

PLANNING BOARD MINUTES
Wednesday, December 6, 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
aupton@tisburyma.gov
www.tisburyma.gov

IN ATTENDANCE:

Benjamin Robinson – Chair, Connie Alexander – Clerk, Cheryl Doble, 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

Chair Benjamin Robinson called the December 6, 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:

- <https://us06web.zoom.us/j/85324890178> Meeting ID: 853 2489 0178
- One tap mobile +13092053325,,85324890178# US
+13126266799,,85324890178# US (Chicago)

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

MINUTES: August 9th, 16th, 2023 (tbd) and/or November 15th, 2023

CONNIE ALEXANDER, AT 6:56 PM, MOVED TO APPROVE THE MINUTES FOR NOVEMBER 15TH, 2023, AS AMMENDED. 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. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE. MS. DOBLE—ABSTAINED.

APPOINTMENTS: Please note that start times indicated for particular agenda items are estimates only and should not be relied upon. The Board reserves the right to take up specific agenda items at any time during the meeting.

5:00 PM:

Board Discussions, see below new/old business

****C. Alexander went off-camera at 5:57 PM**

Chair Robinson said the Planning Board would recess the regularly scheduled meeting on December 6, 2023 in order to hold the following Public Hearing. At the conclusion or continuation of the Public Hearing, the Planning Board would resume the regular meeting to conclude all unfinished business.

6:00 PM:

Continued Public Hearing Re: Definitive Subdivision Plan for Paradise Land Trust, John R. & Janet M. Packer, Trustees; 60 Kuffies Point Way, Assessor's Parcel 58-A-01

Members Present by roll call: Chair Robinson, C. Doble, C. Hayward, E. Miller

****C. Alexander recused herself**

Others: John and Janet Packer – Applicant, David Packer,
Glenn Provost – Owner Representative/Vineyard Land Surveying & Engineering, Inc.,
Mercy Bell, Antone Dias, Lyndsay Famariss, Steven Goldfarb, Mary Ellen Larsen, Marc Leib,
Pamela Mckoin, Ross P. Seavey, Esq., Jonathan Silverstein, Gretchen Snyder, Amy Upton

THE PUBLIC HEARING COMMENCED IN DUE FORM AT 5:57 PM.

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

Chair Robinson explained a waiver had been requested by the applicant to waive the requirement that the subdivision needed to exit onto a public way. He said the TPB needed to do their “due diligence” and to inform (NOTICE) everyone that had *rights* to this area to make them aware of this waiver request and the implications of this request.

ELAINE MILLER, AT 6:00 PM, MOVED TO CONTINUE THE PUBLIC HEARING WITHOUT TAKING TESTIMONY, TO JANUARY 3, 2024 AT 6:00 PM. SAID MOTION WAS SECONDED BY CHERYL DOBLE. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 4 AYES, 0 NAYS, 0 ABSTENTIONS. MS. DOBLE—AYE, MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

David Packer at 6:03, informed the TPB that the family would be on vacation and unable to attend the January 3, 2024 meeting.

ELAINE MILLER, AT 6:04 PM, MOVED TO CONTINUE THE PUBLIC HEARING WITHOUT TAKING TESTIMONY, TO JANUARY 17, 2024 AT 6:00 PM. SAID MOTION WAS SECONDED BY CHERYL DOBLE. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 4 AYES, 0 NAYS, 0 ABSTENTIONS. 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 December 6, 2023 in order to hold the following Public Hearing. At the conclusion or continuation of the Public Hearing, the Planning Board would resume the regular meeting to conclude all unfinished business.

6:30 PM:

Continued Public Hearing Re: Tashmoo Woods- Ross Seavey Agent to consider an application to modify a definitive plan subdivision special permit under the Tisbury Zoning By-Law, Sections (edited) 2.29, 08.01 and 10.03 at the Locus; Tashmoo Wood Association; Cove Rd, Sandpiper Lane, Bayberry Lane in Vineyard Haven, Ma., 02568.

Members Present by roll call: Chair Robinson, C. Doble, C. Hayward, E. Miller

****C. Alexander recused herself**

Others: Ross P. Seavey, Esq. – Owner Representative, Mercy Bell, Antone Dias, Lyndsay Famariss,
Steven Goldfarb, Mary Ellen Larsen, Marc Leib, Pamela Mckoin, Jonathan Silverstein, Gretchen Snyder,
Amy Upton

THE PUBLIC HEARING COMMENCED IN DUE FORM AT 6:02 PM.

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

[David Packer at 6:03, informed the TPB that the family would be on vacation and unable to attend the January 3, 2024 meeting (Please see the 6:00 PM hearing above for details.)]

Chair Robinson explained that **Ross P. Seavey** had presented new information today; there was not enough time for the TPB to review. Additionally, the 5th voting Member was not present - it was important for the applicant to have five voting members for this Special Permit.

CHERYL DOBLE, AT 6:05 PM, MOVED TO CONTINUE THE PUBLIC HEARING WITHOUT TAKING TESTIMONY, TO DECEMBER 20, 2023 AT 6:00 PM. SAID MOTION WAS SECONDED BY ELAINE MILLER. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 4 AYES, 0 NAYS, 0 ABSTENTIONS. MS. DOBLE—AYE, MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

****C. Alexander rejoined the meeting at 6:06 PM**

★ The Planning Board resumed their regularly scheduled session at 6:06 PM to address unfinished business.

Chair Robinson said the Planning Board would recess the regularly scheduled meeting on December 6, 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:

Cont. Deliberations/Written Decision Re; Martha's Vineyard Community Services, Thrift Store expansion, 34 Lagoon Pond Rd., AP 9-B-9.1

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

Others: Gretchen Snyder, Kirk Sykes, Amy Upton

THE CONTINUATION OF THE DELIBERATIONS COMMENCED IN DUE FORM AT 6:26PM.

Documents on file as referred to during the meeting:

Thrift Store Special Permit AP 9-B-9.1, 34 Lagoon Pond Rd DRAFT

After review of the Members that had been in attendance throughout, it was decided that **C. Doble** would not be a voting Member for this Public Hearing.

Chair Robinson screen shared the document as Members reviewed each section and made appropriate edits.

CONNIE ALEXANDER, AT 6:52 PM, MOVED TO APPROVE WRITTEN DECISION AS EDITED. SAID MOTION WAS SECONDED BY ELAINE MILLER. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 4 AYES, 0 NAYS, 0 ABSTENTIONS. MS. ALEXANDER—AYE, MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

CONNIE ALEXANDER, AT 6:53 PM, MOVED TO CLOSE DELIBERATIONS. SAID MOTION WAS SECONDED BY CASEY HAYWARD. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION: 4 AYES, 0 NAYS, 0 ABSTENTIONS. MS. ALEXANDER—AYE, MS. HAYWARD—AYE, MS. MILLER—AYE & MR. ROBINSON—AYE.

★ *The Planning Board resumed their regularly scheduled session at 6:53 PM to address all unfinished business.*

BOARD DISCUSSIONS:

A. NEW BUSINESS

a. Master Plan (MP) updates w Dan Doyle; review outcomes from Dec. 5th meeting

D. Doyle said the MP Steering Committee (MPSC) voted to adopt this Implementation Program. **Chair Robinson** said this was the chance for the TPB to review the draft before it went on to **Judi Barrett/ Barrett Planning Group LLC (BPG/the Consultants)**.

D. Doyle said **BPG** would work on this between Christmas and New Years and share it back to the TPB. **Judi Barrett** anticipated the necessary time for review was three weeks, as it would be limited to new content.

D. Doyle screen shared the document ***Tisbury Implementation Program 11-30-2023-For Approval-revised 12-05-2023*** and made edits in real-time. Members reviewed the written comments from **C. Alexander**, as she was not able to attend the December 5th, 2023 MPSC meeting; all other Members had been in attendance and had the opportunity to weigh-in.

A lengthy discussion ensued over the list of [language] changes/questions presented by **C. Alexander** including:

- ❖ multi-family/rental dwellings and electric vehicle charging - develop a policy
- ❖ limitations of elevation heights/preserve the views and vistas within the waterfront/commercial district
- ❖ develop a database for grant funding opportunities that support climate change
- ❖ maintain an up-to-date inventory of existing affordable housing units

C. Doble added the following:

- ❖ develop a strategic plan to encourage green practices and a circular economy, and support these business that provide these services both in Tisbury and across the Island
- ❖ support the Vineyard Haven Harbor Cultural District activities to support a Creative Economy

Chair Robinson said this was an important vote, an important step the TPB was taking. It was the culmination of a few months of tedious, hard work. “We have to appreciate the efforts of both the TPB and MPSC for the many, many hours put into this process.” **Chair Robinson** thanked everyone for the hard work that was put forth.

CHERYL DOBLE, AT 5:54 PM, MOVED TO APPROVE THIS DRAFT IMPLEMENTATION PLAN TO BE INCORPORATED INTO THE NEXT PHASE OF THE MASTER PLAN. 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. Discussion Re: Mercy Bell Application, AP 21-B-30, 221 Edgartown Vineyard Haven Rd, Tisbury

Mercy Bell at 6:05 PM, introduced herself, husband **Chad** and brother **Antone Dias**. **Ms. Bell** said they were pursuing multi-family designations, as the lot was not subdivisible – this multi-family bylaw

was the solution for siblings to create two separate assets on one single lot; she believed subdivision was not an option.

Chair Robinson said this hinged on how access frontage was regarded and what that really meant. **J. Silverstein** explained options; **Ms. Bell** asked for clarification for frontage on a Public Way.

Chair Robinson indicated sections i & j were problematic for interpretation and said the discretion of the TPB should be toward the intent of the bylaw as a way for residents to create [types of] housing.

Chair Robinson said the application needed to include something in the ownership that preserved the right of access to the back unit; **J. Silverstein** discussed conditions for rights and access including options if the units were condominiums; **Chair Robinson** reviewed conditions that could apply.

E. Miller said the goal was good and that the application needed to include details such as: how the access would be preserved over time; that **J. Silverstein's** interpretation was included in the TPB decisions; that the housing would be restricted to year round.

Ms. Bell said she was clear about the next steps. She thanked everyone for the way this was discussed and considered, and that it was treated with a lot of respect and careful consideration.

**c. Discussion Re: Sawyer Realty Group Application, AP 9-A-14, 33 Lagoon Pond Rd
(postponed)**

d. Town Report

Chair Robinson said the deadline was January 6, 2024. **E. Miller** said she would pull this together and asked Members to submit bullets, directives to incorporate into the report. **E. Miller** indicated a draft could be ready for the December 20, 2023 meeting.

**e. Bills Payable: Payroll; \$1603.56, 51Art-MVMinutes; \$800.00, Dan Doyle, MVC MP
Consultant: \$1300.00, Shirley's Hardware; \$35.94, Da Rosas; \$69.99. Total**

A. Upton said the total was \$3809.49. **Chair Robinson** suggested a review of **D. Doyle's** services as the MP was coming to a close; **A. Upton** said his contract went through the end of January 2024; **C. Doble** said the billing would change going forward - it would be less.

CONNIE ALEXANDER, AT 6:57 PM, MOVED TO APPROVE THE BILLS PAYABLE. 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. ONGOING BUSINESS

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

- **Department Updates-next regularly scheduled meeting on December 20th, 2023**
- **Potential off schedule meeting week of December 11- Discuss PB Budget and Fee Schedule Updates (in person for ad hoc holiday gathering?)**

Members discussed logistics and set the date for December 12, 2023 at 4:30 PM; it would be an in-person meeting at the Town Hall Annex.

- **Status of TZBLs and Recodification Process**

Chair Robinson said the special town meeting (STM) in January 2024 would not be likely; a Select Board meeting was being held this evening to determine the need for a STM.

The \$60,000.00 contract for **Judi Barrett/ Barrett Planning Group LLC (BPG/the Consultants)** would move forward; there wasn't an option to fund the services of **J. Silverstein** at this time.

Members discussed ways to fund the contract for **J. Silverstein** and expressed frustration with **Suzanne E. Kennedy**/Town Accountant and the process thus far.

A. Upton said she created a document which detailed all the [email communication] steps taken to date, in chronological order - **A. Upton** would email the document to the Board. **Chair Robinson** said he was more interested in what would happen going forward and not the back story.

C. Alexander recommended holding a meeting with **John W. Grande**, Town Administrator/Personnel Director to interpret what **J. Silverstein** can and cannot do for the TPB, to understand clearly what we can and cannot ask **J. Silverstein** as well as what **Mr. Grande** would support.

E. Miller said this was a process that needed to be clarified for the Town in total. The process was frustrating, but a positive result would come out of this.

A. Upton would schedule a meeting Friday afternoon with **Chair Robinson**, **C. Alexander** and **Mr. Grande** to get answers to these questions; **E. Miller** would be the alternate.

- **Review and approve memo re: 11/29/23 meeting recap and next steps (postponed)**
- **Prepare for Update on STM, Warrant Article final review (?)**
- **Planning Board Office closed from December 21st, 2023 to Jan 1st, 2024**

Chair Robinson said he would post his contact information on the office door.

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*

C. Alexander said Jared Meader departed from his role as Tisbury wastewater superintendent; plant operator Mike Alberice took over in the interim; the Select Board was responsible for the formal hiring process in finding a replacement.

- ◆ **Site Plan Review Board** – *Lora Ksieniewicz*
- ◆ **Tisbury Affordable Housing Committee (AHC)** – *Elaine Miller*
- ◆ **Tisbury Water Resource Committee (WRC)** – *Benjamin Robinson*

III. **Assigned Working Groups** (reports as time permits)

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

CORRESPONDENCE:

Members discussed how to address/acknowledge the letter received for 33 Lagoon Pond Road;
Chair Robinson said the author should submit the letter again when the Public Hearing commenced.

1. **Martha's Vineyard Commission Meeting Schedule**
2. **Contract between Town and Jonathan Silverstein-approve for signatures**
3. **Contract with Barrett Planning Group, LLC. -approve for signatures**
4. ~~**STM Schedule**~~
5. **Warrant Article**

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 7:27 PM.*

Respectfully submitted;



Teresa Kruszewski, Recorder

APPROVAL: Approved and accepted as official minutes;

Date

Benjamin Robinson, Chair

APPROVED JANUARY 3, 2024