

Planning Board Minutes 01/09/17

APPROVED

Chilmark Planning Board January 9, 2017

Present: Janet Weidner, John Eisner, Chris MacLeod, Rich Osnoss, Chairperson, Mitchell Posin

Not Present: Peter Cook, Joan Malkin

Public: David Damroth, Barbara Lee, Robert George, Diane Sherlock, Annette Cingle, Scott McDowell, Linda Coutinho, David Norton, Doug Hoehn, Clark Goff, Reid Silva, Edie Prescott, Wendy Weldon, Bill Chaisson

Staff: Jennifer Christy, Admin. Asst.

Meeting called to order at 4:30 PM

- **Public Hearing: David Damroth**

- Chairman Osnoss opened the public hearing at 4:31 PM and read aloud the advertisement for the public hearing.
- Discussion occurred regarding the difference between youth lots and homesite housing bylaws. It was determined that Mr. Damroth meant to propose a Youth Lot and the note on the linen referencing a Homesite as defined in the Chilmark zoning bylaws is in error. Mr. Hoehn stated that he would discuss this with Mr. Damroth and change the note on the linen if necessary.
- Chairperson Osnoss read into the record a letter from Richard Kleinberg and a letter from Alysa McDaniel Emden. The Kleinberg letter expressed support for the subdivision and referenced the desire for a 100' buffer zone on the southern border. The Emden email referenced the need for owners of lots to join the Kenasaoome Way Utility and Road Association.
- Discussion occurred regarding the road association and the necessary utilities.
- Discussion occurred regarding Old Fields Path and Magee's Path. Mr. Damroth stated these paths are used for walking and he described the boundaries of his lots sometimes include the paths and sometimes go to the middle of the path.
- Chairman Osnoss inquired whether Mr. Damroth would grant the 100' buffer on the southern border. He stated he would be interested in agreeing to that condition in order to protect the habitat.
- Discussion occurred regarding the building of houses on the lots: 5B could potentially have a house and a guest house, 4A could potentially have a house and a guest house, the Youth Lot at 5B would have the potential for one house. Mr. Damroth stated that the original 10 acre lot could have the ability to build three houses without subdivision.
- Ms. Sherlock spoke and supported the subdivision. She asked for protection of the ancient paths in the area. She asked for thought to be given to the planting of landscape elements and the building of structures to preserve the integrity of Old Fields Path and Magee's Path and the privacy of the homeowners. She noted that a 100' buffer zone would be welcomed.
- Mr. Damroth stated that he would not be in favor of specific landscaping conditions due to the changing and evolving woodland and he is also interested in privacy. He also noted the care of the pond and the maintenance for the purpose of the solar panels as a consideration in the establishment of landscaping and buffer zone conditions.
- Mr. Eisner asked if Mr. Damroth would consider any buffer zone on the lots that border the ancient paths over and above the 50' setback already established.
- Mr. Damroth detailed the existence of a no-cut zone.
- Chairman Osnoss inquired how lot 5B would be accessed and Mr. Hoehn stated that it would depend on where the building would occur.
- Mr. George, an abutter, clarified the 100' buffer zone along the border with Magee's Path.
- Mr. Osnoss stated that the 100' foot buffer zone along Magee's Path needs to be included in final plan and the new lot owners need to join the road association. Mr. Posin suggested that consideration needs to be given to whether buffer zones help maintain a brush area at the expense of large trees. Mr. Damroth suggested he would be interested in offering to establish a 25' no-cut zone along the easterly border of 5B along Old Fields Path.
- Mr. Hoehn suggested that the subdivision plan does trigger MV Commission review.

- A motion to send a letter to the MVC was made and would refer the project to the MVC for land that is over ten acres in size and has two acres of priority habitat and would further state the general support of the plan by the Board. The motion was seconded. The motion was approved unanimously.
 - Ms. Weidner made a motion to continue the public hearing to January 23, 2017.
 - The motion was seconded and approved unanimously.
- **Public Hearing: Mayhew**
 - Mr. Hoehn presented the plan and noted that this plan must also be referred to the MV Commission. He noted the MV Land Bank wants a trail lot along Middle Line Road. The lot is 30 feet wide.
 - The Board reviewed the notes on the plan.
 - Mr. Hoehn noted both Lot 4 and the trail lot will go to the MV Land Bank.
 - Mr. Hoehn noted the MV Land Bank is still working on their agreement.
 - Mr. Hoehn stated that the referral to the MVC will note the same checklist items: habitat and division of 10-30 acres.
 - Mr. Hoehn noted that he did check in with the Building Inspector and the lots will be allowed to have guest houses due to the fact that the division is based on three acre zoning.
 - A motion was made to refer the plan to the MV Commission for the criteria regarding habitat and a parcel of 10-30 acres. The motion was seconded. The Board voted unanimously to refer the plan to the MV Commission.
 - A Motion was made to continue the hearing to the next meeting of the Board on January 23, 2017. The motion was seconded and the Board voted unanimously to continue the hearing to January 23, 2017.
- **Form A McDowell:**
 - The Board reviewed the plan. The division will allow an addition of land to make it possible for Mr. McDowell to increase living area square footage in a planned structure. Brief discussion occurred.
 - Mr. Osnoss made a motion to endorse the Form A. The motion was seconded. The Board voted unanimously to endorse the plan. The Board signed the linen.
- **Joint Affordable Housing Group (JAHG) Definitions:**
 - The Board heard from Ms. Christy that Christine Flynn of the MVC is working on a report to the Town regarding the definitions. Ms. Flynn plans to attend a Board meeting this winter to revisit the definitions with the Board.
- **BOS proposed amendment to the ZBLs Article 12 (Squibnocket Causeway):**
 - The Board heard from Ms. Christy regarding the BOS's request to table the topic.
 - Chairman Osnoss read aloud the letter from Mr. Liman, received earlier on January 9, 2017.
 - Brief discussion occurred regarding the possible ramifications of a change to the zoning bylaws especially considering sea level rise. Mr. Damroth noted some kind of review process would need to be added to the proposed amendment.
 - Ms. Weldon noted her agreement with Mr. Damroth. She noted that more discussion is needed before a "wide brush" amendment to the bylaws would possibly lead to unintended consequences.
- **Menemsha Master Plan Review & Update:**
 - The subcommittee gave a brief update of the progress on the Menemsha Master Plan. Ms. Weidner described the summary she has made to provide to Adam Turner at the MVC in order to see if the Board may be able to obtain some planning help in the area of public safety in Menemsha. Ms. Weidner stated Ms. Christy would be sending the summary to the MVC.
- **Correspondence:**
 - The Board reviewed the correspondence from Mr. Spangler regarding the Rivera Form A.

- There was brief discussion about the time clock of the Form A. It was noted that the Rivera Form A was submitted on October 17, 2016. The Form A was referred to the MVC and sent to the MVC on October 28, 2016. It was determined that there will be 10 remaining days on the “clock” once the decision from the MVC is received by the Clerk.
- **Senior Housing and Discussion of Possible Bylaw:**
 - Mr. Eisner proposed that the Board discuss a way to assist older Chilmarkers to stay on their land by allowing them to sell an undersized lot from their 3 or 4 acre lot in order to help them stay, financially, in Chilmark.
- **Next Meetings:**
 - Thursday, January 19, 2017, 7PM, MVC Rivera
 - Monday, January 23, 2017, 4:30PM
 - Monday, February 13, 2017, 4:30PM
 - Monday, February 27, 2017, 4:30PM

- **Minutes:**

- The minutes of December 12, 2016 were reviewed not approved.

- **Documents:**

Form C David Damroth plan public hearing advertisement with copies of application and plan

Form C Eileen Mayhew Revocable Trust-2000 public hearing advertisement with copies of application and plan

Form A Scott McDowell plan and application

Proposed Zoning Bylaw amendment to Article 12

Form C checklists and procedures

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