

PLANNING BOARD

TOWN OF TISBURY
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DRAFT MEETING MINUTES

DATE: March 29, 2017

TIME: 6:06 PM

PLACE: Town Hall Annex, 66 High Point Lane

ATTENDANCE: Doble, Robinson, Seidman, Stephenson

MINUTES: As referred in the February 15, 2017 Meeting Agenda
12/7/16A M/S/C 4/0/0
02/15/17 M/S/C 4/0/0
02/22/17 M/S/C 4/0/0
03/15/17 M/S/C 4/0/0

APPOINTMENTS:

6:06 PM Public Hearing (Cont.): Special Permit Application for Margaret Towles, 18 Beach Street LLC, AP 07F16
Attendance: Douglas Best, Stephen Emory, Hyong Lee and Dana Hodsdon

The hearing was continued at 6:06PM. Planning Board Chairman introduced the applicant's agents and expressed both surprise and shock to learn that the MV Commission had at one time approved the demolition of the historical structure (built 1796) in the 1970s.

D. Seidman indicated that the MV Commission had voted not to concur with the referral, which allowed them to continue the hearing. The postponement provided the Planning Board additional time to investigate the origins and purpose for the granite posts. They discovered that the MV Historical Society, Inc. and M.V. Preservation Trust were granted an easement to erect a "plaque of not more than eighteen (18) inches tall and twenty-four (24) inches long, which describes the historic nature of the structure and that it was preserved through the efforts of the Martha's Vineyard Preservation Trust, Inc. and the Martha's Vineyard Historical Society, Inc.". He recommended including a condition in the decision that required the applicant's compliance. C. Doble believed the plaque would benefit the retail shop and café.

D. Seidman inquired if they met with the Site Plan Review Board. D. Best replied they were not required to present their proposal to the Site Plan Review Board. D. Seidman asked B. Robinson if it presented an issue. B. Robinson replied in the negative. D. Seidman inquired if there were any modifications to the exterior as part of the proposal.

D. Best replied that they were removing the exterior circular metal staircase. B. Robinson inquired about the applicant's plans for the second floor doorway. D. Best replied that they were eliminating the doorway and "filling in the wall".

D. Best stated that he met with H. Chapdelaine, the Chairman of the Tisbury Historic Commission to inquire about the stone posts. H. Chapdelaine recalled that the posts were installed to support a fence and to close off the circular drive. He confirmed that they were not historical. D. Best also submitted a letter from A.B. Van Riper, a research librarian at the MV Museum dated March 28, 2017 listing all of the changes that had been made to the building and property since the mid-1980s. The letter was read in its entirety into the record. Based on old photographs, he confirmed that the stone posts were not historically significant as assumed by the building inspector.

D. Best raised the issue of the two dying/dead trees on the east property line. He submitted photographs of the trees with a request for their removal. D. Best explained that the larger limbs were no longer stable and created a safety hazard for the abutting property owner, the Harbor Landing Condominium. V. McNamara, the condominium's General Mgr. wrote property owner and client a letter asking her to address the safety hazard before "something unfortunate happened". Board members received a copy of the letter, and reviewed the color photographs illustrating the condition of the trees. D. Best indicated that the property owner wanted to replace the trees. C. Doble noted that the primary issue was the lack of maintenance. People did not understand that they had to prune the trees. B. Robinson added that the selection of tree was also important. C. Doble agreed.

There being no further questions or comments regarding the proposal, D. Seidman entertained a motion to close the public hearing and to enter into the deliberation of the application. B. Robinson so moved. C. Doble seconded the motion, which motion carried.
4/0/0

6:20 PM Deliberation: Special Permit Application for Margaret Towles, 18
Beach Street LLC, AP 07F16

D. Seidman noted that the MV Commission voted not to concur with the referral. He added that the applicant was proposing two exterior modifications. The applicant planned to remove circular metal staircase and the doorway on the west side of the structure, and to relocate the HVAC units to the rear of the building. D. Best indicated that they were keeping the one HVAC unit on the west side of the property by the bike rack.

B. Robinson recommended a condition requiring the interface of the driveways to meet the town's standards for sidewalks. D. Best noted that the applicant wanted to maintain the shell driveways and recommended tucking in the area beyond the sidewalk and adding a cobblestone apron before the town improved the sidewalk. The cobblestones kept the shells off the sidewalk and provided vehicles the traction they needed to pull out or into the property to keep up with the traffic. He also mentioned that they were planning on using cobble stone in the hatched area on the plan for the handicap parking space in the rear parking area (6 spaces) and the path leading to the handicap ramp. B Robinson thought the improvement would work if the cobblestone was laid at the grade level curb. C. Doble questioned if cobblestone was ADA acceptable material because the surface was uneven. B. Robinson thought brick was a better alternative. D. Seidman recommended a smooth surface paver. Board members and D. Best agreed on a paver or

smooth surface material for the hatched area abutting the handicap parking space to the ramp.

B. Robinson recommended limiting signage on the property. D. Seidman recommended two directional signs (e.g. entrance and exist) to clarify the traffic flow in and out of the property. D. Best mentioned that H. Chapdelaine recalled the plaque was to the left of the front door. He wanted to replace the plaque in the same location.

There being no further discussion, D. Seidman recommended continuing the deliberations. Before they returned to their regular session D. Seidman enumerated the conditions and restrictions the Board agreed to incorporate into the written decision. The following conditions were confirmed by the Board:

- 1) The applicant is required to improve the road surface of the front entrance and exit with cobblestone at grade level of the curb, from the sidewalk to the façade of the house,
- 2) The applicant will use a smooth surface paver in the hatched area next to the handicap parking space, and the path leading to the handicap ramp in the rear parking area,
- 3) The applicant shall replace the 18"X24" plaque commemorating the historic nature of the structure (date and name of the house), and that it was preserved through the efforts of the Martha's Vineyard Preservation Trust, Inc. and the Martha's Vineyard Historical Society, Inc.
- 4) The applicant's directional signage will be limited to "Entrance" and "Exit" for the two means of egress on Beach Street,

D. Seidman entertained a motion to approval as presented with the aforementioned conditions. B. Robinson so moved. D. Bellante-Holand seconded the motion. 4/0/0

There being no further comment, D. Seidman moved to continue the deliberations until April 5, 2017 at 7:30 PM to review the draft document. The Planning Board resumed their regularly scheduled meeting at 6:36 PM

6:56 PM Hyung Lee and Dana Hodsdon re: Parking Lots in Business District 1

H. Lee asked the Planning Board to address the parking requirements or lack of parking regulations in business districts, where it appeared tenants have lost their parking spaces to abutting businesses, because the property owner was leasing out the spaces. The Planning Board thought the issue was a matter for the building inspector, since he was responsible for enforcing their zoning regulations. H. Lee described the building inspector as somewhat dismissive and disinterested in pursuing his complaints. His lack of interest prompted him to come to the Planning Board for assistance. B. Robinson recommended writing K. Barwick a letter with his complaint, and making sure that he cc'd a copy to the Board of Selectmen and Planning Board. H. Lee acknowledged B. Robinson's recommendation and agreed to follow through with a letter.

H. Lee also asked the Planning Board to consider a bylaw amendment that would provide them with the regulatory oversight over the development of the property's entire frontage to manage and control the streetscape, location and width of curb cuts, etc. It would prohibit the type of curb cut that ran the entire length of the property as seen on Beach Road.

H. Lee noted that people were also encroaching on Cromwell Lane to increase their parking accommodations. B. Robinson did not believe it would benefit anyone to single

out specific businesses. He thought it would be much more helpful to develop a plan that re-assigned the use of the lane as a pedestrian path with clearly defined edges. H. Lee agreed.

H. Lee reiterated that the town did not have any regulations to prevent anyone from parking on a sidewalk, and noted such an occurrence at the site of the new construction on Lagoon Avenue. D. Hodsdon explained that cars were parking parallel to the house on the sidewalk. H. Lee believed that the issue stemmed from a lack of regulations, and begged some regulatory reform.

H. Lee also thought the Planning Board's purview extended to the entire property, including the landscape, hardscape, etc. and it provided them with the authority to preserve historical structures like the Caleb House and the Cleghorn (?) Tavern. D. Seidman questioned the structural integrity of the tavern, and the possibility of restoring the building. D. Hodsdon clarified that the issue H. Lee was trying to raise pertained to the removal of the trees on the Cleghorn Tavern property. He explained that they were removed to create eight additional parking spaces for the use of the Mansion House. It contributed to the parking issues the tenants faced, when the property owners were leasing out their spaces to abutting businesses in the B1 District.

D. Seidman advised H. Lee that they did not have any parking requirements in the BI District to require parking spaces for tenants. H. Lee reiterated that the tenants' rights had to be safeguarded. He did not understand how the town could allow property owners to renege on the tenants parking arrangements. B. Robinson understood, and explained that the town did not have a regulation or process by which to address the situation. C. Doble thought it was a future topic the Planning Board could review and address. H. Lee asked the Planning Board if they would consider addressing the situation with town counsel. B. Robinson reiterated that their zoning regulations did not require a property owner to provide tenants with parking spaces. The new property owner was within his/her right to assign and re-assign the use of the spaces according to their legal arrangements.

B. Robinson asked H. Stephenson if the Parking Committee addressed the parking requirements or accommodations for the BI District. He wanted to hear from the Committee if they were proposing any recommendations at all. C. Doble thought it was important to ask the Committee if there were considering any zoning bylaw revisions following their analysis. She also recalled that the HPP consultants offered to provide the Board with sample regulations and recommendations to codify their own regulations. C. Doble offered to contact the consultant to request the information, and to contact A. Turner for the financial assistance he offered to provide the Board to secure the technical assistance they needed to begin the process. C. Doble assured H. Lee that the Planning Board would look into the town's parking regulations.

H. Lee raised an issue with curb cuts and defining the sidewalks. C. Doble noted that they were currently working on developing a regulation for curb cuts with R. Tattersall, the DPW Director.

The discussions began to divert to other topics, and C. Doble interrupted the discussion to remind the Chairman that the meeting agenda was limited to the deliberations of a special permit. H. Lee was clearly upset at the interruption, and believed he was owed the courtesy of continuing the discussions with the Planning Board, especially when they refused to entertain a discussion on the subject at a previous meeting, even though he was listed on the agenda. He felt the Board had disrespected him then and this evening when

they refused to hear the last of his comments. C. Doble advised H. Lee that the Board had an extensive meeting schedule for the month, and that the agenda was limited to the one subject because it was time sensitive. She was willing to entertain H Lee's last comments. H. Lee indicated that H. Stephenson in 1989 recommended the creation of an advisory group under the Planning Board's authority to analyze what was valuable. He thought the advisory group could address open space, and sidewalks, and eventually replace the William Street Historic Commission, who in his opinion should have expanded their review process to include other historic structures outside of William Street.

C. Doble noted that H. Lee presented two issues. The first pertained to the William Street Historic Commission's responsibility to protect the town's historical properties, and suggested the possibility of a letter to the Board of Selectmen stating that they did not feel the town was being well represented in terms of protecting their historic resources. H. Lee felt the Commissioners were remiss in their obligations when they failed to participate in a discussion involving a historic structure at the MV Commission. B. Robinson thought they should invite the William Street Historic Commission to a meeting. D. Seidman suggested that they read their regulations before deciding on a course of action. C. Doble recommended that they include the subject on their next meeting agenda to decide how they intended to move forward. H. Lee thanked C. Doble for the consideration she afforded him.

HOUSE BUSINESS:

1. Business Accelerator Incubator Mtg. on April 12, 2017, Springfield MA
RE: Commercial Kitchens

D. Seidman informed the Board that he was attending. B. Robinson inquired about the benefits. D. Seidman explained that there was a demand for commercial kitchens. The town could invest in such a use and invite culinary graduates to work on project that would benefit the community. He advised the Board that it would require an overnight stay, for which he would seek reimbursement. The reimbursement required their approval. The Board did not object.

B. Robinson recommended the use the elementary school's commercial kitchen during the summer months. D. Seidman agreed.

2. Modular Home Builders, Springfield, MA
RE: May 17, 2017 Workshop

D. Seidman expressed an interest in attending the lecture on the new building code and requirements for modular homes impacting the New England area, which was being recommended for municipal officials. The registration fee was \$149.00 and did not include the \$99.00 rate for an overnight stay at the La Quinta Inn & Suites. Board members approved, subject to the submittal of an oral report. B. Robinson moved to approve D. Seidman's registration fee, overnight stay and all other travel expenditures associated with the workshop. C. Doble seconded the motion, which motion carried.
4/0/0

3. Board of Selectmen's Meeting on 3/28/17

B. Robinson reported that the Board of Selectmen approved the Complete Street Prioritization Plan at their meeting last night for submittal to the state before the deadline of April 1, 2017.

He added that E. Boch Jr's legal representative also met with Board of Selectmen to negotiate the relocation of the sewer line easement from its current location (middle of property) to the edge of the property. During the discussions Christian Reiman (?), a landscaper working for E. Boch Jr. revealed a rough draft of their park.

B. Robinson stated that K. Barwick, the building inspector advised the Board of Selectmen that the use did not require a special permit. He reviewed the regulation to confirm that the Waterfront Commercial District permitted parks as a matter of right. Any "permitted" review depended on the percentage of hardscape. In his opinion the project warranted some overview to address its maintenance, monitoring and use (e.g. events).

B. Robinson informed the Board that the applicant's agent mentioned an interest in having a conversation with the Planning Board. He suggested formalizing the offer with a joint letter from the BOS and Planning Board requesting a courtesy view of the project as soon as possible. D. Seidman recommended having the Planning Board Assistant draft the letter. C. Doble thought the letter should originate with the Board of Selectmen, and recommended an email to M. Loberg and J. Grande. Board members agreed.

4. Planning Board Warrant Articles

B. Robinson thought the Planning Board had to prepare themselves for their meeting with the Finance & Advisory Committee to substantiate the need for the additional staff person. He advised D. Seidman that his presentation to the Board of Selectmen was inadequate and incomplete because the volume of applications and the time spent preparing and reviewing the materials with applicants had increased substantially to warrant additional help.

C. Doble indicated that the Planning Board also had to prepare themselves to speak about the various projects they been working on with different departments, such as the Complete Streets Policy. B. Robinson agreed. C. Doble added that they should speak on the proposed bylaw amendments. D. Seidman noted that he had received an email from David Doneski noting that there was a reference to the state law he wanted to revise for one of the bylaw amendments. He intended to follow up on the email.

5. Planning Board's Annual Newsletter

C. Doble discussed the printing costs for the newsletter, and the Board preferred the full color prints since there was not much of a difference in price for the same number of prints. She advised the Board that S. Zablotny offered to layout the newsletter for a stipend of no less than \$250.00 and up to \$500.00. This did not include the fee for the proofreader, who would have to be paid separately.

The Board agreed to pay S. Zablotny a stipend of \$350.00 and the proofreader \$100.00.

Other business not reasonably anticipated 48 hours in advance of meeting

PRO FORM

Meeting opened, conducted and closed in due form at 7:45 P.M.
(m/s/c 4/0/0)
Respectfully submitted;

Patricia V. Harris, Secretary

APPROVAL: Approved and accepted as official minutes;

Date

Daniel Seidman
Chairman