

# PLANNING BOARD

TOWN OF TISBURY  
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## MEETING MINUTES

**DATE:** May 3, 2017

**TIME:** 6:00PM

**PLACE:** Town Hall Annex, 66 High Point Lane, Tisbury, MA

**ATTENDANCE:** Doble, Robinson, Seidman, and Stephenson

**BILLS:** D. Seidman (reimbursement).....\$167.01  
Verizon.....\$106.20

**MINUTES:** As referred in the April 5, 2017 Meeting Agenda  
05 April 2017 Deferred  
25 April 2017 Deferred

### APPOINTMENTS:

6:17 PM Public Hearing: Special Permit Application for Vineyard Caribbean Cuisine,  
(Non Self-Serve Buffet Style Restaurant with three seats) AP 09C01  
Attendance: Kirsten Brown, Newton Waite, May Sullivan

The hearing commenced in due form at 6:00 PM. D. Seidman, Planning Board Chairman informed the applicants that they did not have all five members present for the hearing. They were advised that their special permit application would require the unanimous approval of a four member board. The applicants were informed of their rights and given the option of continuing the hearing until a full board was present or, continuing the review process with the four members.

K. Brown inquired about the consequences in continuing the hearing process and risking a denial with a four member board. D. Seidman explained that they would not be able to resubmit their proposal for another two years by state statute. The applicants were given a few minutes to consider their options. The applicant advised the Board that they wanted to move forward on the review process with the four members.

D. Seidman opened the hearing by entering and reading the applicants' letter of application dated March 15, 2017, in which they requested consideration for a year-round, quick-serve restaurant with a seating capacity for sixteen (16) customers. The applicants in addition noted that they wanted to operate the restaurant from 10A-10P during the summer and 10A-6P during the winter. No more than three employees would be on the

premises at any given time to man the buffet service, and customers would have access to the front patio.

The second letter, dated 03/23/17 was written by R.M. Sawyer, a managing member of Flowerwood LLC confirming that the applicants were in the process of concluding a contractual agreement to sublease the space for the restaurant. The letter further noted that the property owner had consented to the permitting process. D. Seidman disclosed the fact that R. M. Sawyer was a neighbor.

D. Seidman read the Board of Health's letter dated 04/07/17 explaining that the existing "structure had a maximum seating allowance of forty-eight" that were assigned to the Tropical. The applicant's seating arrangements had to be deducted from the Tropical's allowance, so that they did not exceed the forty-eight seating cap. In a letter from the proprietors of the restaurant (Tropical), the applicants were only assigned three seats.

C. Doble requested a clarification about the seating arrangements. She did not understand if they were referring to the outdoor seating. K. Brown clarified that they had originally requested consideration for a total of sixteen indoor seats. They reduced the number to three, because they learned shortly after that the indoor seats were allocated to the Tropical, with whom they had to negotiate an arrangement. The Tropical kept forty-five seats and allowed them three (3) seats. It prompted them to eliminate two of the planted islands and to pull back the planted buffer. The improvements allowed them to increase the patio's seating capacity. K. Brown further noted that the patio was open to the general public and to be maintained by both restaurants.

D. Seidman inquired if R. Sawyer was aware of the exterior renovations. M. Sullivan replied in the affirmative. B. Robinson believed R. Sawyer's letter indicated his support of the proposal. D. Seidman noted that the letter just mentioned the "planned restaurant enterprise".

C. Doble inquired about the operation. She was informed that customers had the option of eating indoors (small bar with three stools) or going out to the patio. D. Seidman inquired if they planned of having umbrellas. N. Waite replied in the affirmative. The umbrellas were not going to have any advertisements.

H. Stephenson inquired if the two food services were physically separated. K. Brown replied in the affirmative, noting that there was a half wall and interior entry between the two establishments. There were no plans to block the interior entry or to construct a full wall at this time. K. Brown noted that the food service also had a separate entrance from Beach Street.

B. Robinson interjected that the applicants met with the Site Plan Review Board to discuss the exterior renovations, signage and colors. The Board had a comment regarding the tri-colored door, but felt that the rendering may not have accurately represented the colors. D. Seidman did not see an issue with the tricolor door.

B. Robinson inquired if the restrooms were available to the general public. The increased seating capacity in the patio may have a bearing on the assigned wastewater flow allocated for the building. He thought they should address the question with the Board of Health. The applicants noted that they presented their plans to the Board of Health, including their proposal to increase the seats in the patio. The Health Commissioners did not express any reservations or concerns.

B. Robinson inquired if the applicants intended to add taller plantings or trees in the planted beds to screen the view into the patio. N. Waite replied that they were cutting down some of the plantings and adding lower growing trees to improve the visibility to the restaurant. M. Sullivan commented that the existing plantings were overgrown and blocked the view to the road. C. Doble recommended a balanced combination of short and tall plantings.

C. Doble requested a confirmation about the number of employees. K. Brown replied three. B. Robinson inquired if they heard anything more about the fence, R. Sawyer presented to the Site Plan Review Board that was intended to hide the propane tanks, and garbage bins on the side of the restaurant. K. Brown recalled the discussion and asked if they would be responsible for erecting the fence. B. Robinson replied in the negative. He assumed the property owner was going to install the fence based on his conversation with R. Sawyer.

H. Stephenson noted that they did not have any parking. C. Doble also noted that the applicants were adding a business and increasing the outdoor patio's seating capacity. D. Seidman acknowledged, but felt that they could not say for certain that the additional seats were going to be used by Vineyard Caribbean Cuisine, the Tropical's clientele or the general public. H. Stephenson thought people ordering take-out usually drove to the restaurant, and questioned whether the applicant needed to provide a parking space for this purpose. C. Doble thought they should bring the idea of short term parking in the BI District to the Parking Committee. H. Stephenson, a member of the Parking Committee indicated that they had been discussing the use of meters at the old Fire Station lot for this purpose.

There being no further discussion, D. Seidman entertained a motion to close the public hearing and enter into deliberation. C. Doble so moved. B. Robinson seconded the motion, which motion carried. 4/0/0 The hearing was duly closed at 6:46 PM.

6:46 PM        Deliberations: Special Permit Application for Vineyard Caribbean Cuisine,  
(Non Self-Serve Buffet Style Restaurant with three seats) AP 09C01

D. Seidman commented that he liked the tricolor door the applicant proposed for the color scheme. H. Stephenson believed the Board had to consider if there were any restrictions. C. Doble agreed and thought it important to see the improvement relative to the entire structure. D. Seidman thought the color scheme would not have much of an impact, given the size of the structure. C. Doble asked B. Robinson about the Site Plan Review Board's determination. B. Robinson replied that the pictorial rendering was of a subpar quality (flat) to make a determination.

C. Doble inquired if the awning was going to be red as represented in the color photo. N. Waite replied in the affirmative. B. Robinson inquired if they had color chips. K. Brown submitted a chip for the red paint. D. Seidman reiterated that the tricolor door would not stand out as suggested because of the size of the building, and level of activity.

D. Seidman recommended reviewing the merits of the proposal and looking at the applicable regulation. C. Doble inquired if the restroom facilities presented an issue for B. Robinson. B. Robinson replied in the negative, but thought it might be worth a note to the Board of Health, since they approved a similar arrangement for the Net Result, and the Wolf's Den. He did not advocate a condition.

C. Doble asked the Board if they believed the proposed use burdened the road system. Board members replied in the negative. She asked the Board if storm water management was an issue. Based on actual observation, N. Waite indicated that the property was not subject to flooding because it was at a higher elevation than the Five Corners elevation.

D. Seidman recommended adding a condition that the applicant was to have a maximum of three employees on the premises at any given time. C. Doble inquired about the parking accommodations for their employees. N. Waite indicated that his employees had the option of utilizing the Park-N-Ride or bike in to work. The Tropical has a bike rack out in the courtyard in the summer.

C. Doble noted that the applicants in Finding No. 6 were sharing the use of the dumpster in the rear of the building. She inquired if there was an issue with Finding No. 7 pertaining to the restrooms. B. Robinson noted that it could present an issue if the restroom facilities were made available to the people sitting in the open patio. D. Seidman reminded the Board that there were restrooms at the Stop-N-Shop and the SSA, and did not believe it presented an issue.

H. Stephenson inquired if they were responsible for maintaining the open patio clean. K. Brown replied in the affirmative. N. Waite noted that it was in their lease agreement. D. Seidman recommended having staff check the patio every fifteen (15) minutes. B. Robinson recommended revising Condition No. 6 to state "The applicant ...weather. Trash and recycling receptacles....".

D. Seidman asked the Board if there were additional revisions or corrections they wanted to recommend for the draft decision. There being none, D. Seidman entertained a motion to approve the proposal for the non-self-serve buffet style restaurant with a seating capacity of three at 13 Beach Street Extension. C. Doble so moved. B. Robinson seconded the motion, which motion carried.

D. Seidman recommended continuing the deliberations until May 17, 2017 at 7 PM to approve the written decision. B. Robinson so moved. C. Doble seconded the motion, and the motion carried. 4/0/0

The Planning Boar resumed their regularly scheduled session at 7PM.

**BOARD DISCUSSIONS:**

**1. Committee Reports**

**A. School Committee**

D. Seidman informed the Board that the School Committee was supposed to vote of the location earlier in the day , but decided to postpone the decision until sometime in June 2017.

B. Robinson got the impression that the School Committee was looking for ways to validate the relocation of the school at the Manter property. Based on the School Committee's body language and conversation, it was clear to him that the vast majority of the committee members , which included faculty did not want to be in a construction site for two to three years.

C. Doble thought they had to be much more proactive. She felt it was important to connect the parents and teachers with their counterparts in other communities, who have had to work in a module during the reconstruction of a school. It was important for them to see the positive aspects of the process, so that they are not driven to a certain choice from fear.

D. Seidman believed the consultants could provide pictures of modules to ameliorate some of their fears. He did not think they had the time to locate and arrange for the meeting prior to the school committee's next meeting. C. Doble disagreed.

C. Doble noted that the traffic study was expected to be complete by their next meeting. She further reported that the Police Department and DPW both spoke in favor of the Manter site. It concerned her that the information was being presented in support of a particular outcome, and without consideration to the larger issues, such as environment and traffic. B. Robinson did not understand the value in concentrating the traffic into one intersection.

B. Robinson noted that the school committee was stacked with faculty and staff who shared a preference for a particular location, and skewed the presentation to support their recommendations. Board members were advised that the Board of Selectmen voted to leave the school at its current site. C. Doble obtained a copy of the committee's minutes and notices that the transcription was inaccurate. She noticed that they omitted all of the comments against the proposal. B. Robinson believed the committee was belaboring the review process because they were insisting on relocating the school, despite the community's preference for renovation or reconstruction at the school's current location. D. Seidman indicated that 86% of the community expressed a preference for keeping the school at its current location.

D. Seidman informed the Board that the Building Inspector, K. Barwick spoke against the suggestion for the Manter property, explaining that the town purchased the land to protect the Manter Well site.

Additional discussions ensued, and the Board agreed to continue the discussion with the Board of Selectmen at their meeting on May 17, 2017.

**CORRESPONDENCE RECEIVED:**

1. June Manning, Aquinnah Citizen

RE: Note of concern regarding two drug paraphernalia shops in Tisbury Ma.

B. Robinson informed the Board that the Tristan Israel asked him about the need to address the use at a Board of Selectmen's meeting. He advised him that the town was protected against non-medical marijuana shops because their allowance relied on the number of liquor stores, none of which existed in the town. D. Seidman believed B. Robinson's interpretation was incorrect.

2. Howard|Stein-Hudson

RE: Complete Streets Prioritization Plan, Tisbury Massachusetts – April 2017

3. Tisbury Board of Appeals

A. Hearing Notice – Whit Hanschka & Nancy Tutki, AP 04B03 (expand storage shed)

B. Hearing Notice – Paul Adler, AP 24A24.2 (fence over 6 ft.)

4. Breese Architects

RE: Special Permit Application – Net Result, AP 09B19.1-.3 (addition of 750 sq. ft. for office/storage space)

5. MV Commission

RE: 28 April 2017 Extended Schedule

Other business not reasonably anticipated 48 hours in advance of meeting

**PRO FORM**

Meeting opened, conducted and closed in due form at 7:42 P.M.  
(m/s/c 4/0/0)  
Respectfully submitted;

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Patricia V. Harris, Secretary

**APPROVAL:**

Approved and accepted as official minutes;

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Date

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Daniel Seidman  
Chairman