

**PLANNING BOARD MINUTES**  
Wednesday, September 6, 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, Connie Alexander – Clerk, Casey Hayward

Lora Ksieniewicz – Associate Member

**STAFF/MVC:**

Dan Doyle – Special Projects Planner/Martha's Vineyard Commission (MVC),

Amy Upton – Tisbury Planning Board Administrator

**OTHERS/PRESS:**

Louisa Hufstader – Vineyard Gazette

**Chair Benjamin Robinson** called the September 6, 2023 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/81551851021> Meeting ID: 815 5185 1021

-One tap mobile: +16469313860,,81551851021# US

+13017158592,,81551851021# US

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

**MINUTES:** None at posting

**APPOINTMENTS:**

**5:00 PM:**

**Board Discussions, see below new/old business**

**Chair Robinson** said the Planning Board would recess the regularly scheduled meeting on September 6, 2023 in order to hold the Pre-Application meeting. At the conclusion or continuation of the Pre-Application meeting, the Planning Board would resume the regular meeting to conclude all unfinished business.

**6:00 PM:**

**Pre-Application meeting with Ross Seavey re: Tashmoo Wood Property Owners Association, Inc.**

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

Others: Ross P. Seavey, Esq. – Owner Representative, Bob Gilchrist – Applicant, Fran Gilchrist,

Jefrey DuBard, Susan Levine, Louisa Hufstader, T. Sykes, Amy Upton

THE PRE-APPLICATION MEETING COMMENCED IN DUE FORM AT 6:00 PM.

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

*Tashmoo Woods - Planning Board Presentation.pdf*

*Tashmoo Wood - Planning Board Presentation - Updated 9-7.pdf*

**Chair Robinson** reviewed the two rules that governed municipal employees post-employment, the ‘forever ban’ and/or the ‘cooling off period’ and how that applied to **Ross P. Seavey**, the former Tisbury Building Commissioner.

- **Chair Robinson** read the advisory from **Attorney David Doneski**, Town Counsel.
- **Mr. Seavey** explained in detail how this would impact his role.
- **Chair Robinson** suggested getting clarity for the ‘cooling off period’ before moving forward as he felt there was a bit of a gray area; **Mr. Seavey** said he would contact **Attorney Doneski** for any lingering questions.

**Mr. Seavey** screen shared the presentation and reviewed the changes that were being requested. Members asked questions about setbacks, square footage and the composition of the neighborhood.

**Chair Robinson** suggested **C. Alexander** contact the Massachusetts Ethics Board as she was a direct abutter to this neighborhood. If she was not able to participate in this Special Permit, Lora Ksieniewicz would participate.

Members discussed scheduling a site visit with **Bob Gilchrist**; **A. Upton** asked to set up a 53G account for legal services.

**Chair Robinson** said the Planning Board would recess the regularly scheduled meeting on September 6, 2023 in order to hold the Pre-Application meeting. At the conclusion or continuation of the Pre-Application meeting, the Planning Board would resume the regular meeting to conclude all unfinished business.

**6:30 PM:**

**Pre-Application meeting with Black Dog Restaurant Business new Owners re: modification of Special Permit in the Waterfront Commercial District from 2012**

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

*Others: Dan Pucillo, Chief Executive Officer (CEO)/President & James Decatur, Facilities Manager – Applicant, J. Ernie Chaves, Jeffrey DuBard, Louisa Hufstader, Ross P. Seavey, Esq., Amy Upton*

THE PRE-APPLICATION MEETING COMMENCED IN DUE FORM AT 6:40 PM.

*Documents on file as referred to during the meeting: None.*

**Dan Pucillo** said he wanted to create a safe path for pedestrians to cross through the Black Dog (BD) Campus to the Steamship Authority (SSA) ferries; his main concern was for safety. He explained the roadblocks he had encountered including the SSA citing the issue of Homeland Security.

**Mr. Pucillo** underscored that he wanted to create a safer area for pedestrian access including redefining the traffic flow to keep pedestrians from crossing between the wait staff of the BD Tavern and to find a better solution for the [falling] fencing that was owned by the SSA.

**Mr. Pucillo** said he wanted to be able to utilize the campus more in season including the addition of outdoor music and [if there was] the need for an entertainment permit; how to move forward.

Members discussed whether this would require a new Special Permit or modifications to the existing Special Permit (restaurant versus campus, and so forth); more research was needed.

**Mr. Pucillo** said he would work with his legal counsel and put together a more formal plan.

**Chair Robinson** said the Planning Board would recess the regularly scheduled meeting on September 6, 2023 in order to hold the Pre-Application meeting. At the conclusion or continuation of the Pre-Application meeting, the Planning Board would resume the regular meeting to conclude all unfinished business.

**7:00 PM:**

**Pre-Application meeting with Jessica Tartell re: Community Services/Thrift Store possible Special Permit in the Waterside Management Area**

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

Others: J. Ernie Chaves/Facilities Manager & Jessica Tartell/Director of Operations – Applicant, Elizabeth Folcarelli, Chief Executive Officer of Martha's Vineyard Community Services (MVCS), Jeffrey DuBard, Louisa Hufstader, Dan Pucillo, Ross P. Seavey, Esq., Amy Upton

THE PRE-APPLICATION MEETING COMMENCED IN DUE FORM AT 7:06 PM.  
Documents on file as referred to during the meeting: None.

An extensive discussion ensued for which district this fell within (waterside versus commercial management) and what would trigger the need for a Special Permit; **C. Alexander** said a surveyed site plan would be needed for confirmation to determine if it was nonconforming.

**Beth Folcarelli** explained that this location would be a processing area, a place to temporarily store things before moving to Chicken Ally to sell, or to other MVCS facilities for longer storage.

**Ms. Folcarelli** said they had been paying a lease for almost a year for this non-operational 1065 square foot space; she asked to define what features of the current plan necessitated a Special Permit.

**Chair Robinson** in response, detailed what might trigger the need for a Special Permit as well as what they could do 'by right'.

**Chair Robinson** recapped what needed to be done (clarified) next:

- Use of the property that was 'by right'
- Potential reconstruction or extension may trigger the need for a Special Permit if the building was determined to be nonconforming.
- Check with the Building Department for the type of permits that would be needed for changes.

★ The Planning Board resumed their regularly scheduled session at 7:44 PM to address all unfinished business.

**BOARD DISCUSSIONS:**

**A. NEW BUSINESS**

- a. Master Plan (MP) updates w Dan Doyle; Upcoming dates, locations, posters, refreshments policy- review application for pre-approval and possible menu options from Scottish Bakehouse

**Chair Robinson** recapped the discussions/actions of the Joint TPB and MP Steering Committee (MPSC) meeting of last night:

- ❖ Started the review of documents that had been completed by Judi Barrett / Barrett Planning Group LLC (BPG/the Consultants)
- ❖ The Vision Statements put together by Dodson & Flinker (DF) to base their further work on the Area Plans had come a long way and were in really good shape.
  - **D. Doyle** said the DF diagrams to accompany the Vision Statements were not ready.

- ❖ The bulk of the work was in the Goals, Policies and Actions, which was the important document in the MP as it really was the MP - the rest was supporting information for those Actions.
  - This was in draft form - each version was getting better.
  - Review of the document would continue before the September 22, 2023 meeting, to align with the thinking of the MPSC and TPB.
  - There was the potential of a working session next week, it would not be posted unless there was a real desire for additional folks to weigh in.
- ❖ September 22, 2023 was a public meeting for review of this document with an open house on September 23, 2023.
  - **D. Doyle** said there would be a virtual meeting on October 17, 2023 where the Implementation Program would be presented again and include the presentation from DF on the Area Plans.
    - **D. Doyle** said the diagrams would be received well beforehand to ensure they represent the direction of MPSC and TPB.
  - **D. Doyle** said the 11 x 17 posters to promote these sessions were posted in strategic locations throughout Town.
  - MVTV would be present to record the sessions.
- ❖ **D. Doyle** described the overnight accommodation challenges for the Consultants; he said the Consultants decided to stay off Island. **Chair Robinson** said on-Island housing could be available if it made it easier for them; **D. Doyle** said he would offer this as an option.

**D. Doyle** said the opportunity to share MP information and review the Actions at the Town Leadership Meetings was proving to be difficult. **D. Doyle** and **A. Upton** described the Leadership meetings, who attended and the regularity; there didn't seem to be a set schedule. They indicated that **John W. Grande**, Town Administrator/Personnel Director spearheaded these meetings.

- September 11, 2023: space was reserved at 10:00 AM for a Leadership Meeting at the Katherine Cornell Theater, however a Leadership meeting had not been scheduled for this date.
  - **D. Doyle** said he was uncertain of turn-out but would move forward with this session and take advantage of the opportunity; he expressed frustration for the lack of investment for Town Hall.
- September 14, 2023: 5:30 PM was a meeting with the volunteer Town Committees and Boards.

A lengthy discussion ensued for providing refreshments at the two-day MP session in September, including the following:

- ❖ **Chair Robinson** recapped the steps of reimbursement for the Town food policy.
  - **A. Upton** shared her correspondence and [frustration] with the process in following the steps for reimbursement with the Town food policy.
- ❖ Have a Parent Teacher Organization (PTO) style group make food donations.
- ❖ The estimate from the Scottish Bakehouse was reviewed; it was suggested to bring down the head count and get a revised estimate.
  - 30 in attendance was a good turn out for meetings and events; using this for the estimate could be more realistic.
  - **C. Alexander** said the estimate looked reasonable for what they would provide; a reduced headcount would bring this in the range of \$350.00.
  - **C. Hayward** said she didn't like spending money on this and suggested planning better in the future.

CASEY HAYWARD, AT 5:33 PM, MOVED TO APPROVE THE BUDGET OF \$350.00 FOR THE SEPTEMBER 22 AND SEPTEMBER 23, 2023 MASTER PLAN MEETINGS. SAID MOTION WAS SECONDED BY CONNIE ALEXANDER. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 3 AYES, 0 NAYS, 0 ABSTENTIONS. MS. ALEXANDER—AYE, MS. HAYWARD—AYE & MR. ROBINSON—AYE.

**D. Doyle** recapped the Select Board discussion about having the MP be presented and voted on at Town Meeting; this was not statutory. **C. Hayward** asked about the process if this did not pass a Town Meeting vote. **Chair Robinson** reviewed the steps and said a passing/endorsement at Town Meeting was important, otherwise implementation would be difficult. **D. Doyle** said the Consultants strongly cautioned against this type of vote.

In follow-up to the newspaper article discussion at the August 16, 2023 meeting, **D. Doyle** reviewed his submission to the Vineyard Gazette and said he was awaiting the response from editor Bill Eville; **C. Alexander** was working with the MV times. (Please see document on file for details: APPROVED Minutes TPB August 16, 2023.pdf, BOARD DISCUSSIONS: A. NEW BUSINESS, a. Master Plan (MP) updates w Dan Doyle, Newspaper Articles:, pgs 4 & 5)

**b. CPTC Topics for Fall**

Members agreed upon four topics and that Saturday was the best day for the Citizen Planner Training Conference that would be hosted by the MVC.

**c. Discussion regarding proposed contract with Attny. Jonathan Silverstein for work with TPB in FY 24-review legal services agreement**

**Chair Robinson** said this discussion needed the full Board and would be reviewed at the September 20, 2023 meeting; formalized steps would be necessary for this to move forward.

**d. Discussion regarding Nina's Dine n Dash Sign**

**Chair Robinson** said the Special Permit allowed a sandwich-board only – they were out of compliance. He said the Building Department had been notified as well as the Town Administrator. **Chair Robinson** said the Building Department was the one for enforcement.

**e. Bills Payable: Payroll; \$3171.30, MVC Consultant Dan Doyle; \$1300.00, Total \$4471.30**

CASEY HAYWARD, AT 7:45 PM, MOVED TO APPROVE THE BILLS PAYABLE AS PRESENTED. SAID MOTION WAS SECONDED BY CONNIE ALEXANDER. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 3 AYES, 0 NAYS, 0 ABSTENTIONS. MS. ALEXANDER—AYE, MS. HAYWARD—AYE & MR. ROBINSON—AYE.

**B. OLD BUSINESS**

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

- Department Updates-next regularly scheduled meeting on September 20th, 2023
- Determine date and time for meeting with Judi Barrett and Jonathan Silverstein to Discuss Plan to work on recodifying Bylaws in FY 24

**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. Letter from Select Board re: Master Plan

**Chair Robinson** suggested a response to the Select Board in letter form; a draft could be reviewed at the next meeting.

#### 3. Planning Board Administrator Job Description and Employment Offer

**Chair Robinson** said this would be reviewed in November 2023, when the three month probationary period ended.

#### 4. Letter from Doreen Kinsman re: Montessori School project

**A. Upton** said **Mr. Seavey** was the agent for this project. She reviewed her conversations with the neighborhood including the steps and timeline that would be involved for this project.

**Other business not reasonably anticipated 48 hours in advance of meeting:** None.

### ADJOURNMENT:

*DISCUSSION ENSUED THEREON, UPON A MOTION DULY MADE BY CONNIE ALEXANDER AND SECONDED BY CASEY HAYWARD, THE MEETING ADJOURNED AT 8:00 PM.*

Respectfully submitted;



Teresa Kruszewski, Recorder

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

\_\_\_\_\_  
Date

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

**APPROVED MARCH 20, 2024**