

PLANNING BOARD MINUTES/ *Special Meeting*

Monday, February 6, 2023 – 11:00 AM

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, Elaine Miller

STAFF/MVC: Jonathan Silverstein – Planning Board Counsel for Special Permits,
Amy Upton – Tisbury Planning Board Administrator, Laura Silber – Island Housing Planner

OTHERS: Melinda Loberg — Chair/Tisbury Climate Committee (TCC), Louise Clough – TCC,
Gerard Hokanson — Open Space and Recreation Committee (OSRC),
Kirk Metell — Department of Public Works (DPW) Director, Louisa Hufstader – Vineyard Gazette

Chair Benjamin Robinson called the February 6, 2023 Tisbury Planning Board (TPB) meeting to order at 11:04 AM. 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/82748745271> Meeting ID: 827 4874 5271

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

BOARD DISCUSSION:

- **Bylaw amendments and Warrant Articles**

Chair Robinson screen shared the *Zoning Bylaw Amendments 2022 Articles 1-4 FINAL DRAFT CD*; he reviewed the changes submitted by **C. Doble** prior to this meeting.

TZBL 03.01: Nothing new to discuss.

TZBL 04.02.08:

C. Alexander said the language 'to allow outdoor storage with appropriate screening' would contribute to more activity and noise on the site; the public process would give insights to any language changes for the final submission.

Section 04.04.02:

C. Alexander and **J. Silverstein** discussed the definition for subdivision within the existing bylaw; **Chair Robinson** read the second sentence of the definition for the discussion. **J. Silverstein** reviewed, in detail, what the TPB could use for the Special Permit process; **E. Miller** said the determination would be made relevant to the road conditions, if the roads were adequate.

TZBL 09.01.06: Nothing new to discuss.

Chair Robinson asked if this was the appropriate time to address the definition of Accessory Dwelling versus Guest House; **E. Miller** suggested postponing this discussion to allow more time for evaluation and to include all Members; **C. Alexander** was in agreement.

- **discussion to include section TZBL 07.17 entitled Time Share, Interval and Fractional Ownership Units**

J. Silverstein reviewed the document [he prepared], how it could be used and how it could be challenged; **L. Silber** said this was well crafted, that **J. Silverstein** did a great job as there was nothing in place at this time.

Members reviewed each section and made recommendations to change the language where appropriate, as well as the regulation [options] within the Residential, B1 and B2 Districts.

Chair Robinson said this would be part of the bigger picture; it was timely to do now versus waiting another year; **J. Silverstein** recommended addressing this issue now and not to wait for the recodification process, which was a very involved process.

L. Silber explained how the Fractional Ownership Platforms worked and the targeted demographic; she said these platforms could become a driver for short term rental properties, it made sense to regulate them now. Members were in agreement to move this forward as part of the Public Hearings.

- **discussion to include ZBA suggestion for adjustment to TZBL 04.03.13**

Chair Robinson said a new request came from the Zoning Board of Appeals (ZBA) to remove language [as identified] for an accessory dwelling on a non-conforming lot. (*see document Zoning Bylaw Amendment w Recommendation from TZBA.pdf*).

Members were in agreement to move this forward to the Public Hearings, as there were other conditions in place to control the process; **E. Miller** said this would be a courtesy to let the ZBA work more efficiently.

Chair Robinson recapped the steps to move these six forward, to present them at the Public Hearings scheduled for February 22, 2023.

- **MassDot 5-Corners Response**

At 12:00 PM **Chair Robinson** opened the discussion and screen shared the drawings of the *Massachusetts Department of Transportation (MassDOT) Highway Division Drainage Improvements on Beach Street*; he was disappointed they were not brought into the process sooner; Members challenged some of the proposals/recommendations as they reviewed the documents.

Chair Robinson said he would take the list of TPB recommendations that **A. Upton** compiled throughout this discussion, to the TCC Meeting [tonight] so that all comments could be consolidated into one letter, one transmission back to the MassDOT.

Discussion:

- ❖ What was the cleaning schedule and maintenance for drainage basins? Could this adequately drain as designated?
- ❖ The pitch level was important for drainage.
- ❖ Beach Street Extension needed a plan for the future; 5 Corners elevations were only a few feet above sea level.
- ❖ There was concern expressed that MassDOT didn't look beyond the State property and the impacts of that; the State was looking narrowly at their road.
- ❖ The Town should start addressing private property drainage.

- ❖ Contaminants were going into the harbor; how were they being filtered?
- ❖ There was a large area of impervious surfaces; this was a problem.
- ❖ **Mac Schilcher** recommended that MassDOT push drainage into the SteamShip Authority area.
- ❖ **M. Loberg** and **G. Hokanson** discussed the studies that had taken place with other organizations and committees, including the recommendations from the U.S. Environmental Protection Agency (EPA) and the research done with University of New Hampshire; why was this not taken into consideration?

- **Bills Payable: Bills Payable: 51Art-Minutes; \$752.,Payroll;\$1436.24,Town Counsel; \$2030.00, Total to approve: \$4218.24**

Members discussed being more diligent with payment for **J. Silverstein**, to ensure the TPB had funding from each project for payment. **Chair Robinson** said a broader discussion on how to handle legal services would be a future Agenda Item as **J. Silverstein** had separated from the firm used by the Town; all were in full support to continue working with him.

ELAINE MILLER, AT 11:59 AM, MOVED TO APPROVE THE BILLS PAYABLE AS PRESENTED. SAID MOTION WAS SECONDED BY CONNIE ALEXANDER. THE BOARD VOTED IN FAVOR OF THE MOTION: 3 AYES, 0 NAYS, 0 ABSTENTIONS. MS. ALEXANDER—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

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 ELAINE MILLER, THE MEETING UNANIMOUSLY ADJOURNED AT 12:38 PM.

Documents on file:

- TPB Agenda Monday, Feb 6th, 2023 11AM 2.pdf
- 609459_Tisbury_DPH_SlideDeck_2023-01-24_v3.pdf
- 609459_TisburyStormwater_Draft-Revised25.pdf
- 87256742728 - Attendee Report.csv
- Tisbury Time Share Bylaw-JMS.pdf
- Zoning Bylaw Amendment w Recommendation from TZBA.pdf

Respectfully submitted;



Teresa Kruszewski, Recorder

APPROVAL: Approved and accepted as official minutes;

Date

Benjamin Robinson, Chair

APPROVED APRIL 19, 2023