

PLANNING BOARD MINUTES
Wednesday, December 21, 2022 – 5:00 PM
ZOOM MEETING

TOWN OF TISBURY
P.O. BOX 602
TOWN HALL ANNEX
VINEYARD HAVEN, MASSACHUSETTS 02568
(508) 696-4270 | Fax (508) 696-7341
www.tisbury.ma.gov

IN ATTENDANCE:

Benjamin Robinson – Chair, Cheryl Doble – Clerk, Connie Alexander*, Casey Hayward*, Elaine Miller

STAFF/MVC:

Dan Doyle – Special Projects Planner/Martha's Vineyard Commission (MVC),
Ross Seavey – Tisbury Building Commissioner, Jonathan Silverstein – Town Counsel,
Amy Upton – Tisbury Planning Board Administrator

OTHERS:

Louisa Hufstader – Vineyard Gazette, Nancy Cohen, Jeffrey DuBard, Dr. Henry Nieder, Ardelia Stewart

**Members that arrived later: Connie Alexander around 5:03 PM and Casey Hayward around 5:05 PM*

Chair Benjamin Robinson called the December 21, 2022 Tisbury Planning Board (TPB) meeting to order at 5:01 PM. Due to ongoing efforts to prevent spread of Covid-19 this meeting was held remotely via Zoom platform. The Public could attend and participate in the meeting by the following method:

-Join Zoom Meeting <https://us06web.zoom.us/j/89439667557> Meeting ID: 894 3966 7557

-One tap mobile +16468769923,,89439667557# US (New York)

(Recorder's Note: Discussions are summarized and grouped for clarity and brevity).

MINUTES: November 2, 2022

CONNIE ALEXANDER, AT 6:00 PM, MOVED TO APPROVE THE MINUTES FOR NOVEMBER 2, 2022 AS WRITTEN. SAID MOTION WAS SECONDED BY CHERYL DOBLE. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 5 AYES, 0 NAYS, 0 ABSTENTIONS.

MS. ALEXANDER—AYE, MS. DOBLE—AYE, MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

APPOINTMENTS:

Chair Robinson said the Planning Board would recess the regularly scheduled meeting on December 21, 2022 in order to hold the following Public Hearing. At the conclusion or continuation of the Hearing, the Planning Board would resume the regular meeting to conclude all unfinished business.

6:00 PM:

Public Hearing (Cont.) – Special Permit Application for Patrick Lyons, 16 Union Street, AP 07D10

Members Present by roll call: Chair Robinson, C. Alexander, C. Doble, C. Hayward, E. Miller

Others: Others: Jeffrey DuBard, Louisa Hufstader, Geoff Rose, Nevin Sayre, Ardelia Stewart, Ross Seavey, Jonathan Silverstein, Amy Upton

THE CONTINUATION OF THE HEARING COMMENCED IN DUE FORM AT 6:00 PM.
Documents on file as referred to during the meeting: None.

Chair Robinson said there would be no testimony as it was still under review at the MVC.

CONNIE ALEXANDER, AT 6:01 PM, MOVED TO CONTINUE THE HEARING ON JANUARY 18, 2023 AT 6:00 PM. SAID MOTION WAS SECONDED BY ELAINE MILLER. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 5 AYES, 0 NAYS, 0 ABSTENTIONS. MS. ALEXANDER—AYE, MS. DOBLE—AYE, MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

Chair Robinson said the Planning Board would recess the regularly scheduled meeting on December 21, 2022 in order to hold the following Public Hearing. At the conclusion or continuation of the Hearing, the Planning Board would resume the regular meeting to conclude all unfinished business.

6:00 PM:

Public Hearing (Cont.) – Special Permit Application for Geoff Rose (Patient Centric), Mechanics Way, AP 22A19.2 Tisbury Bylaw Section 05.23

Members Present by roll call: Chair Robinson, C. Alexander, C. Doble, C. Hayward, E. Miller

Others: Others: Geoff Rose – Applicant, Jeffrey DuBard, Louisa Hufstader, Nevin Sayre, Ardelia Stewart, Ross Seavey, Jonathan Silverstein, Amy Upton

THE CONTINUATION OF THE HEARING COMMENCED IN DUE FORM AT 6:02 PM.
Documents on file as referred to during the meeting: None.

Chair Robinson said a revised Host Community Agreement (HCA) was just approved at the Select Board Meeting tonight. **J. Silverstein** recapped what was involved to bring the Applicant in compliance; he would provide a copy of the revised HCA to the TPB Office.

CHERYL DOBLE, AT 6:06 PM, MOVED TO CLOSE THE PUBLIC HEARING AND TO KEEP THE WRITTEN RECORD OPEN UNTIL JANUARY 4, 2023 AT 5:00 PM. SAID MOTION WAS SECONDED BY ELAINE MILLER. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 5 AYES, 0 NAYS, 0 ABSTENTIONS. MS. ALEXANDER—AYE, MS. DOBLE—AYE, MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

ELAINE MILLER, AT 6:07 PM, MOVED TO OPEN DELIBERATIONS AND CONTINUE DELIBERATIONS TO JANUARY 4, 2023 AT 6:00 PM. SAID MOTION WAS SECONDED BY CONNIE ALEXANDER. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 5 AYES, 0 NAYS, 0 ABSTENTIONS. MS. ALEXANDER—AYE, MS. DOBLE—AYE, MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

★ The Planning Board resumed their regularly scheduled session at 6:07 PM to address unfinished business.

Chair Robinson said the Planning Board would recess the regularly scheduled meeting on December 21, 2022 in order to hold the following Public Hearing. At the conclusion or continuation of the Hearing, the Planning Board would resume the regular meeting to conclude all unfinished business.

6:45 PM:

Public Hearing (Cont.) – Special Permit Application for Thomas L. and Patricia S. Bransford, 484 Main St., AP 4B17 Tisbury Bylaw Section 04.04.02

Members Present by roll call: Chair Robinson, C. Alexander, C. Doble, C. Hayward, E. Miller

Others: Others: George Sourati – Engineer for Applicant, Tom and Pat Bransford – Owners/Applicant, Fain Hackney – Reynolds, Rappaport, Kaplan & Hackney, LLC, Louisa Hufstader, Ross Seavey, Jonathan Silverstein, Amy Upton, Jeffrey DuBard, Happy Sayre-McCord, Nevin Sayre, William Stevens, Ardelia Stewart, Nancy Washington, Michael Watts, Sue Zarba

THE CONTINUATION OF THE HEARING COMMENCED IN DUE FORM AT 6:45 PM.

Documents on file as referred to during the meeting:

484 Main Street Opinion-Attny Silverstein-Bransford.pdf

484 Main Street Opinion.pdf

7569-2 planning board let signed and e-mailed 12-2-22[16515].pdf

AP 04-B-17 #484 Main Street Bransford Documents for site visit.pdf

AP 4B17 Bransford 484 Main st. Public Hearing Notice 07262022.pdf

Bransford Development Guidelines Wed Jun 15 2022 11-14-13.pdf

Bransford Narrative Wed Jun 15 2022 11-13-30.pdf

Bransford Shed Plans from opengov.pdf

letter to Board re 12-7-22 Planning Meeting[16772].pdf

letter to town re our use of the property[16114].doc

STATEMENT FOR DEC 21 PB MEETING FROM ALL 484 MAIN ST.

ABUTTERS[2305843009253377989].docx

Chair Robinson screen shared the letter received from **J. Silverstein** that addressed the issues and language around private deed restrictions, special permitting and the Board decision making.

C. Doble clarified that this was not a condition but a statement of recognition that we understood there was a difference in this between the applicant and the family that developed the deed restrictions, and this should not be understood to be any statement on that.

E. Miller said the tenor of the three page letter as she interpreted, was that we [TPB] were committed to conform to the zoning as written and how it applied to the property, that we should not get engaged in the private rights.

J. Silverstein said the Board was created under State Law and charged with, under the zoning bylaws, to make certain determinations set forth in the zoning bylaws. He said the charge/jurisdiction of the Planning Board was to apply the zoning bylaws, and recommended that this was the lane to drive in.

Chair Robinson said the comments of the abutters, their testimony, could be taken into account during deliberations. Members discussed the conditions and restrictions that could be considered during those deliberations. They were concerned over future use of the building/s; **Chair Robinson** said use was detailed in the building permits with a high level of oversight.

G. Sourati screen shared the updated site and architectural plans and compared each. Members discussed the changes including the architectural details and building materials, and why those decisions had been made; they recommended that if the basement space was not needed, they could scale back the size of this plan/build and disturb less of the land. **P. Bransford** said they would be happy to make design changes closer to the construction.

Chair Robinson said in review at the registry, he uncovered a few documents from a company called Noah (formerly Patch Homes). He was concerned how this might affect the property in the future and if fractional ownership was a possibility; he wanted to be clear of what this meant for the property long term. **P. Bransford** said she understood it to be short term debt; that the terms were set for a loan, a

favorable way to build a house; people owned the equity of the loan with no real ownership or rights to the home.

T. Bransford said they wanted to build a one family house on an empty acre of land within their property and felt it would be a modest construction that would fit very neatly within the neighborhood; they wanted to keep it as modest as possible.

Public Comment:

Ardelia Stewart, 25 Holly Tree Lane, at 7:13 PM said as a neighbor and long time friend, this would be an asset to the area.

Nevin Sayre, at 7:14 PM said he wanted to ensure the TPB saw the letter from all of the abutters; **Chair Robinson** acknowledged receipt.

Happy Sayre-McCord, at 7:14 PM, reiterated her serious concern about the density of use on the property and not in keeping with the neighborhood; she was concerned how this would impact future use.

William Stevens, at 7:20 PM, asked if the Board could consider a provision to prevent it from being subdivided in the future.

Nevin Sayre, at 7:25 PM, said the TPB should be aware that the neighborhood had presented [supported] options; **P. Bransford** said she was happy to continue the discussions off line.

The Bransfords indicated they would like time to work with the architect and to consider the design changes as discussed.

CHERYL DOBLE, AT 7:29 PM, MOVED TO CONTINUE THE HEARING ON JANUARY 18, 2023 AT 6:30 PM. SAID MOTION WAS SECONDED BY ELAINE MILLER. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 5 AYES, 0 NAYS, 0 ABSTENTIONS. MS. ALEXANDER—AYE, MS. DOBLE—AYE, MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

★ *The Planning Board resumed their regularly scheduled session at 7:30 PM to address all unfinished business.*

BOARD DISCUSSIONS:

A. NEW BUSINESS

a. Master Plan (MP) updates

SURVEY:

D. Doyle said the Water Department supported the distribution of the one page survey by including it with the water bills between January 4th and 10th, 2023; it was two-sided in both English and Portuguese; the timeframe to complete the survey was three weeks. Physical copies of the survey would be around town but limited to the Library, Town Hall and Senior Center.

UPCOMING MEETINGS AND RECAPS:

D. Doyle said the first Steering Committee (SC) Meeting with the new Chair, Lyndsay Famariss (formerly Co-Chair) was held; the meeting had a new pace and went well; the hybrid meeting format would continue moving forward.

The Fishermen stakeholder meeting would be held tomorrow at 12:00 PM, in the Foundation for Underway Experiential Learning (FUEL) space located at the Nathan Mayhew Schoolhouse, 110 Main Street, Vineyard Haven, MA.

C. Doble said the Economics stakeholder group identified gaps on the SC, as there were two vacancies; someone from the business community was missing. SC Members were working through the process and would make recommendations to the TPB in January, 2023.

The Tisbury Master Plan Commercial District Presentations/Follow-ups would happen on February 13 & 16, 2023 by Zoom; a video of the first workshop/s for the Commercial Zone Small Area Vision Plan Weekend held October 21 & 22, 2022 were on the MP website.

C. Doble said they needed serious outreach to assist with survey completion and to get good attendance for the February workshops. **Chair Robinson** said the MP website was constantly updated and current with meeting dates and events; he encouraged all to actively review and participate.

CONSULTANT DELIVERABLES:

The Inventory and Assessment Report would be issued by January 9, 2023. A presentation would be given at the January 3, 2023 SC meeting [to be held at the Martha's Vineyard Museum and Zoom] prior to delivery.

b. Discussion on letter to the Vineyard Gazette in response to September 23, 2022 article on Leland Ave project

Documents on file as referred to during the meeting: Lte Leland Ave project letter to Gazette-Draft

Chair Robinson screen shared the draft letter [that was initially presented at the December 7, 2022 meeting] that had been edited by **C. Doble** and **C. Hayward**; he said he would like to send this to the Vineyard Gazette sooner than later, once approved. **C. Alexander** appreciated the work involved in writing the letter; she was glad it was going out and hoped everyone felt better after the fact. *(Please see document on file for details: Minutes TPB December 7, 2022.pdf; BOARD DISCUSSIONS: A. NEW BUSINESS; b. Discussion on letter to the Vineyard Gazette in response to September 23, 2022 article on Leland Ave project; pg 5)*

Nancy Cohen said this letter addressed the concerns, with the one exception she noted in paragraph 2, (one member vs. the Board); **Chair Robinson** said the language was appropriate. She thanked everyone for stepping up and **Chair Robinson** for recognizing this was needed to rectify the issue; she hoped this type of situation was just a 'one off' and thanked the Board on behalf of the residents on Leland Avenue.

CONNIE ALEXANDER, AT 5:20 PM, MOVED TO APPROVE THE LETTER. SAID MOTION WAS SECONDED BY CHERYL DOBLE. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 5 AYES, 0 NAYS, 0 ABSTENTIONS. MS. ALEXANDER—AYE, MS. DOBLE—AYE, MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

c. Discussion on Tisbury Housing Committee Structures

E. Miller introduced **Dr. Henry Nieder**; she said he was interested in becoming [more] involved with the issues around housing; she explained the different groups and committees currently structured to address these issues and wondered where he should begin; she was looking for direction from the TPB to advise her/them.

Dr. Nieder said he was interested in affordable housing issues but was not an expert, all the work and research he had done to date was out of interest not expertise. He was looking for a group of like

minded people to move ideas forward and was happy to volunteer for the process. **Dr. Nieder** said he viewed housing as a major issue that faced Martha's Vineyard, for the Island to be able maintain itself as a vibrant community that managed to be a year round community. If there was a contribution he could make, he was there to do that and wanted to learn more. He said he was a family doctor, mostly retired now and had lived on the Island for 40 years. At this point in time he was looking to inform himself and to see how he could contribute; **Chair Robinson** said 90% of that was showing up and doing the work.

After a lengthy discussion, Members recommended the best place for him to begin would be with the MP process and to attend the next SC meeting on January 3, 2023 at 5:30 PM at the MV Museum; **C. Doble** said she would share with him the summary from the Housing stakeholder meeting and introduce him to **Judi Barrett** (Barrett Planning Group LLC, the Master Plan consulting team); **E. Miller** would introduce him to **Victor Capoccia** of the Affordable Housing Committee (AHC) and Community Preservation Act Committee (CPC). It was suggested to invite **Dr. Nieder** to a future TPB meeting to hear what he learned and experienced, to keep the conversation open. The Housing Production Plan from 2018/19 was suggested for his review as well, even though it might be dated.

C. Hayward expressed her concerns that the [existing] housing committees were biased to those privileged to have the time to be on multiple committees. She said it was important that the meetings be diverse, large and inclusive and not to have these smaller meetings and smaller conversations.

C. Doble said she understood her point of view and suggested another way to look at these smaller committees; that they were nested within the larger picture and not splintering off.

C. Hayward said as long as they were clear in their exact roles and there was a balance of power and communication between all of them, she was supportive. She felt there were a lot of 'cooks in the kitchen' and things were happening behind closed doors without a lot of transparency and that multiple groups were unclear of their roles. She was concerned how this was impacting the Island and to ensure there were the broad conversations as they were essential; smaller conversations were not representative of the majority of the Island. **Chair Robinson** said the MP process was where this all came together.

E. Miller said this was put forth in a public meeting and wanted to make sure those that were interested were pointed to the right place to put forth their energy and enthusiasm for a problem we all know existed.

Dr. Nieder said he would follow up on the MP and would reach out to **A. Upton**; Members thanked him for his interest.

d. Bylaw amendment work meeting schedule

Chair Robinson discussed the timeline to be on track for the April 2023 Town Meeting and suggested two more work sessions; Members were in agreement to have an in-person work session on December 29, 2022 at 1:00 PM at the Tisbury Annex.

e. Bills Payable - 51Art - \$646.25, payroll - \$2623.90, Professional Services - \$420.00, Main St Medicinals legal services from 53G account - \$3,007.72 TOTAL - \$6,697.87

E. Miller asked if payment had been made to Kurt A. Fraser P.E. - President - Fraser Polyengineering Services (FPES); Members suggested reaching out to him to ensure payment was received.

ELAINE MILLER, AT 5:57 PM, MOVED TO APPROVE THE BILLS PAYABLE, EXCEPT IF MAIN STREET MEDICINALS PAID TOWN COUNSEL DIRECTLY (INSTEAD OF USING THE 53G ACCOUNT). SAID MOTION WAS SECONDED BY CHERYL DOBLE. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 5 AYES, 0 NAYS, 0 ABSTENTIONS. MS. ALEXANDER—AYE, MS. DOBLE—AYE, MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

B. OLD BUSINESS

I. Joint Meeting with Select Board

Chair Robinson said he would put another request forward; perhaps to look at warrant articles;

A. Upton would share the warrant article information received so far with the Board for review.

II. Upcoming TPB Calendar: Public Hearings, Appointments & Discussions

In-Person Working Session for Bylaw review December 29, 2022 at 1:00 PM; Tisbury Annex.

1. Committee Reports (Updates only)

A. Vision Forum

B. Land Bank Advisory Committee

Please see discussion below, E. Water Resource Committee (WRC)

C. Tisbury Housing Committee

D. Community Preservation Committee

E. Water Resource Committee (WRC)

Chair Robinson said they met last week to start the next phase of the Comprehensive Wastewater Management Plan (CWMP). He reviewed the updated state guidance and said it was not yet officially formalized; communities would be given two possibilities to conform 1. To fix the nitrogen issues within five years by converting all septic systems to Innovative/Alternative (A/I) Septic Systems 2. Or develop a plan to get to 80% of the way there within 20 years; much was being structured for Cape Cod; he said the Board of Health (BOH) was involved.

C. Doble asked if the Consultants were talking with Environmental Partners Group (EPG) as it was important for them to understand what is going on, how this impacted the MP and how they should be part of this discussion; she would contact **J. Barrett** to let her know this would be worthwhile to participate in one of the WRC meetings as well as the Select Board.

Chair Robinson said the CWMP was to solve the nitrogen problem; the sewer plant was part of it but not the solution; Sewer expansion was less viable for nitrogen solutions.

J. DuBard asked if anyone had talked with the Land Bank; could their funds be put toward de-nitrification? Have there been any brainstorming/creative thinking sessions? He wondered how to get them involved and see if their mission could include cleaning up lands/waterways that were in ruin, beyond their mission of environmental protection? **E. Miller** said that would take much conversation; she would present this as the next meeting.

Chair Robinson said it was an interesting resource to explore, a public/private partnership to afford these changes; if Land Bank funds could shift from land acquisition to pond preservation they could play a big part in a contributing role.

Chair Robinson said the Massachusetts Department of Transportation (MassDot) was working on a solution for the 5 Corners flooding and would be coming back in January 2023 with a proposal; he would share the details as they came. **J. DuBard** said there were underground tanks in the area; was there any discussion for removal? **Chair Robinson** said that was an interesting question but the larger problem was the groundwater table as there was very little room to absorb water; a much more comprehensive solution was needed for the entire area.

F. Sewer Advisory Committee

C. Alexander said a sub-committee was formed within the Committee and was working with Bob Rafferty of EPG to look at prioritizing flow for the B1 district.

G. Site Plan Review Board

H. Open Space and Recreation Committee

C. Doble said they were working with the MVC for an extension to a bikeway/bike path, an opportunity that opened up with West Tisbury and how to make that happen. They also planned for their January meeting agenda, a 'look back' at accomplishments and what was planned but maybe didn't happen and to shift priorities; they had a busy year ahead with approved CPC requests. **C. Doble** said she was staying in touch with all the consultants [related to Veterans Memorial Park and surrounding area/s] and updating them with the 5 Corners proposal/MassDot; she said by early February there should be a presentation ready with their findings.

E. Miller said Bill Veno, Senior Planner at the MVC, was offering to bring courses to the Island as needed, for Members.

- I. All Island Planning Board**
- J. Climate Committee**
- K. Tisbury Waterways Committee**

CORRESPONDENCE:

1. Letter from Teresa Kruszewski regarding Beach St. Ext.

C. Doble said she would forward this onto the Consultants.

2. Martha's Vineyard Commission

- A. Extended Meeting Schedule**
- B. Land Use Planning Commission (LUPC) Meeting**

Other business not reasonably anticipated 48 hours in advance of meeting:

R. Seavey said he would continue working with the Town in some capacity, as his position had not been filled; **Chair Robinson** thanked him for attending all of the meetings.

ADJOURNMENT:

*DISCUSSION ENSUED THEREON, UPON A MOTION DULY MADE BY ELAINE MILLER AND
SECONDED BY CONNIE ALEXANDER, THE MEETING UNANIMOUSLY ADJOURNED AT 7:32 PM.*

Respectfully submitted;



Teresa Kruszewski, Recorder

APPROVAL: Approved and accepted as official minutes;

Date

Benjamin Robinson, Chair

APPROVED FEBRUARY 15, 2023