

PLANNING BOARD

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MEETING MINUTES

DATE: September 28, 2016

TIME: 6:00 PM

PLACE: Town Hall Annex, 66 High Point Lane

ATTENDANCE: Bellante-Holand, Doble, Robinson, Seidman and Stephenson

APPOINTMENTS:

6:00 PM Daniel Vignolo RE: Form A Application, AP 08K1.1 (Adequacy of Cook Road)

Planning Board Chairman, D. Seidman noted that the wall the applicant constructed on both sides of the Cook Road were staggered. He questioned if a 30 ft. long emergency vehicle would be able access the property because it appeared too narrow. This concerned him. It was the reason he solicited the Fire Chief's impression. The board secretary noted that the Fire Chief had emailed her on Monday that he was off island for the day, but that he would get back to the Planning Board as soon as he could. She has not received any communication from Chief Schilling.

C. Doble indicated that she was concerned about the containment of the road, because it channelized the road and diverted the run-off to the lowest point, so that it would erode the road. It was her impression that the sandy road surface would wash down to the low point and not be able to drain. Overall, the road appeared to be overly constructed.

D. Vignolo explained that the barrier on his side of the road was constructed to stop the runoff from draining into his property. The abutter across the street created the situation when he removed the trees and altered the terrain. He spent approximately \$14,000.00 to improve the road without recommendations or information pertaining to minimum requirements. He explained that he intentionally pitched to road at the corner to make sure that it drained properly. He believed the road would hold up to the 'normal' rain fall.

C. Doble inquired about the block walls. D. Vignolo explained that the blocks across the street were designed to serve as a retaining wall.

B. Robinson believed the width of the road was adequate for the intended traffic. He understood that the block wall across the street was being used as a retaining wall because the abutter was storing material. While the road was pitched a bit steep, he felt it would fill in overtime and find a better level. Like all dirt roads, it was going to have to be well maintained. D. Vignolo understood. B. Robinson drove over the road a few times, even when it rained and found that it held up well.

B. Robinson in addition cautioned the applicant about the construction of the block wall and fence. He informed D. Vignolo that it was considered a structure. Fences were considered structures if they were constructed 6 ft. high. They had to meet the setback requirements. Although not an issue for the Planning Board, he felt obligated to advise him. B. Robinson reiterated that the road would require maintenance. D. Vignolo understood, and had already made arrangements to work together with an abutter, since it benefited them both. C. Doble thought it was better to fill it in and to raise the road.

D. Seidman remained concerned about the clearance for emergency vehicles. B. Robinson indicated that it felt constrained because the applicant placed block walls on both sides of the road, but he believed it was wide enough to accommodate emergency vehicles.

There being no further comment, B. Robinson moved to approve the plan of land prepared for D. Vignolo (Plan No. 11257) as an ANR under the Subdivision Control Law. C. Doble seconded the motion, and the motion carried. 5/0/0

6:15 PM Deliberations (Cont.) – Special Permit Application for Joseph and Nicole deBettencourt re: Vehicle Repair Shop, AP 22A13.12 & 22A13.13

The deliberations for Joseph & Nicole deBettencourt was continued at 6:30 PM. D. Seidman, Planning Board Chairman noted that the Board had approved the applicant's proposal for the construction of a structure and the operation of an automotive repair shop with conditions and restrictions at the meeting on 21 September 2016.

A draft document reflecting the discussions on 21 September 2016 had been prepared for their review and comments. B. Robinson initiated the discussions with a comment about the possible duplicity of Condition Nos. 4 & 6. It concerned him that a timeframe for the submittals was not listed. C. Doble noted that the language was consistent with C. Dias' decision, which required the submittal of a landscape plan at the completion of the grading and construction of the retaining walls.

C. Doble noted that there was no mention of the sidewalks. B. Robinson referred the Board to Condition No. 6 and read the text. The additional footage was to make room for a sidewalk in the future.

C. Doble did not see language addressing erosion control or containment during the construction phase of development. It was noted that the contractor was keeping it well

under control. She supposed it was part of the building permit. D. Seidman believed the retaining walls would contain the runoff during the construction phase. B. Robinson agreed.

D. Bellante-Holand realized that the applicant was installing a metal building (aluminum) and thought about the color and potential for a mural. B. Robinson noted that the building was a stark contrast to C. Dias' proposal.

The applicant arrived at 6:48 PM to inquire if there were any revisions to the decision. D. Seidman noted that the Board caught and corrected a few typographical errors. He asked the applicant if he had any questions. J. de Bettencourt replied in the negative.

There being no further comment, D. Seidman moved to approve the draft decision as edited for Joseph and Nicole de Bettencourt. B. Robinson seconded the motion. C. Doble asked the applicant for a new set of floor plans depicting the revisions he presented at the hearing on September 21, 2016. J. de Bettencourt agreed. She asked for a condition that required the submittal of the revised floor plans. Board members agreed and the motion carried. 4/0/0

B. Robinson advised the applicant that the Planning Board added a condition prohibiting him from staging any vehicles on High Point Lane. J de Bettencourt did not have any objections. D. Seidman asked that the document contain references to the MV Commissions and Zoning Board of Appeals decisions.

There being no further comment, D. Seidman entertained a motion to close the deliberations. B. Robinson so moved. C. Doble seconded the motion, which motion carried. 4/0/0

The Planning Board resumed their regularly scheduled session at 6:53 PM

7:05 PM Public Hearing (Cont.) – Special Permit Application for Chris Dias, SBS
Properties LLC, AP 22A13.11 & 22A13.14
Attendance: None

The continuation of the public hearing was duly opened at 7:05 PM. Planning Board Chairman, D. Seidman inquired if the Board believed they had sufficient information to close the hearing and enter into deliberations. Board members replied in the affirmative. B. Robinson moved to close the public hearing for the aforementioned applicant and to enter into deliberations at the conclusion of the hearing. D. Seidman seconded the motion. The motion carried. 4/0/0

7:07 PM Deliberation – Special Permit Application for Chris Dias, SBS
Properties LLC, AP 22A13.11 & 22A13.14

The deliberation of the previously closed hearing was duly opened at 7:07 PM. D. Seidman noted that the Board at the last hearing requested from the applicant written documentation verifying the purchase of the 30 ft. wide strip of land from Ray and Mary Gosselin.

The Board Secretary informed the Board that the applicant paid a visit earlier in the day, noting that he was not able to attend the discussions, but was happy to report that he will

be signing the purchase agreement for both the rear lot and the 30 ft. wide strip by the end of this month. She advised the Board that the applicant and his agent, D. Hoehn were given a copy of the draft decision for their comment this afternoon. D. Hoehn called shortly after to state that the applicant did not have an issue(s) with the draft decision.

B. Robinson inquired if the board secretary incorporated a similar condition in the draft pertaining to the submittal of a landscape plan. The board secretary replied in the affirmative.

As board members reviewed the document, B. Robinson questioned whether Condition Nos. 5 & 6 should be reversed. C. Doble thought they could be combined. B. Robinson disagreed.

D. Bellante-Holand inquired if they were going to address the need for a sidewalk and the aesthetics of the project. D. Seidman and B. Robinson noted that the applicant was constructing an attractive building. B. Robinson added that the applicant was required to plant six (6) natural trees. The issue was to find an area suited for their survival. C. Doble noted that the condition asked for the submittal of a landscape plan after the construction of the retaining walls and after completing the grading. It was possible that they may not have a choice in the location, once the improvements were completed. She suggested revising the language to request the plan prior to construction of the retaining wall.

B. Robinson noted that the MV Decision required the submittal of a final landscaping plan showing plant species and locations for the approval of the LUPC prior to receiving a Certificate of Occupancy. He mentioned that the applicant offered to plant at least six native trees along the property line between his property and the mini-golf. B. Robinson recalled that they spoke of the plan at previous discussions, and they advised him that they wanted the landscape plan prior to construction. He thought they should revise the condition to reflect the discussion. Board members concurred.

There being no further comment, B. Robinson entered a motion to approve the written decision as amended. H. Stephenson seconded the motion. The motion carried. 4/0/0

D. Seidman entered a motion to close the deliberations. B. Robinson seconded the motion, and the motion carried. 4/0/0 The deliberations were duly closed at 7:20 PM.

FOR DISCUSSION:

1. Beach Road Committee RE: Planning Board's representative

Board members were advised that the Board of Selectmen created a committee to serve as the town's liaison to the Mass DOT. The committee was responsible for reviewing the state's plans and for ensuring that the town's interests are being protect during the planning phase of the Beach Road project.

D. Seidman noted that he and B. Robinson had served on a similar board the year before, and wanted to recommend B. Robinson as their representative, since he was very familiar with the project. There being no objections, D. Seidman so moved. C. Doble seconded the motion, and the motion carried. 5/0/0

B. Robinson noted that J. Grande, the town administrator had emailed the Planning Board a copy of the letter he sent the Mass DOT's 25% design, in the morning.

2. CPC Applications

RE: Open Space and Recreation Plan

J. Grande believed the application should be sponsored by the Planning Board, which had to be signed by the Board Chairman. She advised the Chairman that it did not mean he was going to be responsible.

C. Doble indicated that she was overwhelmed by the amount of work that needed to be done to complete the plan, and believed if they were to produce a plan they needed the assistance of a consultant. She noted that she was meeting with A. Turner, the Exec. Dir. of the MV Commission to discuss the open space plan. She was of the impression that they could use the same consultant to work with them on the Master Plan or use the MV Commission for a portion before they solicited the assistance of an academic institution.

C. Doble was going to investigate the cost for all of the options to bring to the Board in October 2016.

Other business not reasonably anticipated 48 hours in advance of meeting

RO FORM

Meeting opened, conducted and closed in due form at
7:30 P.M. (m/s/c 5/0/0)
Respectfully submitted;

Patricia V. Harris, Secretary

APPROVAL:

Approved and accepted as official minutes;

Date

Daniel Seidman
Chairman