

# PLANNING BOARD

TOWN OF TISBURY  
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## MEETING MINUTES

**DATE:** January 20, 2016

**TIME:** 6:00 PM

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

**BILLS:** Postage.....\$98.00

**MINUTES:** As referred in the January 6, 2016 Meeting Agenda  
30 December 2015 M/S/C 4/0/1 H. Stephenson abstained  
06 January 2016 M/S/C 4/0/1 H. Stephenson abstained

## APPOINTMENT:

6:00 PM Douglas Hoehn, SB& H Inc. re: Form A application – Heikki Soikkeli, Short Hill Road, AP 22A4.3  
Attendance: M. Loberg, Board of Selectmen

D. Hoehn submitted a Form A division of land within the BI District with a proposal for two additional building lots. Board members were informed that the proposal incorporated the small triangular lot, the Town conveyed to the applicant in exchange for the connector road easement.

It was noted that the BII District had a ‘zero’ frontage and lot size requirement. The proposed lots were a minimum of 10,000 sq. ft. each to qualify for an apartment. B. Robinson inquired if the frontage and access for Lot 1 was Vickers Way (formerly Dickson Way). D. Seidman clarified that the issue the Board had to address was the adequacy of Short Hill Road for ANR purposes under the Subdivision Control Law.

B. Robinson understood, but noted that the road they’ve referred to as Vickers’s Way was not continuous. D. Holand informed the Board that the street sign implied Vicker’s Way ran across Vineyard House’s parking lot. The board secretary was instructed to investigate the road layout.

D. Hoehn advised the Board that the division of land was within the BII District, which required a referral to the MV Commission for a concurrence review. D. Seidman asked the Board for a motion. B. Robinson moved to refer the division of land to the MV Commission for a concurrence review. H. Stephenson seconded the motion. D. Seidman opened the discussions.

H. Stephenson inquired if the referral would in any way impact the easement, the town secured for the connector road. D. Hoehn and D. Seidman replied in the negative. D.

Holand requested a clarification regarding the impact the grant of an easement may have on the land area of a lot. D. Hoehn replied in the negative, and clarified that one could not build on the easement because one would potentially obstruct the use of the easement.

B. Robinson inquired about the design and asked the applicant for information. The applicant replied that the skewed property line provided additional land area to prevent the need to encroach on the easement.

H. Stephenson inquired about the width of the easement. She was curious to know if it was intended to accommodate a bike path. D. Hoehn indicated that the easement fanned out and varied in width, but was not less than 30 ft wide. There being no further discussion, D. Seidman entertained a vote. The Board voted unanimously to refer the proposal to the MVC. 5/0/0

C. Doble recommended discussing the Form A at their next meeting, so that they can prepare a comment for the MV Commission.

### **BOARD DISCUSSIONS:**

1. Planning Board  
RE: Rules and Responsibilities

2. Planning Board Committees  
Re: Appointments

<u>Board and/or Committee</u>	<u>Representatives</u>	<u>Term</u>
Land Bank Advisory Committee	Vacant	30 June 2016
Harbor Management Committee	Vacant	30 June 2016

H. Stephenson and D. Holand were appointed to serve as the Planning Board's representatives on the Land Bank Advisory Committee and Harbor Management Committee, respectively. 5/0/0

H. Stephenson volunteered to work with C. Doble and B. Robinson on the Vision Council. She inquired if this would present an issue for the Board, given that three members constituted a quorum. D. Seidman thought the issue was more about perception. As long as board members did not discuss or decide on matters pending before the Planning Board, he did not believe it was not improper. M. Loberg concurred noting that members were not prohibited from attending seminars or workshops together as a group. It was however her impression that if three Planning Board members met during Vision Council matters, they might have to post their meeting.

C. Doble questioned whether the posting requirement applied, if the meetings were primarily informational, used to organize presentations or to facilitate different projects. M. Loberg recommended contacting the Attorney General's office.

### 3. Zoning Bylaw Amendments

#### A. Accessory Apartments

Board members were informed that the definitions in the section of the bylaw were relocated to section 02.00 (Definitions) as recommended by A. Turner, Exec. Dir. of the MV Commission.

H. Stephenson inquired about the author and source of the revisions. D. Seidman replied that the Planning Board in previous discussions agreed to incorporate language within their existing regulations to encourage the development of affordable units. The Town of West Tisbury had a regulation in place, so they decided to use the regulation as a template. The draft proposal included language from both towns. The bold print highlighted the language to be added and the stricken text illustrated the language to be deleted.

H. Stephenson explained that she and her spouse owned two single family dwellings in their neighborhood and would like the opportunity to add auxiliary units. The neighborhood she lived in contained affordable housing/units. She thought the town could encourage the natural production of affordable units if they simply allowed property owners the right to construct accessory apartments. The proposed bylaw eliminated the ability to do this, unless it was 'affordable'. Property owners no longer controlled the rent, because the regulation assigned the responsibility to DCRHA.

D. Seidman explained that the regulation was an attempt to increase the number of affordable units. It exempted property owners from the restriction if the unit was to be used by a caretaker or family members. C. Doble inquired if the proposed bylaw amendment eliminated anyone from legitimately creating an apartment for rent at market value. H. Stephenson replied in the affirmative. C. Doble was of the impression that the Board wanted to generate a regulation that created an exemption from the requirements of the bylaw, with the understanding that the accessory apartment would have to be designated affordable in perpetuity. D. Holand noted that it would prevent H. Stephenson from renting out the unit in the off-season. H. Stephenson added that it also placed the burden of providing affordable housing on the shoulders of the homeowners, for whom the existing regulation permitted the accessory unit as a source of income that would allow them to afford their homes.

D. Seidman noted that homeowners could collect \$1133.00/month (without utilities) for a two bedroom unit at 80% of the average mean income. He thought that was reasonable. H. Stephenson did not think the regulation was fair to homeowners. If they were keen on increasing the affordable housing stock, they should relax the regulations to allow two apartments. B. Robinson noted that the units were being eliminated from the affordable pool, because property owners were taking advantage of the summer rentals, which went at market value. The units were no longer available year-round, and stayed empty until the summer. From personal observation and experience, D. Holand indicated that the target population rarely involved two individuals. She also questioned whether DCRHA had the ability to monitor and enforce the regulation for the anticipated units. They had a small office. D. Seidman, DCRHA's treasurer was familiar with their operation, and believed they could easily manage the few additional units. D. Holand inquired if he had an idea about the number of units the Planning Board anticipated would be generated with the proposed bylaw amendment. Based on West Tisbury's experience, D. Seidman understood they generated an additional sixteen units since the regulation's adoption.

D. Holand inquired if the rent was subsidized. D. Seidman replied in the negative, and explained that they wanted to prevent the seasonal shuffle and to introduce affordable units into the neighborhoods. H. Stephenson understood, but did believe the homeowners should bear the total burden. It obliterated the benefits homeowners enjoyed in the existing regulation. D. Seidman clarified that it was not what they wanted to achieve. B. Robinson inquired if West Tisbury had an accessory unit bylaw before they adopted the existing regulation. D. Seidman replied in the affirmative.

B. Robinson explained that the intent was to expand a person's ability to create an accessory apartment without meeting the minimum criteria, with the understanding that the unit had to be affordable. The proposal did not make this clear. D. Seidman concurred and asked H. Stephenson if she would be willing to submit a revised proposal that allowed for an exemption from existing requirements, under the proviso that the exemption solely applied to an affordable accessory apartment. H. Stephenson thought the revision would have to be a subset, separate from the existing regulation.

B. Robinson thought there had to be an incentive. He also noted that the term "residential unit" in section b. of existing bylaw had to be clarified. D. Seidman suggested looking into a real estate tax credit or abatement. H. Stephenson thought they could allow property owners the ability to create more than one auxiliary apartment. B. Robinson concurred, provided that the allowance for a second unit in a dwelling that was not a primary residence was affordable. The language could be incorporated in d. It was the only criteria they could attach an incentive. D. Holand agreed.

C. Doble thought they could make more of an impact if they looked at strategies to repurpose vacant or underutilized structures. Board members agreed. D. Seidman advised C. Coble that if they wanted the units to count towards the 10% affordable housing stock the properties had to be permanently deed restricted. D. Holand thought the restriction on the use of the apartment was reasonable, but could not imagine anyone agreeing to a deed restriction on the entire property. D. Seidman indicated that the deed restriction was attached to the apartment only, so that if they removed the unit, the deed restriction disappeared. He thought the suggestion provided an opportunity for tiny houses. B. Robinson advised D. Seidman that they would have to look at the area requirements, parking, etc.

D. Seidman asked H. Stephenson to submit her recommendations to the Board for further discussion. He agreed with H. Stephenson and verified that the Board never intended to remove a right town citizens currently enjoyed by special permit.

#### B. Definitions (various sections)

The board secretary advised the Board that several of the definitions that were located throughout the bylaw were relocated in section 02.00. All of the additions were highlighted in bold print. The bylaw amendment was scheduled to be heard at a hearing on February 3, 2016.

#### 4. CPTC

RE: Annual Conference, 19 March 2016

D. Seidman encouraged the newly appointed members to consider attending the Citizen Planning Training Conference on March 19, 2016. C. Doble noted that they also offered several courses throughout the year at different locations. She recommended the seminars offered on the island, because they were much more relevant to the issues they

faced on the island. The certifications they obtained for participating in each session allowed the town to secure a discount on their liability insurance. D. Seidman, C. Doble, B. Robinson and D. Holand expressed an interest in attending the conference. D. Holand indicated that she would confirm her availability.

### Complete Streets

D. Seidman, B. Robinson and C. Doble expressed an interest in attending the session that was being offered on March 16, 2016 at the MV Commission.

C. Doble thought the Board had to consider adopting a Complete Street bylaw in the following year, because it was a funding vehicle for street improvements. The MV Commission had a template they could review and possibly adopt.

H. Stephenson recommended keeping an eye on Cape Cod and Nantucket for seminars or workshops as well. The Cape had interesting information on a Blue Economy. D. Seidman informed the Board that he and others (?) had arranged a presentation on the subject 'Blue Economy and scheduled on March 9, 2016 at 6PM.

### 5. Planning Board Goals 2016/2017

C. Doble created a list of the topics that warranted further review, and wanted to share the information in the hopes the Board would agree and begin addressing the projects.

Topics raised included:

- A. The adoption of a Complete Street Policy or bylaw
- B. Representation in the Board of Selectmen's Parking Study Committee – M. Loberg indicated that they want to have a Planning Board serve, a representative from the DPW, a member of the Board of Selectmen, a member of the police department and a member at large (TBA). C. Doble suggested adding a staff member from the MV Commission. B. Robinson agreed.
- C. SUP connection to Lagoon Road – C. Doble learned that the project was already underway as part of the Beach Road improvement.
- D. Housing Production Study – D. Seidman noted that the All Island Planning Board was conducting the study, which would eventually require town participation and approval.
- E. Developing Local Area Plans – B. Robinson wanted to start with Cromwell Lane, because he thought it was the most vulnerable component in the business district. It would also protect the Town's interests when Stop-N-Shop returns with a new application. C. Doble thought should pursue the business districts and the waterfront. M. Loberg inquired if it would include the floating structures. C. Doble replied in the affirmative.
- F. Connector Road – H. Stephenson thought it warranted the Board's further consideration, because it could open an area for affordable housing, which would impact the housing production study. Board members agreed.
- G. Harbor Study – M. Loberg thought they should include the floating structures. C. Doble thought of pursuing the subject as an area plan that would eventually initiate a discussion with the property owners and lead to a bylaw amendment. B. Robinson recommended researching the state's requirements for area plans. H. Stephenson recommended a discussion on the waterfront commercial districts regulations as part of the study.
- H. Parks and Recreation (park inventory)- The board secretary provided the Planning Board information about the state general law explaining that they could serve as

the Park Commissioners by town meeting vote. MGL C. 45 & 41 explained the commissioner's responsibilities, which included the development of a parks plan.

D. Seidman informed the Board that "people related to the Board of Selectmen" had asked him if the Planning Board would give the Board of Selectmen the opportunity to re-organize the former DPW. C. Doble clarified that she never suggested that the Planning Board should assume the responsibility of managing the parks department. She thought the town administrator had asked the Planning Board to support the recommendation for a parks commission. She supported the recommendation, because a large portion of the maintenance, budget, etc. was influenced by a plan. Board members agreed.

M. Loberg explained that the town administrator was presently re-allocating personnel and resources as he reorganized the former DPW. The Board of Selectmen was leaning towards having the parks managed by an independent board. B. Robinson recommended that the independent board be elected.

D. Holand inquired if the board would be responsible for sponsoring and managing the events. M. Loberg noted that some of the existing responsibilities had been assigned to town hall and DPW staff. Until the DPW was re-organized, the Town Administrator had temporarily assumed this responsibility. D. Holand believed they had to ask themselves how ambitious they wanted to be to decide on a budget.

D. Seidman thought they had to give the town administrator some time to re-organize the DPW, and to review their budget. C. Doble thought it was important to have an inventory of their parks. One did not exist. D. Seidman recommended adding the inventory to the list of Planning Board projects.

C. Doble offered to re-write the list and add a few comments before she circulated it to fellow board members. The revised list was a subject she wanted placed on the Board's next meeting agenda.

#### 6. Beach Road Improvements

##### A. Mass DOT's 25% Submittal

##### B. Frank Brunelle's comments and recommendations

B. Robinson reported that the Tisbury Beach Road Sub-committee met yesterday to review MassDOT's 25% design on the hybrid, and briefly presented their findings.

#### Utility Poles

Much to the subcommittee's surprise, the utility poles were still located within the layout of the sidewalk. The subcommittee members thought they should review the number of poles and determine if any of the poles could be eliminated, since their recommendation to have them buried underground was cost prohibitive.

They had to approach the utility company and property owners about any alternative. They also wanted to explore the possibility of removing the overhead wires that crossed the road and have them rerouted underground.

### Crosswalks

B. Robinson advised the Board that the state opted to stay within the 41 ft. wide road layout, and in doing so reduced the SUP by 1 ft. and the buffer by 1.5 ft. It appeared to him that the state added a permanent easement outside the right-of-way, between the Tisbury Wharf and the gas station to accommodate the new seawall and to maintain the 3'-4' wide buffer.

He noticed that they also kept the sidewalk at the apex of gas station, right across the street to the Beach Road Restaurant. The committee wanted to recommend the possibility of relocating the crosswalk further east to the vacant lot so that it pulled the SUP away from the congestion at the gas station. The suggestion however could present a problem with the "sight lines". M. Loberg drove down Beach Road and felt the new location impacted the sight line. B. Robinson thought they could alter the sight line easements to make it work.

B. Robinson recommended asking the state to return the crosswalk at the Net Result and to add another crosswalk mid-block near the Artcliff Diner because of the current foot traffic in the area. He thought they should also inquire about the crosswalk materials, to know what their options are, in addition to paint.

### Drainage

B. Robinson indicated that the state did not include any information about drainage between the MV Times to the Net Result. He thought it was important to know if it was an oversight, or if the state was not proposing a drainage plan for the one section of the road. H. Stephenson inquired if the plans pertained to the Tristan's hybrid-hybrid. D. Seidman replied in the affirmative, clarifying that it included 300 ft.- 400 ft. of sidewalk on the north side of the road.

B. Robinson indicated that they also had to ask the state about the filtration methods they intended to employ to protect the harbor and lagoon from road drainage.

### Curb Cuts

B. Robinson listed all of the curb cuts (A – S) and noted several were wider than they should be. The subcommittee thought they should be uniformed in width, and were going to recommend that they reduce the one-way curb cut with low traffic volume to 12 ft. and the two-way curb cut to 24 ft. in width. He acknowledged that there were few exceptions within the industrial zone, such as the shipyard, the lumberyard, etc.

Board members were advised that the uniformity allowed for continuity in the sidewalks, and improved the SUP.

### Speed Limit Signs

B. Robinson noted that the subcommittee was going to recommend a uniform speed limit for the entire stretch of road and the relocation of signs to the east side of the crosswalks.

Other discussions ensued with regards to the costs and responsibility of costs to relocate the utility poles vs burying them underground.

B. Robinson invited H. Stephenson and D. Holand to review the plans and to submit any recommendations they'd like the state to entertain to the subcommittee before they met with MassDOT on 01/29/16. They were meeting with the department in District 5 (Taunton, MA) to present their notes/recommendations.

D. Seidman asked the board if they would enter a motion allowing him and B. Robinson to obtain ferry tickets for the meeting. C. Doble moved to provide D. Seidman and B. Robinson's round trip passenger tickets for their trip to District 5 in Taunton, MA. D. Holand seconded the motion, which motion carried. m/s/c 5/0/0

M. Loberg had a recommendation for the subcommittee. She recalled that they asked the state how they intended to address the drainage issues in the area, and raised the subject of purchasing land. The Nelson property presented an opportunity for both the town and state, because lot provided the town land area for an easement, and it provided the state land for drainage. H. Stephenson thought the property had a potential for multiple uses. The Board agreed. M. Loberg questioned whether they could approach the MV Commission's CPC funds for the purchase of the lot, since the easement was the SUP was part of the island wide network. The other option was to pursue the property under eminent domain.

#### 7. Town Report

RE: B. Robinson's Draft

Board members reviewed the draft for errors or recommendations. D. Holand recommended a few grammatical corrections, and suggested including the particular sections of the bylaw amendments they were going to present at town meeting to make it easier for a person to locate. It was noted that the bylaw amendments were posted on the website.

B. Robinson offered to revise the town report accordingly and to submit the final draft to the board secretary.

#### **CORRESPONDENCE RECEIVED:**

1. J. Hillary Conklin, Town Clerk  
A. Planning Board Appointments  
B. Nomination Papers

2. All Island Planning Board  
RE: Housing Work Group Proposed Charter

3. Thompson Reuter  
RE: Zoning Bulletin, 25 December 2015

4. Frank Brunelle  
RE: Letter of Resignation

D. Seidman read F. Brunelle's letter of resignation to the Planning Board members from his position as an associate member. The letter enumerated the reason(s) for resigning and included an apology for the inconvenience,



H. Stephenson sympathized with F. Brunelle. She too would have liked to know about the Beach Road meeting. D. Seidman explained that it was a subcommittee meeting. The Planning Board posted the meeting to accommodate C. Doble, who expressed an interest in hearing the discussions. He assumed the Board of Selectmen followed the same protocol when T. Israel expressed a similar interest. H. Stephenson asked to be informed of the subcommittee's meeting, as she would like to participate in the discussions. B. Robinson advised her that the subcommittee was a working group that reported to the Board of Selectmen, the public were welcomed, but not allowed to participate in the discussions. As board members, they reported their findings to the Planning Board, at which time members of the public and the board had the ability to express their thoughts. H. Stephenson inquired if they were open to the public. B. Robinson replied in the affirmative. H. Stephenson reiterated her interest in the subject and in being informed about the subcommittee's meeting schedule. D. Seidman acknowledged and clarified for the record that members of the public would have ample opportunity to voice their opinions on the subject during the Board of Selectmen's meetings.

Additional discussions ensued, and it was noted that ad hoc committees met in working sessions that were not required to be posted. Typically they were organized by a municipal board for a specific purpose and timeframe. C. Doble thought they could resolve the issue by adding the information on the town's calendar. D. Seidman and B. Robinson concurred.

D. Seidman entertained a motion to accept F. Brunelle's resignation. B. Robinson moved to accept F. Brunelle's letter of resignation. C. Doble seconded the motion, which motion carried. 5/0/0

**PRO FORM**

Meeting opened, conducted and closed in due form at  
9:00 P.M. (m/s/c 5/0/0)  
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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Cheryl Doble  
Chairman Pro Tem