

PLANNING BOARD MINUTES/ *Special Meeting*

Wednesday, February 22, 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:

Amy Upton – Tisbury Planning Board Administrator

OTHERS:

Laura Silber – Island Housing Planner/Martha's Vineyard Commission (MVC),

Louisa Hufstader – Vineyard Gazette

Chair Benjamin Robinson called the February 22, 2023 Tisbury Planning Board (TPB) meeting to order at 5:05 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/89509401460> Meeting ID: 895 0940 1460

-One tap mobile +13092053325,,89509401460# US

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

APPOINTMENTS:

5:00-5:30 PM Pursuant to MGL c. 40A, Section 5, the Tisbury Planning Board will hold a public hearing on Wednesday, February 22, 2023 from 5:00 pm to 5:30 pm to receive public comment on the proposed bylaw amendments.

Documents on file as referred to during the meeting:

zoning_bylaw_amendments_2022_articles_1-6_final_draft.pdf

(A. Upton screen shared the document throughout)

1) Amend Section 03.01 entitled Types of Districts, by adding the bold print as shown below:

Residential District 10 (Map Symbol R10)

Residential District 20 (Map Symbol R20)

Residential District 25 (Map Symbol R25)

Residential District 50 (Map Symbol R50)

Residential District 3A (Map Symbol R3A)

Business District 1 (Map Symbol B1)

Business District 2 (Map Symbol B2)

Lagoon Harbor Park (LHP)

Waterfront/Commercial District (Map Symbol W/C)

❖ **THE PUBLIC HEARING FOR ARTICLE 1 COMMENCED IN DUE FORM AT 5:05 PM:**

ELAINE MILLER, AT 5:07 PM, MOVED TO APPROVE PLACEMENT OF ARTICLE ONE ON THE SPECIAL TOWN MEETING WARRANT. 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.

2) Amend Section 04.02.08 entitled Use of premises or building thereon in connection with one's trade, by adding the proposed language as shown below:

Use of premises or building thereon in connection with one's trade business, provided that no manufacturing or business requiring substantially continuous employment of more than one (1) person, not including the property owner or primary occupant, working on the premises be carried on. Outside storage of materials and equipment must be screened from abutting properties or public or private ways. Only two (2) vehicles connected with said business shall be permitted. All parking of vehicles, whether overnight or for any period of the day, shall park entirely within the property boundaries. No vehicle larger than 26,001 pounds (lbs.) requiring a class B CDL license shall be permitted to park on said premises. Operations associated with said business will be limited to between 8AM-5PM Monday thru Saturday. No activities shall occur on Sunday. It shall be considered a violation of this Bylaw if regular daily gathering of employees occurs that exceeds noise, illumination and odors restrictions as stated in Bylaw Section 07.09; limiting noise and disturbance to abutting properties may be required by the Town Building Inspector. The use of vegetative or other means of screening and noise reductions may be required.

❖ THE PUBLIC HEARING FOR ARTICLE 2 COMMENCED IN DUE FORM AT 5:07 PM:

C. Doble asked if this was enough to address the noise disturbances? **Chair Robinson** said this was to make things as clear as possible for interpretation. Members referenced an earlier discussion with the Town building commissioner, specific to addressing excessive noise and where Bylaw Section 07.09 would cover that concern. If problems were to continue, this bylaw could be adjusted as needed.

CONNIE ALEXANDER, AT 5:12 PM, MOVED TO APPROVE PLACEMENT OF ARTICLE TWO ON THE SPECIAL TOWN MEETING WARRANT. 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.

3) Amend Section 04.04.02 entitled Multiple Family Dwelling and Structures, by adding sub letter (i) to the list of requirements which may be waived by the Planning board as shown below:

Where a minimum of twenty-five percent of the dwelling units are permanently deed restricted for affordable housing and an additional twenty-five percent of the dwelling units are permanently deed restricted for community housing, the Planning Board may

waive the requirements in Section 04.04.02 (b),(d), (e), (j), (i) and (l), if the Planning Board finds that the development does not disproportionately impact the visual character of the adjacent neighborhood.

❖ **THE PUBLIC HEARING FOR ARTICLE 3 COMMENCED IN DUE FORM AT 5:13 PM:**

Many of the public expressed difficulty in gaining access to this meeting and were unsure where to find the postings; all encouraged better communication.

C. Alexander said she was not in favor of allowing this exemption as it would put undue burden on private-way property owners.

Members discussed: creating development guidelines including how to determine adequacy of the roads to help in these decisions; decisions were still by Special Permit and not 'by right'; as a Planning Board, we had to look for solutions everywhere using the guidelines that were set in place.

Public Comment

Debra Davis, at 5:17 PM, expressed her concerns for road conditions on Carroll's and McClellan [private] Ways and the impact to the neighborhood.

Caitlin Burbidge, a Tisbury resident, at 5:23 PM said she was in support of this bylaw and asked the TPB to consider partnering with the Town for private-way maintenance where there were affordable housing units; with the issues and the burden of road maintenance, Town support would help to incentivize.

Tony Pacheco, 14 McLellan Way and **John Pacheco**, 6 McLellan Way at 5:24 spoke out to the condition of their road and asked if the neighborhood would have input if this was approved. **Chair Robinson** explained the Special Permit and Public Hearing process and said this was where all concerns would be heard.

Victor Capoccia, a Tisbury resident, **C. Hayward** and **L. Silber** at 5:33 PM, had a lengthy discussion on the multiple ways to approach this Article and the types of dwellings to consider (single, duplex, condo, multi-family and so on) as appropriate for the lot/neighborhood and how those developments would impact the road conditions. **L. Silber** said that encouraging single family homes was going in the opposite direction of what the Island was working toward; she encouraged the TPB not to close doors.

Jefrey DuBard at 5:47 PM, said there was a huge amount of oversight that went into these projects where the conditions could be appropriately balanced and encouraged the TPB to not be too restrictive.

CASEY HAYWARD, AT 6:10 PM, MOVED TO CONTINUE THE PUBLIC HEARING FOR ARTICLE THREE TO MARCH 1, 2023 AT 7:00 PM. SAID MOTION WAS SECONDED BY CHERYL DOBLE. THE BOARD VOTED IN FAVOR OF THE MOTION: 4 AYES, 1 NAYS, 0 ABSTENTIONS. MS. ALEXANDER—AYE, MS. DOBLE—AYE, MS. HAYWARD—AYE & MR. ROBINSON—AYE. MS. MILLER—NAY.

4) Amend Section 09.01.06 entitled Height of Structures, by adding the proposed language as show below:

The maximum height of structures as measured vertically from the mean natural grade level shall be as follows: Twenty six (26') feet for a pitched roof and Thir- teen (13') feet for a flat or shed roof (which is a roof of pitch one (1) in four (4) or less). Chimneys used solely for exhausting smoke/gas are exempt from the maximum height limit.

❖ **THE PUBLIC HEARING FOR ARTICLE 4 COMMENCED IN DUE FORM AT 6:11 PM:**

CONNIE ALEXANDER, AT 6:13 PM, MOVED TO APPROVE PLACEMENT OF ARTICLE FOUR ON THE SPECIAL TOWN MEETING WARRANT. SAID MOTION WAS SECONDED BY CASEY HAYWARD. THE BOARD VOTED IN FAVOR OF THE MOTION: 4 AYES, 0 NAYS, 1 ABSTENTIONS.

MS. ALEXANDER—AYE, MS. DOBLE—AYE, MS. HAYWARD—AYE & MS. MILLER—AYE.

MR. ROBINSON—ABSTAINED.

5) Amend Section 04.03.13 entitled Accessory Apartment, by striking the following language as shown below:

(b) The requirements of Schedule A (section 13.00) are met.

❖ **THE PUBLIC HEARING FOR ARTICLE 5 COMMENCED IN DUE FORM AT 6:14 PM:**

Members discussed the proposed language and determined more definition was needed from the Zoning Board of Appeals (ZBA).

CHERYL DOBLE, AT 6:20 PM, MOVED TO CONTINUE THE PUBLIC HEARING FOR ARTICLE FIVE TO MARCH 1, 2023 AT 7:15 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.

6) Add Section 07.17 entitled TimeShare, Fractional and Interval Ownership Units, by adding the proposed language to the TZBL as shown below: see excerpt.

The purpose of this section is to preserve and protect limited housing stock in the Town from the market pressures attendant to time share, interval and fractional ownership uses and to protect neighborhoods from the impacts of such uses.

❖ **THE PUBLIC HEARING FOR ARTICLE 6 COMMENCED IN DUE FORM AT 6:21 PM:**

Mac Schilcher and **V. Capoccia** at 6:22 PM thanked the Board for taking this step. **E. Miller** thanked **L. Silber** for bringing this to the TPB's attention.

CONNIE ALEXANDER, AT 6:25 PM, MOVED TO APPROVE PLACEMENT OF ARTICLE SIX ON THE SPECIAL TOWN MEETING WARRANT. 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.

CASEY HAYWARD, AT 6:26 PM, MOVED TO ADJOURN THE PUBLIC HEARINGS FOR ARTICLES ONE, TWO, FOUR AND SIX. 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.

Public Inspection:

The complete text of the bylaw amendments is available for inspection on the Planning Board's page in the town's website at www.tisbury.ma.gov and by request via email at auputon@tisbury.ma.gov

OTHER:

E. Miller said registration for the upcoming Citizen Planner Training Collaborative Conference (CPTC) on March 18, 2023 was opened; **E. Miller** and **C. Hayward** expressed interest in attending; the cost was \$95.00 per person with registration closing on March 14, 2023; **Chair Robinson** encouraged participation; **A. Upton** would share Conference information and help coordinate the logistics for the day.

E. Miller and **L. Silber** encouraged participation for the March 23 Housing Bank trip to Boston, *Martha Goes to Beacon Hill*, as it was a big day for the lobby. **A. Upton** asked for approval to go on a paid day with her daughter; Board approval was needed at a future meeting.

Members encouraged anyone interested in joining the Board to send a letter of interest.

ADJOURNMENT:

DISCUSSION ENSUED THEREON, UPON A MOTION DULY MADE BY CONNIE ALEXANDER AND SECONDED CASEY HAYWARD, THE MEETING UNANIMOUSLY ADJOURNED AT 6:36 PM.

Respectfully submitted;



Teresa Kruszewski, Recorder

APPROVAL: Approved and accepted as official minutes;

Date

Benjamin Robinson, Chair

APPROVED APRIL 5, 2023