

# PLANNING BOARD

TOWN OF TISBURY  
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## MEETING MINUTES

**DATE:** May 18, 2016

**TIME:** 6:00 PM

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

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

**BILLS:** Petty Cash (Postage).....\$ 7.62  
Tisbury Printers.....\$400.00

**MEETING MINUTES:** As referred in the May 4, 2016 Meeting Agenda  
06 April 2016, 20 April 2016, and 04 May 2016-  
AVAILABLE

## APPOINTMENTS:

6:00 PM Public Hearing (Cont.): Wolf's Den Pizzeria, AP 09-B-17  
Attendance: None

Hearing commenced in due form at 6:00 PM. Planning Board Chairman, D. Seidman advised the Board that they had referred the application to the MV Commission, since it had been designated a previous DRI. He recommended continuing the hearing until June 1, 2016, at a time to be determined.

D. Seidman also recommended contacting the P. Foley, DRI Coordinator to inquire if the Commissioners would be reviewing the referral. There being no further discussion, the Board resumed their regularly scheduled session at 6:04 PM.

6:04 PM Priscilla Leclerc, MV Commission Re: Complete Streets  
Attendance: M. Loberg. N. Orleans, MV Commissioner

P. Leclerc reproduced Mass DOT's design guidebook on "Complete Streets" for the Board's review. She explained the theory behind the guiding principles, design and criterion. She noted that the application process required the attendance of town's representative(s) at one of the state's workshop for the first tier. This was completed when the Planning Board attended the workshop at the MV Commission.

The second tier required the development and submittal of a Complete Street policy. The MV Commission created a template for all six towns, and recommended that they review the document using the state's scoring sheet to make sure that future revisions met the state's minimum requirements. The final draft had to be approved and signed by the Board of Selectmen before it was submitted to the state.

In absence of an approved Complete Street policy, the town had the option of submitting a letter of intent as a place holder. B. Robinson inquired if the letter of intent served to complete the tier 1 status. P. Leclerc replied the affirmative, and explained that it would give them a year to submit a Complete Street policy, and to apply for funds to obtain the technical assistance they needed to create a prioritization plan.

B. Robinson requested a sample copy of a prioritization plan. P. LeClerc provided him with Mass DOT's template. B. Robinson noted that it did not include any specifications or plans. P. LeClerc clarified that they were essentially looking for a local design. They were not expecting the detailed engineering products created by Mass DOT. B. Robinson inquired if the funds were strictly for new constructions. P. LeClerc replied that they were allowed projects requiring light maintenance. C. Doble understood that the projects had to be shovel ready and completed within the year, otherwise they had to return the funds.

P. LeClerc concurred, and noted that the project had to be completed within nine months from July and six months from September. D. Seidman did not understand how the program integrated with the criteria for community compact. C. Doble understood that they earned bonus points if they self-selected to adopt or employ a community compact or best practice. The additional bonus points improved their chances in obtaining project funds.

C. Doble inquired if they should apply for funds (\$50,000.00) to hire a consultant to help them develop the prioritization plan, or develop their own prioritization plan and apply for the project funding in September. H. Stephenson advised her that they would have to be prepared to complete the project within six months. B. Robinson did not think they were prepared to apply for the technical assistance. He suggested submitting a prioritization plan and applying for project funding.

P. LeClerc informed the Board that she had contacted Nick Gross, a consultant from Howard, Stein, and Hudson who was interested in working with the island. N. Gross has been working on these projects and can help the town move forward on the prioritization plan. C. Doble inquired if they could apply for both. P. LeClerc thought they could, and advised them that they had to establish a portal site first, then submit a letter of intent. C. Doble thought they could use the funds to hire a consultant to do the larger planning (i.e. sidewalks). H. Stephenson inquired if the town already applied for these funds in the past. D. Seidman replied in the negative.

D. Seidman requested a clarification about the process to apply for the \$50,000.00 technical assistance that the Mass DOT was offering. P. Leclerc clarified that J. Grande had to sign in through the state's portal and efile the letter of intent if their policy is incomplete. C. Doble volunteered to review the MVC's template with recommendations for the Board's review. P. LeClerc indicated that on filing the letter of intent they could also apply for the \$50,000.00. D. Seidman asked if they were responsible for writing the letter of intent. M. Loberg understood that it was the town administrator's responsibility, because he was going to be the town's contact person with the state. P. LeClerc concurred.

H. Stephenson thought the parking committee or DPW should be given the opportunity to comment on the policy. B. Robinson explained that the policy was broad and vague in scope because it was essentially philosophical. He expected that they would be involved in the process when they begin to develop a prioritization plan. C. Doble explained that they had to communicate with one another to determine what they wanted to include on

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the list and in the order they wanted to complete the projects. It required a collaborative effort. D. Seidman asked C. Doble if she could prepare her recommendations for the policy within the next couple of weeks so that he could present their recommendation to the Board of the Selectmen. C. Doble replied in the affirmative. D. Seidman recommended inviting R. Tattersall and J. Grande to the meeting.

H. Stephenson requested a clarification regarding the use of the \$50,000.00. C. Doble replied that it was to hire a consultant that was going to help them complete all of the studies they've been requesting such as a parking study, sidewalk inventory, etc. She wanted them to look at the infrastructure, and identify the gaps in information to complete the streets, and bike paths. P. LeClerc added that it depended on the scope of the work. H. Stephenson remained skeptical about the benefits in having a consultant. C. Doble was concerned about the time frame. She did not think they had sufficient time to complete a prioritization plan by September. B. Robinson disagreed because all they were responsible for was generating a list. He felt the town could prioritize the projects. C. Doble thought it would benefit them to have a conversation with the consultant, who has experience in this type of project to inquire if what they are proposing is feasible within the state's deadlines. B. Robinson offered to contact the N. Gross, the consultant to ask him if he's developed similar plans for other communities, if he could work for the town, and what he would be providing the town for \$50,000.00 in the development of a prioritization plan.

7:29 PM      Executive Session – Potential violation of the open meeting

D. Seidman called the Executive Session to order at 7:29 PM, and opened the discussions explaining that he received a complaint about a letter C. Doble and B. Robinson co-authored to the MV Commission regarding a future application. He explained that they could have written letters as concerned citizens, but that the law prevented them from representing the Planning Board in their correspondence without the Planning Board's knowledge or consent. D. Seidman asked Board members to be careful in the future and to make sure that they acknowledge that their comments are their personal opinion(s).

B. Robinson clarified that the Planning Board was not adjudicating C. Dias' application. D. Seidman referred to the state statute and noted that if the proposal was "within their jurisdiction", they could not comment for the Board, unless they were directed by the Board. H. Stephenson noted that the MV Commission always solicited the town boards' opinions.

B. Robinson spoke with A. Turner about the letter and his request about adding a condition that would allow the applicant to modify his proposal at the Planning Board without having to re-apply for a modification. D. Seidman mentioned that the questions in the letter were already raised at a previous hearing, at which time they were hand delivered. B. Robinson followed up on their inquiry and no one had a record of their questions. D. Seidman noted that their questions were entered as verbal testimony. B. Robinson was present at the hearing, in which he read the Board's questions. B. Robinson did not find the questions were clearly answered. Their letter to the MV Commission solicited a more in-depth response for clarification purposes.

Board members were confused how the written opinion served as a violation of the open meeting law when all they requested was a clarification of the questions they've already submitted at a hearing. They did not understand how the public process could prevent them from commenting on a proposal. H. Stephenson noted that she wrote a letter to the MVC regarding the one applicant and signed as a Planning Board member without any

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repercussions. D. Seidman noted that she violated the open meeting law, because it implied that it was an opinion shared by the entire board, when it was not. It was the same issue, the anonymous individual had with C. Doble's and B. Robinson's letter.

Additional discussions ensued with this regard, and D. Seidman asked board members to be careful when they write a personal comment or opinion regarding a potential application. He stressed the importance in clarifying to the recipient that the content of the letter did not express the Planning Board's opinion.

C. Doble was concerned with the process in which their official communications were being sent or conveyed without any verification or follow up.. She asked the Board that all correspondence reflecting the Board's opinion be cc'd to every member, and followed up with the recipient to make sure that their correspondence is in fact being entered into the record. It would eliminate the need to send a second letter reiterating the same questions, D. Seidman hand delivered, that subsequently got lost at the MV Commission. Board members agreed.

**BOARD DISCUSSIONS:**

## 1. Complete Streets

RE: Initiating the application process

## 3. Tisbury Planning Board's Projects 2016/2017

## A. Area Plans

C. Doble indicated an interested in attending a workshop on the development of Area Plans in Hyannis, MA. P. LeClerc noted that C. Flynn from the MV Commission was attending the same workshop. She recommended contacting C. Flynn so that they can travel together.

C. Doble thought it would helpful to set aside a work session to review a map of the entire town to delineate the areas that shared certain characteristics, such as density, so that they could begin to study and generate area plans for the Water Street area or Beach Street area. She felt it was important to study how the areas were connected to one another, and thought the consultants could help with this portion of the study. C. Doble asked the Board if they would consider initiating the process by scheduling a work session to draft the criteria to delineate the areas, so that they could discuss the areas they wanted to address first. C. Doble indicated that she's been reviewing the Planning Board's reports from the past to pull pertinent data and ideas from which they could build on for the area plans.

B. Robinson agreed with C. Doble's proposal, and suggested having the town help them with the delineations in a workshop setting. N. Orleans inquired about the contents of an area plan. C. Doble replied that it would include information about the area's characteristics i.e. density, users, traffic circulation, potential for new development, water sea levels, etc. N. Orleans thought the information could eventually translate into a master plan. D. Seidman concurred. H. Stephenson thought they could develop a few area plans simultaneously, and hoped that the waterfront would be one of the first plans. B. Robinson agreed, and thought they should start with the business districts and the waterfront district.

## 4. Nontraditional Vessels

Attendance: P. LeClerc, N. Orleans

M. Loberg requested permission to speak about non-traditional vessels, specifically R. Brown's wood shop. R. Brown's original proposal was to have a wood shop that would circulate to the boats out in the moorings. Contrary to the proposal, the floating wood shop has been stationed in its current location for the past two years, and presently sported a ramp that connected him to shore. M. Loberg noted, that the structure had not been permitted, even though it could be considered an auxiliary structure.

D. Seidman inquired if it is considered a boat. M Loberg replied that it was a barge. D. Seidman inquired if had been licensed by the Coast Guard. M. Loberg did not know. She advised the Board that they now had a second floating structure. It was a little log cabin, from which J. Canha operated as a studio. What they recently discovered was that the structure contained sleeping accommodations.

M. Loberg indicated that the Harbor Management Committee was concerned that the appearance of these non-traditional vessels may warrant a separate regulation, since they were not providing water-dependent, commercial services like the small barges from NV Shipyard, that repaired boats out at the individual moorings. The Harbor Management Committee did not have an issue with R. Brown's proposal because he was operating a vessel. They were very uncomfortable with the studio because it was more of a floating house, and outside their purview.

When she spoke with the building department, K. Barwick indicated that he could not regulate water based uses or activities. The Conservation Commission indicated that the use was outside their jurisdiction. The Board of Selectmen's bylaws at present prohibit the use of a boat as a primary residence, and the length of time that one could stay on the boat (4 days). B. Robinson noted that the regulation was not enforced. M. Loberg and several board members concurred. It was noted for the record that the restriction was originally to prevent people from disposing human waste into the harbor. That no longer applied, because they offered pump out facilities until October.

B. Robinson inquired if the town's facilities could be made available year round. M. Loberg replied in the negative. B. Robinson inquired if that could change, pending demand. M. Loberg noted that they did not have the funds to extend the availability of the facilities, although there were two private facilities available. But people would have to go to these docks. D. Seidman thought they should designate an area where these structures or vessels could go.

M. Loberg indicated that the Harbor Management Committee concurred. They did not believe these structures blended well with the other vessels in the harbor. They've also considered restricting their numbers. N. Orleans thought a public hearing on the use was in order. Many people in town were not in favor with the new hybrids, and did not believe they were in keeping with the character of the harbor. B. Robinson cautioned N. Orleans that the town may have to adopt a different view or understanding if they want to keep some of the existing commercial enterprises with the rising sea.

M. Loberg had been thinking about a solution, and thought that the town could set aside some space in the lagoon to accommodate these floating structures. B. Robinson thought it made sense. M. Loberg noted that the Conservation Commission's only concern with the proposal was their impact to the shellfish. Given the complexities, the Board of Selectmen thought they needed to constitute a committee with representatives from the boards that had some connection to this problem or oversight (Conservation Commission, Planning Board, Harbor Management Committee, Harbormaster, and Shellfish). D.

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Seidman recommended adding R. Baker or J. Canha to the committee. He also asked M. Loberg to clarify what it was she was requesting of the Planning Board. It appeared to him that she was asking the Planning Board to create the subcommittee to address these floating structures. M. Loberg replied in the affirmative.

M. Loberg explained the purpose for approaching the Planning Board for assistance. She noted that they needed assistance with zoning, which was within their scope of address. The Harbor Management Committee was presently considering "zoning" the harbor. B. Robinson noted that most of the harbor was privately owned. The town did not have any shoreline where they could set up a system. They were going to have to rely on the private property owners.

Additional discussions ensued, and the Board agreed to create a committee. M. Loberg advised the Board that T. Israel was interested in the subject. D. Seidman thought the Planning Board should hold a public meeting on the subject and propose a one year moratorium, during which time they will have a committee looking into potential regulations. C. Doble and B. Robinson recommended constituting the committee first, before recommending the need for a moratorium. H. Stephenson did not believe they should grandfather the two structures, or adopt a moratorium at the time they announce the establishment of the committee. She felt the announcement would encourage people to risk having a similar structure out in the harbor before they adopted a regulation.

**CORRESPONDENCE RECEIVED:**

1. Priscilla LeClerc  
RE: Complete Streets

2. Tisbury Street Fair Booth Application

C. Doble thought it was good to have a presence, and asked if they should consider a government booth. H. Stephenson recommended adding information generated from the Vision Council. B. Robinson thought they had extra newsletters from town meeting that they could handout.

B. Robinson moved to participate in the Town Fair with a booth, and to contact the town departments to see if they wanted to participate. D. Seidman offered to fill out and submit the application on the Board's behalf. C. Doble seconded the motion, which motion carried. 4/0/0

3. Tisbury Board of Health  
RE: Emma's Coffee Boat

Board members reviewed the referral, but did not understand what it was that the Board of Health was requesting. They noted that the proposal was for the delivery of a limited breakfast menu to the boats that were moored in harbor. They thought it was a great idea.

4. Planning Board Committees  
A. Nominations  
B. Officers

C. Doble recommended postponing the discussions until D. Bellante-Holand was present to participate in the discussions. Board members agreed.

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Other business not reasonably anticipated 48 hours in advance of meeting

**RO FORM**

Meeting opened, conducted and closed in due form at 8:15 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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Daniel Seidman  
Chairman