in its submitted documents, for 26 people. Amy Weinberg replied that the number of 26 would be a group that is still intimate and smaller and she noted that sometimes the dinners are 18 people and that 26 would be the maximum. Mara Flanagan added that it also is a number that is the right number because of the number of plates they have and their table and they do not rent anything. Mara also noted that last year when they submitted the temporary food event permit application and they attached the same proposal, they were told that they must go to the Building Inspector/Zoning Officer first and not the BOH. Mara stated she would certainly file the application formally with the BOH.
* Amy Weinberg noted that they thought that they had been proceeding in the correct direction. She noted that the proposal was the request for the special permit.
* Matt Poole stated that there is no special permit to apply for in this case and said it is a technical instrument, but that there is a sign-off on the temporary food event permit application from the BOH that the Building Inspector/Zoning Officer can fill in if the application meets with the Building Inspector/Zoning Officer’s approval. He further explained that last year, when receiving the farm applications, the BOH realized that they would need to develop a process for the system to work correctly. Matt stated that clarity in what the Town needs since the number of attendees to these events could grow if more tables and plates are purchased.
* Amy Weinberg emphasized that the farm is trying to communicate and work within the system. She noted that she would like to provide a certain experience for attendees. Amy stated that the number of 26 attendees would just be for this year.
* Tucker Drummond requested information from Amy Weinberg clarifying exactly where the dinner events will be held. Amy Weinberg stated that the dinners would be on the porch for now and then if the weather is bad then in the barn or another place acceptable to the BOH. She stated that they want the dinners to be overlooking the farm. Tucker Drummond asked for further clarification of the exact location of the dinners. Amy Weinberg stated that the plan for this year is one event per month and also noted that the barn is unheated, but she indicated that the locations are not set and would depend on the weather and the season.
* Rich Osnoss noted that the Chilmark Tavern’s outdoor seating is also sometimes impacted by weather.
* Lauren Lynch was recognized and she noted that she is a resident of Chilmark, but also the Director of the Agricultural Society. She noted that the activities that are occurring on the farms and applied for are generally accepted around the state as agricultural activities. She noted that farmers still need to comply with BOH regulations, Building and Zoning provisions and other regulations and suggested that a dinner of 26 people is not hugely impactful. She noted that the activities proposed are related to agriculture and the farmers are just wanting to educate people about farming and share their farms. Last, she noted that the newspaper articles appear to show intentions by farmers that are not accurate.
* Ann Wallace inquired whether the temporary food permit application is for a single event or for all events. Matt Poole stated that it is an old form and noted that the applicant may apply for all events separately and it is a simple form. Matt Poole inquired whether the farm is accessible for those who may attend who need accessibility and also noted that he is attending and sharing his views as an individual rather than a member of the Board of Health. Amy Weinberg stated that she thought that there is accessible facilities available, but she was not sure what the distance would be to the accessible facilitires
* Rich Osnoss wondered what the state may do to enable farms to do what they want to do.
* Peter Cook responded he thought that the Planning Board is being asked to formulate a policy, but that all the farms are very different with different plans, and that this is as much a problem of learning what the Town feels about these farm activities. He stated that he is very interested in a pilot event being allowed and that this test may be essential to the development of a policy that would work for the farms and the community. He thought that a policy would be difficult to formulate without seeing how an event works.
* Kate Woods, farm manager for Beetlebung Farm, was recognized and expressed gratitude for the work down on this issue. She noted that the Town of Chilmark celebrates farming and she found this a key reason for her decision to stay in Chilmark and work on farms. Kate also noted that the experience that the public has on the farms are ones that help people learn the value of farms and the need to support them.
* Rich Osnoss responded that he would like to find a way, within the regulations, policies, and necessary parameters to help the farms so that the farms and abutters and voters know what they can and cannot do.
* Rebecca Miller was recognized and she noted that farmers do not want to do whatever they want and they want to work with the Town and the BOH. She noted that the goal is to be sustainable into the future and that the farmers are the steward of the land. She also expressed the idea that the farms are all different and, since a bylaw is difficult to create that addresses different farms, what will happen this summer. Rebecca Miller stated she did not feel the farms have let the Town down at all. She thought that maybe there should be direction from the Planning Board about where to go next and she also expressed the desire for support from the Town and trust that they, as stewards of the land, will do what is best for the Town.
* Rich Osnoss responded that he understands that there is need for direction and he also stated that the Planning Board is not saying no to events at farms. He noted that there is no way for the Planning Board to provide approval at this moment. Matt Poole suggested that a special permit process could be developed that addresses each individual farm much like the application for a swimming pool or a Guest House.
* Amy Weinberg responded that she thought that this is what they have already done. Matt Poole stated that there are specific special permits that are allowed on a case by case basis as delineated in the zoning bylaws or other regulations. Special Permits are not general, he emphasized, and are specific things that are stated within the bylaws. Rich Osnoss concurred with this assessment—something would need to be added to the bylaws that specifies the special permit process.
* Rebecca Gilbert thought that this idea was a good one and she did not think it would be beneficial to standardize the farms and what they do. She thought that the Town is not ready for a bylaw yet that addresses agricultural farms as yet, but she thought that maybe a special permit would possibly address the problems while maintaining the diversity of the town’s farms. Rich Osnoss noted that the process would allow the Town to ask about parking, health aspects, access, etc…and he noted that it is a process that townspeople are familiar with already.
* Peter Cook stated that there is a program progressing with Judy Barrett’s consulting organization that is looking at model bylaws including those about the right to farm. He thought that the results of this effort might product some nuts and bolts to use in town. He further noted that the timetable for this program is in months rather than years.
* Amy Weinberg reiterated that her intention was to file for a special permit.
* Lauren Lynch responded to Peter Cook that she thought that it would be great if there is a person designated to work on agricultural model bylaws. Ann Wallace thought that the consultant thought that the right to farm topic was part of the policy area that the consultants are working on. Peter Cook noted that the bylaws that are being reviewed are all related to the character of a town and a community. Lauren Lynch stated that the island is an agricultural community and it would be great if the effort to look at model bylaws would include a focus directly on that topic.
* Matt Poole reiterated that there is no provision for a special permit in zoning as of now and what needs to be done is to write a pathway for a special permit process for farm dinners and that kind of event and he also noted that the special permit process, once established, can require a one year review or periodic review to make sure that the granting of a special permit continues to be a plan that works for the Town.
* Amy Weinberg noted her appreciation to Rich Osnoss for his leadership.

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

* Rich Osnoss suggested that this topic be postponed. He noted that Hugh Weisman needs to be present for this discussion and he is hoping that an in-person meeting of the Board will be helpful for the review of this proposal.
* Janet Weidner advocated for in-person meetings to increase the Board’s effectiveness.
* Rich Osnoss noted that he will work to meet in-person in the next month. He also thought that it would be great if the meeting could be hybrid (remote and in-person), but that if it cannot then the Board would just meet as before the pandemic, in-person in the Town Hall.

**PB Subcommittee - Master Plan:**

* Janet Weidner, Chairperson of the Subcommittee, provided a summary of what has occurred up to this point. She emphasized that an interim report should be available in about 6 weeks.

**Correspondence:**

* The Board reviewed the correspondence from other Towns’ public hearings and the information from Laura Silber regarding housing.

A motion was made to adjourn the meeting. The motion was seconded and the meeting adjourned at 5:45PM.

**Next Meeting(s):**

* Monday, March 11, 2024, 4:30PM

Minutes respectfully submitted by Jennifer L. Christy