**Approved Meeting Minutes**

**Chilmark Planning Board Meeting**

**March 11, 2024**

**4:30PM**

**Via remote participation**

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

Not Present:

Public & Board/Comm. Members: Tucker Drummond, Clark, Thomas Humphrey (VGazette), Mimi Drummond, Mike Spangler, Deb Hancock, iphone Guest, Matt Poole, Adler (guest), Chris Murphy, iPad 5, Reid Silva, Nathan Riggs

Staff: Jennifer L. Christy

Site: Remote Meeting/Participation on ZOOM

The Meeting was opened at 4:32PM by Chairperson Rich Osnoss.

**Continued Public Hearing: Pickle Ball Use:**

* Chairperson Rich Osnoss opened the public hearing at 4:42PM. Mitchell Posing inquired about missing a public hearing session and therefore not being able to vote and Chairperson Rich Osnoss asked Jennifer Christy to obtain clarification on the allowance to vote when missing a hearing session.
* The Board discussed the information from Centennial, CO, shared by Board member Ann Wallace prior to the meeting. Peter Cook stated he thought that the documents were valuable and could be useful as templates.
* Ann Wallace noted that the CO documents are related to land use rather than noise ordinance.
* Rich Osnoss asked Jennifer Christy if the fact that the nature of a possible bylaw has possibly changed then would a new hearing process need to be started. Jennifer Christy stated she would urge the Board to inquire with Town Counsel for clarification.
* Cathy Thompson and Janet Weidner stated they would support a change in direction from a ban on pickle ball to a direction that is more in line with a land use regulation instead of a ban. She imagined that it would be very different from what has been proposed and would therefore require going back to the drawing board with a new public hearing process. Rich Osnoss suggested reaching out to Town Hall about changing the direction and going forward with a new public hearing process.
* Janet Weidner stated that a special permit is already needed and she did not know if this information would be in a letter to Town Counsel.
* Rich Osnoss asked if anyone had a motion on what to ask Town Counsel.
* Peter Cook stated that there is currently a de facto moratorium and he thought that this could be continued while we wait to hear from Counsel.
* Chris Murphy was recognized and stated that he is concerned that each existing tennis court in town can become a pickle ball court tomorrow without any application by just redrawing lines. It was clarified that the idea would be to restrict a use rather than a structure. Chris Murphy thought that there might be an effort to solve a problem that does not exist. Chris Murphy did not think that there have been complaints yet. Rich Osnoss stated that the Board has heard from neighbors to pickle ball courts in Town with complaints about the noise and has studied the controversy with the sound of pickle ball in the larger country. Janet Weidner noted that the Planning Board started the process due to complaints received by townspeople. Chris Murphy noted that he understood that the regulation is being considered primarily due to one area in Quitsa where a court was planned to go in and then that application was withdrawn. Chris Murphy noted that most of the issue with swimming pools, tennis courts and pickle ball is the laughter noise and the voices of people. He thought there are things that are important to do and that this pickle ball issue is not one of them.
* Rich Osnoss stated he thought there is benefit to addressing the issue even if it is not an issue that seems an issue to all.
* Rich Osnoss stated a motion may be that the Board has a pickle ball hearing progressing currently that deals with a ban on pickle ball use, but would like to transition to a new public hearing that addresses pickle ball regulation that addresses regulating noise and setbacks.
* Peter Cook suggested just continuing this hearing until there is a better understanding of what direction the Board may go in. Rich Osnoss asked if the Board would vote to contact Town Counsel about the exact process for transitioning to a new hearing process for a substantially different bylaw proposal or is there a different path right now. Peter Cook stated there is no issue with asking the question, but he thought that Town Counsel already answered that a moratorium is already established by what is happening now while the Board determines its direction.
* Mitchell Posin thought it would be best to keep this public hearing open and continued and then maybe at the next meeting it is closed and a new hearing is scheduled. Ann Wallace asked if it could be continued for two weeks more until April and then a small group could get together to work on things and make some progress on a new proposal. Rich Osnoss agreed and asked again whether the Board members opt to reaching out to Town Counsel. The Board members opted to wait to contact Town Counsel and to do some work on an evaluation of the Colorado documents and see what may work for Chilmark.
* Ann Wallace made a motion to continue the hearing to April 8, 2024, 4:30PM. The motion was seconded and voted to approve unanimously by roll call vote.

**Minutes:**

* The meeting minutes from the Feb. 12, 2024 Meeting were reviewed. The minutes were approved as amended.

**Continued Public Hearing: Susan Eddy Definitive Subdivision, Map 25, Lot 7.12**

* Reid Silva described the status of the hearing discussion. He noted that the Board of Health has requested septic and well tests and he has not completed this work.
* Rich Osnoss inquired about the delay in the process if the Board
* Rich Osnoss asked Jennifer Christy to identify the areas of the MV Commission’s DRI Checklist that would be triggered from this application. Jennifer read the sections listed from Bill Veno’s email dated January 8, 2024: 2.2b, 2.3, 2.4a, 2.5.
* Peter Cook asked for clarification on how Board members are to evaluate the possible triggers of the DRI checklist. He stated he was reluctant to place roadblocks for the applicant if the there is no significant impacts or concerns.
* Reid Silva noted that in the case of habitat the MV Commission does not have expertise either and they reach out to the New England habitat organization. He noted what is very helpful to the applicant is support for their proposal in terms of density and access and use of the land.
* Ann Wallace expressed support of referral to the MV Commission with an accompanying letter of positive support for the subdivision plan.
* A motion was made to refer the Susan Eddy subdivision to the MV Commission and in the referral letter to indicate that Planning Board was in support of the proposal. Peter Cook seconded the motion. The motion was approved unanimously by a roll call vote, with Mitchell Posin abstaining from the vote due to the fact that he is an abutter. A motion was also made to continue the public hearing to May 13, 2024 at 5:10PM. The motion was approved unanimously by a roll call vote, with Mitchell Posin abstaining from the vote due to the fact that he is an abutter.

**Discussion: Agricultural zoning bylaw amendments:**

* Rich Osnoss asked if there is discussion on this topic at this time. He summarized the conclusion of the discussion at the last meeting on Feb. 26th, 2024.
* Janet Weidner clarified the summary: Beetlebung Farm had submitted an application for a special permit, there was a question about whether it was done properly, that the farm would need to apply for a temporary food permit and then be referred for review by the Building Inspector/zoning officer. She also noted that she was not sure that all the farms realized that the proposed special permit process does not actually exist at this time and it would need to be developed.
* Ann Wallace noted that the application to the BOH would be one event and not for 12 events.
* Matt Poole clarified that the system is that the BOH receives the temporary food event permit application and it asks all the pertinent questions about the event. Then, this application is not processed completely until it is referred to the building dept. as a land use. Then, if it comes back as a yes to the BOH, then the BOH reviews the food-handling and safety aspects of the application.
* Rich Osnoss thought that there seems to be no action for the Planning Board to take at this time. Matt Poole said he was in contact with Anna McCaffrey, BOH Administrator, to see if Beetlebung Farm had applied for a temporary food event permit as this is going to perform as a test case.
* Peter Cook stated that thing that needs to happen at this point is for the farms to demonstrate that what they want to do is a benefit to the Town.

**PB Subcommittee - Master Plan:**

* Janet Weidner, Chairperson of the Subcommittee, provided a summary of what has occurred up to this point.
* The Subcommittee is working on the report from the review of this first survey.

**Correspondence:**

* The Board noted the hearing notices received.

**Next Meeting(s):**

* Monday, March 25, 2024, 4:30PM IN-PERSON

**Documents:**

There was a motion to adjourn at 5:46PM.

Minutes respectfully submitted by Jennifer L. Christy