

February 11, 2024

Dear Planning Board Members,

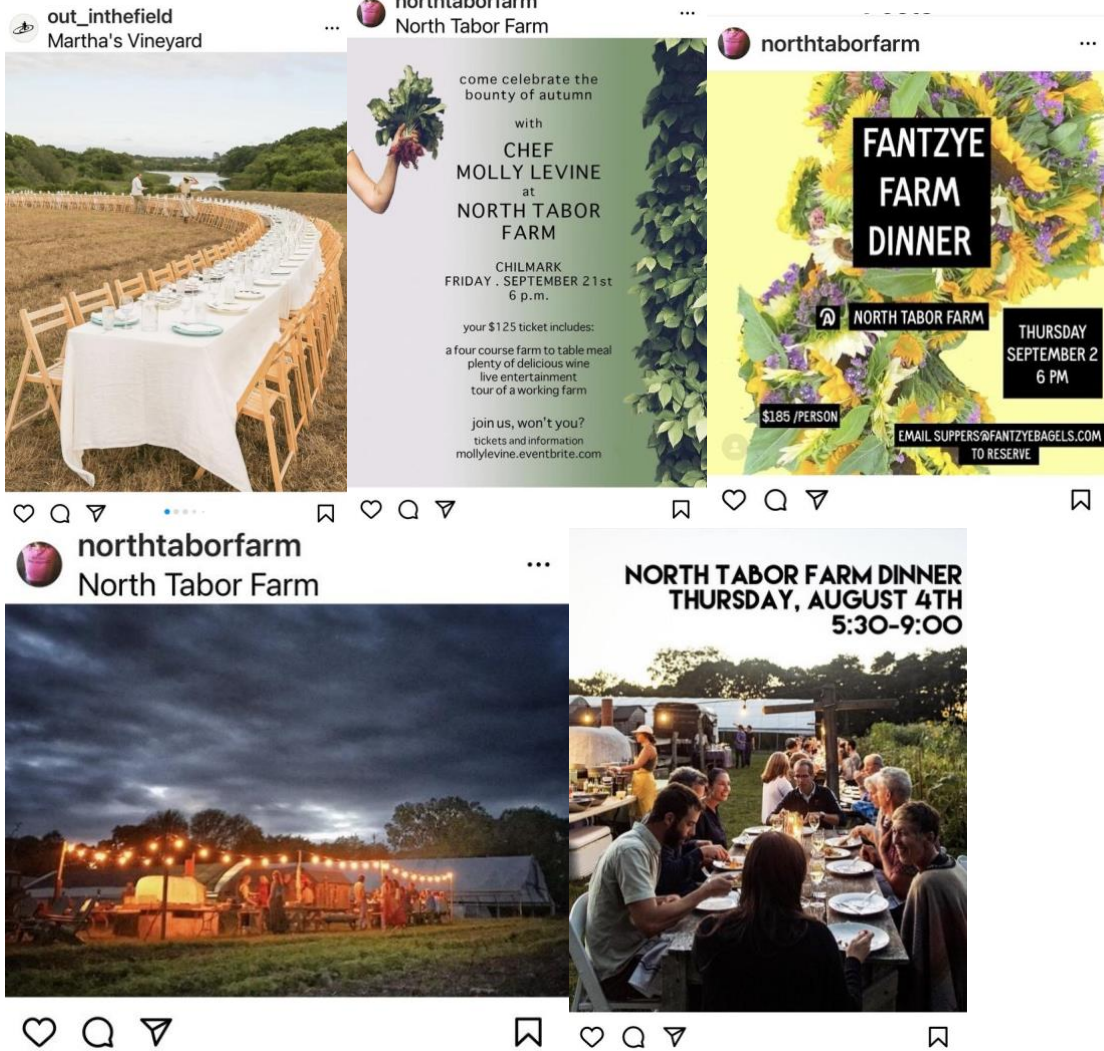
I am writing in reference to the February 12, 2024 Agenda topic: Agricultural Zoning Bylaw Discussion. I will be on the mainland on Monday, 2/12, for a longstanding dental appointment and will probably not be able to join the Planning Board zoom meeting with a reliable internet connection. Please enter this statement into the record due to my anticipated limited participation or potential absence.

It is important to note that I am writing individually and this written statement does not reflect the opinion or position of the Chilmark Board of Health.

*One of the primary reasons the farmers approached the Planning Board several months ago requesting a Zoning Bylaw change is because one or more of the farm operations was informed by the town zoning officer that, effectively, service of **ready to eat meals, for consumption on premises**, is not allowed under the Chilmark Zoning Bylaws and does not benefit from MGL c. 40A § 3, commonly referred to as the 'Ag Exemption'. In my observation, this aspect has gotten lost in the mix during the several most recent meetings on this topic but it continues to be a big part of the reason a revision to the zoning bylaws was proposed. I believe it is important for the Planning Board members to appreciate the full extent of what is truly being requested by the advocates.*

Again, a major catalyst(s) for this topic appearing before the Planning Board is the desire by one or more farms to provide full sit-down plated meals with food oftentimes provided by vendors who are not directly involved in the ongoing or daily operation of the farm. These have been termed 'farm dinners' by the proponents. In recent years, these events (dinners) have been promoted on social media with fees often ranging from \$100 to in excess of \$300 per person. Notably, wine is included on the menu in the advertising for at least one of the dinners. Rebecca Miller, in recent public comments to the planning board, noted her farm has opted for hush-hush promotion of farm dinners, knowing they are not viewed by the town as allowable. In effect, the farm dinners position the farms to function as restaurants or event venues. There are currently no limits or guidelines in place, as long as some farm sourced food is part of the offering. The following examples of social media posts illustrate past events on Chilmark farms and depict part of what remains a significant component of the current farm 'proposal'.

(see next page)



If, through an interpretation of the current zoning bylaw as suggested in Amy Weinberg's February 8, 2024 email, these 'sit down/plated' food events are allowed by right, there will be no limits on the number, size or hours of operation of events nor are there limits on activities that could potentially disrupt neighboring properties such as amplified music and parking. Review of the farm thumbnails accompanying Amy Weinberg's email reflects the continued effort by some farms to include this restaurant-like activity and have it deemed allowable. Additionally, if after hours and hours of public meetings, comment and testimony it is determined that the plated food events and farm dinners are allowable, it would only stand to reason that they should be fully compliant with the requirements for patrons' bathrooms with code compliant water supply and wastewater disposal along with full ADA compliant grounds and facilities.

I fully accept that the farms benefit from MGL c. 40A § 3, the Ag Exemption. In my view, the exemption allows many of the activities included on the referenced farm thumbnails and grants the farmers significant flexibility, including the right to operate farm stands and perhaps host public events as allowed by the Chilmark Zoning Officer. However, I believe that the farm dinner component significantly raises the complexity of hosting the public on the farms and that complexity should not be mistakenly overlooked by the Planning Board. Simply said, officially allowing the farm dinners and other similar large public events is a land use activity that represents a significant change in a town with no commercial zoning district or rules in place and that should not be underestimated. This is a proposal that doesn't affect just the next year or two but should be considered the beginning of an evolution with growth and potentially even more farms joining the effort in the future.

Thank you for the opportunity to comment and my apologies for being unable to effectively participate in the meeting via Zoom.

*Sincerely,
Matthew Poole
14 Whippoorwill Rd.
Chilmark*