

PLANNING BOARD MINUTES/ *Special Meeting*

Wednesday, March 29, 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
aupton@tisburyma.gov
www.tisburyma.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),
Laura Silber – Island Housing Planner/MVC, Jonathan Silverstein – Planning Board Counsel for Special
Permits, Amy Upton – Tisbury Planning Board Administrator

OTHERS:

Louisa Hufstader – Vineyard Gazette, Jared Meader, Wastewater Superintendent,
Rachel Orr – Finance and Advisory Committee (FinCom), Rich Saltzberg

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

Chair Benjamin Robinson called the March 29, 2023 Tisbury Planning Board (TPB) meeting to order at 5:03 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/86752438815> Meeting ID: 867 5243 8815
- One tap mobile +13126266799,,86752438815# US (Chicago)
+16468769923,,86752438815# US (New York)

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

MINUTES: January 25, 2023 and February 22, 2023 Tabled.

APPOINTMENTS:

Chair Robinson said the Planning Board would recess the regularly scheduled meeting on March 29, 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:

Commence Public Hearing for Scotty Young re: AP 52-A-6.11, 353 Shubael Weeks Path- Application for a curb cut on a special way

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

Others: Scott Young – Applicant, Louisa Hufstader, Rachel Orr, Laura Silber, Jonathan Silverstein, Amy Upton

THE HEARING COMMENCED IN DUE FORM AT 6:04 PM.

Documents on file as referred to during the meeting:

Letter from Rachel Eugster re Young curb cut.pdf

Scott Young Siteplan-Color.pdf

YOUNG 1) Lower drive, looking N.W. .JPG

YOUNG 3)North side of house, showing upper parking.JPG

353 Shubael Weeks Path plot plan.pdf

Chair Robinson recapped the informal discussion from the January 18, 2023 meeting; the idea was to allow for the two curb cuts to access the property. *(Please see document on file for details: APPROVED Minutes TPB January 18, 2023.pdf; NEW BUSINESS, b. Informal Discussion with Scott Young re: second curb cut on Shubael Weeks path AP 52A6.11; pg 8)* **A. Upton** screen shared the appropriate documents throughout the discussion.

S. Young explained the challenges of his property which included a very steep grade and the reasons why there were two [needed] driveways; he said the curb cuts were in their final state and would not change. **S. Young** reviewed the timing of the Special Ways Bylaw regulation, where it came in later after the project had started; he said he was caught between a rock and a hard place; COVID had an impact on the timeline between the design and the new regulations.

Members encouraged **S. Young** to get something in writing from neighbors that were in support; no one from the Public was present to speak at this Public Hearing.

C. Doble asked if this was an undeveloped lot, would we have encouraged him to work with one driveway as this design made sense for the topography; she wanted to put this into context of the Special Ways and the TPB responsibilities. **Chair Robinson** reviewed how a plan could be developed with one curb cut if it was a clean site; he said the interest of the Special Ways was in protecting the road itself and less so the property.

E. Miller said it should be indicated in the findings the project had started earlier, the regulation came later, and that the owner was not aware; that it was not a blatant ignorance of the conditions.

CHERYL DOBLE, AT 6:19 PM, MOVED TO CLOSE THE PUBLIC HEARING AND TO CONTINUE DELIBERATIONS ON APRIL 19, 2023 AT 6:00 PM, KEEPING THE WRITTEN RECORD OPEN UNTIL APRIL 19, 2023. 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 6:21 PM to address unfinished business.*

Chair Robinson said the Planning Board would recess the regularly scheduled meeting on March 29, 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:

Commence Public Hearing 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, Patrick Lyons – Applicant, Louisa Hufstader,

Rachel Orr, Rich Saltzberg, Laura Silber, Jonathan Silverstein, Peter and Nancy Stam, Amy Upton

THE HEARING COMMENCED IN DUE FORM AT 6:31 PM.

Documents on file as referred to during the meeting:

Questions for Sam and Patrick.docx.

Chair Robinson said this had been approved by the MVC; he reviewed the steps that had been taken to date including site visits. There were two components for this discussion:

- Final approvals for the condominium (condo) complex as a whole/landscaping.
- Special Permit to operate a food establishment in one of the condo units.

Chair Robinson recapped the [outstanding] points and issues to address:

- Traffic Study/Patterns
- Storm Water System
- Strategies to deal with abutters
- The MVC Decision

Patrick Lyons said he was happy to meet everyone. He recapped how his company had grown because of their [quality] reputation and operating code compliance (the strict licensing in the city of Boston).

A. Upton screen shared the questions from the Board. **P. Lyons, S. Dunn** and Members discussed the obligations and balance of making things work to be profitable as well as smart for the environment.

Discussion:

- ❖ 70 seats including the bar
- ❖ Parking
- ❖ Concern of the bar being located so close to the Steamship Authority (SSA)
- ❖ Maintaining 35% of liquor sales to food sales.
- ❖ Maintenance of the area in the off season (4 seasons), including tables and chairs, holiday decorations and so forth, so it doesn't look derelict.
- ❖ Setting the appropriate conditions for (but not limited to):
 - Landscaping
 - Signage
 - Trash/trash maintenance in the common areas
 - Rodents and pests
 - Reusables for dining/diners
 - Water/dishwashing
 - Hours of operation
 - Odor controls
 - Noise
 - Lighting
 - Collaboration with condo association and restaurant (associated condo bylaws)
 - Maintenance of the common paths around restaurant

Public Comment:

Peter Stam, at 7:57 PM, suggested adding a condition that after a year of opening, a review is conducted to evaluate the hours of operation, noise levels and the other concerns, and to place further conditions at that point.

Rachel Orr, at 8:02 PM, asked what were the parameters for measuring the ambient noise to make a determination, was it for the restaurant only or the total condo area?
She asked where and when the garbage truck would pull onto the property for removal of trash and compost. **Chair Robinson** said a condition would be added for trash pick-ups, that the trucks would not stop on Union Street.

ELAINE MILLER, AT 8:16 PM, MOVED TO CLOSE THE PUBLIC HEARING AND TO KEEP THE WRITTEN RECORD OPEN UNTIL APRIL 17, 2023 AT 5:00 PM AND TO OPEN DELIBERATIONS ON APRIL 19, 2023 AT 6:30 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 8:16 PM to address all unfinished business.*

BOARD DISCUSSIONS:

A. NEW BUSINESS

a. Master Plan (MP) update w Dan Doyle - working sessions with area business owners

(3) OPEN HOUSES:

- **D. Doyle** thanked Members for being present. He said there was pretty good representation across the different districts on the whole. Conversations ranged from eminent domain to opportunities; he felt there was an appreciation by many for the one-on-one outreach. He said the real motivation was ultimately [for the MPSC and/or TPB] to give direction and to inform the timeline for Peter Flinker and Dillon Sussman (**DF**)
- **C. Doble** asked: If there was the need for more sessions, if so, how many more should be scheduled? How to continue from this point? How do we go forward now? Did we have the capacity to take this on and maybe a deadline should be set?
- **Chair Robinson** said these were really constructive meetings, really digging in; the process may take time. These were set up as an experiment based on public feedback for participation; he would like to see it continue.
- **E. Miller** asked if what was being discussed at the open houses was information heard at previous sessions or was it new information? How many more times do we do this and what were we gaining?
- **Chair Robinson** said going forward, a very clear agenda/discussion points would be needed to help inform **DF**. How do we encourage those that have not been heard from to participate? He said these sessions would help 'test drive' some of the concepts that would go into the [final] plan.
- **D. Doyle** said there was a lot of community input; he wasn't sure he heard any new themes, but that certain themes had been magnified.

MP STEERING COMMITTEE (MPSC):

- Time was needed for the MPSC to come together and discuss the outcomes of the open house sessions so that direction could be provided to JUDI BARRETT (**JB**) and **DF**; to determine the appropriate process to move forward after the 3 open houses.
- **D. Doyle** said the MPSC task was to sort through all of the community input and to land on a preferred direction. To determine one theme (out of three) that would help address the key issues from **JB** in the best way possible, coupled with the community input. This information would be very specific for **DF** so that they would be very strategic with the area plans.
- **C. Doble** said she wanted to ensure the MPSC was involved in the decision making of scheduling more meetings. With the process discussion, was there a need to have more frequent meetings? Should they meet more than once a month? **Chair Robinson** suggested taking this conversation to the next MPSC meeting for their review and to move forward.
- **C. Doble** and **D. Doyle** debated the process for MPSC involvement with the open houses; that they have great interest in this process; it was a struggle to take the big visions and make them the [realistic] next steps forward.
- Concerns were expressed that the open houses were running parallel to the stakeholder meetings.
- **C. Doble** said we were in the midst of the process; there was significant work ahead for the MPSC and the TPB; **E. Miller** said this was the line in the sand; **Chair Robinson** we were all ready to go.

TIMELINE FOR PETER FLINKER AND DILLON SUSSMAN / DODSON & FLINKER (DF) - LANDSCAPE ARCHITECTURE AND PLANNING:

- **D. Doyle** said 60% of their budget had been spent. **Chair Robinson** said we had a limited budget with **DF**; to get the next draft close to where we'd like it to be they would need very specific direction.
- If there was a pause, what would the impact be to the workflow of **DF** and **JB**?
- This was very involved in collecting and compiling all of the information from the community to be very specific and strategic, to ensure steps taken were appropriate to the information gathered and to work within the timeframe that was allotted; it was important to give tangible guidance to this team.
- **E. Miller** said we were taking the steps toward a goal, there would be another draft and public hearings. We would be able to extrapolate the direction that was generally accepted.
- **C. Doble** expressed concern for extending this to the end of the summer; it seemed like a substantial time period to hold off giving **DF** direction, which may be complicated based on their workflow.
- **D. Doyle** said working through the Key Issues and Vision Plan documents (see timeline below) would inform the direction for **DF**.

JUDI BARRETT (JB) / BARRETT PLANNING GROUP LLC, THE MASTER PLAN CONSULTING TEAM):

- **D. Doyle** reviewed the timeline:
 - **April 4:** Key Issues document review. (MPSC meeting)
 - **April 10:** Review/reworking of the 2015 Vision Plan (VP) purposes; updates and edits to be completed. (MPSC meeting)

- **April 14: JB** would complete a draft in response to the April 10 VP discussions for the MPSC review
 - **April 17-21:** MPSC sub-group would work through that draft document and prepare it for TPB review.
 - **April 30:** Document vetting completed by the TPB.
- **C. Doble** said they were looking to the summer as time for public presentations and MPSC sessions, ('Kitchen Conversations'). These would be guided conversations around very specific topics; small informal groups led by the MPSC; Members agreed smaller meetings might be the way to go for community engagement.

D. Doyle and **E. Miller** discussed connecting the Town with the Consultants and to perhaps have a representative [to humanize them] at Town Meeting.

b. Discussion with Jared Meader re proposed wastewater warrant articles

Jared Meader described the flow availability as **A. Upton** screen shared the *Sewer Collections Systems Additions Map*. **J. Meader** said he looked to the B1 and B2 districts as one, as the system was set up as one sewer district; the Warrant Article was to add the red lined properties to the sewer district. He said this did not consume more flow but could free up the flow in the future.

Members discussed State regulations or guidelines in place for tie-in to a sewer system; best practices within the industry; the costs of the systems and offsets through [MassWorks Infrastructure Program] grants and other funding opportunities; incentives for individual property owners to tie-in to the system; the timing and expense of installing the system on State Road which included repaving.

Chair Robinson said the Board would be happy to support the process; **J. Meader** said letters from housing groups and support from the Town and Business Organizations would make a huge difference for the MassWorks Grant; **A. Upton** would work with him to compose a letter over the next few days.

c. Update on CPTC conference- handout modules available in PB office - submit registration fee receipts for reimbursement.

A. Upton recapped what was needed for reimbursement from the Citizen Planner Training Collaborative (CPTC) Conference; she was working with the Oak Bluffs Planning Board, collecting modules from everyone and compiling them into one package to share with all of the planning boards.

A. Upton said she participated in procedural classes and found them valuable and informative.

E. Miller said she was impressed with the architectural firms working with affordable housing projects.

d. Update on Housing initiatives and Housing Bank Coalition trip to Boston

E. Miller and **L. Silber** recapped:

- ❖ This was an important event.
- ❖ It made a huge impact on the legislators.
- ❖ Made more of an impression than anticipated.
- ❖ Was well organized, impactful, and had an enormous amount of coverage in the Boston area as well as locally.
- ❖ Everyone made it happen.
- ❖ A broad spectrum of ages: 6 months old to 87 years old.
- ❖ Meetings were productive.
- ❖ Media coverage was impressive.

L. Silber listed the upcoming events for participation; she explained where things were in the process at the State level; she said there was vocal support throughout the (11) towns on Cape Cod and the Islands; Senator Julian Cyr and others in the legislature were strong advocates. **L. Silber** said that Martha's Vineyard could be a model for others, that regionalization was recognized as a more efficient process and an advantage.

e. Bills Payable: Payroll; 2623.90, 51 Art-MV Minutes; \$750.00, Barrett Planning Group, LLC; \$30,500.00

A. Upton said that there was not an invoice for minutes/51art.

CHERYL DOBLE, AT 8:21 PM, MOVED TO APPROVE THE TWO BILLS AS PRESENTED - PAYROLL AND BARRETT PLANNING GROUP. 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

- **Final Review of Warrant Articles for Submission**

Members discussed the Select Board (SB) concerns for enforcement and regulating fractional ownership; all agreed to keep the language as written. **A. Upton** would report back to the SB that there were no revisions to the TPB warrant articles as presented; **Chair Robinson** said they could sign the Special Town Meeting (STM) as is.

- **Upcoming discussion with MVC Adam Turner and Laura Silber re: STR Study and Housing Resource Focus April 5 at 5:30 pm**
- **Schedule Joint Meeting with WTPB and Area Residents to discuss Red Coat Hill**
- **Review and sign condolence letter for Pat Harris**

Chair Robinson said he would prepare a draft for next week.

- **Joint Meeting with Select Board on April 12th, at 5pm To Discuss:**
 - **Legal Services**
 - **Discuss Warrant Articles**
 - **Use of Public Lands & Stewardship of Town Property**
 - **Succession Program with Manuals, Transition Plan**
 - **Develop a Calendar to regularly meet every Quarter**
 - **Master Plan**

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


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

None.

ADJOURNMENT:

*DISCUSSION ENSUED THEREON, UPON A MOTION DULY MADE BY CHERYL DOBLE AND
SECONDED BY CONNIE ALEXANDER, THE MEETING UNANIMOUSLY ADJOURNED AT 8:33 PM.*

Respectfully submitted;



Teresa Kruszewski, Recorder

APPROVAL: Approved and accepted as official minutes;

Date

Benjamin Robinson, Chair

APPROVED JULY 19, 2023