

PLANNING BOARD MINUTES
Wednesday, November 15, 2023 – 5:00 PM
ZOOM MEETING

TOWN OF TISBURY
P.O. BOX 602
TOWN HALL ANNEX
VINEYARD HAVEN, MASSACHUSETTS 02568
(508) 696-4270 | Fax (508) 696-7341
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IN ATTENDANCE:

Benjamin Robinson – Chair, Connie Alexander – Clerk, Casey Hayward, Elaine Miller

STAFF/MVC:

Dan Doyle – Special Projects Planner/Martha's Vineyard Commission (MVC),

Jonathan Silverstein – Planning Board Counsel for Special Permits

Amy Upton – Tisbury Planning Board Administrator

Chair Benjamin Robinson called the November 15, 2023 Tisbury Planning Board (TPB) meeting to order at 5:06 PM. Due to ongoing efforts to prevent spread of Covid-19 this meeting was held remotely via Zoom platform. The Public could attend and participate in the meeting by the following method:

- <https://us06web.zoom.us/j/87927630720> Meeting ID: 879 2763 0720
- One tap mobile +13017158592,,87927630720# US (Washington DC)
+13052241968,,87927630720# US

(Recorder's Note: Discussions are summarized and grouped for clarity and brevity).

MINUTES: November 1, 2023

Tabled.

APPOINTMENTS: *Please note that start times indicated for particular agenda items are estimates only and should not be relied upon. The Board reserves the right to take up specific agenda items at any time during the meeting.*

5:00 PM:

Board Discussions, see below new/old business

5:45 PM:

3) ANR- AP 9-B-8-44 Lagoon Pond Rd.-DuBard

ELAINE MILLER, AT 5:54 PM, MOVED TO ENDORSE THE APPROVAL NOT REQUIRED (ANR) OF 44 LAGOON POND ROAD. SAID MOTION WAS SECONDED BY CONNIE ALEXANDER. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 4 AYES, 0 NAYS, 0 ABSTENTIONS. MS. ALEXANDER—AYE, MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

*****C. Alexander left the meeting at 6:02 PM***

Chair Robinson said the Planning Board would recess the regularly scheduled meeting on November 15, 2023 in order to hold the following Public Hearing. At the conclusion or continuation of the Public Hearing, the Planning Board would resume the regular meeting to conclude all unfinished business.

6:00 PM:

Cont. Public Hearing Re: Definitive Subdivision Plan for Paradise Land Trust, John R. & Janet M. Packer, Trustees; 60 Kuffies Point Way, Assessor's Parcel 58-A-01

Members Present by roll call: Chair Robinson, C. Hayward, E. Miller

***C. Alexander recused herself*

Others: John and Janet Packer – Applicant, Charlotte Packer, Nathaniel Packer

Glenn Provost – Owner Representative/Vineyard Land Surveying & Engineering, Inc., Joan Devereaux, Jeffrey DuBard, Bob Gilchrist, Frank Gilchrist, Steven Goldfarb, Susan Levine, Tony Peak, Ross P. Seavey, Esq., Jonathan Silverstein, Gretchen Snyder, Tammy Jones Sykes, Sourati Engineering Group, Amy Upton

THE PUBLIC HEARING COMMENCED IN DUE FORM AT 6:03 PM.

Documents on file as referred to during the meeting:

2023-11-10 PB Waiver request letter (1).pdf

Chair Robinson said a site visit was conducted. Those present were **Chair Robinson, C. Doble** and **C. Hayward** along with **John R. & Janet M. Packer**.

Members discussed the Northern Pines Road Association documents. They asked if those that fell outside of the range of the abutter list had been notified?

Mr. Packer said there was not a formal notification to these people but felt the project was pretty well known.

Chair Robinson indicated a waiver would be needed as the Subdivision Control Law required a public way; he said the Board had the discretion to waive certain parts if appropriate.

Glenn Provost reviewed the [submitted] waiver letter and all the sections within the waiver request - there were five.

Chair Robinson asked for the list of Tisbury Subdivisions **Mr. Provost** had referenced, those that had this waiver, as form C's were not done that often; he indicated this would be helpful to see the history of how this was handled.

Mr. Provost said he would address the run-off concerns with Reid Silva and update the drawings with the road width changes (from 10 feet to 12 feet) as requested by the Fire Chief.

Chair Robinson said the applicant stated the existing transformer was sufficient to support the new lots. Discussion included:

- ❖ Placing the power lines underground
- ❖ Input from Eversource
- ❖ Load capacity for the new lots - were the existing lines adequate?

Public Comment:

Tony Peak, at 6:25 PM, asked to review three points: 1. The [historic] waivers of existing subdivisions/Form C's, 2. Infrastructure for fire prevention. 3. Frontage subdivision.

J. Silverstein recapped the subdivision law and the expectations; he said it was not uncommon for a subdivision to include some frontage lots on the public way.

Chair Robinson reviewed the necessary (5) Members that would need to be in attendance for a vote; he said getting this right was more important than speeding through; **J. Silverstein** said this needed a simple majority vote. **Chair Robinson** indicated that **L. Ksieniewicz** was not present and would need to rehabilitate as a voting Member.

Requested materials from the applicant:

1. A basic narrative of how each lot would have power supplied, today under current loads and build outs, what would be adequate. (Not 20 years out.)
2. **Mr. Provost** would provide the list of other similar Tisbury Subdivisions, those that had this waiver.
3. **Mr. Provost** said he would address the run-off concerns and update the drawings.
4. Ensure all of the Northern Pines Road Association members had received formal notice of the proposed new subdivision.

ELAINE MILLER, AT 6:45 PM, MOVED TO CONTINUE THE PUBLIC HEARING TO DECEMBER 6, 2023 AT 6:00 PM. SAID MOTION WAS SECONDED BY CASEY HAYWARD. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 3 AYES, 0 NAYS, 0 ABSTENTIONS. MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

Chair Robinson said the Planning Board would recess the regularly scheduled meeting on November 15, 2023 in order to hold the following Public Hearing. At the conclusion or continuation of the Public Hearing, the Planning Board would resume the regular meeting to conclude all unfinished business.

6:30 PM:

Continued Public Hearing Re; Tashmoo Woods- Ross Seavey Agent to consider an application to modify a definitive plan subdivision special permit under the Tisbury Zoning By-Law, Sections (edited) 2.29, 08.01 and 10.03 at the Locus; Tashmoo Wood Association; Cove Rd, Sandpiper Lane, Bayberry Lane in Vineyard Haven, Ma., 02568.

Members Present by roll call: Chair Robinson, C. Hayward, E. Miller

***C. Alexander recused herself*

Others: Ross P. Seavey, Esq. – Owner Representative, Joan Devereaux, Ricky Diamond, Bob Gilchrist, Fran Gilchrist, Steven Goldfarb, Susan Levine, Tony Peak, Jonathan Silverstein, Gretchen Snyder, Tammy Jones Sykes, Sourati Engineering Group, Jessica Tartell, Amy Upton

THE PUBLIC HEARING COMMENCED IN DUE FORM AT 6:46 PM.

Documents on file as referred to during the meeting:

Architectural Design Standards-Revised

Ross P. Seavey said he spoke with **J. Silverstein** earlier in the day about the covenants and the need to get on the warrant for the Spring Town Meeting. He said a decision by both Town Meeting and the TPB would be needed to change these restrictions.

Chair Robinson at 6:48 PM, read the covenant for the record; a minimum of 30 years was granted to the Town.

Members discussed whether the TPB should move forward with the process knowing it would not be concluded until Town Meeting. **E. Miller** said people at Town Meeting would benefit from our research. She said whatever we come up with, we could make a recommendation - she suggested moving forward. **Chair Robinson** said people would rely on the determination of the TPB.

C. Hayward asked for the aerial maps to see where the setbacks would be.

Mr. Seavey screen shared the maps of Sandpiper and Bayberry Lanes, the part of the subdivision that would be subject to this change. About 20 parcels would have the restrictions changed. **Chair Robinson** said this area started as a cluster development, but now functions more of a single family dwelling development: R10 versus R50 use patterns and the differences in zoning for the R10/R50 and cluster development setbacks.

Chair Robinson said this was a good conversation, getting to the exact language for a level of comfort for both for the Tashmoo Wood Association (TWA) and the Town; on how we can accommodate those future growth pieces that seemed reasonable without the fear of things being uncorked and not being able to put the cork back into the bottle. **Mr. Seavey** said he would go back to his board to finalize a draft and to continue the conversation.

Chair Robinson said one letter was received from an abutter; **A. Upton** would forward to **Mr. Seavey**.

Public Comment:

Steven Goldfarb, at 7:17 PM, said that some of his concerns had already been discussed. He described his community and said many were getting older and wanted to accommodate grandchildren. Many of the proposed changes were minimal. He supported putting in the restrictive language as one fear was that a developer could come in to change the community. He said today's TWA board was not tomorrow's TWA board; the conscientiousness applied today may not be the same ten years from now. **Mr. Goldfarb** expressed his appreciation for the work of **Mr. Seavey** and thanked the TPB for taking the time to review this, the thought put into this.

Requested materials from the applicant:

1. Something in writing from the Condominium Board to provide more guidelines for the TPB to review; more clear language now would help for the future.
2. **Mr. Seavey** would provide a copy of the *Architectural Design Standards-Revised* for the Board to review.

ELAINE MILLER, AT 7:24 PM, MOVED TO CONTINUE THE PUBLIC HEARING TO DECEMBER 6, 2023 AT 6:00 PM. SAID MOTION WAS SECONDED BY CASEY HAYWARD. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 3 AYES, 0 NAYS, 0 ABSTENTIONS. MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

****C. Alexander rejoined the meeting at 7:29 PM**

Chair Robinson said the Planning Board would recess the regularly scheduled meeting on November 15, 2023 in order to hold the following Approval Not Required (ANR) Review. At the conclusion or continuation of the Review, the Planning Board would resume the regular meeting to conclude all unfinished business.

6:45 PM:

Review Two (2) pending ANR's presented by Charles Gilstad of Sourati Engineering Group, LLC.

1) AP 14-B2.3-46 Red Buoy Lane 2) AP 15-B-10 and 15-B-17.2

Members Present by roll call: Chair Robinson, C. Alexander, C. Hayward, E. Miller

Others: Charles Gilstad – Sourati Engineering Group/Owner Representative, J. Ernie Chaves, Susan Levine, Stephanie Mashek, Tony Peak, Ross P. Seavey, Esq, Gretchen Snyder, Jessica Tartell, Amy Upton

THE REVIEW COMMENCED IN DUE FORM AT 7:29 PM.

Documents on file as referred to during the meeting:

Map 14-RedBuoyLane

102075-LC-ANR_Lot149

Creighton-Mercaldo/102631_ANR

Chair Robinson said Red Buoy Lane was being done to create enough lot area to qualify for a special permit for a guest house; **E. Miller** suggested the guest house be for year round housing; **Mr. Gilstad** said this was being done to accommodate family members.

Members discussed access to the lot, the condition of the existing [paved] road and the ability for it to support the increased density.

Public Comment:

Tony Peak, at 7:40 PM, reviewed the legal steps that needed to be taken before a special permit would be granted for a guest house.

ELAINE MILLER, AT 7:42 PM, MOVED TO ENDORSE THE APPROVAL NOT REQUIRED (ANR) AS PRESENTED FOR RED BUOY LANE. SAID MOTION WAS SECONDED BY CONNIE ALEXANDER. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 4 AYES, 0 NAYS, 0 ABSTENTIONS. MS. ALEXANDER—AYE, MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

Mr. Gilstad said Howard Avenue was a lot-line change; lot 2A was getting bigger. Members discussed access to the Lagoon; the [top of] bluff line and ability to build; changes due to erosion and the ability to build on the lot in the future.

CASEY HAYWARD, AT 7:53 PM, MOVED TO ENDORSE THE APPROVAL NOT REQUIRED (ANR) AS PRESENTED FOR HOWARD AVENUE. SAID MOTION WAS SECONDED BY ELAINE MILLER. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 4 AYES, 0 NAYS, 0 ABSTENTIONS. MS. ALEXANDER—AYE, MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

Chair Robinson said the Planning Board would recess the regularly scheduled meeting on November 15, 2023 in order to hold the following Public Hearing. At the conclusion or continuation of the Public Hearing, the Planning Board would resume the regular meeting to conclude all unfinished business.

7:00 PM:

Continued Public Hearing Re; Martha's Vineyard Community Services, Thrift Store expansion, 34 Lagoon Pond Rd., AP 9-B-9.1

Members Present by roll call: Chair Robinson, C. Alexander, C. Hayward, E. Miller

*Others: J. Ernie Chaves/Facilities Manager & Jessica Tartell/Director of Operations – Applicant,
Stephanie Mashek – Principal, Mashek MacLean Architects, Inc., Susan Levine,
Gretchen Snyder, Amy Upton*

THE PUBLIC HEARING COMMENCED IN DUE FORM AT 7:54 PM.

Documents on file as referred to during the meeting:

Renovations to Partial Building Lease

Chair Robinson said the two changes that were requested from the last meeting had been provided: the drawing of the horseshoe driveway with the utility pole identified and the fencing for the dumpster.

Jessica Tartell said there would not be parking during operational hours; the new horseshoe driveway would be in-and-out and therefore create a smoother flow; **E. Miller** thanked them for being a good neighbor.

Chair Robinson asked about the surface of the horseshoe drive, **Ernie Chaves** said it would be pea stone (pea gravel) or something similar.

C. Alexander said she went to the site review visit and didn't see any problems; she said this would be an improvement. **C. Alexander** said all the parameters had been met and that it was important to move this along.

Public Comment:

Gretchen Snyder, at 8:01 PM, said she was concerned about another dumpster; **Mr. Chaves** said there would be only one, either the existing one or a new one.

CONNIE ALEXANDER, AT 8:02 PM, MOVED TO CLOSE THE PUBLIC HEARING. SAID MOTION WAS SECONDED BY ELAINE MILLER. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 4 AYES, 0 NAYS, 0 ABSTENTIONS. MS. ALEXANDER—AYE, MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

CONNIE ALEXANDER, AT 8:03 PM, MOVED TO ENTER DELIBERATIONS. SAID MOTION WAS SECONDED BY ELAINE MILLER. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 4 AYES, 0 NAYS, 0 ABSTENTIONS. MS. ALEXANDER—AYE, MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

Chair Robinson said the TPB had been presented with a complete application [on a small project] that would improve operations of a vital piece of commerce activity in our Town. Overall, this was a good step forward for a busy location and a great benefit for the community.

Members reviewed the items to be considered in the findings and the conditions that could be set forth; **Chair Robinson** stated all would be detailed in the written decision. The TPB would consider approval of the exterior changes only; he encouraged Members to review the drawings before the next meeting.

A.Upton indicated the Building Inspector was hesitant to move forward with this permitting; she asked the TPB to consider putting something in writing.

CONNIE ALEXANDER, AT 8:18 PM, MOVED TO APPROVE THE PROJECT CONTINGENT OF REVIEWING THE WRITTEN DECISION AT THE CONTINUED DELIBERATIONS. SAID MOTION WAS SECONDED BY ELAINE MILLER. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 4 AYES, 0 NAYS, 0 ABSTENTIONS. MS. ALEXANDER—AYE, MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

ELAINE MILLER, AT 8:18 PM, MOVED TO CONTINUE DELIBERATIONS TO DECEMBER 6, 2023 AT 6:00 PM. SAID MOTION WAS SECONDED BY CONNIE ALEXANDER. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 4 AYES, 0 NAYS, 0 ABSTENTIONS. MS. ALEXANDER—AYE, MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

ELAINE MILLER, AT 8:20 PM, MOVED THAT THE TPB SEND A LETTER TO THE BUILDING INSPECTOR INDICATING THE POSITION AND THE USE ACCORDING TO 06.05.04. SAID MOTION WAS SECONDED BY CONNIE ALEXANDER. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 4 AYES, 0 NAYS, 0 ABSTENTIONS. MS. ALEXANDER—AYE, MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

★ *The Planning Board resumed their regularly scheduled session at 8: 20 PM to address all unfinished business.*

BOARD DISCUSSIONS:

A. NEW BUSINESS

a. Master Plan (MP) updates w Dan Doyle

D. Doyle said they were winding down the involvement with Judi Barrett/ Barrett Planning Group LLC (BPG/the Consultants) for this part of the MP. A December 5, 2023 joint meeting with the MP Steering Committee (MPSC) and the TPB was scheduled to adapt a draft Implementation Plan program for the Consultants to polish and integrate into the final report. He indicated there were multiple working group sessions in place to review and edit, leading up to the December 5th meeting, to craft an [actionable] action plan. He explained the two formats, a narrative and a matrix, which would express what was to be accomplished.

E. Miller said she attended many of these sessions. She was impressed by the fact that people were getting engaged, seriously looking at this and contemplating their roles and concerns; a catalyst for people to talk with each other and a document that would be a basis for good discussion. She said it had stirred up a serious conversation in Town.

Chair Robinson said this was getting close to the end; he encouraged Members to review the Implementation Plan one more time, to get any additional comments and/or edits to BPG. The next steps would be to set the priorities of the actions, the critical first steps, a pathway to the implementation so as not to be overwhelmed.

b. Discussion with Kirk Metell regarding curb cuts

Mr. Metell was not in attendance; this was tabled.

c. Bills Payable: Payroll; \$1722.00, 51Art-MVMinutes; \$800.00

A.Upton said the payroll adjustment was \$1977.80.

*BY ELAINE MILLER, AT 8:21 PM, MOVED TO APPROVE ALL THE BILLS PAYABLE IN THE AMOUNT OF \$2777.80. SAID MOTION WAS SECONDED BY CONNIE ALEXANDER. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 4 AYES, 0 NAYS, 0 ABSTENTIONS.
MS. ALEXANDER—AYE, MS. Hayward—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.*

B. OLD BUSINESS

I. Upcoming TPB Calendar: Public Hearings, Appointments & Discussions

- **Department Updates-next regularly scheduled meeting on December 6th, 2023 and December 20th, 2023.**

The December 6th meeting may have discussions with Mercy Bell and the Sawyers.

- **Scheduled third Wednesday of November (11/29/23) for TPB meeting dedicated to TZBL recodification work- Progress report on pending contract- discuss and initiate Phase 1 of TZBL Re-codification Proposal, determine any warrant articles ahead of STM**

Chair Robinson explained that **Attorney David Doneski**, Town Counsel, said the TPB had the authority to use the Professional Services Line as needed, however at the Accounting Department level it was still unclear; **Mr. Doneski** said he would put something in writing.

Chair Robinson said there was a meeting to come, possibly this week, to be held with **John W. Grande**, Town Administrator/Personnel Director, **Suzanne E. Kennedy**/Town Accountant, **Chair Robinson** and **Mr. Doneski**, to resolve the issue. **C. Alexander** suggested the Select Board Chair be in attendance as well.

Chair Robinson said this was frustrating but the reality of the situation; **E. Miller** said once this was over, once and for all, we would know our ability to use the Professional Services account – the result of this would let us know in black & white how to move forward. All Members expressed their frustration.

Discussion:

- ❖ Vote to amend or wait for a new contract from Judi Barrett.
- ❖ How to amend to reflect the supplementation through Professional Services - amending the contract from \$90,000.00 to \$60,000.00
 - Until the answer was known, the language in the contract had to be resolved.
- ❖ Amending would at least allow the process to move forward. Judi Barrett wanted to get started, so much work had been done.
- ❖ How did we account for **J. Silverstein's** time, is it within the \$60,000.00? It was critical he was in this from the beginning.

Chair Robinson said he would let Judi Barrett know she should get ready to amend; to execute a contract before the November 29, 2023 TPB meeting to get the process going.

- **Progress report on Planning Board Department Administrator Position, repeal of extended probationary period beyond (11/14/23) Determine start date (11/15/23) Confirm, approve, and vote.**

Chair Robinson said the Board fulfilled their duty, following the steps that were required; he said the Board's part was complete.

A. Upton asked the Board to reconsider their ratings as she felt the roll-up did not reflect the Board's intentions.

Chair Robinson said she was not calculating correctly - the individual rating from each Member would stand.

E. Miller suggested asking **Mr. Grande** for guidance of this merit system, as the information/process continued to be incomplete.

- **Discussion of Planning Department succession, onboarding of new staff, funding and filling empty administrative assistant position**

Tabled.

- **Discussion of TPB Rules and Regulations Governing the Subdivision of Land Document-review process for incorporating new and updated information**

Tabled.

- **Progress report on possible reinstatement of wastewater commissioners**

Tabled.

II. Appointed Boards and Committees (reports as time permits)

- ◆ **Climate Committee – Casey Hayward**
- ◆ **Community Preservation Committee (CPC) – Cheryl Doble**
- ◆ **Land Bank Advisory Committee – Elaine Miller**
- ◆ **Open Space and Recreation Committee (OSRC) – Cheryl Doble**
- ◆ **Sewer Advisory Committee – Connie Alexander**
- ◆ **Site Plan Review Board – Lora Ksieniewicz**
- ◆ **Tisbury Affordable Housing Committee (AHC) – Elaine Miller**
- ◆ **Tisbury Water Resource Committee (WRC) – Benjamin Robinson**

III. Assigned Working Groups (reports as time permits)

- **All Island Planning Board – All TPB Members**
- **Byways & Complete Streets – Lora Ksieniewicz**
- **Tisbury Waterways – Benjamin Robinson**

CORRESPONDENCE:

1. Martha's Vineyard Commission Meeting Schedule

Other business not reasonably anticipated 48 hours in advance of meeting: None.

ADJOURNMENT:

*DISCUSSION ENSUED THEREON, UPON A MOTION DULY MADE BY ELAINE MILLER AND
SECONDED BY CASEY HAYWARD, THE MEETING UNANIMOUSLY ADJOURNED AT 8:23 PM.*

Respectfully submitted;



Teresa Kruszewski, Recorder

APPROVAL: Approved and accepted as official minutes;

Date

Benjamin Robinson, Chair

APPROVED DECEMBER 6, 2023