

Planning Board Minutes 09/10/18

APPROVED

Chilmark Planning Board Sept. 10, 2018

Present: Rich Osnoss, Peter Cook, Mitchell Posin, Janet Weidner, Catherine Thompson

Not Present: John Eisner, Chris MacLeod

Public & Board/Comm. Members: Jim Malkin, Hugh Weisman, Robert Maynes, Ann Wallace, Clark Goff, Chris Murphy, Joan Malkin, Alison Burger, David Smith, Jessica Roddy

Staff: Jennifer Christy, Admin. Asst, Chuck Hodgkinson, Admin. Asst.

Meeting was called to order at 4:30 PM

- **Zoning Bylaw Discussion:**

- Chairman Osnoss invited Ms. Weidner to explain the status of the Planning Board's work on any changes to the zoning bylaws proposed by the Zoning Board of Appeals.
- Mr. Hodgkinson made a short introduction describing how the proposed changes to the zoning bylaws came to be recommended.
- Mr. Murphy recommended that the Planning Board invite discussion about these proposed changes prior to a formal public hearing.
- Mr. Hodgkinson explained the various proposals beginning with proposed changes to Article 2: Definitions. Mr. Murphy suggested that thought be given to the issue of changing use of permitted structures over time, in particular the issue of Barns that are built and their use by owners in the future is not an agricultural use. More discussion occurred about whether the Town would prefer to have zoning bylaws that explicitly restrict the use at the time of permitting and in the future.
- It was noted that the Board is interested in understanding the key points of issue that the ZBA has and then will take the issues noted under advisement.
- More discussion occurred regarding the remaining proposed items of discussion and proposed items for amendment.
- Mr. Murphy distributed a copy of Article 4, Section 4.2A3 Swimming Pool and Tennis Court zoning bylaw section with red highlighted changes, additions or comments. He stated that he is not asking that the Planning Board work to revise this section of the zoning bylaw, but to update the Planning Board and to ask for feedback on the proposed changes and/or additions.
- The Board reviewed the schedule of deadlines for petitions for amendments submitted to the Board of Selectmen.
- Mr. Murphy asked that the Planning Board review the proposed changes, particularly in the Swimming Pool area of the zoning bylaws, and provide feedback.
- The Planning Board would like to add the topic to the Sept. 24th and October 22nd Board agendas and asked Ms. Christy to find the previous Town Counsel advice on the topic in preparation for the meeting.
- Mr. Cook asked if it is customary to address the purpose of seeking the changes to the zoning bylaws in the beginning of a document proposing the changes. Discussion occurred about the benefits of including an explanation in the proposal for an amendment and/or in the actual zoning bylaws.
- Mr. Murphy asked the Board to consider the ramifications when a person with large lot who has built to a total living area (TLA) limit may subdivide with a result that the lot or lots have more than the permitted TLA. Mr. Osnoss asked Ms. Christy if she would please put the resolution of this question on the next agenda.

- **New Board Member elected:**

- Catherine Thompson was welcomed to the Board.

- **Cannabis:**

- Mr. Malkin presented his question, "what, if anything, should the Town do in response to changing laws regarding cannabis?"

- Discussion occurred. It was suggested that the Board research the information available through the Cannabis Control Commission and Mr. Osnoss requested Ms. Christy to create a chart that compared what the other island towns have done to address the topic of cannabis. It was agreed that the topic will appear on the Sept. 24th agenda.
- **North Tabor Farm Solar Array Proposal:**
 - Mr. Smith appeared before the Board and described the state of the project.
 - Discussion occurred and it was decided that Ms. Christy please request the opinion of Town Counsel as to whether a change to the covenant would require a modification of a Form C process.
 - Ms. Malkin noted that the area of the proposed solar array is within the Island Roads District and suggested that screening be suggested if the array could be seen in winter from the road.
- **Weisman Lot, Map 32, Lot 57 Preliminary Discussion:**
 - Discussion occurred regarding the letter from Counsel in the year 2000 and the Board reviewed the plans and documents presented at a previous meeting in August.
 - Mr. Weisman proposed that the Board consider modifying the covenant to allow a Guest House to be built on his lot.
 - Mr. Osnoss expressed some interest in allowing the modification of the covenant due to the fact that the Residential Building Size Regulation already limits the amount of total living area.
 - Mr. Posin urged the Board to be concerned with the ramifications of allowing Guest Houses to be built where they have been restricted by a covenant with the Town.
 - Mr. Cook expressed concern with the unequal inclusion of restrictions on the deeds in this subdivision. He urged that the Board possibly have Counsel review the subdivision control law in order to see if there is any relief to be had from that avenue.
 - Mr. Weisman stated that he would find the area of the subdivision control law that addresses relief of the conditions of a covenant.
 - Ms. Weidner asked if it would be possible to gain a more full understanding of the last paragraph of the letter from the year 2000. Ms. Christy was asked to wait to hear from Mr. Weisman before contacting Town Counsel to gather a clear explanation of the last paragraph of the letter from year 2000.
- **Guest House Zoning Bylaw Discussion:**
 - The Board reviewed the letter from Robert Maynes in support of the proposal to allow larger Guest Houses.
 - The Board discussed the way forward and noted that the list of pros and cons for the idea of allowing larger permitted Guest Houses had not yet been created.
 - Ms. Weidner noted that the Board does need to respond to the Board of Selectmen and the Town on the issue since that is what the Board is tasked with.
 - Ms. Roddy noted that she is in favor of enlarging a permitted Accessory Apartment for affordable qualifying families or for family members.
 - Mr. Cook suggested that the Board put together a structured organization of the question:
 - He suggested that the Board determine the question(s), then determine the background to each of the questions and then determine the pros and cons of each of the questions.
 - Ms. Malkin will be putting together a list of pros and cons on the question of should the size of Guest Houses in Chilmark be increased from 800 square feet to something larger and she will send this to Ms. Christy before the October 22, 2018 meeting.
- **Correspondence:**
 - The Board reviewed the ZBA Applications & Decisions document dated September 6, 2018.

- **Minutes:**

- The Board reviewed the August 13, 2018 draft minutes. They were approved as written.
- **Update from Subcommittee on the Menemsha Master Plan Work:**
 - There was no update from the subcommittee.
- **Next Meetings:**
 - **Sept. 24, 2018, 4:30PM**
 - October 8, 2018, 4:30PM HOLIDAY
 - **October 22, 2018, 4:30PM**
 - November 12, 2018, 4:30PM HOLIDAY
 - **November 26, 2018, 4:30PM**
 - **December 10, 2018, 4:30PM**
 - December 24, 2018, 4:30PM HOLIDAY
- **Documents:**
 - Information Packet to inform Guest House discussion
 - Information and cover letter submitted by Mr. Hugh Weisman
 - FY2020 Budget Schedule

Meeting adjourned at 5:55PM. Minutes respectfully submitted by Jennifer L. Christy