

PLANNING BOARD

TOWN OF TISBURY
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MEETING MINUTES

DATE: November 18, 2020

TIME: 5:04 PM

PLACE: This will be a virtual meeting, in accordance with orders issued by the Governor during the current state of emergency. There will be no in-person attendance by the public. Persons may access the meeting by the following methods:

Join Zoom Meeting

<https://zoom.us/j/97037973486> Meeting ID: 970 3797 3486

ATTENDANCE: Board members were roll called.

Miller, Doble, Bellante, Robinson, Alexander and Munafo

MINUTES: As referred in the October 21, 2020 Meeting Agenda

21 October 2020	M/S/C	4/1/0	Bellante abstained
4 November 2020	M/S/C	3/2/0	Bellante and Miller abstained

APPOINTMENTS:

5:04 PM Board Discussion re Section 05.12.01 of the Tisbury Zoning Bylaw
Attendance: Jonathan Silverstein, Dana Hodsdon, Melinda Loberg, Sam Dunn, Christine Redfield, Lesley Segal and Ross Seavey

E. Miller explained that the focus of the discussion was the existing regulation pertaining to the BI District. She informed the Board that she had received an email from Alex Elvin, a staff member from the MV Commission to inquire if the Board had made a determination on what constituted a business structure, and if any or all of the structures on 75 Main Street qualified as business structures. A. Elvin explained that the information would allow them to move forward on the evaluation of Mr. Dunn's proposal to have a residential use on the first floor of all existing buildings.

E. Miller noted that the Board was assigned the task of preparing a list of questions for tonight's discussions to clarify the intent, interpretation and application of the regulations which were highlighted as a result of the proposal presented by Mr. Dunn as part of the pre-application process. A point of order was raised. She was advised that the discussion

was specifically for the Board members and geared towards discussing the interpretation of the regulation relative to town counsel's recommendations. E. Miller further explained that the only reference to the 75 Main Street project is in reference to the issues it presented regarding discrepancies in some zoning-by laws and the unclear interpretation in others.

C. Alexander explained that the Board at their last meeting reviewed town counsel's recommendations, which led to additional questions. They were each asked to generate a list of questions for the pre-application discussion regarding 75 Main Street. She created her list and assumed fellow board members did as well, with the idea that they would be discussed tonight. C. Alexander added that the Board asked Mr. Dunn to withdraw his application to give them an opportunity to come to some consensus and to hold an informal discussion on his revised proposal.

E. Miller recommended focusing on the use of the structures in the BI District and asked town counsel's letter of 11/2/2020 screen shared to be used as a guideline for discussion. B. Robinson did not think it was necessary. C. Alexander recommended that they move forward on the questions they submitted. Elaine Miller, Cheryl Doble and Constance Alexander's questions were consolidated onto one page and screen shared for the Board.

B. Robinson believed town counsel confirmed that they had the discretionary power to make a determination on each of the questions. He felt it was up to the Board to evaluate an application that had a housing component. E. Miller understood that a residential use on the first floor was not allowed in a structure within a business district.

C. Doble noticed that there were a number of deep lots within the business district with multiple structures in the rear that either supported the main business activity or provided housing. She asked how they should be regulated because they did not front on a street. C. Doble indicated that the structures were connected and on occasion difficult to access. She questioned if the rear structure should be treated as business structures if they were not suited for a business use because they were not as visible as the storefronts on the main street, difficult to access, etc.

B. Robinson noted that the regulation did not make the distinction, so that it would be difficult for them to do so. C. Doble indicated that town counsel made reference to subject, but not to the depth she would have liked. It was confusing to her.

D. Bellante referred the Board to the second page of town counsel's written opinion in which he wrote "The Planning Board will need to evaluate whether to consider each such structure to be a business structure". She agreed with B. Robinson, and believed if the building had not been used for a residence in the past two years, then it should not be used for a residential use. C. Doble explained that she was inquiring if the rule applied to an ancillary structure that supported the business use of a primary business. D. Bellante thought it was better to look at the situation from a different perspective. She felt the Board could ask themselves if the structure was in use for residential purposes in the past two years.

E. Miller reverted to 75 Main Street and noticed that the drive-thru and adjacent office building were used for business activity, so that clearly they could not have any residential use on the first floor. Her question to the Board was how they would categorize new structures. If two of the existing structures were demolished and replaced by two new structures, would they be subject to the same restriction.

C. Alexander referred the Board to Section 05.00 on page 49 of the zoning bylaws and read "... no building structure within Business District 1 and 2 shall be constructed and no building, structure or land ...for any purpose or in any manner other than one or more of the uses hereinafter set forth ...provided that all uses not specifically permitted shall be prohibited". It was clear to her that the structure could only be used for business. In section 05.12.01, the language further stated that a residential use would not be allowed in the first floor of a business structure, if it hadn't been used for residential purposes in the preceding two years.

It appeared to her that the intent for the regulation was to maintain the integrity of the business activity on the first floor irrespective of the size or depth of the lot, the location of the building or any other consideration, given that it was not included in the bylaws.

E. Miller focused on C. Alexander's comments, and was concerned about potential loopholes that one could bring with the demolition of a structure and new construction. Based on what she heard, it appeared to her that any structure, existing and new were intended for business use, and required to have a business use on the first floor with residential uses on the floor(s) above. E. Miller further focused on the impact of the by-law regarding frontage of a building on a public way.

P. Munafo did not understand why they did not inform Mr. Dunn of their findings and explain to him that his proposal was not feasible. C. Alexander explained that the Board had to discuss town counsel's recommendations to come to a consensus on the interpretation of the regulation before they could address Mr. Dunn's proposal.

J. Silverstein interjected to explain that he simply rendered the Board an opinion on the matter. The Board was responsible for making the final determination in the interpretation and application of a regulation. He further clarified that s. 05.00 included s. 05.12.01 which permitted private dwellings and apartments, so that it was inaccurate to say that by definition any building in the BI District could only be a business structure, because the regulation clearly referred to a business structure. That was why it was important to determine what constituted a "business structure". B. Robinson indicated that s. 05.12.01 also included language that allowed the residential use if it existed in "any structure" within the preceding two years. J. Silverstein agreed, noting that it was an exception to the prohibition. J. Silverstein cautioned the Board not to apply "any structure" to business structures, because it would render the latter term meaningless.

Additional discussions ensued and E. Miller understood that a residential use of a new structure was permissible, according to J. Silverstein. D. Bellante disagreed. E. Miller asked J. Silverstein for a legal opinion. J. Silverstein explained that in a strict interpretation of the regulation, where a business structure is not defined, the building could not have a residential use on the first floor. If an existing business structure is torn down and a new structure is constructed, irrespective of its location on the lot, it was his opinion that would not be prohibited so that it could have a residential use on the first floor. He made it clear that the Planning Board was not obligated to approve the use because it was a special permitted use, subject to the discretion of the Board. There was nothing in the bylaw that prohibited it. He also did not believe applicants should expect the Board to look favorably over the tear down of a valuable structure in order to take advantage of the loophole in the bylaw. He felt the Board had discretionary power in the special permitting process that they could entertain it.

B. Robinson thought the regulation was very clear. He felt it was about commerce, and up to the discretionary review of the Board.

C. Alexander noted that they had three major fires on Main Street, and all were reconstructed with businesses on the first floor. She felt they had more than ample examples in place to demonstrate that the intent of the regulation was to protect the integrity of the small business district. And while she understood that they had discretionary power, she felt there was an overarching premise to preserve the business district. D. Bellante concurred.

C. Doble had questions, but some related to future possibilities. She felt that if the Board believed they had addressed their concerns, she was comfortable concluding the conversation to move onto Mr. Dunn's pre-application discussion.

B. Robinson advised the Board that the applicant, Reid Dunn had submitted a letter to the Planning Board asking to withdraw his application. He thought they should move on the request before entering into the pre-application discussion, and so moved C. Alexander agreed and seconded the motion.

P. Harris roll called the members, as follows:

C. Doble	aye	
B. Robinson	aye	
D. Bellante	aye	
C. Alexander	aye	
E. Miller	aye	4 – Aye; 0 - Nay

5:42PM Sam (Reid) Dunn, Pre-Application Discussion re: 75 Main Street

R. Dunn appreciated the dilemma, but asked the Board if they felt positively or negatively about his project. He described the property to have very little commercial value, otherwise it would not have been on the market for the past two years. If the

property could not be used for business purposes in the foreseeable future, he asked if the Board would consider an alternative use i.e. residential, since they had the discretion to approve the use in the special permitting process.

He wanted to know from town counsel if constructing a new structure on vacant land in the BI District was permissible. He never heard a clear answer to the question. J. Silverstein replied in the affirmative.

R. Dunn asked to screen share a revised plan (pg. 3) of the Stone Building Project. He explained that the first floor of the main building facing Main Street was going to remain commercial. He felt the lower level i.e. basement floor could be used for two (2) residential condominiums. The existing structure, which was identified to accommodate Unit 3 was currently connected to the basement of the bank. He mentioned that the building was not worth salvaging, and slated as a new construction. The existing building that followed was being used as a heating plant. That structure was also slated to be demolished and reconstructed to accommodate Units 4 &5, provided that he would be able to construct a new structure for residential use alone.

R. Dunn decided to keep the drive-thru building as a commercial structure for commercial use and to construct a new structure to accommodate two (2) new residential units (units 6 & 7). R. Dunn eliminated his proposal for a swimming pool, and planned to construct an additional structure within the existing parking lot to accommodate two more condo apartments (units 8 & 9). Board members were advised that residential units were going on the second floor and just have parking on the first floor because they were in the flood plain. It was his impression that with the exception of the one structure housing units 4 &5, all of the other buildings were permissible. He was very interested in soliciting the Board's comments about the revised proposal.

E. Miller thought the applicant made great strides to revise his proposal to address some of their concerns, and thought the lower level (basement) was not the first floor, so that the residential use was permissible. It was her understanding that town counsel thought the introduction of a residential use in a new structure could be considered, but that it was under the discretion of the Planning Board. But she wanted to hear from the Board, if there was a general consensus about the viability of the proposal under their regulations.

B. Robinson had a question for R. Dunn, and asked if he was preserving or eliminating the cut-through that ran from Main Street, through the bank buildings and out to the parking lot. R. Dunn wanted to extinguish the walk-thru because he did not want the foot traffic through the serene courtyard he was creating for the condo owners. He did not think it provided the community any service. B. Robinson understood, and explained that pedestrian access through and around businesses was a primary function of the district. It was an important consideration, in that not only was he occupying commercial space with residences, but the residences were now occupying what was perceived as public space (historic pedestrian flows). It created a conflict he could not support.

C. Alexander referred the Board to s. 05.13.03.04 in which Board members were required to assess the project in terms of improving opportunities for visual and pedestrian access. She did not believe the revised proposal improved such opportunities. It was her initial impression that the development would eliminate such opportunity and negatively impact the visual character along the waterfront. There were issues with the proposal that made it difficult to support the proposal based on her reading of the regulation.

D. Bellante agreed with B. Robinson and C. Alexander's statements. She felt the Board had to protect what little commercial space existed given that they had limited potential for commercial expansion. While the initial concept was intriguing, she felt they were inadvertently creating conflict by introducing a residential use within a limited commercial area. She would therefore not be open to a loose interpretation of the bylaw.

C. Doble favored some of the revisions R. Dunn implemented in the revised proposal. She liked that the applicant maintained the commercial character of the commercial structures. She agreed that it was important to preserve the public space on the property but was concerned that the property had remained on the market and vacant for the past couple of years. She thought the proposal to some degree saved an important historical structure, but felt that the elimination of the walkway dramatically changed the character and circulation in the lower part of the property.

R. Dunn did not believe his proposal would be approved, based on the Board's comments, but felt it was important to note that the property would have the same future all of the properties in the Waterfront Commercial District were experiencing since the adoption of the zoning regulation. He did not believe the property was suitable for shops or boutiques. It was the reason for pursuing a residential development. He felt the Board had to make the property attractive for developers; otherwise it was going to remain vacant. He urged to Board to revisit the regulation to reflect the changes they've been observing. i.e. the closure of several businesses on Main Street.

E. Miller indicated that she would like to see the Board rethink their positions and work on the proposal that the applicant had significantly changed. She understood the Board's interest in preserving the walk-through but it did not lead or pass by any stores. It was a short cut to the SSA with no value to the business district. If they wanted to maintain the short cut, she would prefer seeing a nice walk. She thought the concept of a mixed use helped to preserve the building, which could easily be demolished with nothing in their regulations to prevent it. Any proposal had to be financially feasible to work, and she felt they had to work hard to understand what was feasible, and what was worth protecting to have a vibrant business community. It was her feeling that they had to see the proposal come to fruition.

B. Robinson understood that there was a need for housing, but it was important to distinguish the type of housing they were trying to develop. They needed year-round and affordable housing. He did not believe that the apartments were targeted towards this group. E. Miller noted that there were affluent seniors in the community that would be

interested in scaling down to live in town close to Main Street and the SSA. R. Dunn confirmed that it was the target population (empty nesters).

C. Alexander did not think it benefited the Board and applicant to continue the discussions when the regulations did not encourage mixed use. She reiterated that she could support the proposal.

P. Munafo agreed with E. Miller and thought it was an appropriate site for the residential development, being on the edge of the BI District. He thought it would benefit the community to have a viable use for a site that has been vacant for the past two years. He agreed with the Board that the applicant should consider revising his plan to add a pocket park that allowed public access given that he was introducing a residential use within the business district, where public access and space were expected amenities. He advocated moving the project forward.

R. Dunn was willing to work with a board member to massage the proposal further to develop an acceptable proposal, and asked the Board if they would consider assigning B. Robinson to work with him. B. Robinson recommended that he give the Board an opportunity to discuss his request, because he was not certain that they could allow this.

6:20 PM Public Hearing (Cont.): Special Permit Application – Jim Feiner,
AP 24A19, 52 Pine Street
Attendance: Polly Simpkins, Craig Whittaker, Jeff Krystal, Happy Sayre-
McCord, Allison Lohan-Conway, John Bacheller, Ross Seavey

The hearing was duly opened at 6:20 PM. The Planning Board Chairman noted that the applicant was not present for the discussions. B. Robinson recommended continuing the hearing and moved to continue the discussion on December 2, 2020 at 6:00PM. P. Munafo seconded the motion. P. Harris roll called the members, at E. Miller's request and the Board responded in the following order:

C. Doble aye
B. Robinson aye
D. Bellante aye
C. Alexander aye
P. Munafo aye
E. Miller aye

The Planning Board resumed their regularly scheduled meeting at 6:21 PM.

6:21 PM Thomas H. Sayre, Trustee, Wood Chips Circle Realty Trust, Tisbury
Assessor Parcels 04B18.2 and 04B18.3, 46 Wood Chips Circle Extension
Attendance: Ross Seavey, Polly Simpkins, Craig Whittaker, Jeff Krystal,
Happy Sayre- McCord, Allison Lohan-Conway, John Bacheller

E. Miller explained that while they approved the Form C Division, they did not specify all of the waivers that had to be granted in order to approve the Decision. The applicant, at the last hearing submitted a list of waivers normally granted on accepting the application under the Small Projects provision. In order to correct the oversight, town counsel recommended addressing the issue by holding these discussions. The purpose for the discussion was to vote on a possible modification or amendment of the definitive subdivision approval Decision dated October 21, 2020 in order to specifically deliberate and to vote on requested waivers of the following requirements:

- a. Section 422, width of street right of way
- b. Section 423, grades
- c. Section 434, underground wiring
- d. Section 52, berms
- e. Preparation of a road centerline plan

Board members and members of the public were informed that the Board was not reopening the public hearing or accepting new evidence.

There being no discussion, B. Robinson moved to approve the aforementioned waivers (a.–e.). C. Doble seconded the motion. P. Harris roll called the members, at E. Miller's request and the Board responded in the following order:

E. Miller aye
C. Doble aye
B. Robinson aye
C. Alexander aye 4 – Aye; 0 - Nay

Wood Chips Circle Extension Road Maintenance Agreement

E. Miller informed the Board that the applicant had submitted a revised road maintenance agreement for their review and approval. P. Harris reviewed the revised document and informed the Board that the content complied with their minimum requirements. More importantly, the applicant replaced the first four items in the initial document with the first two in the revision, so that the ownership of the road was shared equally among both property owners.

C. Alexander was informed that the applicant had revised the one item to include snow plowing as requested.

There being no further discussion, B. Robinson moved to accept the revised road maintenance agreed as submitted. C. Doble seconded the motion. P. Harris roll called the members, at E. Miller's request and the Board responded in the following order:

E. Miller aye
C. Doble aye
B. Robinson aye

C. Alexander aye 4 – Aye; 0 - Nay

6:27 PM Tisbury Historic Commission - Proposed Zoning Bylaw Amendment (Sec. 07.02)

Attendance: Dana Hodsdon, Polly Simpkins, Craig Whittaker, Jeff Krystal, John Bacheller, Judy Federowicz, Christine Redfield, Ross Seavey

D. Hodsdon, Co-Chairman of the William Street Historic Commission provided a brief synopsis of the Commission's history, purpose and accomplishments since their enactment. While they have been able to address most issues through their architectural review process to protect the historical character of the District, he mentioned that they had not been successful in addressing the "instances of blight". Their regulations did not provide them with the tool to protect homeowners from others within the district that did not respect the value in maintaining their properties or the visual impact it imposed on abutting properties.

D. Hodsdon explained that the amendment was intended to address a number of properties within the district that have been observed to collect cars or debris, and allow their properties to remain in disrepair. The Commission tried to address these issues with the Building Department over the years, but the amendment provided them the regulatory oversight. He hoped that in time the regulation would prove helpful enough to implement town wide.

E. Miller opened the discussions to the Planning Board. B. Robinson indicated that he had a question to ask of D. Hodsdon, but felt it was answered when D. Hodsdon clarified that it was an amendment they wanted to pursue within the William Street Historic District. B. Robinson asked D. Hodsdon to explain the process they intended to implement to address complaints. D. Hodsdon explained that the complaint would be submitted to the Commission's Chairman or Co-Chairman, who would then submit it to the Building Commissioner.

E. Miller inquired about the penalty and enforcement action. D. Hodsdon explained that the Building Inspector would issue the person a fine i.e. \$100.00 (per day) until the violation was resolved. E. Miller asked R. Seavey if he encountered many of these complaints. R. Seavey replied that he has consistently received complaints (i.e. rotted house trim, peeling paint, etc.) about a couple of properties within the District, but was unable to issue or pursue an order for a "Demolition by Neglect" because it was not specifically mentioned on their regulation. At present he was limited to addressing issues such as an unregistered vehicle or any violation creating a severe safety hazard.

R. Seavey noted that he assumed the regulation was a town bylaw and not a zoning amendment, which meant that violations would have to be referred to Superior Court. If that was the case, he would not be involved in the process. It was a question for town counsel, whose legal opinion could also clarify if the topic of rodent infestation could

remain in the proposal, since it was addressed by the Board of Health. The clarifications would also address other violations enumerated in the WSHD's proposal, who relied on volunteers to oversee the district.

C. Whittaker, a member of the WSHD indicated that the Commissioners had discussed the possibility of pursuing the regulation on a town wide basis, but felt it was easier to initiate a testing phase within a smaller geographical area, such as the historic district because it was easier to control.

B. Robinson inquired about the Planning Board's role or say on a town bylaw, other than advisory. C. Alexander inquired about the number of members on the Commission and if they all resided in the historic district. D. Hodsdon replied that they were eight (8) members. She asked the Commissioners if they had polled the district's residents for their impressions and or support. C. Redfield, a Commissioner replied that the impetus for pursuing the bylaw amendment to allow "Demolition by Neglect" was generated by eight (8) years' worth of emails on the subject. She also clarified that the section referenced in the document pertained to the historic district's regulations, which were not to be confused with the town's zoning regulations.

C. Redfield explained that they were obligated to present the regulation to the Select Board and Planning Board and at some point to town counsel before it could be presented at town meeting. The purpose for tonight's discussion was to solicit the Planning Board's recommendations.

D. Bellante inquired if it was common practice to accept a verbal complaint about a potential violation. She questioned if they should limit it to written complaints, so that there was a paper trail. She thought it could become problematic for the town. R. Seavey concurred.

B. Robinson requested a copy of the William Street Historic Commission's bylaws to review the amendment in the context of their regulation. R. Seavey offered to send the Board a scanned copy. E. Miller recommended continuing the discussions until their next meeting. B. Robinson recommended to the Board that they review the proposed bylaw and send their comments to P. Harris, so that they could discuss the questions or comments at their next meeting. R. Seavey offered to follow up with town counsel on all of their questions.

BOARD DISCUSSIONS:

A. OLD BUSINESS

1. BII Area Plan

RE: Agenda Items for 11/24/20 Meeting

B. Robinson recommended that they use the meeting to work on the presentation and the stakeholders' letter.

E. Miller recommended contacting D. Doyle for a progress report on the stakeholders' list.

Board members discussed the meeting time, and agreed to meet at 10 AM.

2. Committee Reports (Updates only)

A. Vision Forum – No report

B. Land Bank Advisory Committee – E. Miller reported that the Committee had been very busy.

C. Tisbury Housing Committee – E. Miller indicated that she has had difficult time obtaining information to participate in the committee's meetings. She was disappointed in the committee, whom she hoped would assume the responsibility of updated and monitoring the state's affordable housing inventory. She questioned their ability and commitment to take on the task, and emailed J. Grande to advise him of the situation.

D. Community Preservation Committee – P. Munafo reported that the Committee was holding its final meeting on 11/20/20 to deliberate on the applications and hand make awards.

E. Water Resource Committee - B. Robinson reported that they were still waiting on the Select Board to make their appointments.

F. Sewer Advisory Committee – C. Alexander said the committee had planned to meet, but due to an error in the posting, the meeting was cancelled.

G. Site Plan Review Board – P. Harris informed Board that she has reached out to all of the committee members and has had a difficult time getting them to acknowledge their emails or to confirm their availability to meet. D. Bellante recommended that P. Harris schedule the Board's first meeting according to their meeting schedule.

H. Open Space and Recreation Committee - C. Doble reported that the Committee has just completed a survey of the town's parks and were working on a list of priorities on maintenance and long term improvements. She mentioned that the committee was assessing and comparing the comments from the survey against their work and working with K. Metell to see if there were sufficient funds to cover the maintenance and long term projects.

I. Energy Committee

B. NEW BUSINESS

1. MV Commission

RE: Dan Doyle, Liaison to the Planning Board

B. Robinson announced that Liz Durkee was recently hired to work at the MV Commission as the Climate Coordinator and Coastal Planner starting in December 2020.

He further noted that the MV Commission presented their Phase I Booklet on adaptation and resiliency planning to the Select Board on 11/17/2020 and followed the presentation with a discussion on the establishment of a Climate Change Committee within the town to liaison with the MVC and other island towns. He wanted to add the subject to a future

agenda in the hopes that they could have a joint meeting the Select Board to discuss the committee's membership, mandate and responsibility.

C. Doble recommended adding the subject on their next agenda. E. Miller agreed.

2. J. Grande, Town Administrator

A. Job Description for Tisbury Planner

E. Miller noted that G. Grande had brought up the subject to the Board in the past and developed a job description. In light of the recent increase in of activity and number of projects, she felt the town needed the services of a professional planner

D. Bellante felt the discussion for a professional planner made her think about past discussions on projects, projected outcomes, their capabilities and time. As applications became more sophisticated, they had to think about the type of professional services that were necessary, which would require a more in-depth discussion. She felt it was a subject they should schedule the time they needed to address the issues.

B. Robinson thought they should tap the regional planning agency's resources so that they could all share in their expertise. It was a discussion he had with A. Turner and J. Grande, where they considered assigning staff members as liaisons to the island towns. He felt it was the most efficient way of obtaining and paying for the type of services they needed. B. Robinson thought they could define the type of service needed and cultivate it on island or hire a planner for town's exclusive use.

P. Munafo felt they should consult their staff for their impression. He questioned whether the new planning position would be helpful and useful for staff. Board members were advised that the answer depended on the projects (current and future), the quantity of work, the availability of the MVC's planning staff and their level of expertise.

E. Miller noted that the Board members raised interesting questions and suggestions. Due to the late hour, she wanted to continue the conversation, so that even if they did not pursue the position this year, they would be all the more prepared to move forward on the position next year.

C. Alexander thought the idea of a shared planner was cost effective, and worth pursuing with the MV Commission and towns. She asked the Board if other towns had a planner on staff. B. Robinson replied in the negative. C. Alexander thought the shared planner could help streamline the permitting process to expedite the review. E. Miller thought the issue pertained to the complexity of applications, which has made it clear that their bylaws were no longer suited to meet the contemporary needs of the town.

C. Doble felt they should schedule the subject on a future agenda to give themselves the time to hold a full discussion. She felt they had to define the services they needed, and how they were going to share the position. She recommended that when they do discuss the position, they consider inviting J. Grande to their meeting.

B. Robinson questioned whether they had enough work to justify the cost of hiring a full time planner. He felt that with a shared position, they could distribute cost across the towns. It was a subject worth exploring with the all island planning board.

3. Jonathan Snyder and FinCom

RE: Budget FY 2022 (level fund and salary freeze)

Board members were advised that Town Hall had sent the town boards and committees a notice informing them that they were all being asked to keep their budgets at the FY 2021 spending level and to consider the possibility of a salary freeze town wide. Since the notification, the Select Board voted in favor of a 1.4% cost of living raise for management, so that the latter issue was no longer on the table

Staff noted that she had made it point to reduce their expenditures given the financial uncertainty created by the pandemic.

D. Bellante inquired if it was necessary to review the line items of their budget, or to spend time on a matter normally reviewed by staff and the Chairman. It was noted that it was just a courtesy at this juncture.

B. Robinson inquired if they should include a memo about their discussions of a planner, since FinCom was asking for ten year capital spending spreadsheet and a detailed staffing plan in addition to the budget. He offered to write a quick memo outlining their thoughts and position on a planner that could be circulated to the Board before they sent it to FinCom with their budget. E. Miller thought it was an excellent recommendation.

D. Bellante questioned if they should be discussing in greater depth what the action items or deliverables were going to be as part of their capital spending. B. Robinson explained the hire of a planner was a capital expense. C. Doble thought they could add the master plan and bylaw overhaul. She asked if they were soliciting funds to produce both. E. Miller explained that they were quoted \$250,000.00. It was adjusted to \$170,000.00 at the Select Board's request. She felt once they began interviewing the consultants, they would be able to get a more accurate estimate.

4. Development Proposals (40B) vs

A. 61 Beach Road – E. Miller
B. Mini-Golf – D. Bellante
C. IFP – E. Miller

Uses requiring a Special Permit

D. MV Shipyard – C. Doble
E. 75 Main Street - P. Munafò & C. Alexander
F. Tisbury Marine
Terminal/Vineyard Power - B. Robinson

C. Alexander thought they should address R. (Sam) Reid's request to work with B. Robinson. She did not think it would be appropriate to assign a board member to work with an applicant on a proposal that was coming to them for special permit consideration. B. Robinson thought the only way they could entertain the request if R. Dunn submitted his proposal to the Board. C. Alexander believed the applicant should decide whether or not to move forward on an application. They've already shared their views and opinions in the pre-application discussion. She felt that it was up to the applicant to decide whether he wanted to move forward on a revised proposal or take a chance on the current proposal, if he opted not to do that to drop the entire project.

E. Miller indicated that she felt they were obligated to respond to the applicant's request to work with B. Robinson and provide him with an overview of tonight's pre-application discussion so that he could decide how he should proceed.

Additional discussions ensued and R. Seavey noted that from the discussions, he was still unclear if the Planning Board was allowing a residential use in the first floor of a new structure in the BI District. He felt the applicant needed that information in order to make a decision. B. Robinson understood that it was a project-to-project decision, and that the applicant was going to have to meet a high bar if he/she was going to displace a commercial use for a residential use in a business district. R. Seavey understood the Planning Board was saying "yes, but on a case by case basis", but felt it should be clearly stated in the regulation. Town counsel made it clear that they could interpret the regulation liberally to give them such wide latitude, but they had to amend the bylaw to make this clear.

B. Robinson inquired if R. Seavey could prepare the bylaw amendment and submit his draft. R. Seavey noted that he had been working on several bylaw amendments with P. Harris and L. Barbera and sent out his final draft to staff. P. Harris added that she had forward the email to the Board earlier in the day, and planned to add the material on their next meeting agenda.

CORRESPONDENCE RECEIVED:

1. T. George Davis, Esq. Clerk of Court
RE: Default Order (Dowling, Douglas O. vs. Tisbury Planning Board)

2. Reid (Sam) Dunn
RE: Letter of Withdrawal – Special Permit Application

E. Miller asked board staff to inform Mr. Elvin of the applicant's decision to withdraw his application and to provide him with a brief synopsis of their discussions given that he was interested in learning about the Board's position on business structures.

3. Sara Barnes, All Island Planning Board Retreat
RE: Appointment Poll and Questions

E. Miller reported that Ms. Barnes has scheduled to meet with three of the island boards, and scheduled a work session with her, C. Doble and P. Munafo on 11/20/20 at 1:30 PM via zoom. S. Barnes wanted to solicit their responses to the questions she had sent E. Miller. P Harris offered to send P. Munafo the zoom invite to the meeting and the list of questions for the upcoming zoom meeting.

4. Christine Redfield, William Street Historic Commission
RE: Proposed Bylaw Amendment, sec. 07.02

Other business not reasonably anticipated 48 hours in advance of meeting

PRO FORM Meeting opened, conducted and closed in due form at 8:00 P.M.
(m/s/c 5/0/0)
Respectfully submitted;

Patricia V. Harris, Secretary

APPROVAL: Approved and accepted as official minutes;

Date

Elaine T. Miller
Chairman