

PLANNING BOARD

TOWN OF TISBURY
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MEETING MINUTES

DATE: April 6, 2016

TIME: 6:00 PM

PLACE: Town Hall Annex, 66 High Point Lane

ATTENDANCE: Bellante-Holand, Robinson, Seidman, Stephenson

BILLS: Petty Cash.....\$.50
WB Mason.....\$107.19
P. Harris\$ 3.78

MINUTES: As referred in the March 16, 2016 Meeting Agenda
02 March 2016 m/s/c 4/0/0
16 March 2016 m/s/c 4/0/0

APPOINTMENT:

6:00 PM Douglas Hoehn, SB&H Inc. and Heikki Soikelli – Form A application off Short Hill Road, AP

D. Seidman read P. Foley, the MV Commission DRI Coordinator's letter, dated April 6, 2016 to the Planning Board noting that the Commissioners, on March 17, 2016 did not find the division of land significant enough to warrant a DRI Review.

D. Hoehn advised the board that the MV Commission brought to his attention, that the Town required a 350 ft. distance between curb cuts within the BII District. He modified the plan to include a notation stating that "There shall be only one access to this property from Short Hill Road." so that it was understood that the two 10,000 sq. ft. lots were going to share a common access on Short Hill Road.

B. Robinson inquired about the existing building's access. D. Hoehn replied that it was off Vickers Way. B. Robinson inquired about the 3rd lot's impact on the connector road easement. He questioned whether there was sufficient land area for the building envelope relative to the 30 ft. wide town easement. D. Hoehn believed they had more than sufficient land area to develop the lot without compromising the town easement.

There being no further discussion, D. Seidman entertained a motion. D. Bellante-Holand

moved to endorse the division of land presented by D. Hoehn for H. Soikelli as an ANR under the Subdivision Control Law. B. Robinson seconded the motion, and the motion carried. 4/0/0

6:09 PM Tisbury School Building Committee
Attendance: John Custer, Colleen McAndrews, L.A. Peak, ME Larsen, M.
 Loberg, J. Kristal

John Custer, Vineyard Haven Public School Principal informed the Planning Board members that he and members of the School Building Committee met with the Massachusetts School Building Authority (MSBA) earlier in the afternoon to discuss the details of the “partnership process” now that they’ve been deemed eligible.

C. McAndrews understood that the \$825,000 fee that was being requested at town meeting covered the expenses in the formation of a project team (including a project manager), and the development of a Feasibility Study and schematic design (the initial three steps of the process). D. Bellante-Holand inquired if they knew who the parties would be as part of the process. C. McAndrews replied in the negative.

D. Bellante-Holand inquired if they owned the schematic design. J. Custer did not know, and offered to follow up on the question with the MSBA. D. Bellante-Holand asked how they arrived at the \$825,000.00 quote. J. Custer replied that the M. D’Andrea, the Superintendent of Schools had contacted 4-5 communities with similar demographics, school enrollment (325 students), etc. for information. He noted that the dollar amount was a high end quote, but that they were also pursuing funds for a school with grades K-8, which was a rare model. J. Custer noted that they tried researching applications from other communities, but were unable to secure much information, given that many of the projects that were awarded funding in 2014 were still in the initial phases.

B. Robinson inquired if they anticipated any hurdles. J. Custer indicated that the MSBA will be working with the town as a partner throughout the entire process. They made it clear to them that they were not going to be reimbursed for the project type that is deemed appropriate for their situation, and nothing more. There were minimum requirements. There was not negotiating room for special education, library(ies), technology, science and health (school nurse quarters). This meant that they had to address the subspace requirements for which they were recently cited. The MSBA provides the town with a schematic for a model school that the town can decide to pursue or not, if they are willing to pay. B. Robinson inquired if the town is involved in the building process. J. Custer replied in the affirmative.

D. Bellante-Holand inquired if there were on-going inspection fees or additional costs involved as part of the program. J. Custer replied that it was all inclusive and part of the \$825,000.00. D. Bellante-Holand inquired if the \$825,000.00 would result in the completion of the project, even if they were looking at 4- 5 years. J. Custer explained that the school project did not have a deadline, but noted that the common timeline for similar projects were approximately 1-2 years for this phase. B. Robinson inquired if the projected costs for the

construction phase would be included with the schematic design. D. Seidman thought they were going to get the estimated construction costs for each option with the schematic design. B. Robinson noted that they'd need detailed specifications of the building, materials, plumbing, electric, etc. to have an actual construction cost. Additional discussions ensued, and it was agreed that the committee at the most would be only have the projected costs for all of the potential options, so that they could anticipate another layer of design costs after they've spent the \$825,000.00.

J. Kristal inquired if the \$825,000.00 was reimbursable by the state. C. McAndrews thought it was possible. J. Custer understood that they had to be careful not to give anyone this impression, because the funds were not reimbursed in all instances. They did not reimburse any funds that exceeded the MSBA's definition of customary and associated costs. D. Seidman added that they also had to understand that they would not be reimbursed the full amount, but at the assigned rate of 41.26%.

ME Larsen inquired if the school building committee intended to give the town the option to make a determination on the final option, or make a recommendation at town meeting. J. Custer assured her that they would hold a series of meetings before approaching the town voters at town meeting. C. McAndrews explained that there were two local votes involved in the process. The first requires local authorization, and the second vote pertains to funding the project. B. Robinson understood, noting that the vote however was going to be based on a projected cost as opposed a true estimate. B. Robinson noted that a schematic drawing was not going to have the specifications or details to price the job. D. Seidman asked J. Custer to contact the MSBA to inquire if the \$825,000.00 was going to provide them with construction drawings and full specifications.

LA Peak did not favor having four middle schools on island, noting that it was suggested in past discussions. If the towns voted in favor of a more regional option, Tisbury did not have to accommodate the middle school as part of the project, which eliminated the need for lab classes or laboratories. He expressed a concern about the financial burden they were being asked to shoulder with the school system's budget (40 million), and this year's request for a new school building. He felt the school system could save the island a fair amount of money if they combined all six towns' middle schools.

H. Stephenson inquired if the funds could be used to study the use of the school building if it was decided that a new construction was necessary. D. Seidman replied in the negative. He explained that the \$825,000.00 was a fee the town was being asked to submit to work in partnership with the MSBA to study the town's school building needs for its student population. The study was to provide them with the options.

BOARD DISCUSSIONS:

1. Town Meeting Warrant Articles

A. Special and Annual

B. Zoning Bylaw Amendments (Information sheet, assignment of presentations)

Board members were advised that the Finance & Advisory Committee members discussed the Planning Board's budget on March 3, 2016 and approved their revisions.

They met on the Planning Board's articles on March 23, 2016 and voted to support the Floodplain District, and the revised definition for height. They opted not to take any action on the revisions proposed for section 02.00, Definitions and "not to recommend" their proposals for the adoption of the Mullin Rule, BII District regulation, and Site Plan Review Board.

According to FinCom's administrative assistant, the Committee members deferred to the Building Inspector for information on the Planning Board's articles, which may have led to the confusion and/or misinformation.

Article 13

B. Robinson asked J. Kristal to clarify the Finance & Advisory Committee's objection(s) to the adoption of the Mullin Rule. J. Kristal replied that they did not know if the Planning Board wanted the rule to apply to all adjudicatory boards. D. Seidman and B. Robinson replied in the affirmative. H. Stephenson requested a clarification regarding the use of the rule. D. Seidman indicated that it allowed a board member to continue to participate in the public hearing process to vote on an application, if they missed one session. The rule required the one member to review any written or recorded material, and prove that they reviewed the material before they actually participated in the process. The article's adoption did not automatically allow a board to use the rule. Town boards were simply given the option to employ the rule, if they wanted to. It was a tool they could use to prevent a delay in the hearing process. J. Kristal opposed the article because he was of the impression that the language was intended for the Planning Board. It was his opinion that the rule should be applied across town government.

J. Kristal asked M. Loberg if he understood the Board of Selectmen did not support the article. M. Loberg replied in the affirmative. D. Bellante-Holand asked M. Loberg to explain the Selectmen's reason(s) for not supporting the concept. M. Loberg replied that the Selectmen felt very strongly that board and committee members should be present at their meetings and engaged in face-to face conversations with applicants.

D. Bellante-Holand inquired if the Planning Board felt they should pursue a presentation for town meeting. D. Seidman did not think they needed a formal presentation. H. Stephenson was concerned that the warrant reflected FinCom's vote "not to recommend" their proposal, so that it was important to have them clarify their reason(s) for taking this position. J. Kristal thought they should revise the language to clarify that the rule was being applied across the board. He recommended emailing the new language to FinCom so that they can discuss the revision at their meeting at 6:15 PM. D. Seidman did not believe a revision was required. B. Robinson noted that the language clearly indicated that the rule was intended to apply to everyone in town. J. Kristal thought the warrant article raised questions, when it was noted that the Planning Board sponsored the article, when the custom would have been to see it submitted by the Board of Selectmen. Following additional discussions, J. Kristal recommended sending him an email asking FinCom to reconsider their vote, so that he can approach the members.

H. Stephenson asked the board if they had any suggestions about minimizing FinCom's vote on the article. J. Kristal replied that D. Seidman, during his report to the town could add a few words explaining FinCom's revised position.

D. Seidman inquired about FinCom's vote on their proposal for the BII District. J. Kristal indicated that they relied heavily on K. Barwick's recommendations. He admitted that the proposal made him feel that they were adding an extra layer of regulation, so that appeared to be "anti-business". He thought it unnecessary. The local and regional review process postponed projects for three to six months. B. Robinson explained that the regulations were identical to the ones in the BI District and the Waterfront Commercial District, so that all of their commercial zones were going to be regulated in the same way. In regulating projects in the BII District, the MV Commission could relinquish regulatory control to the local boards. B. Veno noted that the Commissioners always deferred to a town, if they had a review process in place. J. Kristal noted that the MV Commission already had a regulation for projects with a 2000 sq. ft. threshold. The article proposed an additional regulation that placed a burden on an applicant. B. Robinson clarified that the regional review process may not occur if the MV Commission believed the town's regulations were sufficient. If they did not concur with the referral they had the power to remand the application back to the town.

D. Bellante-Holand noted that the regulation applied to structures of 3000 sq. ft. or more, which would have an impact on the landscape and character of the area. It provided them with some oversight on a project that they currently did not have. J. Kristal inquired about the MV Commission's threshold for the BII District. B. Veno replied 3000 sq. ft. LA Peak recalled that the MV Commission has always encouraged the towns to adopt regulations to review the larger projects. J. Kristal recommended having a board member meet with FinCom to explain the purpose of the BII District regulation. It was his opinion that the Board should send their representative(s) at 6:15 PM to review all of the articles they disapproved, so that they could address any change in vote on town floor.

Article 15

LA Peak asked the Board to explain their reason(s) for wanting to delete the section. The board secretary explained that it was the one section of the bylaw they forgot to remove when they reconstituted the Site Plan Review Board last year. It was a minor oversight, when they considered the fact that they were deleting and revising several sections of the bylaw to merge the responsibilities of three separate review board into one.

The language in question was relocated to section 10.06, and pertains to the review process listed for the Island Road District, Waterfront Commercial District and Coastal District. H. Stephenson noted that the building inspector did not support their proposal as well.

On a separate note, D. Seidman inquired about the need to hold discussions on non-monetary articles, such as bylaw amendments with the Finance and Advisory board, when state statute limited the review process at a duly noticed public hearing. He explained that state regulation prohibited the board from having a discussion on a bylaw amendment unless the discussion was taking place in a hearing within a certain timeframe before special town meeting. J. Kristal thought FinCom could resolve the issue by holding a joint meeting with the Planning Board, so that they could attend the hearings.

Article 7

M. Loberg asked the Board if they would speak in support of the funds being requested. D. Seidman inquired if the \$300,000.00 being asked for was solely for the preliminary

engineering services. M. Loberg replied in the affirmative. D. Seidman did not understand why the state or utility companies would not provide them with an estimate. M. Loberg replied that the state refused to assume the responsibility, and NStar was not inclined to assist. The article however would provide the town an understanding of what the actual cost will be for the underground installation of the utility poles, what the town's share of the cost will be, and that of the property owners impacted by this project. Without the information, it was difficult to gauge whether the town wanted them to pursue this project or not.

B. Robinson noted that he had a difficult time supporting the article. M. Loberg understood, but felt it was important to bring the subject to the table, so that they heard from the voters if they wanted to pursue this project or abandon it all together. B. Robinson inquired if the Board of Selectmen supported the article. M. Loberg clarified that the Board of Selectmen did not feel they should be the sole individuals to make a decision on this issue, when it was significant project. They wanted to give the town voters to opportunity to make the decision.

D. Seidman did not feel comfortable taking a formal position on the subject as a Board. He preferred speaking on the article as individuals. Board members concurred. He felt it should be a town decision.

Planning Board Warrant Articles (Presentations and handouts)

D. Bellante-Holand inquired if the Planning Board had plans to make a presentation on any of the articles and if they were interested in preparing an informational sheet that described and explained the intent for the bylaw amendments. B. Robinson thought they should, and asked D. Seidman if he was interested in making a presentation on any of the articles.

The board secretary advised the Board that the Town Moderator, D. Medders recommending a quick and brief overview of the amendments, so that voters were prompted to ask questions about the regulation. She recommended limiting the scope of the presentation to their reason(s) for pursuing the revisions, and leaving a more in-depth explanation in the Q & A that followed.

D. Seidman volunteered to make a brief presentation on Article 13. He did not think the topic was complicated to warrant a detailed explanation in the form of a handout. B. Robinson thought the handout could be structured to cover the more salient points for each of their warrant articles. D. Seidman thought a simple verbal presentation was sufficient.

B. Robinson clarified that he was proposing to draft an informational fact sheet that would include some of the more salient points of their presentations, or simply clarify the purpose for the revisions. D. Bellante-Holand thought they should recommend some action on the articles, and suggested adding a line stating that the Planning Board supports the following articles. B. Robinson offered to email the Board members a draft for their comment and final approval. Board members accepted B. Robinson's offer.

2. Board Secretary
RE: Vacation (4/22, 4/29, 5/6, 5/27, 6/3)

The Planning Board acknowledged and approved the board secretary's request for vacation days. 4/0/0

3. David Doneski, Town Counsel
RE: Island Cove Miniature Golf Club's Appeal

D. Seidman noted that Town Counsel's email implied that the issue did not pertain to the Planning Board as much as it did between the plaintiff and the property owner and developer.

Board members were advised that Town Counsel offered to contact the plaintiff's attorney to find out where they were in the process, and if the complaint was going to be dismissed.

B. Veno, staff planner at the MV Commission informed the Board that the MV Commission was holding a site visit at C. Dias' property tomorrow (April 7) from 5P – 6:30P prior to the continuation of the public hearing that evening.

4. Tisbury Finance & Advisory Committee
RE: Recommendations

CORRESPONDENCE RECEIVED:

1. Deborah Medders, Town Moderator
RE: Annual and Special Town Meeting Procedure

D. Seidman offered to give the Planning Board's report on all of the warrant articles, except for Article 14. He thought B. Robinson should report on the article, given his familiarity with the proposed bylaw amendment. B. Robinson agreed.

2. Lynn Fraker's Open Meeting Law Complaint
A. John Grande's letter to the AG's Office
B. AG's Office response to the town

Board members were advised that the AG was in receipt of Ms. Fraker's complaint and in the process of investigating the complaint.

3. Tisbury Board of Appeals
A. Case #2242 – Evelyn & Joseph Alosso, AP 23A38
B. Case #2245 – Valerio Luis DeStefani, AP 07F13
C. Case #2247 – Casey Decker, AP 21B5.2

4. Aquinnah Planning Board
RE: Bylaw amendments

5. Thomas Reuters
A. Zoning Bulletin, 25 February 2016
B. Zoning Bulletin, 10 March 2016

PRO FORM Meeting opened, conducted and closed in due form at
8:30 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