

PLANNING BOARD

TOWN OF TISBURY
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MEETING MINUTES

DATE: May 31, 2017
TIME: 6:00PM
PLACE: Town Hall Annex, 66 High Point Lane, Tisbury, MA
ATTENDANCE: Bellante-Holand, Doble, Robinson, Siedman, Stephenson
BILLS: Comcast (May 2017).....\$ 26.09
Postage (Certified Mailing).....\$14.58

APPOINTMENTS:

6:00 PM Reid Silva, Vineyard Land Surveying & Engineering Re: Form A Applications
1) 21B05.5, Michael Rouse (Prop. Line Adjustment)

Planning Board members were provided a Land Court approved division of land with slight modifications of a previously endorsed plan.

R. Silva explained that on surveying the perimeter boundaries of the lot, they noticed a discrepancy of about 2 ft. Land Court had the property owner absorb the difference rather than to have all of the abutters in the old subdivision change their bounds. In doing so the applicant had to reduce the frontages and net land area reflecting the difference.

The revisions required a new plan for the Planning Board's endorsement. R. Silva noted that the two reconfigured lots still met the dimensional requirements for the zoning district (R 10). B. Robinson inquired about the revision. R. Silva replied that he adjusted the shared boundary between the two lots and the end boundaries.

There being no further comment, B. Robinson moved to endorse the revised Plan of Land, dated 05/05/17 (Plan No.332-1). C. Doble seconded the motion, which motion carried. 5/0/0

2) Vineyard House Inc., AP 22A06 (one non-buildable lot)

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R. Silva submitted a division of land creating a 1.73 acres parcel of land that was to be conveyed to the abutter, Peter Goodale. R. Silva explained that P. Goodale had sold the property owner approximately two acres several years back, when the applicant was required to install an alternative wastewater disposal works system for the new sobriety house (compound). The requirement addressed the MV Commission's concern with the project's nitrogen load, given that the property was within the Tashmoo Watershed.

The alternative septic system was no longer necessary, when the town extended the town's sewer connection to the VNA and the Vineyard House. It negated the need for the additional land area. P. Goodale approached the Vineyard House to see if they would sell back the property they no longer needed.

D. Seidman noted that the property in question abutted the edge of P. Goodale's sandpit, and questioned if there were plans to expand the mining operations. B. Robinson inquired if R. Silva could advise him how the reduction in land impacted the percentage of impervious surface. D. Seidman noted that Section 09.00 (Groundwater Protection District) required special permit consideration for any proposal exceeding 15% or 2500 sq. ft. R. Silva was familiar with the regulation, and understood that the reduction in land area may require an amendment to the special permit.

The Planning Board Assistant referred to the applicant's special permit decision to advise the Board that the applicant's proposal did not exceed the 14% allowance for impervious surface, which was listed at 27,753 sq. ft. with the 1.73 acres under consideration. The regulation required projects to be evaluated for "storm water and drainage issues".

R. Silva noted that the loss of land (1.73 acres) did not have any impact on the drainage system. The existing drainage system would continue to function in the same capacity and accommodate the site without the 1.73 acres. While the percentage of impervious surface would increase, the loss of land area would not have an impact on the existing storm water and drainage systems in place. The drainage facility and storm water management systems are not changing in any way. B. Robinson requested a clarification. He did not understand how the proposal impacted the decision.

D. Bellante-Holand, was employed at Vineyard House, Inc. at the time they were constructing the campus, and noted that they did not construct the parking area with an impervious surface. She recalled that they constructed an apron at the entrance of the main driveway down a few feet towards the campus. R. Silva could not recall. Additional discussions ensued and D. Seidman asked R. Silva to submit an as-built plan to determine the actual percentage of impervious surface. He agreed with R. Silva's interpretation of the regulation. B. Robinson reminded the Board that that they could not make a determination on the proposal or the need to amend the special permit, until they heard from the MV Commission.

Board members were advised that the proposal was referred to the MV Commission as a modification.

6:16 PM Ewell Hopkins, Oak Bluffs' Planning Board Chairman; Gary & Catherine Harcourt, 10 Great Rock Road, Oak Bluffs; M. Loberg, Tisbury Board of Selectmen; Henry Stephenson

G. Harcourt informed the Board that he had just completed a public review process on an application for a special permit with the Oak Bluffs' Planning Board. He and his wife were asking the OB Planning Board's consideration for an alternate means of access on a lot he's negotiated a PNS. The access easement traversed an abutting lot in Oak Bluffs to Megan's Way in Vineyard Haven. Everyone in attendance at the hearing spoke in favor of the alternate access from Vineyard Haven, which included Chief John Rose. Vineyard Haven Fire Chief, John Schilling in a separate site inspection with the applicant concurred that the alternative access was the safest and most practical.

G. Harcourt indicated that the Oak Bluffs' Planning Board had voted in favor of the alternate access with two conditions. The first condition required him to obtain a written approval from the Fire Chiefs in both the towns. The second condition pertained to the subdivision of the lots in Vineyard Haven. G. Harcourt believed the Oak Bluffs' Planning Board attached the subdivision of the lots as a condition in deference to the B. Robinson's testimony at the public hearing. He questioned its validity in that he had not control over the lots, much less their improvement. The condition had the potential of forcing him to "go back to using Great Rock Road".

H. Stephenson inquired if the proposal was to grant access over an easement. C. Doble inquired about the location of the property in question and the access easement. Discussions ensued with regards the existing access, the Deep Lot division of land granted J. Feeney, the issues with the deep lot division and the requirements of the of their local subdivision rules and regulations. G. Harcourt noted that Great Rock Road was developed for vehicular traffic up to a certain point, after which it becomes more of a walking path. It connected to other walking paths on ancient ways. G. Harcourt currently lived next door to the property in question. He explained that he wanted to purchase the property to protect the woods he and his family have enjoyed over the years, and to develop for his retirement.

D. Seidman inquired if there was anything that would prevent him from granting himself an easement from his property along Morgan Luce Road to the parcel of land in question. G. Harcourt indicated that it would still require access across Great Rock Road. He preferred the alternative access via Vineyard Haven because it was a much more direct route, and impacted far less people. He claimed to have contacted one of the abutters on Megan's Way, and noted that the person did not object to the use of the road.

The Planning Board asked G. Harcourt to clarify what he was asking of them. G. Harcourt understood the Tisbury Planning Board required access and frontage on road, and preferred seeing the access easement improved to meet their regulations. The condition requiring the improvement of the access easement however was beyond his

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ability to address, because he did not own the property, and he did not believe J. Feeney was compelled to construct the subdivision road. B. Robinson noted that 10 Great Rock Road did not have frontage or access on Megan's Way. G. Harcourt understood, but hoped the Tisbury Planning Board would reconsider their recommendation. Given the way the area has been developed over the years, it made sense to come through Megan's Way.

D. Bellante-Holand did not think the Planning Board could be of any assistance. G. Harcourt indicated that the Oak Bluffs Planning Board's determination would have omitted the condition pertaining to the subdivision had they not solicited an opinion from the Town of Tisbury. D. Seidman believed the Oak Bluffs Planning Board's jurisdiction did not exceed the town's boundary. E. Hopkins believed the Oak Bluffs Planning Board had the authority to grant G. Harcourt a special permit with the easement across the property, accessing through the Town of Tisbury. The Oak Bluffs Planning Board decided to act responsibly by conferring with the Town of Tisbury. They did not want to establish a bad precedent by acting on an application that bordered their towns, without taking your concerns into consideration. It was the purpose for contacting the Tisbury Planning Board and affirming that their staff's comment was in fact their position. Those concerns were weighed into the final decision, because the Oak Bluffs Planning Board did not want to utilize their authority to grant a special permit if it contradicted the position of a neighboring town. B. Robinson, at the public hearing spoke of a way the Oak Bluffs Planning Board could responsibly address G. Harcourt's petition in a manner that would comply with your regulations, i.e. establishment of a subdivision.

E. Hopkins indicated that he had personally spoken with J. Schilling and J. Rose, and both Fire Chiefs have indicated that the alternative means of access was the preferred because it was the safest route. He noted that both would respond to the emergency, and have worked on a mutual aid system. E. Hopkins noted for the record that the Oak Bluffs Planning Board would have denied the application, were it not for B. Robinson's comments at the hearing. D. Seidman wanted to make clear that B. Robinson's comments were his personal opinions. E. Hopkins believed B. Robinson shared an approach they thought was reasonable. He wanted to make sure the Tisbury Planning Board understood the Oak Bluffs Planning Board's position at the time they made a determination.

C. Doble asked B. Robinson how he thought the subdivision would occur. B. Robinson reiterated that ultimately the decision to create subdivision road pertained to J. Feeney, the property owner. G. Harcourt thought it excessive, in that J. Feeney would have to lose the land area for the road and the turnaround (1/2 acre of land). He did not understand the difference, because in the end they'd end up with the same number of lots, and a road. D. Seidman noted that the former is illegal, which the subdivision allowed him to use the "subdivision road" for access and frontage. G. Harcourt did not understand how it could be illegal to use the access easement. B. Robinson explained that he would be burdening the access easement, which was prohibited in the Town of Tisbury.

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D. Bellante-Holand asked G. Harcourt to clarify what it was that he hoped the Tisbury Planning Board could do on his behalf. G. Harcourt hoped the Tisbury Planning Board could inform E. Hopkins that the alternative access on Megan's Way is the right thing to do. That it was the responsible thing to do. Board members replied in the negative. She asked if he wanted the Tisbury Planning Board to retract their letter, because they could not contradict their regulation. She asked G. Harcourt to clarify what he hoped to accomplish after tonight's discourse. He hoped that the Tisbury Planning Board would revise their opinion and take into account that Megan's Way was the best and safest access.

D. Seidman clarified that the Tisbury Planning Board was bound by their regulations. They did not have an alternative, but to abide and enforce their regulations. B. Robinson asked E. Hopkins if the applicant is entitled to use Great Rock Road, or if he needed their consent. E. Hopkins could not respond, as the matter has been referred to town counsel.

B. Robinson, in his personal opinion thought it would be a shame to ruin the walking trail. G. Harcourt agreed. Board members reiterated they could not consent to a proposal that contradicted their regulations.

7:04 PM Ewell Hopkins, Oak Bluffs Planning Board

E. Hopkins commented that the dialogue generated by G. Harcourt's application provided him an enlightening experience. It made him appreciate the arrangement for mutual aid between their emergency response teams, and the need for a similar protocol in response to the development of properties along their shared borders.

It was an important consideration in the determination of their decision. They did not want to jeopardize an emergency response to the property. He thought it astonishing that their emergency personnel have been providing mutual aid to border properties along Holmes Hole Road. It made him appreciate the importance against endorsing incomplete designs along the border, and fostering a cooperative relationship to make sure that they apply a similar review process for all future applications to avoid any issues.

BOARD DISCUSSIONS:

1. Gary Harcourt, 10 Great Rock Road, OB

RE: Update

2. Tisbury Planning Board

A. Officers: Chairman and Clerk

D. Seidman moved to elect B. Robinson and Planning Board Chairman and C. Doble as Planning Board Clerk. H. Stephenson seconded the motion.

B. Robinson expressed a concern about taking the position if on accepting the office it would present a conflict for him at the MV Commission on reviewing Planning Board referrals. C. Doble noted that the Planning Board Clerk would be responsible for

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representing the Planning Board at the MV Commission's meetings. B. Robinson and C. Doble did not object to the nomination and motion. There being no further discussion, the Board voted 5/0/0

B. Committees

D. Seidman asked the Board members if they considered continuing their affiliations with the various committees. If not, he asked that they advise the Board, so that fellow board members could fill the potential vacancies. Board members indicated that they were all interested in continuing to work on the Committees they've been assigned. D. Seidman expressed an interest in working on the Wastewater Advisory Committee, the Sewage Betterment Review Board and Tisbury Housing Committee.

Land Bank Advisory Committee	Holly Stephenson
Harbor Mgmt Committee	D. Bellante-Holand
Site Plan Review Committee	Benjamin Robinson
Tisbury Housing Committee	Daniel Seidman
Cabinet	Benjamin Robinson
Community Preservation Committee	Cheryl Doble
Wastewater Advisory Committee	Daniel Seidman
Sewage Betterments Review Board	Daniel Seidman

D. Bellante-Holand was happy to participate in a committee, provided they did not meet between 9AM – 5PM. She could not commit to meetings during the workday. M. Loberg inquired about the Harbor Management Committee. B. Robinson indicated that they met monthly on Wednesdays at 5PM. D. Bellante-Holand accepted.

There being no further discussion, D. Bellante-Holand moved to have the aforementioned board members represent the Planning Board on the committees as previously discussed. B. Robinson seconded the motion, which motion carried. 5/0/0

C. Annual Goals and Objectives (Projects – General Discussion)

3. Cottage Housing Development (for more information go online: www.MRSC.org)

RE: Langley, Washington

D. Seidman in research on the development of pocket neighborhoods came across an article on Langley Washington's recent decision to adopt a zoning regulation called the Cottage Housing Development Code to increase density on small tracts of land to “double the density of detached homes in single family zones by providing ground floor areas of less than 700 sq. ft. (and total area ... with second floor.. less than 975 sq. ft.) The cottages had to face a useable landscaped common, screened parking, fit within the neighborhood and subject to public review by the municipality.

B. Robinson favored the idea that they could work out the details to suit the town. The one factor they had to consider was that Langley Washington was not a tourist destination. He also wanted to note that the pressure for housing was not because there

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was a lacking of housing on the island, it was because their housing stock was going to seasonal rentals. Any provision for density would require a mechanism to keep the units available for year round use. D. Seidman agreed, and thought they could remedy this by incorporating a deed restriction.

H. Stephenson inquired if the Co-Housing project in West Tisbury required a special permit. D. Seidman thought it was either a cluster development or a Chapter 40B. Tisbury had a regulation permitting cluster developments; but it required a minimum of 10 acres of land.

C. Doble thought they should begin exploring how they were going to address the need for housing. She believed they had to pursue the subject from a broader perspective. D. Bellante-Holand recommended giving the Board members time to prepare for the discussion, and setting time aside for the one subject. D. Seidman concurred, and noted that he wanted to introduce the subject for future consideration. D. Bellante-Holand thought it should be scheduled on the agenda. C. Doble agreed, she wanted the opportunity to research suggestions and ideas prior to a meeting so they can vet out potential obstacles and opportunities. D. Bellante-Holand inquired if they could launch their discussions with the HPP. B. Robinson commented that the HPP did not give them specific details. D. Bellante-Holand thought they could review the suggestions and begin with the low hanging fruit (immediate, short-term, long-term). B. Robinson recommended collating all of their ideas, decide on the projects they wanted to pursue, break up into groups and flush out information. He suggested starting with four or five topics.

H. Stephenson did not see why they could not invite members of the community to work with them on the four or five ideas. Board members agreed.

4. Tisbury Street Fair Booth

RE: Alternative venue (Town picnic)

Board members were advised that the deadline for registering a booth had expired on 5/31/17. In conversations with a couple of board members regarding this matter, the Planning Board Assistant indicated that in a conversation with a couple of members, it was suggested that the Street Fair may not be the best venue to present the town's projects, accomplishments, etc.

If the intent was to reach out to the community and to solicit their input on upcoming projects, they needed a venue that would allow them to display their maps, have use of tables for handouts and activities and hold a conversation. Board members recommended the town picnic during the Memorial Day holiday. C. Doble agreed noting that they were competing with all of the vendors at the Street Fair, the music, etc. It was not the right venue.

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M. Loberg indicated that the Board of Selectmen were planning on holding a town government meeting in July or August to give the seasonal, short term residents and year round community members an opportunity to ask questions of their departments, learn about upcoming town projects, raise any issues, etc. She could not remember the specific date.

5. Tisbury School Committee (SBC)

A. Planning Board Schedule

C. Doble brought to the Board's attention that the School Building Committee's meetings were scheduled to coincide with the Planning Board's meetings, so that they were overlapping. She advised the Board that D. Seidman was also a member of the committee, which would have an impact on their appointments and hearings.

D. Seidman inquired if the Board would have an issue revising their meeting schedule for the month of June, and asked if they would be available to meet on June 14 and June 28, 2017. Board members agreed to the revised meeting schedule for the month of June 2017.

B. Draft Letter

The Planning Board Assistant advised the Board Chairman that all board members were emailed a copy of all three draft versions sent to the office. Hard copies of the letter were provided for the discussions.

B. Robinson did not have an issue with H. Stephenson's one page letter. He advised the Board that the color coded printed document reflected the first round of edits to H. Stephenson's draft letter. It was reformatted to include an outline of the opportunities and challenges for all sites, a comparison of all the sites and the selection of the best site, based on the analysis.

H. Stephenson noted that the original one page draft was straightforward in recommending their preference for staying at the existing school site on West William Street, and the reason(s) for making such a recommendation. B. Robinson's three page re-write made a fair comparison of all of the sites, and much more informative. She felt they should condense the last section of the letter. B. Robinson was receptive of the recommendation and agreed. H. Stephenson did not agree with the statement that the natural setting was an advantage for the Manter Well site. Unless the school took advantage of the setting by including indoor and outdoor courtyards, she did not see any advantage in destroying any of the natural habitats in the area to accommodate a new school building, parking, etc. B. Robinson acknowledged, but felt that the topic pertained to the design, more than it did the site.

C. Doble referred the Board to the Preliminary Design Program Submission to the MSBA, dated March 28, 2017, in which the consultants, in their analysis of all three sites

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indicated that the Manter site offered a single advantage and several disadvantages. The advantaged pertained to its size. She thought B. Robinson was generous in his analysis. B. Robinson noted that the outline included the comments made by members of the community. He thought it important to present the advantages and challenges fairly and equally, so that there was no doubt about the conclusion.

H. Stephenson and C. Doble agreed that it was inaccurate to include “the natural setting” of the Manter site as an advantage. They recommended deleting No. 3. Board members agreed. C. Doble recommended adding the potential for traffic congestion during peak hours. D. Seidman recalled someone had raised a concern for the burdening of a heavily traveled road during peak use. C. Doble did not see any advantage in listing additional benefits to the Manter site, other than the one merit (e.g. size) the consultants cited.

D. Seidman asked the Board if they had a preference for any of the three draft letters. He asked B. Robinson about the time frame for the submittal of the letter. B. Robinson indicated that they had to submit the letter to the school building committee before June 7th.

Additional discussions ensued, and D. Bellante-Holand inquired if they could revise the letter to highlight the salient points for recommending the existing site. H. Stephenson believed the original draft she had written accomplished this. She explained that the letter was written to provide a rationale for their decision, and not a comparison. D. Bellante-Holand thought they could improve the letter by superimposing the underlined bullet points and incorporating the headings in the shorter version.

D. Bellante-Holand thought if the Board was interested in making an effective argument and convincing people to reconsider their positions in support of the Planning Board’s recommendation, they should pinpoint what they believe to be the two strongest arguments against to the current location, and offer solutions. She felt the disruption to the school’s activities and the flexibility of the design was the two strongest arguments against the current location. Henry Stephenson believed that there was much they could do at the current site, but that the architects were not presenting it. They were essentially presenting three similar plans for all sites, doubling the footprint and not offering potential alternative designs that eliminated half of the playground, eliminated parking, etc. They were not evening taking advantage of the Manter site.

D. Bellante-Holand thought there was some validity to the “disruption” from her experience with construction projects. M. Loberg thought the disruption was an issue for the staff, more so than for the students. D. Seidman thought it was an unfounded perception staff shared. It concerned him, because he felt staff’s negative attitudes was going to impact the student’s experience during the construction phase.

Additional discussions ensued, and H Stephenson informed the Board that Henry Stephenson, an architect by profession had been working on several designs for the school using the consultant’s drawings with the intent of salvaging as much of the

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existing building. Henry Stephenson's renderings illustrate that it was feasible to stay within the existing footprint, and he was willing to review his drawings with the board members after the meeting.

C. Doble redirected the discussions to the draft letter. She wanted the Board to make a decision on the final draft for submittal to the school building committee by June 2nd. C. Doble referred the Board to H. Stephenson's original draft letter, the multi-color amended version and B. Robinson's reformatted letter. She explained that the multi-colored version worked off H. Stephens's letter with more detail. D. Seidman preferred the 1.5 pages draft. H. Stephenson did not have an issue with the multi-color version.

B. Robinson explained that he expanded on the second version to include information about the advantages and challenges to the sites. D. Seidman thought it important to include the language from the consultant's report to the MSBA regarding their assessment. He thought they could add it in the section listing the advantages. B. Robinson thought it too late to start editing the letter, and recommended a motion to send the edited version of H. Stephenson's draft with the addition of siting and other potential grammatical revisions.

H. Stephenson asked the Board if she and B. Robinson could work on the edits for submittal to the school building committee. B. Robinson volunteered to amend his motion to give him and H. Stephenson the permission to add the necessary information about the siting from the original study along with additional minor tweaks. C. Doble wanted to make sure that they added the recommendations they had discussed earlier such as the overburdening of State Road. D. Bellante-Holand seconded the revised motion. The motion carried. 5/0/0

M. Loberg thought they should open their draft letter with a quote from the architect's report to the MSBA, and a statement clearly stating that the Planning Board concurs with their assessment. D. Bellante- Holand agreed.

CORRESPONDENCE RECEIVED:

1. Tisbury Conservation Commission

- A. Public Hearing – MassDOT (Bicycle & Pedestrian improvements |Beach Rd)
- B. Public Hearing - Louis & Elizabeth Larsen, AP 09B19.1-.3 (2nd floor addition)

2. Tisbury Zoning Board of Appeals

- A. Public Hearing – Put an egg on it LLC, AP 07F22 (Food Service Establishment|B1)
- B. Public Hearing – Anne Marie Eddy, AP 07F21 (Outside display|B1)
- C. Public Hearing – Christine Flynn, AP 04H05 (Accessory Apartment)
- D. Public Hearing – MV Museum, AP 09A25 (modification |height for a shed)
- E. Public Hearing – Howard & Elaine Miller, AP 11A07 (height modification|coastal)

3. Quinlan

Other business not reasonably anticipated 48 hours in advance of meeting

PRO FORM Meeting opened, conducted and closed in due form at 9:00 P.M.
(m/s/c 5/0/0)
Respectfully submitted;

Patricia V. Harris, Secretary

APPROVAL: Approved and accepted as official minutes;

Date

Benjamin Robinson
Chairman