

PLANNING BOARD MINUTES

Wednesday, May 3, 2023 – 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.tisburyma.gov

IN ATTENDANCE:

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

STAFF/MVC:

Amy Upton – Tisbury Planning Board Administrator

OTHERS:

Lora Ksieniewicz, Louisa Hufstader – Vineyard Gazette, Rachel Orr – Finance and Advisory Committee,
Jefrey DuBard – Island Housing Trust/Board Member, Abbe Burt – Select Board,
Nancy Weaver – Land Bank Commissioner

*Members that arrived later: Connie Alexander arrived at 5:19 PM.

Chair Benjamin Robinson called the May 3, 2023 Tisbury Planning Board (TPB) meeting to order at 5:05 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/85951914288> Meeting ID: 859 5191 4288

-One tap mobile +13017158592,,85951914288# US (Washington DC)
+13052241968,,85951914288# US

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

MINUTES: February 15th, 2023

*CHERYL DOBLE, AT 5:22 PM, MOVED TO APPROVE THE MINUTES FOR
FEBRUARY 15TH, 2023, WITH EDITS AS DISCUSSED. 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.*

APPOINTMENTS:

5:00 PM:

Board Discussions, see below new/old business

Chair Robinson said the Planning Board would recess the regularly scheduled meeting on May 3, 2023 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:

Pre-application meeting with Rob and Jaime Douglas for New Special Permit Application for 57 Lagoon Pond Rd, AP 9-A-21 pursuant to Tis-bury Zoning Bylaw 06.06.03; Reconstruction, Extension, or Structural change of a non-conforming structure

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

Others: Robert Douglas – Owner/Applicant, Louisa Hufstader, Amy Upton, Lora Ksieniewicz, Rachel Orr, Jeffrey DuBard, Nancy Weaver, Abbe Burt, Sam Dunn

THE PRE-APPLICATION MEETING COMMENCED IN DUE FORM AT 5:58 PM.

Documents on file as referred to during the meeting:

Property Card: 57 LAGOON POND RD

DENIAL OF BUILDING PERMIT APPLICATION

March 15, 2023 Map

DOUGLAS FLOOR AND PLOT PLANS

A. Upton screen shared the documents as **Robert Douglas** explained the proposal. **Mr. Douglas** said there were three buildings on the property – a garage between two buildings. His first attempt was to save the existing garage, fixing it within the assessed value. After further review the better solution was to remove the existing garage structure and replace it with the same footprint, moving it forward to the street approximately three feet, to give more separation between the two other structures; plumbing existed; the second floor was/would be an office.

E. Miller asked why this was needed and what was the gain; **Mr. Douglas** said this shift would improve access between the buildings.

Members discussed the denial letter for the building permit and the need for a Special Permit; whether this was waterside management and not in the watershed; confirmation of the building location and how it related to flood zoning. All agreed this was straightforward and suggested **A. Upton** check-in with **Jared Meader**, Wastewater Superintendent, before the hearing date.

Chair Robinson said the Special Permit Public Hearing date could be scheduled on June 7 with best case scenario of deliberations and written decision on June 21, 2023; **Mr. Douglas** would be contacted with the specifics of the Public Hearing date.

- The Planning Board resumed their regularly scheduled session at 6:13 PM to address unfinished business.

Chair Robinson said the Planning Board would recess the regularly scheduled meeting on May 3, 2023 in order to hold the following Deliberation. At the conclusion or continuation of the Deliberation, the Planning Board would resume the regular meeting to conclude all unfinished business.

6:15 PM:

Deliberations (cont.) for Sam Dunn/Patrick Lyons -Stone Bank Taqueria; Special Permit Application to operate a food service establishment in the B1 District. AP 07-D-10, 16 Union Street, Tisbury, Ma.

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

Others: Sam Dunn – Developer and Owner Representative, Louisa Hufstader, Amy Upton, Lora Ksieniewicz, Jeffrey DuBard, Rachel Orr, Nancy Weaver

THE CONTINUATION OF THE DELIBERATIONS COMMENCED IN DUE FORM AT 6:15 PM.

Documents on file as referred to during the meeting: Taqueria Seating Plan.pdf

Chair Robinson recapped the steps taken to date for this deliberation and said that a Draft Decision would be written from this discussion to be reviewed on May 17, 2023. The conditions defined would be specific to the Taqueria operations only and not the overall project.

Chair Robinson read the specifics of the bylaw and conditioning permissions for the TBP, and how it related to this request.

A. Upton screen shared the plan which included the layout for seating, as Members discussed their concerns and conditions for the project.

Condition topics:

- The Martha's Vineyard Commission (MVC) Conditions
 - How those related to the TPB for follow up and involvement.
 - How to evaluate after the restaurant was in operation, after six months perhaps.
 - A mechanism to go back and review the operation.
 - Land Use Planning Committee (LUPC) and how that would include involvement of the building department and TPB.
- Wastewater Review
 - An annual review of waterflow.
 - **C. Alexander** said **Jared Meader** would manage that process.
 - Types of dishwashers and flow demands for washing.
 - **Chair Robinson** said they would meet commercial kitchen requirements.
 - Reusable glassware, baskets and cutlery would be in place.
 - No single use items with dine in; take out would be more difficult.
 - They would be encouraged to find alternative solutions.
- The Landscaping Plan
 - Would be reviewed again for the total project.
 - Would be received timely for the Board to review before being implemented.
 - **C. Doble** said the plan needed to be viewed before the plants went in.
 - Make the landscaping condition clear for review of the Pocket Park.
- The overall Plan
 - The total deck would be one level and be ADA compliant.
(The Americans with Disabilities Act)
 - This plan conformed to the site visit.
 - Location of bussing station.
 - **Chair Robinson** said a condition could be included to have a definitive layout of detailed items within the plan for a review.
 - This was not a traditional wait staff but more quick response (QR) code driven and online ordering.
 - The importance of overall signage/signing.
 - Hours of operation.
 - Deliveries, where, how and when.
 - Light and noise.
 - Pest control.
 - Umbrella colors as well as non-advertising.
- Staffing.
 - Make up of the staffing and age restrictions.
 - Discussion of whether this was within the TPB purview.
 - The importance of a hostess.

- The sale of alcohol and the new/updated Town bylaw.
 - Sale of alcohol and conditions that could/should apply.
 - The Select Board (SB) issues the alcohol licenses and sets all applicable conditions.
 - Changes that might be required to meet the Town's new alcohol bylaw/regulations, and what would trigger a Special Permit review based on those new regulations, to be in compliance and not to require a project to come back for review.
 - Discretion for the TPB.
 - What was significant and how to approach an amendment to the Special Permit.
 - It needed to be memorialized in some way, a paper trail.
 - **Chair Robinson** said he would work with the Town Counsel.
 - How this decision could dovetail into what the SB would do, by front-loading the TPB decision.
 - **E. Miller** said the TPB already had too much on their plate; she pushed back with what the SB was asking.
- Number of Seats/Occupancy Level.
 - More people than there were seats.
 - How occupancy related to the ferry schedule.
 - Potential to host more than the 70 seats based on the bar location and how that impacted wastewater.
 - There was a small amount of overlap of concerns with the SB issuance of the license to sell alcohol.
 - **S. Dunn** offered a condition that there would be no standing while drinking.
 - No standing at the bar.
 - The number of seats within the TPB conditions would supersede all other occupant levels.
- Trash.
 - Keeping the pathways free from trash, the paths that abut the seating area would be monitored by the restaurant.
- Odor control.
 - Members agreed this did not need to be included.

C. Alexander encouraged Members to take a second look at this application as her findings had inconsistencies with the posted *alcohol licensing policies, rules & regulations* on the Town website; if approved the TPB would be sending forth an application that was inconsistent with Town policies and regulations; she didn't want this to be a benchmark for others to follow. She expressed concern that this development didn't comply with fast-food regulations and the correct allocation of wastewater. She was concerned that the footpath now forced people to go through the restaurant.

C. Alexander recommended that it should be clearly written in the decision/findings, the fact that the TPB was fully aware of what was written in the Town rules and regulations, and that we wanted the SB to know this, and that we understood this was within the SB purview to make those decisions.

C. Doble said that a conscientious job was done in reviewing this; she was uncomfortable with drinking at the entry into the Town, but felt comfortable with the conditions and that any [future] concerns would be addressed by the management.

E. Miller said there was a plan in place that everyone worked very hard to bring to completion; it was thoroughly reviewed; she was comfortable with what was presented.

Chair Robinson said this was a nice addition to the food scene of the Town; Patrick Lyons was an experienced restaurateur; the permit went with the operator.

Members were all in agreement that Town Counsel should review this, it was a very important decision.

ELAINE MILLER, AT 7:20 PM, MOVED TO APPROVE THE PROJECT WITH ALL THE FINDINGS AND CONDITIONS AS OUTLINED TONIGHT. SAID MOTION WAS SECONDED BY CASEY HAYWARD. THE BOARD VOTED IN FAVOR OF THE MOTION: 4 AYES, 1 NAYS, 0 ABSTENTIONS. MS. DOBLE—AYE, MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE. MS. ALEXANDER—NAY.

ELAINE MILLER, AT 7:23 PM, MOVED TO CONTINUE DELIBERATIONS ON MAY 17, 2023 AT 6:00 PM. 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.

★ *The Planning Board resumed their regularly scheduled session at 7:24 PM to address all unfinished business.*

BOARD DISCUSSIONS:

A. NEW BUSINESS

i. Master Plan (MP) updates w Dan Doyle-Joint meeting with Steering committee debrief

C. Doble thanked the TPB Members that attended the SC meeting; she said she would talk with **C. Alexander** offline to update her, to share the big ideas (and so forth) from the meeting; the notes taken by **A. Upton** would be sent to all TPB Members for review.

C. Doble said they were looking for volunteers for the MP information table during First Fridays as well as the Memorial Day Picnic; a survey was suggested to have at the table and steps to proceed.

Members discussed the report from FXM Associates and that it had fundamental problems; once corrected it would be available for review.

ii. Job Description for Administrator and Administrative Assistant Position, Minute Taker status for next year and Direction of Planning Board Department

A discussion ensued for the new position that was approved at Town Meeting and steps to take in writing the job description; **Chair Robinson** asked **A. Upton** to circulate what she had prepared so that the Board would have ample time for review; he indicated the discussion would continue at a future meeting.

iii. Joint Affordable Housing Group (JAHG) Task Force meeting; May 11th at 6:30pm

Chair Robinson said this was something the Martha's Vineyard Commission (MVC) was putting together, trying to kickstart the conversation by looking at model apartment buildings in the style of the Vineyard and so forth. He said it was a good way to pull together all the disparate people working on the Island housing problem and to begin collaborating.

iv. Bills Payable: Payroll; \$2313.18, 51Art-MVMinutes; \$750.00, Town Counsel; \$1100.00 Dan Doyle Martha's Vineyard Commission May invoice; \$1300

Chair Robinson said the [revised] total was \$7051.68; MVMinutes was \$552.25 and Barrett Planning Group was \$1786.25.

ELAINE MILLER, AT 5:24 PM, MOVED TO ACCEPT THE BILLS PAYABLE AS STATED [REVISED TOTAL OF \$7051.68]. 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.

Chair Robinson said he met with **Suzanne E. Kennedy**, Town Accountant last week and signed outstanding bills; he was waiting for **Ms. Kennedy** to 'OK' the Barrett Planning Group LLC (BPG) contract amendment and would check in again tomorrow to get the contract out the door. Members discussed the approval and turn-around [timing] issues for the contract; **C. Doble** was frustrated over the time expended; **A. Upton** said there was enough funding in the budget to pay BPG.

A. Upton screen shared the year-to-date *munis* [accounting] report; she started with the salaries section and explained what had been spent and what remained; she said anything unused would go back to the General Fund.

Members reviewed the line items - they discussed the overtime (OT) spending and asked if this same level of OT would continue into the next year. They offered solutions to reduce OT, including the possibility of posting office hours so that **A. Upton** would have time to stay on top of the work that needed to be done, and to put more structure into her day/job. **Chair Robinson** said OT should not be part of regular use and to determine what could be done within 40 hours; he recommended **A. Upton** tell the TPB what they needed to do to slow down the work if she was getting overloaded; **A. Upton** asked for permission to continue using the OT to make it all work [financially] for her.

Chair Robinson asked for a quick review of the other lines including advertising and how the operating budget looked overall; he said funds were available and all invoices should be paid.

B. OLD BUSINESS

I. Upcoming Tisbury Planning Board (TPB) Calendar: Public Hearings, Appointments & Discussions

A. Schedule in person meeting with Tisbury Selectboard to discuss list of shared topics of relevancy; review list

Documents on file as referred to during the meeting:

Talking Points-Joint meeting with Select Board

A. Upton screen shared the complete list of items for discussion and identified those that Roy Cutrer, Select Board Chairman had on his list; she said many were on both. Members said the list was much too long and recommended prioritizing items, as it could not be addressed in one meeting; **E. Miller** suggested establishing a regular meeting schedule versus a single followup meeting; additions and edits were made for a more workable list.

B. Establish Joint Meeting Agenda with Board of Selectmen (BOS); confirm date of Thursday May 11th at 3:30 in person at Katherine Cornell Theatre (KCT) -see draft list

C. Establish working group to Discuss Red Coat Hill & Shubael Weeks ongoing issues and community concerns -see draft list

II. Committee Reports (Updates only)

A. Vision Forum

B. Land Bank Advisory Committee

- C. Tisbury Housing Committee
- D. Community Preservation Committee
- E. Water Resource Committee (WRC)
- F. Sewer Advisory Committee
- G. Site Plan Review Board
- H. Open Space and Recreation Committee (OSRC)
- I. All Island Planning Board
- J. Climate Committee
- K. Tisbury Waterways Committee

CORRESPONDENCE:

- 1. Martha's Vineyard Commission Meeting Schedule
- 2. JAHG Agenda
- 3. Sam Dunn Letter

Chair Robinson said the only way to accept the letter would be to reopen the Public Hearing; **S. Dunn** said he did not want that to happen.

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

C. Hayward asked to open the conversation around holding hybrid and/or in person meetings.

Chair Robinson said the hybrid option would be limited by the available meeting locations and was challenging for participation and difficult to manage; he suggested Members think about this to discuss further; it would be on the agenda for the next meeting.

ADJOURNMENT:

*DISCUSSION ENSUED THEREON, UPON A MOTION DULY MADE BY ELAINE MILLER AND
SECONDED BY CHERYL DOBLE, THE MEETING UNANIMOUSLY ADJOURNED AT 7:28 PM.*

Respectfully submitted;



Teresa Kruszewski, Recorder

APPROVAL: Approved and accepted as official minutes;

Date

Benjamin Robinson, Chair

APPROVED MAY 17, 2023