

PLANNING BOARD

TOWN OF TISBURY
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MEETING MINUTES

DATE: October 19, 2016

TIME: 6:03 PM

ATTENDANCE: Bellante-Holand, Doble, Robinson, Stephenson

PLACE: Town Hall Annex, 66 High Point Lane

BILLS:

ASFPM.....	\$450.00
MV Times.....	\$ 86.10
Postmaster.....	\$ 70.00

APPOINTMENTS:

6:03 PM Tracey Smith, SB&H Inc. – Form A Application for Chris Dias, AP 20A02, Upland Drive

T. Smith indicated that the applicant was dividing his property into two lots, one of which was non-buildable. C. Dias was retaining Lot 1 to combine with a contiguously owned parcel of land across town line in Oak Bluffs, and conveying a non-buildable (Lot 2) to the MV Land Bank.

B. Robinson revealed a potential conflict of interest as an abutter, and thought it best to abstain from the vote. He suggested postponing the discussions until a fourth member arrived. H. Stephenson arrived at 6:07 PM and was brought up to speed on the specifics of the proposal. She thought the proposal was reasonable and generous. There being no further questions or comments, D. Bellante-Holand moved to endorse the Form A plan of land for Christ Dias as an ANR under the subdivision control law. H. Stephenson seconded the motion, and the motion carried. 3/0/1 B. Robinson abstained.

BOARD DISCUSSIONS:

1. Ben Hall, Jr. Attorney
RE: Form O Release – Kingsbury/Millett Subdivision

B. Robinson recalled that B. Hall recently submitted the Form F Covenant and the homeowner's association's documents to complete the decision's requirements for a subdivision that was endorsed by the Planning Board in the 1990s. The documentation was a requirement for the Form O Release.

The Planning Board Assistant affirmed that all requirements were met. Board members were instructed to sign the Form O Release that will allow the heirs of the developer to convey the lots within the small projects division of land to family members.

C. Doble moved to approve the Form O Release for the aforementioned subdivision. H. Stephenson seconded the motion. D. Bellante-Holand inquired if it was more of a formality at this juncture. B. Robinson replied in the affirmative. 4/0/0

2. Committee Reports

- MV Land Bank

H. Stephenson reported that the MV Land Bank was currently looking at property in Vineyard Haven, but was not allowed to reveal any information.

C. Doble spoke with J Best about working with the town on projects addressing high sea level and reassessing their priorities to coordinate them with those of the town. J. Best was open to the suggestion. H. Stephenson noted that the MV Land Bank's mission and structure did not permit any discussion except when the advisory board was asked to comment on property the MV Land Bank was interested in. She recommended inviting a member of the advisory board (J. Best or herself). C. Doble concurred, and thought they could initiate a discussion on their agendas, and the potential for a cooperative effort on mutual projects. She thought it would also be beneficial to have J. Best serve as a member of the parks and recreation committee. D. Bellante-Holand agreed.

- Parking Lot Committee

H. Stephenson reported that the Committee was going to make the following recommendations to the Board of Selectmen:

- a. to overhaul the Park-N-Ride's parking regulations and layout
- b. to prohibit the public from parking along the edge of the cemetery, except for funerals,
- c. to restrict the spaces at the intersection of Main Street and Union Street to compact cars,
- d. to broaden the MVTA's bus route to and from the SSA and the Park-N-Ride, and
- e. to install signs at Veteran's Park prohibiting overnight parking.

D. Bellante-Holand objected to the excessive use of signs, and was concerned that they would deleteriously impact the aesthetics of cemetery. Additional discussions ensued and it was noted that the violators were the surrounding commercial enterprises, which on occasion interfered with on-going services, the town maintenance of the grassy buffer and the safety of pedestrians, who have to walk on the road.

B. Robinson inquired if they considered a recommendation to get the Business District 1 workforce to park at the Park-N-Ride. H. Stephenson indicated that it was a topic the Committee had been discussing. M. Loberg noted that they were looking into incentives to encourage employees to park at the Park-N-Ride.

B. Robinson also heard from the business community that there was a problem with the traffic reversal on Union Street. The circulation back to the business district was long and confusing. He thought it may be time to explore a two-way traffic pattern down the road and the possibility of eliminating additional parking. H. Stephenson did not think they could revert to the old pattern because it interfered with the shuttle service. M. Loberg agreed. D. Bellante-Holand thought the two-way traffic flow did not address the congestion or parking needs of the area. She did not understand why they would re-direct traffic back to Five Corners or eliminate a precious commodity, such as parking to address the concerns of a small number of constituents or without

at least exploring the circular intersection. The latter was dangerous. C. Doble thought they should help their constituents understand that they will never be able to solve the town's parking and traffic issues because of the compact development pattern, and that they will have to look to alternative solutions such as a walking friendly community.

- Traffic Committee

B. Robinson explained that the committee was specifically studying the pedestrian traffic flow around the "gateway" and section of area, the location of the information booth, improving the bus shelter, and investigating a separate means of access for the taxicabs into the SSA property other than around the roundabout.

- Beach Road

B. Robinson reported that the committee's first meeting was going to be this Friday. H. Stephenson inquired if the members of the previous study committee were participating. M. Loberg replied in the negative and explained that it included the DPW, water department, Conservation Commission, MVC and Planning Board. H. Stephenson inquired if she could recommend Henry Stephenson on the committee. It was suggested that Henry Stephenson could attend as a member of the public, since the meetings were going to be open.

- Complete Streets

C. Doble informed the Board that they just made the deadline for the first tier, and were working on developing a Prioritization Plan. It was her understanding that they had to contact the consultants to meet with them, and to have them start the process so that they met the state's deadline for funding. She was concerned that they were approximately one month in the rears, and thought that perhaps she should contact J. Grande to jump start the project. Board members agreed.

3. Santander Bank NA

RE: Update/BOS Meeting on 10/18/16

B. Robinson informed the Board that the roof repair should have been referred to the MV Commission and Planning Board for a special permit prior to the issuance of a building permit. Despite the fact that the applicant completed the construction project, B. Robinson wanted to poll the Board if they wanted to have the applicant submit an application for a special permit. D. Bellante-Holand inquired about the benefit in approaching the applicant to undergo a public review when the construction was completed and if in doing so, there were legal repercussions. B. Robinson thought it also important to consider the ramifications in not asking the applicant to comply with their regulations.

D. Bellante-Holand inquired about the Board's scope of address. B. Robinson clarified that it would allow them to look at the aesthetics and use of the proposal, and provide the public a forum in which to voice their opinion. M. Loberg advised the Board that the Board of Selectmen solicited the services of town counsel to address the town's liability in issuing the building permit without complying with their local zoning regulation. The referral to the MV Commission gave them additional time to continue negotiating a resolution. It was her hope that the discussions would avert the potential for litigation or other any other repercussion. Based on the discussions, it was her opinion that the issue was going to be the cost of replacing the tiles.

H. Stephenson did not understand how the Planning Board could review a project that had already been constructed, or if they had the ability to ask the applicant to redo the construction at

their own cost, without being sued. H. Stephenson, as a citizen asked the Board if they thought the town should pay or be prepared to pay for a portion of the roof. B. Robinson replied in the affirmative. M. Loberg believed they shared the some of the responsibility for the outcome. She was also of the impression that town counsel and the town administrator were exploring options that would reduce the town's liability, so that any contact with the applicant could be premature. It was also noted that application was referred to the MV Commission, so that it would be prudent to wait until the initiated their review process. Bellante-Holand concurred. She thought it was import to know what they were accomplishing on opening their review process, but more importantly if they can pursue a special permit given the uncertainties.

C. Doble recommended a letter to J. Grande requesting legal advice about contacting the bank to explain that they were expected to comply with local regulations that required the issuance of a special permit via the Planning Board with a copy to the building inspector, so that he kept the building permit open. Additional discussions ensued with this regard, and D. Bellante-Holand agreed. She did not think they should initiate contact with the bank unless they knew they were well within the scope of their address and did not create another legal issue for themselves.

D. Bellante-Holand and C. Doble recommended emailing J. Grande (cc: town counsel) about the Planning Board's discussions to initiate contact with the bank to inform them of their special permit requirement, provided it did not interfere with the town's legal strategy. D. Bellante-Holand thought they had to take advantage of the opportunity immediately; otherwise they'd lose the momentum. She personally did not believe they had much leverage. B. Robinson believed the ultimate decision belonged to the town to decide if they were going to pay for the cost to restore the building.

D. Bellante-Holand suggested that they draft the email to J. Grande after they wrapped up the agenda, given that they all appeared to be in favor of the memo. Board members agreed. M. Loberg recommended that they have the board secretary draft the letter to the Bank in the interim. And the Board agreed.

4. Planning Board Projects A. Open Space & Recreation Plan

Board members read the outline for the plan, C Doble and A. Turner developed for the Board's review. C. Doble thought the plan did not contain sufficient information about the process such as deadlines, and areas where the public could volunteer in the project. She explained that the extra detail would obligate the MV Commission to complete the study within a reasonable amount of time.

She understood, that once the plan was completed, A. Turner offered to help with the area development plans.

H. Stephenson thought it important not to limit the scope of address to land uses, because both open space and recreation were centered on water, so that it was important to include boardwalks that provided water views. D. Bellante-Holand thought it interesting that the listed activities were not necessarily accurate and could unintentionally predetermine the course of the study. C. Doble agreed, there were a few items that were omitted from the outline that she wanted to address with A. Turner, such including sea levels, storm water, and storm surge as part of open space. H. Stephenson thought there should be an overlap between this study and N. Spinola's study on resilience.

H. Stephenson offered to bring Henry Stephenson's plans on open space and bikeways for the town and suggested collaborating with MV Land Bank. Board members agreed. C. Doble thought the Board might have to rely on a committee to work on the open space and recreation plan. B. Robinson agreed. They could look for volunteers from participants at the Vision Council.

B. Area Development Plan (Deferred)

C. Old fire station lot, Beach Road

C. Doble advised the Board that she was soliciting input for the second phase of the lot's development. She mentioned that the parking committee was interested in retaining its use as a parking lot, and provided her with diagrams illustrating a few scenarios. She explained that the town had already received \$50,000 from Community Preservation Committee for the walkway, and quite possible some matching funds from Ray Tattersall, DPW Director who thought they could expand the improvements to include a detention area. They were re-developing the walkway, adding 4 ft for plantings, and constructing a 1.5 ft. – 2 ft. retaining wall up to the parking area.

Board members were advised that there had been several discussions about the lot's use and the improvements required to add a pocket park, which could also serve as a venue for public functions (crafts fair, farmer's market). She noted that R. Tattersall raised a few objections with the proposal because of the proposal for a grid of trees. He felt the trees would interfere with snow plowing.

M. Loberg favored the potential for a detention area, and questioned whether they could use the planted area for this purpose. She hoped a bioswale could be constructed up front to catch runoff from the surface. H. Stephenson reported that the state of New York was automatically using parks and playgrounds for drainage.

M. Loberg inquired about the timetable for the entire project, because the Board of Selectmen had to know how they were going to manage the current leases. The current leases were renewed until the end of October 2017. B. Robinson recalled that the lessees were supposed to be forewarned about the possible disruption in the parking arrangements during the spring. It may not remain a parking lot during this time. They also had to address whether the parking spaces were going to remain leased or metered for public use. They had to investigate what benefited the town. Parking consultants have indicated that the town would collect much more revenue if they were metered. Additional discussions ensued with this regard, and it was agreed that they had to postpone the conversation due to the late hour.

5. Zoning Bylaw Amendments
RE: General discussions (Deferred)

CORRESPONDENCE RECEIVED:

1. West Tisbury Planning Board
RE: Hearing Notices (bylaw amendments)

2. Edgartown Planning Board
RE: Hearing Notice (bylaw amendment)

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3. Oak Bluffs Planning Board
RE: Hearing Notice (bylaw amendment)

4. MV Commission
A. 14 October 2016 Extended Meeting Schedule
B. cc: Bldg Inspector re DRI 622-M

5. Thomson Reuters
RE: Zoning Bulletin, 25 September 2016

Other business not reasonably anticipated 48 hours in advance of meeting

PRO FORM Meeting opened, conducted and closed in due form at 8:36
P.M. (m/s/c 4/0/0)
Respectfully submitted;

Patricia V. Harris, Secretary

APPROVAL: Approved and accepted as official minutes;

Date

Benjamin Robinson
Chairman Pro Tem