

PLANNING BOARD MINUTES
Wednesday, September 20, 2023 – 5:00 PM
ZOOM MEETING

TOWN OF TISBURY
P.O. BOX 602
TOWN HALL ANNEX
VINEYARD HAVEN, MASSACHUSETTS 02568
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IN ATTENDANCE: Benjamin Robinson – Chair, Cheryl Doble, Casey Hayward, Elaine Miller
STAFF/MVC: Dan Doyle – Special Projects Planner/Martha’s Vineyard Commission (MVC),
Amy Upton – Tisbury Planning Board Administrator
OTHERS/PRESS: Louisa Hufstader – Vineyard Gazette

Chair Benjamin Robinson called the September 20, 2023 Tisbury Planning Board (TPB) meeting to order at 5:03 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:

-Join Zoom Meeting: <https://us06web.zoom.us/j/86336699627> Meeting ID: 863 3669 9627
-One tap mobile: +13052241968,,86336699627# US
+13092053325,,86336699627# US

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

MINUTES: June 7th, & 21st, 2023

ELAINE MILLER, AT 6:57 PM, MOVED TO APPROVE THE MINUTES FOR JUNE 7, 2023 AND JUNE 21, 2023 AS WRITTEN. SAID MOTION WAS SECONDED BY CASEY HAYWARD. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 4 AYES, 0 NAYS, 0 ABSTENTIONS. MS. DOBLE—AYE, MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

APPOINTMENTS:

5:00 PM:

Board Discussions, see below new/old business

Chair Robinson said the Planning Board would recess the regularly scheduled meeting on September 20, 2023 in order to hold the Pre-Application meeting. At the conclusion or continuation of the Pre-Application meeting, the Planning Board would resume the regular meeting to conclude all unfinished business.

6:00 PM:

Pre-Application meeting with Carlos Teles- Nina’s Dine n Dash

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

Others: Carlos Teles – Applicant, Louisa Hufstader, Ross P. Seavey, Esq., Amy Upton

THE PRE-APPLICATION MEETING COMMENCED IN DUE FORM AT 6:02 PM.

Documents on file as referred to during the meeting: None.

Chair Robinson reviewed the specifics of the Special Permit that was granted as it related to the signage; he indicated the Building Department had asked for the current signage to be removed as it violated the Special Permit.

- Members wanted to know when the sign would be removed; **Carlos Teles** said he was waiting for the off-Island company to return to change the sign; he would look to Island solutions as well to get it done quickly.
 - **Mr. Teles** said the sign wrap on the food truck was done to make it stand out from the construction trailers (Vineyard Wind) in the adjacent lot.
- **Chair Robinson** encouraged a speedy sign removal so that it would be a non-issue moving forward with his other items; **Chair Robinson** said the 'open' flag and sandwich boards would be acceptable.
- **A. Upton** suggested reviewing the sign section in the bylaw, to update it during the recodification process.
- **Chair Robinson** suggested inviting the Building Inspector to a TPB meeting to describe what types of signage issues he was finding throughout the Town; **A. Upton** would reach out.

Mr. Teles asked what could be approved for his diners during the cold months, some type of enclosure to protect them from the elements - he was open to suggestions.

- **Chair Robinson** said this was a food truck, there was concern of crossing the line to this becoming a restaurant with enclosures and so forth.
- **E. Miller** suggested to **Mr. Teles**, to design a solution for inclement weather that would be acceptable; he said he would do some research to find something that was not plastic but solve the problem.

Mr. Teles said the MVC had approved grading for this property and raising the lot to take care of the flooding issues.

- **C. Doble** asked if he would consider granting access through his property for a public walkway/bike path to connect to the Safe Harbor Marina easement and Lagoon Pond & Beach Roads, so that cyclists and pedestrians would not have to cross through 5 Corners.
 - **Mr. Teles** said he didn't have a problem with the current situation as people crossed through this property now.
- **C. Doble** asked to have a formal conversation with **Mr. Teles**; he said he would be happy to discuss this further.
 - **E. Miller** thanked **Mr. Teles** for acknowledging this conversation as it was important for the Town, for this to be on the forefront of conversation.

Chair Robinson said the Planning Board would recess the regularly scheduled meeting on September 20, 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:

Commence Public Hearing Re: Tashmoo Woods- multiple assessors parcels, Agent is Ross Seavey (request 53 G account set up)

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

Others: Ross P. Seavey, Esq. – Owner Representative, Bob Gilchrist – Applicant, Louisa Hufstader, Amy Upton, Worth & Wing

THE PUBLIC HEARING DID NOT COMMENCE DUE TO INCORRECT ABUTTER LIST NOTIFICATION.

★ *The Planning Board resumed their regularly scheduled session at 6:27 PM to address unfinished business.*

Chair Robinson said the Planning Board would recess the regularly scheduled meeting on September 20, 2023 in order to hold the Pre-Application meeting. At the conclusion or continuation of the Pre-Application meeting, the Planning Board would resume the regular meeting to conclude all unfinished business.

7:00 PM:

Pre-application meeting with Merci Bell for a Form C definitive subdivision AP 21-B-30

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

Others: Mercy Bell – Applicant, Reid Silva – Vineyard Land Surveying, Inc., Bob Gilchrist, Louisa Hufstader, Chad Milner, Kirk Sykes, Amy Upton

THE PRE-APPLICATION MEETING COMMENCED IN DUE FORM AT 7:00 PM.

Documents on file as referred to during the meeting:

2023-09-01 1146-2 Div Plan

Chair Robinson recapped the steps that had been taken and bylaws that could apply if the applicant would be willing to work within the waivers and/or deed restrictions within those bylaws. Members discussed options within the bylaws to resolve the frontage, easement and right-of-way issues to help this along; the options that could pertain to this application that could also be applied to all applications in the future for the interpretation to be equal and fair.

Chair Robinson asked **Reid Silva** for an updated drawing and a creative solution to share with Counsel. An extensive discussion ensued over the process; **A. Upton** would be contacted tomorrow by the applicant; setting up a 53G account was reviewed.

★ *The Planning Board resumed their regularly scheduled session at 7:44 PM to address all unfinished business.*

BOARD DISCUSSIONS:

A. NEW BUSINESS

a. Master Plan (MP) updates w Dan Doyle

D. Doyle thanked everyone for the coordination efforts, in preparation for the upcoming weekend meeting.

D. Doyle recapped steps the working group/s had taken including edits and page reduction of the full draft Implementation Program document and the discussions of yesterday (by phone) with Judi Barrett / Barrett Planning Group LLC (BPG/the Consultants).

Discussion:

- ❖ Full Implementation Program, there was too much at this point to include.
 - Highlight priorities, address goals and policies.

- Get the updated language and visuals correct; at this time Dodson & Flinker (DF) had not provided this information.
- This was a living document and should be accurate (adjusted) for goals.
- It was worth the extra effort to get this as far down the road as we could and as tight and crisp as we think we can get it.
- Discussion of working groups and how to move forward, as well as working with BPG.
 - Review of the editing process.
 - Participation and scheduling.
- ❖ Discussion of the September 22 - 23, 2023 working sessions.
 - The complete Implementation Program draft would not be at the session.
 - Clarification of documents at the session.
 - Key issues and where to find information on the website.
 - Points of discussion and how to handle subject matter, such as eminent domain.
 - Placement of advertising for the Working Sessions throughout the Town.
 - Members asked to have a digital version of the promotional poster to share out on their social media feeds.
 - Lynne Fraker agreed to video record the presentation and the Question & Answer portion on Friday. The turn around for the recording would be within 2 weeks following the presentation.
 - The recording would be available through the MP website and TPB homepage
- ❖ Transition of the MP Squarespace Website.
 - It was currently managed by the Consultants.
 - Migration to the Town website/platform.
 - The costs and what would be involved.
 - **C. Doble** said she would like to be involved with this project.

b. Review letter and continue discussion regarding proposed contract with Attny.

Jonathan Silverstein for work with TPB in FY 24

i. review legal services agreement, old and new

A. Upton screen shared the letter; Members reviewed and made edits where appropriate. Discussion points included:

- ❖ Counsel advice was needed for Decisions outside of 53G accounts; **A. Upton** said the TPB should not operate without this advice, as it put the TPB at risk.
- ❖ **Jonathan Silverstein** was timely in his responses as others were not; his was very accessible; his specialized expertise was needed for the TPB processes.
- ❖ Comparison to the Tisbury Town Counsel, KP Law, and the access that had proved to be difficult.
- ❖ **Mr. Silverstein** was a good resource for **A. Upton**.
- ❖ *To include/not to include* working with the other Town departments, the internal/departmental working relationship that existed.
- ❖ A line within the TPB budget to use for payment and why it wasn't clear; this would not be an additional expense to the Town.
- ❖ Setting up 53G accounts for every application/applicant.
- ❖ **A. Upton** suggested a review of the fee structure; **Chair Robinson** said this was not a revenue stream but just enough to cover the costs.

CHERYL DOBLE, AT 6:56 PM, MOVED TO SEND THE LETTER THAT WAS DRAFTED THIS EVENING TO THE SELECT BOARD. SAID MOTION WAS SECONDED BY ELAINE MILLER. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 4 AYES, 0 NAYS, 0 ABSTENTIONS. MS. DOBLE—AYE, MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

- ii. ask to be put on Select Board Agenda to discuss particulars
- c. Review application procedures
 - i. establish 53 G accounts with prospective Applicants based on potential complexity

Setting up 53G accounts for every application/applicant as part of the application process.

C. Hayward suggested waiving this requirement for applicants that might have financial difficulties; Members said that would be a consideration.

- ii. consider process for raising permit and filing fees

A. Upton suggested a review of the fee structure. **Chair Robinson** said the TPB was not a revenue stream - fees were set just enough to cover the costs. He recommended surveying other towns to see how different Tisbury was in comparison.

- d. Determine date and time for meeting with Judi Barrett and Jonathan Silverstein to discuss plan to work on recodifying Bylaws in FY 24

- i. prepare request for services

- The Board was in full agreement to move forward with **Judi Barrett** and **Jonathan Silverstein**.
- **Chair Robinson** said the first step was to get them contracted.
- **A. Upton** would send a letter of interest (this week) to both asking for the scope of services, timeline and costs they would anticipate for this process.
- Members discussed when to present this to the public, perhaps a Special Town Meeting (STM) in January, 2024 versus the Annual Town Meeting in April, 2024.
- **C. Doble** said, based on the experience of working with the Town where things moved slowly, this needed to be moved along very quickly. She said this needed to be wrapped up by the beginning of October, 2023.

- ii. establish contact with other island Planning Boards, Building departments and administrators to develop list of shared zoning bylaw considerations.

- e. Bills Payable: Payroll; \$3120.15, 51Art-MVMinutes; \$750.00, Scottish Bakehouse MP refreshments; \$350.00 Total _____

A. Upton asked if there was a process in place to purchase stamps, versus her out of pocket expense; **Chair Robinson** suggested she reach out to **Elena De Foe** Executive Assistant to **John W. Grande**, Town Administrator/Personnel Director. She reviewed the adjusted numbers as follows:

Minutes	\$687.50
Stamps	\$66.00

TOTAL	\$4223.65
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ELAINE MILLER, AT 6:59 PM, MOVED TO APPROVE THE BILLS PAYABLE OF \$4223.65 AS INDICATED. SAID MOTION WAS SECONDED BY CASEY HAYWARD. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 4 AYES, 0 NAYS, 0 ABSTENTIONS. MS. DOBLE—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 **October 4th, 2023**
- **Propose agenda and schedule joint meeting with Select Board (SB)**

Chair Robinson said it was important to have a one agenda meeting for review of the Implementation Program as the SB was a key stakeholder for implementation. Members would add their items to the list; **A. Upton** would circulate the list/meeting agenda of items that did not get reviewed at the first meeting held on May 22, 2023. *(Please see document on file: APPROVED Minutes JOINT MEETING TPB & SB May 22, 2023.pdf)*

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

- **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 ADJOURNED AT 7:47 PM.

Respectfully submitted;



Teresa Kruszewski, Recorder

APPROVAL: Approved and accepted as official minutes;

Date

Benjamin Robinson, Chair

APPROVED MARCH 20, 2024