

PLANNING BOARD MINUTES
Wednesday, August 16, 2023 – 5:00 PM
ZOOM MEETING

TOWN OF TISBURY
P.O. BOX 602
TOWN HALL ANNEX
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IN ATTENDANCE:

Benjamin Robinson – Chair, Connie Alexander – Clerk, Cheryl Doble, Casey Hayward*, Elaine Miller, Lora Ksieniewicz – Associate Member*

STAFF/MVC:

Dan Doyle – Special Projects Planner/Martha's Vineyard Commission (MVC),
Amy Upton – Tisbury Planning Board Administrator

OTHERS/PRESS:

Rachel Orr – Finance and Advisory Committee, Louisa Hufstader – Vineyard Gazette

* Members that arrived later or left early: Lora Ksieniewicz arrived at 5:06 PM. Casey Hayward left at 8:05 PM.

Chair Benjamin Robinson called the August 16, 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/89333053721> Meeting ID: 893 3305 3721
- One tap mobile: +13052241968,,89333053721# US
+13092053325,,89333053721# US

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

MINUTES: April 5th & May 17th, 2023

ELAINE MILLER, AT 8:13 PM, MOVED TO APPROVE THE MINUTES FOR APRIL 5, 2023 AND MAY 17, 2023 AS PRESENTED. SAID MOTION WAS SECONDED BY CONNIE ALEXANDER. THE BOARD VOTED IN FAVOR OF THE MOTION: 4 AYES, 0 NAYS, 0 ABSTENTIONS.
MS. ALEXANDER—AYE, MS. DOBLE—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 August 16, 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/review written Decision for Brandon Smith; Special Permit Application for Safe Harbor Marina, AP 9-B-2 pursuant to TZBL 06.06.01, 06.06.02, 06.06.04, 06.06.05 and 06.06.10

Members Present by roll call: Chair Robinson, C. Alexander, C. Doble, C. Hayward & Lora Ksieniewicz

*E. Miller was present but not a voting Member for this Special Permit

Others: Chris Scott – Applicant, Jeffrey DuBard, Rich & Sheila Flathers, Steve Guard, Amelia Hambrecht, Louisa Hufstader, Annabelle Hunton, Rachel Orr, Amy Upton

THE DELIBERATIONS COMMENCED IN DUE FORM AT 6:02 PM.

Documents on file as referred to during the meeting:

Final Draft Safe Harbor Marina (SHM) LLC Special Permit - August 16, 2023

After review of the Members that had been in attendance throughout, it was decided that **E. Miller** would not be a voting Member for this Special Permit, as she was not present during the August 2, 2023 Deliberations; **Chair Robinson** indicated that **L. Ksieniewicz** would be included as a voting Member

Chair Robinson screen shared the document as Members reviewed each section and made appropriate edits. A lighting and landscaping plan would be submitted by the applicant in the future.

CHERYL DOBLE, AT 6:55 PM, MOVED TO APPROVE THE DOCUMENT AS WRITTEN AND AS EDITED TO CLEAN UP FOR LANGUAGE. 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. KSIENIEWICZ—AYE & MR. ROBINSON—AYE.

Chair Robinson said the Planning Board would recess the regularly scheduled meeting on August 16, 2023 in order to hold the following Approval Not Required (ANR) Review. At the conclusion or continuation of the Review, the Planning Board would resume the regular meeting to conclude all unfinished business.

6:30 PM:

Form A-ANR for Jeffrey DuBard re: 44 & 51 Lagoon Pond Rd., AP 9-A- 18.1, 9-A-20, 9-A-21

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

Others: Jeffrey DuBard – Applicant, Rich & Sheila Flathers, Steve Guard, Amelia Hambrecht, Doug Hoehn, Louisa Hufstader, Annabelle Hunton, Rachel Orr, Amy Upton

THE REVIEW COMMENCED IN DUE FORM AT 6:57 PM.

Documents on file as referred to during the meeting:

2023-08-16 Dubard Form A.pdf

51 Lagoon Pond Plot Plan.pdf

A. Upton screen shared the plans as **Jeffrey DuBard** explained the project which included the placement of the historical building that had been recently moved, as well as his vision for the parcels in total – this was an informational session only.

Chair Robinson said this request triggered the Developments of Regional Impact (DRI) checklist/Land Use Planning Committee (LUPC).

CHERYL DOBLE, AT 7:15 PM, MOVED TO REFER TO THE MARTHA'S VINEYARD COMMISSION UNDER CHECKLIST ITEM 2.1. 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 August 16, 2023 in order to hold the following Approval Not Required (ANR) Review. At the conclusion or continuation of the Review, the Planning Board would resume the regular meeting to conclude all unfinished business.

6:45 PM:

Form A-ANR for Amelia Hambrecht re:187 Lagoon Pond Rd, AP12-D-24

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

Others: Amelia Hambrecht – Applicant, Doug Hoehn – Schofield, Barbini & Hoehn Inc., Jeffrey DuBard, Rich & Sheila Flathers, Louisa Hufstader, Annabelle Hunton, Rachel Orr, Amy Upton

*THE REVIEW COMMENCED IN DUE FORM AT 7:16 PM.
Documents on file as referred to during the meeting:
Hambrecht ANR 07-12-23.pdf*

Chair Robinson said this had been through the MVC; the MVC did not concur to review this and remanded this back to the Town.

C. Doble asked if access to the property was through a shared entry; **Doug Hoehn** replied that nothing was proposed at this time as this project was for the family; currently it was a shared driveway.

C. Doble asked if the small wetland area would create challenges for construction vehicles and so forth; **Mr. Hoehn** said the Conservation Commission would be involved at the appropriate step in the process.

(Please see documents on file for details: APPROVED Minutes TPB July 5, 2023.pdf, 6:45 PM: Informal pre-application meeting with Amelia Hambrecht re: 187 Lagoon Pond Rd, Tisbury, Ma. AP 12-D-24, pg 4; APPROVED Minutes TPB July 19, 2023.pdf, 6:30 PM: Form A-ANR for Amelia Hambrecht; AP 12-D-24 at locus; 187 Lagoon Pond Road, 2.6 (b) located in the Island Road DCPC -mandatory referral requiring MVC concurrence, pg 2)

ELAINE MILLER, AT 7:23 PM, MOVED TO ENDORSE THIS APPROVAL NOT REQUIRED AS PRESENTED. 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

a. Master Plan (MP) updates w Dan Doyle

Implementation Program:

- **D. Doyle** said another draft should be received by August 28, 2023.
- He asked Members to look at the notes from last Monday's joint meeting with the MP Steering Committee, and indicated there were useful links to "How To Package A Big Implementation Plan For The Public".
 - Four implementation themes were discussed:
 - Choosing to protect
 - Choosing to provide
 - Choosing to succeed
 - Choosing to adopt (not finalized)
- The public presentation would be held at the Tisbury Senior Center September 22 and 23, 2023.
- **D. Doyle** explained the methods to advertise the event including:
 - The digital sign to be placed at the State Road and Main Street intersection.
 - 11 x 17 posters would be placed throughout the Town.
- **D. Doyle** recapped discussions for the B2 districts. *(Please see discussion for wastewater allocation below: B. OLD BUSINESS, August 30th Water and Sewer Discussion, pg. 7)*

Newspaper Articles:

- **D. Doyle** said he sent around a draft to Members; the Martha's Vineyard Times asked for something to be written - this draft was his attempt to get something in print, to tell part of our story about one of the key issues. **D. Doyle** asked for feedback including how to sign.
 - **C. Alexander** said the draft was very grand and very informative, she felt it needed to be simplified to avoid confusion; she offered edits to a few words to give this a broader scope.
 - **E. Miller** said the tone was that of **D. Doyle** speaking, she didn't want to tamper with that as it had a lot of soul in it. She suggested everyone send their edits to him, to keep the tone consistent.
 - **Chair Robinson** asked what the overarching goal of this letter was, as it was very focused. **D. Doyle** said it was really to address zoning, as that was the gateway for other things that were trying to be done; cost/benefit-wise, this was the most strategic thing the Town could do.
 - Members addressed comments within the letter and asked if the zoning story was the one that should be told at this time.
 - **C. Doble** said she was disappointed the MV Times didn't want to do some interviews and articles.
 - She would like to see some way to bring attention to what had been done for this process, the context of the plan, the process identifying issues, the underlying vision, and the goals and policies that would take us there.
 - ***She wanted to engage people in the community, to help them understand that we have been working on this a very long time and we're getting near the end. To encourage people to go to the website and read the key issues, and to come to this meeting.***

- **C. Doble** asked what do we want right now, what was the goal of the article we put out at this point? The letter was very different from what she expected.
 - **Chair Robinson** said he had a similar reaction and said there wasn't enough prep for the 'audience' to understand what had been done and what was coming next.
 - He said this might not be the correct letter at this time for what was coming up in September.
 - He said it was important to continue to let people know what the MP is, does, and what would be done next; most importantly what it won't do.
- **C. Alexander** said the letter was not broad enough and agreed it didn't cover the scope of what had been happening and should be different.
- **C. Doble** thanked **D. Doyle** for the time and work that was put forth with this letter.
- **C. Alexander** asked if **Judi Barrett**/ Barrett Planning Group LLC (BPG/the Consultants) had form articles/form letters for public communication that could help with this process.
- **Chair Robinson** suggested first establishing what we [TPB] were trying to achieve with these meetings with the community, and then write the letter to that.

A lengthy discussion ensued for the content of this letter and/or a series; and to write to the audience that was not paying close attention to the MP process; and to honor the direction of the MP Steering Committee; and the timing of the publication. **C. Alexander** offered to join forces with **D. Doyle**.

Master Plan - Meaning For Members:

- **C. Hayward** said it was important to have a discussion as a group, to be a united front for what the MP meant to the TPB, not the individual members.
 - **Chair Robinson** said this was a really good point and should happen soon. He said the TPB was the ambassador of the MP. He said Members had to know why things were prioritized (and so forth) - to be able to answer questions from the community with enough familiarity to give people confidence.
- **C. Alexander** said to go back to the Request For Proposal (RFP) process that was done in hiring BPG, it was a good place to start; **E. Miller** agreed.
 - **C. Alexander** said as a Board, it would be wonderful to have unanimity on these issues, but each Member was a very different person at a very different juncture in their lives. We don't have to be a completely united front and that each could speak to their strengths and portray those going forward.
 - She agreed with **Chair Robinson** that we needed to be ready to answer questions and to *listen*.

Contract/s for Recodification:

- **C. Doble** recapped the discussion with **Judi Barrett** and the recodification to be done this year (2023); **C. Doble** explained the processes, the phases, and all that was involved. She said it was a heavy lift, a super clean-up.
 - **C. Doble** said that **Judi Barrett** was comfortable working with **Jonathan Silverstein**/Planning Board Counsel for Special Permits.
 - **C. Doble** explained the [contract] options as presented by **Judi Barrett** to bring on **Jonathan Silverstein** for the process.

- **C. Doble** said she would need to know the dates to place this on a Town Warrant; it needed to be a stand alone article for the recodification, it had to pass to move this forward.
- **C. Doble** said the actual amendments would have to be prioritized by the TPB; she was uncertain how far the current budget would support the work.
- **C. Doble** suggested writing a simple contract for a new project (zoning) to move this forward.
- **A. Upton** recapped her conversation with **Jonathan Silverstein** and that each would work directly for the TPB, two separate contracts. She said the TPB was in the position to choose - it would be a formality. A Request for Information (RFI) would be the method to move forward.
- The method of payment was discussed for these two [potential] contracts.

b. Discussion re: Mt. Aldworth Neighborhood

Chair Robinson, at 7:24 PM, in response to correspondence received, recapped what the TPB reviewed for ANR requests and said the TPB did not have say where and how the property was accessed (location of a curb cut). The TPB functioned as an advisor to the Department of Public Works (DPW). **Kirk Metell**, Director/DPW used the [Town Policy] checklist for this property/ANR in determining if a curb cut would be granted. The property met all of the criteria and therefore a curb cut was approved by the DPW.

Chair Robinson acknowledged the question for the existing stone wall as to whether it was on private property or Town land (in the right of way); the TPB was waiting for that documentation. A lengthy discussion ensued over the benefits and possible outcomes of [private] surveying of the wall, and depending on those results the steps that could be taken to ask **Mr. Metell** to withdraw the approved curb cut.

Members discussed the requirements for accessing the property including not backing out on a public way; they determined this should be reviewed before the curb cut was completed.

(Please see document on file for details: APPROVED Minutes TPB May 17, 2023.pdf, 6:30 PM: ANR for Barlow 35 Mt Aldworth AP 8Q11.1, pgs. 3 & 4)

- ❖ **Rich & Sheila Flathers**, at 7:32, said this process was new for them. Their house was directly across the street and concerned about storm run-off, etc going onto their property.
 - **Mr. Flathers** asked who paid for the curb cut; **Chair Robinson** said the land owner would be responsible.
 - **Ms. Flathers** asked if there was any preservation factor for this 114 year old wall, did it have any historical significance/protections? She said it was also a retaining wall. **Chair Robinson** said it was an interesting question, there should be a more formal process as it seemed there was none; he suggested the Historic Commission be contacted.
- ❖ **Annabelle Hunton**, at 7:39 PM, expressed concerns that steps taken so far (curb cut approval) were falsely leading the new owners; she recommended clear communication to protect the neighborhood and to give [new] owners all the information ahead of time.
 - **C. Doble** agreed, and asked how to communicate with the property owners to inform them beforehand, to provide full disclosure and prevent someone from doing something they might regret.
 - **Chair Robinson** said these points should be conveyed to **Kirk Metell**; the wall location needed to be determined.
- ❖ **C. Alexander** recommended to **Rich & Sheila Flathers** to check with the Police Department, for backing out onto roads and if there were violations; she was not able to find anything in the current bylaws. **Chair Robinson** acknowledged this should be part of the recodification.

- ❖ Members discussed property owner stormwater run-off responsibilities, and the Town departments responsible for overseeing.

Chair Robinson said the TPB would continue to do what it could to help alleviate property owner concerns. **A. Upton** was in conversations with those involved with this property; she would share information as things proceeded.

c. Discussion re: Nina's Dine n Dash signage.

Members would review the [granted] Special Permit to determine if the current signage was in violation; the Applicant and Building Inspector would be notified for next steps.

d. Bills Payable: Payroll;\$2730.55, 51Art-MVMinutes; \$500.00, Barrett Planning Group LLC; \$14,041.79 Total; _____

A.Upton reviewed the adjusted numbers as follows:

Payroll	\$2574.55
Minutes	\$400.00
TOTAL	\$17,016.34

ELAINE MILLER, AT 8:14 PM, MOVED TO APPROVE THE BILLS PAYABLE AS ADJUSTED. SAID MOTION WAS SECONDED BY CHERYL DOBLE. THE BOARD VOTED IN FAVOR OF THE MOTION: 4 AYES, 0 NAYS, 0 ABSTENTIONS. MS. ALEXANDER—AYE, MS. DOBLE—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

B. OLD BUSINESS

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

- **Department Updates**
- **Proposal for Master Plan open House events re; advertising, refreshments, Town Hall showcase**
- **August 30th Water and Sewer Discussion**

Chair Robinson said the Wastewater Director had opened a public hearing with the Select Board (SB) at the end of the moratorium on issuing flow, and presented a sewer policy. Part of the policy was how to divide-up the flow, with 40% going to housing - it wasn't clear on what type of housing. All were in agreement that more discussion was needed. He screen shared a photograph of the draft document, as the document itself was not available.

C. Alexander said this had been discussed at the Sewer Advisory Committee (SAC) - she was surprised more detail had not been included for the SB Presentation/document. She read from her March 22, 2023 meeting notes and stated there was a unanimous vote; the percentages for housing which included stipulations for affordable/year-round housing were also discussed.

E. Miller said she was confused as the flow numbers didn't add up - she referenced the SAC minutes sent to the Board by **C. Alexander**, and said they were very helpful.

A. Upton said this would be a joint meeting with the TPB and SAC for review and clarification.

(Please see documents on file for details: APPROVED Minutes TPB August 2, 2023, II Appointed Boards and Committees, Sewer Advisory Committee, pg 5; APPROVED Minutes TPB Special Meeting March 29, 2023, A. NEW BUSINESS, Discussion with Jared Meader re proposed wastewater warrant articles, pg 6)

II. Appointed Boards and Committees (reports as time permits)

- ◆ **Climate Committee** – *Casey Hayward*
- ◆ **Community Preservation Committee (CPC)** – *Cheryl Doble*
- ◆ **Land Bank Advisory Committee** – *Elaine Miller*
- ◆ **Open Space and Recreation Committee (OSRC)** – *Cheryl Doble*
- ◆ **Sewer Advisory Committee** – *Connie Alexander*
- ◆ **Site Plan Review Board** – *Lora Ksieniewicz*
- ◆ **Tisbury Affordable Housing Committee (AHC)** – *Elaine Miller*
- ◆ **Tisbury Water Resource Committee (WRC)** – *Benjamin Robinson*

III. Assigned Working Groups

- **All Island Planning Board** – *All TPB Members*
- **Byways & Complete Streets** – *Lora Ksieniewicz*
- **Tisbury Waterways** – *Benjamin Robinson*

CORRESPONDENCE:

1. **Martha's Vineyard Commission Meeting Schedule**
2. **Letters from Mt. Aldworth residents**

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

None.

ADJOURNMENT:

*DISCUSSION ENSUED THEREON, UPON A MOTION DULY MADE BY ELAINE MILLER AND
SECONDED BY CHERYL DOBLE, THE MEETING ADJOURNED AT 8:18 PM.*

Respectfully submitted;

Teresa Kruszewski, Recorder

APPROVAL: Approved and accepted as official minutes;

Date Benjamin Robinson, Chair

APPROVED JANUARY 30, 2024