

# PLANNING BOARD MINUTES

Wednesday, April 5, 2023 – 5:00 PM

ZOOM MEETING

TOWN OF TISBURY  
P.O. BOX 602  
TOWN HALL ANNEX  
VINEYARD HAVEN, MASSACHUSETTS 02568  
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## 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),

Laura Silber – Island Housing Planner / MVC, Amy Upton – Tisbury Planning Board Administrator

## OTHERS:

Louisa Hufstader – Vineyard Gazette, Lora Ksieniewicz

**Chair Benjamin Robinson** called the April 5, 2023 Tisbury Planning Board (TPB) meeting to order at 5:06 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/89836937102> Meeting ID: 898 3693 7102

-One tap mobile +16468769923,,89836937102# US (New York)

+16469313860,,89836937102# US

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

## **MINUTES: January 25th; February 6th; February 15th; February 22nd, 2023.**

The Minutes of February 6, 2023 were tabled; the Minutes of February 15, 2023 were not available.

CONNIE ALEXANDER, AT 6:03 PM, MOVED TO APPROVE THE MINUTES FOR JANUARY 25, 2023 AND FEBRUARY 22, 2023, 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:**

### **5:00 PM:**

**Board Discussions, see below New & Old business.**

**Chair Robinson** said the Planning Board would recess the regularly scheduled meeting on April 5, 2023 in order to hold the following Deliberations. At the conclusion or continuation of the Deliberations, the Planning Board would resume the regular meeting to conclude all unfinished business.

**6:00 PM:**

**Deliberations- Kate Salop; The Toy Box AP 19-B- 19.4,5,6,7 Tisbury Bylaw Section 06.06.08**

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

Others: Kate Salop – Applicant, Louisa Hufstader, Lora Ksieniewicz, Gregory Leland, Tom McCurdy, Amy Upton

*THE DELIBERATIONS COMMENCED IN DUE FORM AT 6:03 PM.*

*Documents on file as referred to during the meeting:*

*The Ice Box AP 9-B-19.4-19.12 SP Working Draft*

**Chair Robinson** said a site visit had been conducted this week; no other [new] information had been received. The draft decision was screen shared as Members reviewed the findings, conditions and restrictions - nothing new was added.

**A. Upton** said in trying to move this along to open for Memorial Day, the wastewater and Board of Health had been neglected. **C. Alexander** said the applicant needed an official document from Jared Meader, Wastewater Superintendent; **A. Upton** said she would follow this up as a formal letter was needed for the record.

**Chair Robinson** asked **Kate Salop** to provide a written document from the Condominium Association for clarification on how parking would be dealt with.

*ELAINE MILLER, AT 6:17 PM, MOVED TO APPROVE WITH THE TWO OUTSTANDING CONDITIONS. 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.*

*CONNIE ALEXANDER, AT 6:18 PM, MOVED TO CONTINUE DELIBERATIONS TO APRIL 19, 2023 AT 6:15 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 April 5, 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.

**6:15 PM:**

**Continued Public Hearing- Tom McCurdy Motorcars; AP 10-B-01, 199 Beach Rd. Tisbury Bylaw Section 06.06.03**

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

Others: Tom McCurdy, Owner/McCurdy Motorcars – Applicant, Alexia and Sheldon Ebanks, Louisa Hufstader, Lora Ksieniewicz, Gregory Leland, Amy Upton

*THE CONTINUATION OF THE HEARING COMMENCED IN DUE FORM AT 6:19 PM*

*Documents on file as referred to during the meeting:*

*AP 10-B-01 McCurdy Motorcars SP renewal - WORKING DRAFT*

**A. Upton** screen shared the document; **Chair Robinson** said there were no changes to the Special Permit - it was granted on a 5 year rolling basis.

CONNIE ALEXANDER, AT 6:21 PM, MOVED TO CLOSE THE PUBLIC HEARING, OPEN DELIBERATIONS, APPROVE THE NEW 5 YEAR EXTENSION, APPROVE THE WRITTEN DECISION AND CLOSE DELIBERATIONS. 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 6:22 PM to address unfinished business.

**Chair Robinson** said the Planning Board would recess the regularly scheduled meeting on April 5, 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.

**6:30 PM:**

**Continued Public Hearing -Alexia Ebanks; Ackee Tree AP 09-B-13,14 Tisbury Bylaw Section 06.06.08**

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

Others: Alexia and Sheldon Ebanks – Applicant, Louisa Hufstader, Lora Ksieniewicz, Gregory Leland, Nevin Sayre, Amy Upton

THE CONTINUATION OF THE HEARING COMMENCED IN DUE FORM AT 6:30 PM

Documents on file as referred to during the meeting:

VH 25 Beach Rd Easement Map

ACKEE TREE LETTER from the Police

Alexia Ackee Tree Plan for Take Out

**Chair Robinson** said a site visit was conducted on Monday; information was received for the easement between the property/s; the site plan was screen shared. **E. Miller** asked if the TPB had any jurisdiction to correct the condition of this easement; **Chair Robinson** read the conditions that could be set in place: 06-10-04; **C. Alexander** said this was beyond our purveyance. Members discussed the maintenance and condition and determined it was up to the property owners - it would be reflected in the findings that the landlord's agent (Mike Tierny) would be happy to be part of the solution.

- Hours of operation were simplified to [year round] 8:00 AM - 8:00 PM, Monday to Saturday with 9:00 AM - 6:00 PM on Sundays.
- There would be 3 - 4 employees on the premises at any given time.
- Two employee parking spaces were available; employees would be encouraged to take the bus, car pool, etc.
- Reusable containers were encouraged by the TPB to reduce the amount of single use and the level of waste.
- There was no seating in the plan, it was for take out only.

**A. Upton** said she had documentation for wastewater flow and a letter from the Police Department. A request was made to Richard Soo (the adjacent Condominium Association/abutter) for a written letter - Mr. Soo indicated verbally he was satisfied with the conversation/solution at the site visit. Members were satisfied with what was presented; there was no public comment.

CHERYL DOBLE, AT 6:45 PM, MOVED TO CLOSE THE PUBLIC HEARING PROCESS. SAID MOTION WAS SECONDED BY CASEY HAYWARD. 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.

CONNIE ALEXANDER, AT 6:47 PM, MOVED TO OPEN DELIBERATIONS AND CONTINUE DELIBERATIONS TO APRIL 19, 2023 AT 7:00 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 April 5, 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.

**6:45 PM:**

**Deliberations - Special Permit Application for Thomas L. and Patricia S. Bransford, 484 Main St., AP 04-B-17 Tisbury Bylaw Section 04.04.02**

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

Others: Alexia and Sheldon Ebanks, Louisa Hufstader, Lora Ksieniewicz, Happy Sayre McCord, Nevin Sayre, Amy Upton

THE DELIBERATIONS COMMENCED IN DUE FORM AT 6:47 PM.

Documents on file as referred to during the meeting: Bransford Denial-Draft.docx.

**Chair Robinson** reviewed the [screen shared] denial document section by section; **A. Upton** said she used Jonathan Silverstein's (*Planning Board Counsel for Special Permits*) opinions very heavily in writing this decision.

The document was reviewed by Members and edited as appropriate; all associated documents and letters were listed, as well as the reasons for this determination. (*Please see document on file for details: APPROVED Minutes TPB March 1, 2023, APPOINTMENTS, 6:45 PM Commence Deliberations- Special Permit Application for Thomas L. and Patricia S. Bransford, 484 Main St., AP 04-B-17 Tisbury Bylaw Section 04.04.02 \* see bills payable before commencing, pgs 4 - 6.*)

Members were all in agreement that **J. Silverstein** should review the changes made during this session before moving forward.

CONNIE ALEXANDER, AT 7:25 PM, MOVED TO CONTINUE DELIBERATIONS TO APRIL 19, 2023 AT 7:15 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.

**A. Upton** clarified neighbor versus abutter for Nevin Sayre at 7:26 PM: an abutter was within 300 feet.

★ The Planning Board resumed their regularly scheduled session at 7:27 PM to address all unfinished business.

## **BOARD DISCUSSIONS:**

### **A. NEW BUSINESS**

#### **a. Master Plan (MP) updates w Dan Doyle - review community feedback sessions**

**D. Doyle** said the MP Steering Committee (MPSC) had a meeting last night; much of the time was spent on the Commercial District Plans; the next MPSC meeting would be on April 10, 2023 to review/rework the 2015 Vision Plan (VP) purposes facilitated by Barrett Planning Group (BPG).

**C. Doble** and **D. Doyle** outlined concerns about gathering information from key individuals and what to share with the Consultants, the best way to inform the Consultants while sticking to their timeline as well as working within the budget, the importance of additional meetings as this was the critical piece of the process.

A lengthy discussion ensued on how to keep all the Town Departments informed and the best way to share the ongoing informational updates whether it be through the MPSC, TPB, the Consultants or a combination of methods. **E. Miller** said it was important to include Jared Meader and Kirk Metell (Department of Public Works/DPW Director) earlier in the program as a courtesy and to keep them informed; she underscored the importance of the Select Board (SB) involvement; **D. Doyle** said BPG had been strategic with outreach and communication; **Chair Robinson** said the conversations could happen without the Consultants.

**C. Alexander** suggested a weekly report be sent out to give an idea of what is going on and to make them feel like valid contributors to the process; she suggested a member of the MPSC share out information with regular frequency; **E. Miller** said this would help a great deal in getting the MP implemented; **C. Doble** suggested a way to use the website to collect questions and to stop the rumors going around - to target every department head within the town; **A. Upton** suggested streamlining what was already going on with the MPSC; **C. Alexander** suggested talking with BPG to assist with community engagement, forums were so very important.

**Lora Ksieniewicz** said she would be able to help with the (website and email) communications as there were many easy ways to do this - a light lift with high impact. **Ms. Ksieniewicz** recapped what she had done for other groups to improve website functionality, to provide information especially for families and younger folks.

#### **b. Discussion with MVC Adam Turner and Laura Silber re: STR Study and Housing Resource Focus at 5:30 PM**

**L. Silber** gave an overview of fractional ownership and short term rentals. She said the MVC was going to launch a Housing Action Task Force modeled on the Climate Action Task Force beginning in May 2023. This would expand the existing affordable housing group/s bringing in more stakeholders across the Island to form a robust, large scale umbrella group. She mentioned other groups including the regional housing effort to protect Cape Cod - this newly formed Island group would help represent the Island concerns to that group, a legislative platform.

**L. Silber** said the short term rental study/ scope of work was just completed and would be sent out this coming Friday. It was a recap from all the meetings to date, which included the All Island Planning Board discussions. She said it was a comprehensive scope of work for a really good study - an actual menu of potential bylaw solutions and the implications of adoption.

**C. Hayward** asked if this was actively being discussed at the State level, including revenue stream possibilities; **L. Silber** confirmed that it was. Members discussed the study and steps to move forward, including a timeline for strategies; **L. Silber** said within 3-4 months, most likely in the fall.

**Chair Robinson** said the MVC would provide the data to assist the towns with making these decisions; he suggested partnering with the MVC for this process.

**L. Silber** thanked the TPB for moving forward with the fractional ownership bylaw; other towns were modeling after this.

**c. Town Meeting information sheet on Articles and Zoning Amendments**

**Chair Robinson** the fact sheet would be reviewed as a group at the April 19, 2023 meeting - he would work with **A. Upton** between now and then to create the document. **Chair Robinson** said a MP formal presentation could not be done but that an information table could be set up as an opportunity to engage [with] people at Town Meeting on April 25, 2023 which would be held at the Performing Arts Center/Martha's Vineyard Regional High School. A representative from Barrett Planning Group LLC, the Master Plan consulting team would not be in attendance; **C. Doble** said they were trying to stay close to the budget; the Consultant's focus was to conduct outreach during the spring and summer months; this timing would be shared with community members.

**d. Town Meeting Warrant Review**

**e. Bills Payable: Payroll; \$1374.09, 51Art-MVMinutes; \$1250.00; Dan Doyle: \$1300.00  
Total:**

**A. Upton** recapped the adjusted total:

Minutes \$305.50, Town Counsel \$560.00, Bransford 53G \$80.00, reimbursements for the Citizen Planner Training Collaborative (CPTC) Conference. Total: \$3904.59

*ELAINE MILLER, AT 6:25 PM, MOVED TO APPROVE THE BILLS PAYABLE [REVISED TOTAL OF \$3904.59]. SAID MOTION WAS SECONDED BY CASEY HAYWARD. 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. Upcoming TPB Calendar: Public Hearings, Appointments & Discussions**

● **Schedule Joint Meeting with WTPB and Area Residents to discuss Red Coat Hill**

Members agreed that understanding this internally first before moving forward would be the best way to approach this; a review of all the correspondence would be necessary.

● **Review and sign condolence letter for Pat Harris**

*CONNIE ALEXANDER, AT 6:28 PM, MOVED TO APPROVE THE LETTER AND SEND IT AS SOON AS POSSIBLE. 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.*

● **Joint Meeting with Select Board on April 12th, at 5pm To Discuss:**

- **Discuss Warrant Articles**
- **Use of Public Lands & Stewardship of Town Property**
- **Future Development of Planning Department; Growing Department, Training & Transition Plan**
- **Legal Services**
- **Develop a Calendar to regularly meet every Quarter**
- **Master Plan Progress**

**A. Upton** would follow up, as a date and/or time had still not been set; she would ask how Minutes would be addressed as well.

1. **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. Letters from Residents re Red Coat Hill Rd - compiled correspondence and area map
3. Department of Environmental Protection Waterways Regulation Program

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

**Chair Robinson** advised **C. Alexander** to start with the Select Board Office in finding hours of operation for town restaurants.

**Chair Robinson** asked Lora Ksieniewicz to submit a letter of interest to **A. Upton**.

**ADJOURNMENT:**

*DISCUSSION ENSUED THEREON, UPON A MOTION DULY MADE BY CHERYL DOBLE AND  
SECONDED BY CONNIE ALEXANDER, THE MEETING UNANIMOUSLY ADJOURNED AT 7:37 PM.*

Respectfully submitted;



\_\_\_\_\_  
Teresa Kruszewski, Recorder

**APPROVAL:**                      Approved and accepted as official minutes;

\_\_\_\_\_  
Date

\_\_\_\_\_  
Benjamin Robinson, Chair

***APPROVED AUGUST 16, 2023***