

PLANNING BOARD MINUTES

Wednesday, April 19, 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.tisbury.ma.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),

Jonathan Silverstein – Planning Board Counsel for Special Permits,

Amy Upton – Tisbury Planning Board Administrator

OTHERS:

John Cahill - Select Board (SB), Louisa Hufstader – Vineyard Gazette, Brook Katzen, Lora Ksieniewicz,

Jared Meader – Wastewater Superintendent, Rachel Orr – Finance and Advisory Committee

**Members that arrived later: Elaine Miller arrived at 5:38 PM.*

Chair Benjamin Robinson called the April 19, 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/89185306183> Meeting ID: 891 8530 6183

-One tap mobile +16469313860,,89185306183# US

+13017158592,,89185306183# US (Washington DC)

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

MINUTES: February 6th, and February 15th, 2023

The February 15th minutes were still in production and therefore not ready for approval.

CONNIE ALEXANDER, AT 5:38 PM, MOVED TO APPROVE THE MINUTES FOR FEBRUARY 6, 2023. SAID MOTION WAS SECONDED BY CASEY HAYWARD. THE BOARD VOTED IN FAVOR OF THE MOTION: 4 AYES, 0 NAYS, 0 ABSTENTIONS. MS. ALEXANDER—AYE, MS. DOBLE—AYE, MS. HAYWARD—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 19, 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:

Deliberations (cont.) 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: John Cahill, Sam Dunn, Louisa Hufstader, Brook Katzen, Lora Ksieniewicz, Jared Meader, Rachel Orr, Kate Salop, Amy Upton

THE CONTINUATION OF THE DELIBERATIONS COMMENCED IN DUE FORM AT 6:00 PM.

Documents on file as referred to during the meeting:

353 Shubael Weeks Path-AP 52-A-6.11 FINAL DRAFT.docx.

Chair Robinson said in a normal situation we would not want to have two curb cuts servicing one property. He said the main findings were:

- The applicant's decision making and planning had been done prior to this bylaw; the property was being developed as the Town was contemplating this Special Permit/Special Way bylaw.
- There was a lot of topography on this parcel, these two driveways allowed access to both levels of the house, taking advantage of the slope.

A. Upton screen-shared the working draft Decision as the TPB made the appropriate [final] edits.

Language for disturbance and restoration of the buffer plantings as well as the road surface conditions after construction, was discussed. *(The Special Permit for applicant Kenneth Hurd/AP 52A07, October 20, 2021, was referenced for language to use in this Decision.)*

Members discussed the relevance of having the dates for the pre-existing curb cut and building permit and if having those dates would clarify the procedure and help in the future; having the dates would be more verification if this was used as a precedent. They were concerned with holding up the process for the applicant; **A. Upton** said this was time sensitive as the applicant was waiting for their Certificate of Occupancy (CO).

CONNIE ALEXANDER, AT 6:23 PM, MOVED TO APPROVE THE WRITTEN DECISION AS EDITED TONIGHT. 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 6:24 PM, MOVED TO CLOSE DELIBERATIONS. 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.

Chair Robinson said the Planning Board would recess the regularly scheduled meeting on April 19, 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.)- 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, Sam Dunn, John Cahill, Louisa Hufstader, Lora Ksieniewicz,
Jared Meader, Amy Upton*

THE CONTINUATION OF THE DELIBERATIONS COMMENCED IN DUE FORM AT 6:24 PM.

Documents on file as referred to during the meeting:

The Ice Box AP 9-B-19.4-19.12 SP Final Draft.docx

A. Upton screen-shared the working draft Decision as the TPB made the appropriate [final] edits.

Members discussed developing a Town-wide policy for composting and waste, to standardize the system and not make determinations restaurant by restaurant; **E. Miller** suggested approaching the Board of Health (BOH) to begin that process. Documentation [for the record] to support wastewater and parking was reviewed.

CHERYL DOBLE, AT 6:47 PM, MOVED TO APPROVE THE AMENDED DECISION AND CLOSE THE 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.

Chair Robinson said the Planning Board would recess the regularly scheduled meeting on April 19, 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:

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, John Cahill, Louisa Hufstader, Lora Ksieniewicz,
Jared Meader, Rachel Orr, Amy Upton*

THE CONTINUATION OF THE DELIBERATIONS COMMENCED IN DUE FORM AT 6:49 PM.

Documents on file as referred to during the meeting:

Town of Tisbury Alcohol Liscensing Policy- Select Board.pdf.

Chair Robinson said the date for this Public Hearing/Deliberation was only posted once in the printed paper (Martha's Vineyard Times). **Chair Robinson** said after speaking with **J. Silverstein**, it was recommended to make note of this issue for the record and that we could proceed with the Deliberations - **Chair Robinson** didn't see this as an issue as this Public Hearing was in the news. **S. Dunn** acknowledged this verbally and said he would move forward at his own, very small risk; **Chair Robinson** asked **S. Dunn** to send his acknowledgement in a written letter for the record.

Members reviewed the points to include in the written Decision:

1. Data for comparable restaurants in Tisbury including hours of operation.
2. Liquor license regulations.
 - a. Fast-food restaurants and/or take out would not be granted a liquor license.
 - b. The few inconsistencies with this Special Permit proposal versus the *Town of Tisbury Alcohol Licensing Policy*.
 - i. Liquor being served at a bar versus seating only.
 - ii. Approving a project that fits within the parameters - we need to have all of the boxes checked off.
 - iii. Looking at the bigger picture and the changes of Town laws for alcohol that could impact the bar discussion.
3. The application for approval was for a Fast-food restaurant; wastewater flow was set for 70 seats of a Fast-food establishment only; the flow would be evaluated annually.
4. What was presented is what would be approved.

Discussion:

- ❖ This was the first permit of its type, front and center – it was important to get it right as it would set a precedent.
- ❖ The project since inception, had been reviewed as Fast-food with seating, the use had been consistent throughout, why were we questioning and addressing this now?
- ❖ There was not a legal definition for Fast-food throughout the state.
- ❖ The Decision could be written so it's not circular, allowing the SB to modify and to make determinations as needed and not put the SB in a difficult position.
 - The SB issued the license, it was up to them for compliance; leave it with the SB as they may interpret it differently.
 - Proceed to write a condition and to allow the SB to do their work, or to reopen the Public Hearing to gather more information.
- ❖ The TPB was not holding to our mission, to do our job and not to overstep; let each department step in where appropriate.
- ❖ It was the TPB responsibility to approve a project that was approvable and to write a Decision based on the regulations; to make sure the TPB did the right thing.
 - All were in agreement to have Town Counsel help with this process.

CASEY HAYWARD, AT 7:25 PM, MOVED TO CONTINUE TO DELIBERATIONS ON MAY 3, 2023 AT 6:15 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.

Chair Robinson said the Planning Board would recess the regularly scheduled meeting on April 19, 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.

7:00 PM:

Deliberations -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: Thomas Bransford, John Cahill, Louisa Hufstader, Lora Ksieniewicz, Jared Meader, Rachel Orr
Jonathan Silverstein, Amy Upton,*

THE CONTINUATION OF THE DELIBERATIONS COMMENCED IN DUE FORM AT 7:26 PM.

Documents on file as referred to during the meeting:

Ackee Tree AP 9-B-25 SP FINAL DRAFT.docx.

A. Upton screen-shared the working draft Decision as the TPB made the appropriate [final] edits.

Members discussed at length how parking would be identified on the premises and where that responsibility fell (landlord or applicant); the applicant would provide a parking plan before the CO.

CONNIE ALEXANDER, AT 7:45 PM, MOVED TO APPROVE AS AMENDED AND

TO CLOSE THE DELIBERATIONS. 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 the Planning Board would recess the regularly scheduled meeting on April 19, 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.

7:15 PM:

Deliberations (cont.)- 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: Thomas Bransford – Owners/Applicant, Louisa Hufstader, Amy Upton, Lora Ksieniewicz, Rachel Orr,
Jonathan Silverstein*

THE CONTINUATION OF THE DELIBERATIONS COMMENCED IN DUE FORM AT 7:45 PM.

Documents on file as referred to during the meeting:

Bransford Denial-Final Draft-with Edits from PB and JS.docx

Chair Robinson said correspondence was received from the Bransfords asking to consider reopening the Public Hearing, as they wanted to add new testimony (*document screen shared by A. Upton*). He said Counsel advised/provided the TPB with a list of ways to handle - **A. Upton** screen-shared the document detailing the [multiple] ways this could be addressed. Members were in agreement the cleanest way to move forward was to finish work on this denial and let the applicant come back fresh.

A. Upton screen-shared the working draft Decision as the TPB made the appropriate edits advised by **J. Silverstein** for the [final] Decision of *Denial without Prejudice*.

CHERYL DOBLE, AT 7:59 PM, MOVED TO APPROVE THE WRITTEN DECISION AND CLOSE THE DELIBERATIONS. 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 8:00 PM to address all unfinished business.

BOARD DISCUSSIONS:

A. NEW BUSINESS

i. Master Plan updates w Dan Doyle

C. Doble said revisions of the Vision Plan were discussed at the last Master Plan Steering Committee (MPSC) meeting. Barrett Planning Group LLC (BPG) would take that session information and create a draft of those revisions; that draft would then come back to a smaller group [of the MPSC] who would refine and even revise the goals from that information. The summary would be shared with the TPB to allow comments and feedback; the goal was to gather that information for the next MPSC meeting which was scheduled for May 2, 2023. All agreed ample time was needed for TPB review, as the comments were critical for the process.

Members discussed whether it would be possible to hold the next MPSC meeting as a joint meeting with the TPB; issues of availability and process were reviewed.

The petition was discussed and whether to pause the comments until there was the opportunity for further discussion at the joint Select Board meeting [possibly the week of May 10, 2023] to convey that information.

C. Doble said the MPSC responded to questions from Peter Flinker and Dillon Sussman (Dodson & Flinker/Landscape Architecture and Planning); they wanted to keep Mr. Flinker and Mr. Sussman, moving in the right direction with more specificity - guidelines including graphic improvements for sense of scale; it was important to have a clear timeline. **D. Doyle** said the direction needed to come from us; this was an opportunity to showcase the ideas.

C. Doble and **D. Doyle** would meet tomorrow with BPG to set the next MPSC agenda and discuss a range of topics; **C. Doble** said the BPG contract amendment still had not been completed/approved, and asked for help in getting the process moving forward; she said it was a challenge and unfortunate.

ii. Town Meeting information sheet on Articles and Zoning Amendments

Chair Robinson said a draft had not been produced for Board review and/or approval. Members discussed whether to move forward and the steps needed to complete the process; all were in agreement to meet on Monday, April 24, 2023 at 3:30 PM.

iii. Town Meeting Warrant Review

C. Hayward brought to the attention of the Board that the Climate Committee wanted to amend language for climate resilience, specifically for Article #12; **Chair Robinson** said he would contact Melinda Loberg, Committee Chair, to support the request.

- iv. **Rosemarie Roberts 2019 Decision: Tisbury Assessor Parcel 24A40.2, 24A40.21 and 24A40.22, King's Way, Vineyard Haven MA; (need mylar signed by B. Robinson, C. Doble, E. Miller)**

Chair Robinson said signatures were needed from **Chair Robinson, C. Doble** and **E. Miller**, to close this out.

- v. **Bills Payable: Payroll; \$2437.46, Town Counsel; \$280.00 53G acct-Sam Dunn, MV Times; \$1493.32**

A. Upton provided the revised numbers as follows:

Payroll - \$2541.04; MV Times - \$1419.07 (the Public Hearing notice was only published for one week; it was an oversight by the paper); the revised total - \$4,240.11

CONNIE ALEXANDER, AT 5:42 PM, MOVED TO APPROVE THE BILLS PAYABLE [REVISED TOTAL OF \$4,240.11]. 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.

B. OLD BUSINESS

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

A. Schedule in person meeting with Tisbury Selectboard to discuss list of shared topics of relevancy (possible dates; May 10th or May 23rd)

Members discussed the format for the joint Select Board (SB) meeting; hybrid seemed to be an option but in-person would be encouraged.

B. Schedule Meeting to Discuss Red Coat Hill & Shubael Weeks ongoing issues and community concerns (possible dates; May 3rd, May 17th, or May 31st)

Members suggested a smaller working group outside of the TPB and to include/contact Bill Veno, Senior Planner/MVC and Adam Turner, Executive Director/MVC. An inter-town working group with the MVC and the West Tisbury Planning Board (WTPB) was recommended to start the dialogue; **A. Upton** would send this idea along and to coordinate efforts with both.

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**

J. Meader said the sewer districts had changes in the language; it would be treated as one system - this was how the Massachusetts Department of Environmental Protection (MassDEP) viewed it/one permit. He said B1 and B2 was more for geographical reference, a planning designator. The approach gave better controls on how to allocate and manage flow for growth, it gave more flexibility and better controls.

J. Meader said a new [flow] policy was underway and anticipated a Public Hearing as part of the process; **Chair Robinson** would coordinate with the SB to include appropriate MP language.

Members asked for the timeline of the facility upgrades and recommended keeping the TPB updated, as it was beneficial for the planning process.

G. Site Plan Review Board

H. Open Space and Recreation Committee (OSRC)

I. All Island Planning Board

J. Climate Committee

C. Hayward said there would be a name change moving forward. The new name would be the Energy Committee, which was influenced externally. **R. Orr** clarified the name change was to have more inclusive language for climate resilience and energy projects; she explained there was an article for the Special Town Meeting, to change the name of the stabilization fund to the *Climate And Energy Stabilization Fund*.

K. Tisbury Waterways Committee

CORRESPONDENCE:

1. **Martha's Vineyard Commission Meeting Schedule**
2. **Letter of Application from Lora for Associate PB position**

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 CHERYL DOBLE, THE MEETING UNANIMOUSLY ADJOURNED AT 8:00 PM.*

Respectfully submitted;



Teresa Kruszewski, Recorder

APPROVAL: Approved and accepted as official minutes;

Date

Benjamin Robinson, Chair

APPROVED JUNE 7, 2023