

PLANNING BOARD

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MEETING MINUTES

DATE: October 6, 2021

TIME: 5:02 PM

ATTENDANCE: Bellante-Holand, Robinson, Miller, Alexander, Doble and Munafo

PLACE: Due to ongoing efforts to prevent spread of Covid-19 this meeting will be held remotely via Zoom platform. The Public can attend and participate in the meeting by the following method:

Join Zoom Meeting

<https://zoom.us/j/99044433487> Meeting ID: 990 4443 3487

One tap mobile

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APPOINTMENTS:

5:02 PM Public Hearing: Special Permit Application by Kenneth Hurd, AP 52A07, 127 Red Coat Hill Road, Vineyard Haven, MA
Attendance: Xerxes Aghassipour, Andrea Peraino, Alex Elvin (MVC), Ross Seavey (Bldg. Commissioner), Kurt Fraser (Traffic Consultant)

Prior to opening the hearing, E. Miller informed the Board and members of the public that she was recusing herself from the hearing and discussions due to a conflict of interest.

D. Bellante-Holand acknowledged and opened the hearing by reading the public hearing notice into the minutes. The contents included a description of the applicant's proposal to provide a curb cut along the easterly edge of the property and to install utilities within the 20 ft. designated preservation buffer.

The Planning Board Chairman introduced the applicant and asked him to present his proposal. As B. Robinson screen shared the site plan (Plan of Land in Tisbury, Mass. Being a Subdivision of Lot 1 Shown on Land Court Plan 41944A for Rachel Paletsky Cert. No. 13664 by Sourati Engineering Group, Job No. 102139), K. Hurd stated that he

was proposing a “driveway at the far eastern end of his property because it was the least impactful to the surrounding area, neighbors and ancient way”. It was on a naturally flat area and did not require the removal of any trees. He felt that it also helped to maintain the character of the ancient way.

D. Bellante-Holand noted that the Board attended a site visit on September 23rd with the applicant. As they walked the property, they noted that the applicant was going to have to cut into a 3 ft. – 4 ft. berm to accommodate the driveway and level it off a bit. A photo depicting the location of the driveway was screen shared (Photo: RCH driveway cut 2.jpg).

The Board in addition thought the applicant would have to re-angle and curve the driveway into the property to preserve the view from the road. They felt that the disturbance in the preservation buffer zone was limited to one or two trees at most, and that that this would more likely occur during the construction process with the additional traffic.

B. Robinson recalled that in the letter of application, K. Hurd indicated that the initial curb cut would span 20 ft. – 25 ft. He asked if the stakes were set apart the same distance in the photo (Photo: RCH driveway cut 2.jpg). K. Hurd replied that they were staked 25 ft. apart.

P. Munafo recalled that the Board wanted to ask the applicant to taper the embankments to the east and west of the stakes back to some trees they identified approximately a couple of hundred of feet into the property.

C. Doble noted that when they looked the depth of the cut into the bank, the Board did look into other potential options. However due to the topography of the lot, she felt the proposed location for the curb cut would have less of an impact than the other options the Board explored during the site visit.

D. Bellante-Holand understood that the applicant was also pulling his utilities from an abutter G. Martino. C. Doble acknowledged and asked the applicant what his plans were for bringing the utilities to his building site. K. Hurd indicated that he planned to run a trench under the road from G. Martino’s transformer. P. Munafo noted that the main service ran down Red Coat Hill Road. K. Hurd was aware and enlisted Dig Safe to make sure everything was done correctly.

K. Hurd added that he wanted to restore the banks in the cut to make them look as similar as possible to the existing banks (with moss) with low growing vegetation. It was suggested that he could use a fabric the he could cover with dirt. B. Robinson recommended against geotextile fabric, unless it was biodegradable. He explained that it did not hold up well over time and made a mess once it eroded. B. Robinson recommended stabilizing the embankments with stakes and straw. C. Doble recalled discussing a planting plan. She did not recall any mention of the use of fabric, but agreed with B. Robinson.

B. Robinson thought the Planning Board could consider a condition where after the applicant completed construction, the Planning Board could conduct a site visit to discuss how to restore the land. K. Hurd supported the idea.

C. Alexander referred the Board to section 09.03.05.04 (a) entitled Criteria to be used by the Planning Board in review of Special Permit Applications for new or increased vehicular use, noting that during the Site Visit, the Planning Board had inquired about possibly relocating the driveway closer to G. Martino's driveway. In section 09.03.02, the regulation clearly stated that the purpose for this particular bylaw was to "... preserve the character of the old ways and retain the abutting landscape". In her opinion the location being proposed by the applicant was much more keeping with the intent or purpose of the bylaw as opposed to the Board's recommendation for its relocation. The alternative would require the driveway to start along the westerly side of the property, then traverse across to the east, so that it would continue upward to the building site. The proposed location minimized the amount of land disturbance or the removal of trees to preserve the abutting landscape. It was a good compromise.

D. Bellante-Holand was not fully convinced. She referred the Board to section 09.03.05.02, which read "... every effort must be made to minimize the length of the special way travelled by vehicles... through driveway placement." She felt they were not adhering to the regulation because they were considering "extending the length of the Special Way travelled by vehicles when there was another option available. She did not think it would destroy the landscape, because the driveway could be cut in such a way that the other trees would be visible to block the view of the road. In her opinion, the idea of cutting into the bank and tapering it where it would then extend allowed for more activity within the 20 ft preservation buffer zone. The proposed location was much less desirable for her, than relocating it closer to G. Martino's property. At the alternative site, they did not have a bank that the applicant would have to cut through or alter for the first 20 ft. or extend the amount of the special way being travelled.

C. Alexander did not see any advantage in having the driveway skirt along the property line to the eastern border. It would require the removal of the vegetation and trees currently providing a vegetative landscape and a screen viewed from the road. K. Hurd noted that he had to bring the driveway back to the eastern boundary line because of the topography of the lot. He explained as they walked further back (north) into the lot, the grade to the hill increased dramatically. He felt that he would have to cut the hill back to construct the driveway. The southern edge of the property (front) was just as difficult because it was the lowest spot on the lot (valley). He had to fill it in to construct the driveway.

There being no further comment from the Board regarding the location of the driveway, D. Bellante-Holand referred to the special permit template to ask the applicant the following questions:

- Any plans for utilities work within the 20 ft. designated preservation buffer? K. Hurd replied that he was connecting his utilities from G. Martino's transformer across the street down the Red Coat Hill to his driveway. The utilities were going in a trench under the driveway.
- Any proposed need to move a stone wall or fence, pave a portion of the driveway or add plantings within the 20 ft. designated preservation buffer? K. Hurd replied in the negative.
- Any proposal for grading or altering the driveway within the 20 ft. Special Way to the road. D. Bellante-Holand recalled that the applicant proposed to cut into the embankment, then tapering it further up into his property.
- Any potential for intentionally widening the road beyond the way it currently exists. K. Hurd replied in the negative.

D. Bellante-Holand asked the applicant how he planned to address the size of the construction vehicles traveling past G. Martino's property. K. Hurd indicated that he planned to make an arrangement with G. Martino to keep the construction vehicles on his land during the construction phase, until he can accommodate them on his own property.

D. Bellante-Holand explained that in past projects, some of the trees in the special way had been scarred because of the size of the construction vehicles. In some instances they've scraped the embankments and disturbed the vegetation because the equipment was quite large. K. Hurd noted that he planned to use the smaller bobcats because they were much smaller and precise. He acknowledged that it may be an issue for the larger cement trucks, but felt that if his neighbor's construction crew managed it, he could too.

D. Bellante-Holand asked R. Seavey if he wished to comment on the subject. R. Seavey recommended that the Board make sure to tag anything they were allowing to be removed and to mark the 20 ft preservation boundary. D. Bellante-Holand recalled that they spoke of a tree or two that they questioned, but did not specifically tag any tree that presented an issue or concern. She asked R. Seavey to clarify whether he was just referring to the trees within the portion of the driveway that were within the 20 ft. preservation buffer. R. Seavey replied in the affirmative and explained that he wanted to make sure he knew what trees the Planning Board allowed to be removed, cut back or pruned.

B. Robinson mentioned that the Board did not find a tree within the 20 ft. preservation buffer that had to be cut. There was a small black oak tree at the entrance that may have to be removed. He thought they could add this as a condition. B. Robinson asked the applicant if he planned to have lumber deliveries to the site. K. Hurd replied that he would have the frames delivered. B. Robinson explained that the truck would be the longest, so that it could have problems making turns. K. Hurd noted that he was not planning on a very large home. He expected that most of the deliveries would come on short-bed trucks for the materials he needed. C. Doble mentioned that they experienced these issues with the previous applicant, and wanted to make sure that the drivers understood the care they had to take while traveling down Red Coat Hill Road.

D. Bellante-Holand reminded the applicant that the regulation prohibited the removal of existing vegetation. K. Hurd understood. D. Bellante-Holand indicated that the Planning Board would perform a site visit, if there was damage that needed to be remedied. K. Hurd reiterated that he understood and welcomed the idea of having the Board offer suggestions.

D. Bellante-Holand also mentioned that their regulations addressed surface storm water, so that the applicant was responsible for making sure that the storm water from his property was contained on his property. C. Doble understood that most of the construction was taking place deep into the site, so that if there was a concern it would be at the cut of the driveway. She felt the applicant could address this by constructing the road in a way that the runoff ran to the sides of the road. K. Hurd agreed and thought he could “pitch it away at the top of the road” and use gravel.

D. Bellante-Holand informed the Board that they received one piece of correspondence via email on 10/2/21 from Rachel Eugster (with Erica and Sandra Eugster) in favor of the proposed location for the driveway as it would have little impact on her family’s property. Said letter was screen shared.

D. Bellante-Holand opened the floor to the Board, town officials and members of the general public. There being no further comment, B. Robinson moved to close the hearing at 5:40 PM. C. Alexander seconded the motion. D. Bellante-Holand roll called the Board: Robinson, Alexander, Doble, Munafo and Bellante-Holand. 5/0/0

D. Bellante-Holand asked Board member if they wanted to open the deliberations or postpone the session until their next meeting. C. Alexander moved to hold the deliberations until 10/20/2021 at 6 PM. C. Doble seconded the motion, and D. Bellante-Holand roll called the Board: Robinson, Doble, Doble, Alexander and D. Bellante-Holand. 5/0/0 K. Hurd departed at 5:42 PM

5:45 PM Public Hearing: Special Permit Application by Andrea Peraino, Tansy| Juice By The Sea LLC, AP 09B19.15 & 19.16, 79 Beach Road
Attendance: Xerxes Aghassipour, Alex Elvin (MVC), Ross Seavey (Bldg. Commissioner), Kurt Fraser (Traffic Consultant)

Hearing commenced in due form at 5:45 PM. Planning Board Chairman, D. Bellante-Holand read the hearing notice into the minutes and asked the applicant to make her presentation to the Board.

A. Peraino indicated that she was proposing a year-round food establishment at the Tisbury Marketplace to retail coffee, smoothies, teas, and healthy breakfast options. She noted that the operations would run from 8A-3P, with the possibility of adding afternoon hours to capture the MV Film Center’s patrons. Given that the operations were small, she did not need more than four (4) employees. Her employees were provided with

parking spaces in the rear parking lot, where all deliveries took place. All Tisbury Marketplace patrons used the shared parking lot.

D. Bellante Holand asked Board members if they had questions and/or comments for the applicant, as the floor layout for Units 15 and 16, the computer-generated floor layout (combined the two units and illustrated their current configuration), and copy of the applicant's hand-sketch floor plan of the kitchen, office, and public space were screen shared.

D. Bellante-Holand asked the applicant about the number of permanent parking spaces she was assigned in the rear parking lot. A. Peraino replied that the Condo Association assigned her establishment four spaces and normally issue each employee their own sticker using their license plate numbers. She leased a space at Hinckley's (Harborwood LLC) so that all four parking spaces were available for her employees. She did not anticipate using all four parking spaces and noted that parking was an issue at the Tisbury Marketplace.

D. Bellante-Holand inquired about the number of staff members at any given time. A. Peraino replied that she envisioned three (3) staff members on the premises. She would add a fourth member for the summer months. D. Bellante-Holand inquired if she knew of other locations where she could lease a parking space. A. Peraino thought she might be able to lease an additional space at 61 Beach Road but was not aware of other locations. It was a topic she would have to address with the unit owner. D. Bellante-Holand inquired if it would be an issue to have your employees use the Park-N-Ride and take the shuttle over. A. Peraino thought that it would be feasible for one employee only.

D. Bellante-Holand inquired about the applicant's progress with the other town boards, such as the Board of Health. A. Peraino replied that she had completed their requirements and was waiting for them to sign off.

P. Munafo inquired if she considered expanding the hours of operation for the summer months. A. Peraino wanted to keep the establishment manageable, because it was difficult to staff. The one exception she could think of would be to stay open on movie nights to capture the film center's patrons. He asked if they were required to establish operating hours. B. Robinson replied in the affirmative and recommended that they use a broader schedule. C. Doble thought she would consider 8A – 7P if she wanted to accommodate the film center's patrons. A. Peraino agreed. D. Bellante-Holand suggested that she also expand the hours of operations on a year-round basis. B. Robinson clarified that while she was permitted to open for these hours, she had the flexibility to establish the hour's best suited for her operations.

E. Miller inquired if she anticipated being open seven days a week. A. Peraino replied that she would be open five to six days a week at the most and year-round.

C. Doble understood the applicant wanted to have some flexibility, but felt they should have a better sense of her operations to know what days of the week she preferred. A.

Peraino replied that she anticipated being open Monday through Saturday and closed on Sundays. D. Bellante-Holand inquired about the need to know the days of operation and thought it should be up to the proprietor to determine their business plan. A. Peraino agreed and preferred having that flexibility.

C. Alexander noted that the applicant had four (4) seats in the establishment and inquired if she had plans to have outdoor seating. A. Peraino noted that she did not have any plans to expand the seating capacity in her establishment because the concept is “grab and go”. She did not have any plans for outdoor seating. D. Bellante-Holand thought they should allow for the opportunity in the future, because she noticed that in similar establishments at the Tisbury Marketplace, people enjoy using the outdoor seating accommodations. Because the last applicant did have outdoor seating, she thought it was a good time to give you the capacity to respond to your market.

A. Peraino was asked if she had the condo association’s consent for outdoor seating, and for the number of seats. A. Peraino replied in the affirmative, and believed it was shared seating with Rocco’s and the film center. She still wanted the opportunity to expand the seating capacity of the food service as they established themselves. She hoped for an additional six to eight seats. A. Peraino was asked to provide the Planning Board with written confirmation from the Condo Association.

There being no further comments or questions from the board members, D. Bellante-Holand asked the Board if they felt they had sufficient information to close the hearing and to move into deliberations. Before moving forward on a motion, D. Bellante-Holand inquired if members of the public had any questions or comments. Board staff added that they did not receive any correspondence on this application.

And as there were no comments from the public, B. Robinson moved to close the public hearing to enter deliberations. C. Doble seconded the motion and the motion carried.
5/0/0

6:01 PM Deliberations Special Permit Application by Andrea Peraino, Tansy| Juice
By The Sea LLC, AP 09B19.15 & 19.16, 79 Beach Road

D. Bellante-Holand noted that she recommended some flexibility on the number of seats, the total being six to eight seats, upon approval of the condominium association. She recalled that they discussed parking, the hours operations being 8A to 8P, seven days a week.

E. Miller inquired if the office had a copy of the lease. P. Harris replied in the affirmative. E. Miller did not have additional comments to make. B. Robinson indicated that he did not have any additional comments or questions and moved to approve the application for a special permit with findings and conditions as outlined. Said motion was seconded and approved by unanimous consent. 5/0/0

B. Robinson moved to continue the deliberations on October 20, 2021 at 6:20 PM. Said motion was seconded and approved by unanimous consent. 5/0/0

A. Peraino left the meeting at 6:08 PM.

6:04 PM Xerxes Aghassipour, 4 State Road LLC - Informal Discussions AP 09A06,
4 State Road
Attendance: Noah Eisendrath (6:05P), Matthew Skelly (6:20P), Daniel
Glissman (6:20P), Josh Silver (6:23P), Jonathan Silverstein (6:23P)

X. Aghassipour screen shared a power point presentation of his proposal to renovate and develop the commercial structure formerly occupied by Educomp. He explained that the proposal required the construction of an addition to accommodate a total of 15 residential condo units and 7 commercial units (retail/office). Five (5) of the fifteen (15) units were going to be leased to the MV Hospital for their employees, and two (2) of the units were going to be designated for affordable housing at 80% AMI. Although not mentioned, the screen shared document listed eight (8)-one-bedroom units and seven (7) two-bedroom units, with thirteen (13) exterior parking spaces and four (4) garaged spaces

X. Aghassipour indicated that the first floor was dedicated to the commercial units and accessible via a sunken patio on State Road. He was modifying the grade so that the commercial spaces were going to be at ground level. As screen shared the next slide, the applicant mentioned that he wanted to keep the character of the building intact and planned to repair the existing brickwork and roof The HVAC units on the side were going to be relocated and screened on the roof so that they were not visible from the street. He advised the Board that he also intended to keep the tree upfront.

In the following slide, Board Members viewed the proposed floor plans highlighting the distribution of the residential and workforce housing units in addition to the commercial units on the first floor. All the commercial units fronted on a wide arcade internal hall similar to a small mall. The concept behind the design was to make the floor appear as if it were a continuation of Main Street. The hall in addition led to a path in the rear parking lot, the public could use to access Memorial Park.

In the next slide, Board Members view the top floor (4th) of the addition and Roof Deck Terrace. The applicant noted that the addition, the HVAC units or roof terrace garden were not visible from the street.

In the following slide, the applicant screen shared a draft site plan and parking plan. X. Aghassipour indicated that he was currently working on an access easement with the property owners of 10 State Road and 4 Beach Road and hoped to renegotiate an easement that would allow all three properties to use a shared driveway. He understood that the MV Commission looked favorably on these arrangements. If the new easements could be arranged, he felt they would be able to add three (3) – four (4) additional

parking spaces and storage room for bicycles. Board members were informed that the applicant was providing two handicap parking spaces next to the brick path and one loading space (Space No. 1). He noted that that four (4) of the parking spaces were garaged, and that with the access easements, he could have up to an additional two (2) parking spaces.

The applicant, X. Aghassipour mentioned that he had initially considered using pea stone for the driveways and parking area, but was advised against it by the landscapers, who recommended cobblestone for the driveways given the exterior grades. They felt the pea stone would shift downhill.

D. Bellante-Holand noted the time and informed the applicant that they had a hearing scheduled in ten minutes. She understood that the Board Members had a few questions to ask of him and asked the applicant if he would address them. The applicant noted that he had essentially completed his presentation and was willing to accommodate the Board.

E. Miller inquired about the dimensions of the addition. X. Aghassipour replied that the existing building was 40 ft. (width) X 60 ft. (Length). The addition would be 40 ft. (width) X 95 ft. – 100 ft. (Length). E. Miller indicated that she was concerned about the mass. She was also concerned about the parking accommodations; in that he was not providing a space for all fifteen (15) residential units and seven (7) commercial units. She thought he may need to provide ten (10) more spaces.

E. Miller added that it was also possible that his proposal may be impacted by the archeological study once it was completed. X. Aghassipour informed the Board that the Massachusetts Historical Commission gave him permission to move forward on the archeological survey and he anticipated that they will be surveying the entire area within the week.

X. Aghassipour also noted that the purchase of the property was under a conditional agreement, subject to the grant of the necessary approvals to move this project forward. If the archeological study hampered the project so that it was no longer economically feasible, he would not pursue the development.

He also addressed E. Miller's concerns about parking, stating that he still had the ability to reconfigure the internal spaces, or to have the commercial units issues their employees bus passes. E. Miller thought he could also consider deed restrictions for the individuals that did not need cars. X. Aghassipour concurred.

C. Alexander was of the impression that the B1 District was exempt from the parking requirements. R. Seavey confirmed that she was correct. Although not required to provide any parking accommodations, C. Alexander liked the idea that the applicant was providing parking accommodations as part of the proposal. B. Robinson believed the parking accommodations were part of the Planning Board's review process under section 05.13.05 (off-street parking).

D. Bellante-Holand mentioned that she wanted to discuss with the Board if they wanted access to additional resources to support them during the review of the applicant's proposal.

B. Robinson recommended continuing the discussions after the public hearing. D. Bellante-Holand acknowledged and moved onto the public hearing.

6:31 PM Public Hearing (Cont.) – Special Permit Application by Main Street Medicinals, LLC AP 22A18.1, 65 Mechanics Street
Attendance: Noah Eisendrath, Matthew Skelly, Daniel Glissman, Josh Silver, Jonathan Silverstein, Jay Grande (6:29P), Kurt Fraser (Traffic Consultant), Brendan McKee (6:30P), Joshua Ferranto (6:30 P), Reid Silva (6:31 P), Katherine O'Shea (6:36P), Apple (6:50P), Sheila Morse (7:13P)

The continuation of the public hearing was duly opened at 6:31 PM by the Planning Board Chairman, D. Bellante-Holand. Board members, applicants and members of the public were informed that the Planning Board had requested a Peer Review of the traffic study that was conducted by Fuss & O'Neil on the applicant's behalf. . Kurt Fraser, President of Fraser Polyengineering Services was hired by the Planning Board to perform the peer review and to report his findings.

K. Fraser reported that there was going to be an adverse impact on the intersection based on the transportation model he utilized for the analysis. He found that there was an increase in traffic at Mechanic Street by the Little House Café from 14 seconds per vehicle to 80 seconds per vehicle. There was a delay increase in the travel time through the congested arterial, and the additional turns would create a very unsafe condition for all road users.

He noted that in the trip distribution analysis, the traffic consultant indicated the demographics was approximately 50-50, but he found that it was closer to a 75-25 split, so that it could have an impact on traffic distribution study.

K. Fraser also found the consultant's proposal for the access road from Mechanic Street (mitigation) presented a few challenges (diverting traffic onto a rural road, differences in grades, infrastructure). He believed the connector created a skewed intersection only 32 ft away from the intersection of Olga and High Point Ln.

K. Fraser informed the Board that he did not have sufficient time to review Fuss & O'Neills' response to his Peer Review (dated 10/06/2021), or the recent revisions they've incorporated into their study to see if they could agree on the data and remedies. He further reported that there were gaps in the traffic analysis (i.e., additional traffic generators) that should have been investigated as part of the traffic network.

D. Bellante-Holand opened the discussions to the Board, and applicants. E. Miller thought they could all use time to review Fuss & O'Neill's recent response to Mr. Fraser's Peer Review and was interested in hearing J. Grande's comments.

J. Grande did not have the opportunity to review Fuss & O'Neill's written response and edits, and thought it made sense to hear Kurt Fraser's commentary. He agreed that they should consider the impact heavy traffic generators such as Cronigs had on State Road and believed the dispensary would have a traffic impact on Mechanic Street. He was much more interested in dealing with the extension on Mechanic Street and wanted to engage in a conversation with the two traffic consultants offline to solicit their thoughts on the subject. In reference to the dispensary, J. Grande thought the proposed use would generate less than five percent of the existing traffic volume on State Road but wanted the consultants to present their data to confirm his opinion. And while he anticipated that there would be some impact, he wanted to understand the accumulated impact overtime given that they were all contributing to the deterioration of the road's level of service. J. Grande hoped the studies would help the town move towards mitigating these issues and improving the conditions i.e., High Street Extension to Edgartown Road. J. Grande added that he wanted to address the other issues he mentioned in his email to the Planning Board Chairman and asked that the information be included in the record.

D. Bellante-Holand invited D. Glissman, the applicant's attorney to join the discussion. D. Glissman introduced himself as an attorney at Prince Lobel Tye LLP representing the applicants, Main Street Medicinals in their application to the Planning Board to operate a marijuana dispensary at 65 Mechanic Street. He felt his clients have expanded the scope of the traffic analysis significantly for a hardy analysis and have cooperated with K. Fraser on his Peer Review. D. Glissman noted that they've been cooperative with the town in exploring the extension of Mechanic Street and were as a result recently approved for a license agreement by the Select Board on September 22, 2021 to construct a one-way extension to Eleanor Street.

D. Glissman believed the Town of Tisbury was in a very unique situation, in that they had a similar operation just down the street from the applicant's site. Based on the police chief's report to the Select Board, Island Time experienced a seamless transition into its operations. It provided the Board an inherent working knowledge of an existing dispensary so close to the location of the proposed dispensary.

R. Silva indicated that he met briefly with the Fire Chief, Police Chief, the DPW Director and the Wastewater Superintendent to discuss any potential issues with the extension as they walked down the potential road layout to High Point Lane. He noted that they did not have a survey plan on the layout at the time of the meeting, because he wanted to make sure everyone was on board about the extension's feasibility. There appeared to be a consensus among them that there was sufficient room to layout the extension. There was some discussion about bending the road to the west to create a ninety degree angle. In his opinion, he did not see any obstacle in creating a one-way extension on Mechanic Street to High Point Lane, other than the slight grade changes, which could be addressed

with low retaining walls. He felt it all depended on the details of the design, the users and amenities (i.e. walkway and shoulders).

D. Bellante-Holand asked R. Silva if he had the opportunity to read K. Fraser's Peer Review, because the report brought up the fact that they felt there was insufficient right-of-way to connect Mechanic St. to Eleanor St. and a three ft grade difference between the Mechanic Street lot and adjacent lot. She inquired if R. Silva had addressed the grade change. R. Silva replied in the affirmative, noting that it was more like four ft, but that it was not insurmountable. He felt they could build the grade up to the original elevation or ramp it out with retaining walls on both sides of the road. It was a small grade relative to the distance they could spread it over. He also wanted to note for the record that all of the roads were private so that the only road traffic could be re-routed through was High Point Lane. If the town pursued the connector road to Edgartown Road, then that too would have an impact on the extension.

D. Bellante-Holand wanted R. Silva to confirm if in his previous testimony, he mentioned that they could do a right-angle intersection. R. Silva replied in the affirmative. K. Fraser understood that the egress driveway on Mechanic Street would follow a straight line into Eleanor Way to create a skewed intersection. The 30 ft. difference between this driveway and the intersection at Olga Way would create a few conflict points. R. Silva screen shared a satellite aerial view of the site to illustrate the location of the 12 ft wide single-lane travel way from Mechanic Street to High Point Lane. He did not know if they were proposing to have 3 ft. wide shoulders or pushing the lane to one side. The idea he considered was curving the lane around the dog pound, so that they'd increase the distance between the intersections to improve the site lines. The original sketch was just for discussion purposes. It was preliminary because they had not discussed their options at that point.

D. Glissman informed the Board that his clients were working on a license agreement with the Select Board to utilize a portion of the dog pound property for the road layout. They had to work with the engineers on the design and obtain the Planning Board's approval before they could execute the agreement.

D. Bellante-Holand felt that there would be interest in using the road as a cut-through to avoid the traffic congestion on State Road. She asked K. Fraser if that was a problem or benefit. K. Fraser felt that was difficult to answer without having additional information.

P. Munafo inquired if they could condition the use of the extension to permit right turns only and wondered if that would be of any benefit. R. Silva thought it would be easy to implement with street signs. P. Munafo clarified that he was asking if the traffic exiting Mechanic Street onto State Road be limited to right turn only. B. Robinson noted that the road provided access to more than just the one property. D. Glissman thought it would constitute a separate proposal, but that he could bring the suggestion to the Select Board as part of the discussions regarding the extension. If the Planning Board preferred, he could inquire if they would reconsider dedicating the extension to High Point Lane to Main Street Medicinal's patrons.

B. Robinson asked the applicant to explain the importance in having a connection to High Point Lane and the benefit(s) in encumbering town owned land for a “not heavily used” road. D. Glissman replied that his client agreed to pay for the development and installation of the connector. B. Robinson did not know if the Select Board had the ability to encumber town property in this fashion, when there were too many uncertainties about its effectiveness and impact. He preferred having Mechanic Street continue to function as a two-way street with some improvements to the traffic flow.

E. Miller would like to receive a copy of the license agreement to see how the town’s involved and how it impact’s their review process, since it was the first time they were hearing about the document. If the intent was to divert traffic from Mechanic Street to High Point Lane, she wanted to know if that qualified as an improvement. She wanted to thank the applicants for cooperating with the Planning Board and hoped they could all come to a mutual agreement.

M. Skelly, a certified civil engineer at Fuss & O’Neill thought tonight’s discussions reflected a keen interest in continuing the discussions to come to some resolution about the different analyses. He felt they had addressed all of K. Fraser’s issues presented in the Peer Review, and incorporated within their revisions, some of the assumptions suggested by the Peer Reviewer. Based on the trip generation estimates calculated for the dispensary, the facility was set to generate less than 50 cars per hour during peak hours. It was going to be less than that during the remaining hours, so that it was less than 2% on a Saturday and less than 1% during the PM peak hour on State Road. It was not a concept that was perceptible to the motorists on State Road. Their study took into consideration the existing condition, the No-Build and Build conditions to reflect that the dispensary was going to have minimal impact on traffic.

D. Glissman believed the application met their criteria for the grant of a special permit. The information they presented clearly illustrated that the dispensary was going to have a diminimous impact on the traffic flow in the area.

J. Silverstein informed the Board that he did not have a copy of the license agreement but felt the town administrator would be able to circulate the document. He explained that the Select Board had the authority to enter into such an agreement as custodians of town owned lands, but that in this instance may have acted prematurely in trying to create a tool that would allow them to create the connection, so that the Planning Board could impose that condition. It was not intended to bind the Planning Board, but to give them an option to create the connection.

J. Grande advised the Board that the Select Board had not executed the license agreement. It was a placeholder that was intended to serve as a tool they could move forward on in the future if the opportunity arises. Any decision on the subject depended on the studies and Planning Board’s plans.

D. Bellante-Holand entertained a motion to close the public hearing. B. Robinson recommended continuing the hearing to accept new information on the traffic studies to October 20, 2021, at 6:45 PM. C. Alexander seconded the motion. D. Bellante-Holand roll called the board members, and all voted in favor of the motion: 5/0/0

7:27 PM Xerxes Aghassipour, 4 State Road LLC - Informal Discussions AP 09A06
Attendance: Apple, J. Grande, R. Seavey. Sheila Morse

D. Bellante-Holand recalled that B. Robinson had a question or two for X. Aghassipour before she had to continue these discussions to hold the public hearing. B. Robinson had a few questions he wanted to address with the applicant, but the first pertained to the number of residential uses in the commercial district. He noted that it displaced the commercial use(s) on the property, and throughout the district, because it encumbered a large amount of sewer floor. It was a troubling piece of the proposal that he could not reconcile. He wanted to clarify that he did not object to having residential uses in the commercial district. B. Robinson felt that the proportion of the use had to be in sync with the commercial nature of the B1 District.

While he understood the concept of using the first floor as an extension of Main Street, B. Robinson thought he could improve the design by providing a throughfare that one could see to the end. He felt it would be much more inviting, if patrons could see daylight at the end of the interior mall space.

B. Robinson informed the Board that he was a renting abutter on 10 State Road and disclosed the information to the MV Commission where he currently served as a commissioner and the town clerk, under the appearance of a potential conflict of interest.

D. Bellante-Holand asked X. Aghassipour if there was additional information he wanted to present to the Board. X. Aghassipour was much more interested in soliciting the Board's impressions on the information he presented and the materials he had submitted to the Board. He also wanted to avail himself to any questions the Board may have regarding his proposal.

Board staff requested a clarification on the number of residential units that were dedicated for workforce housing, and for individuals earning 80% AMI. X. Aghassipour explained that he was going to lease five units to the Hospital, and that of the five, two were designated as affordable. It became apparent to him in his discussions with the MV Commission that the affordable units had to be income certified by the DCRHA. There was also a discussion about the possibility of having the two affordable units offsite in a comparable unit, but he did not have such accommodations available at this time.

X. Aghassipour informed the Board that he was under a time constraint to secure the approvals for the proposal to move forward on the PNS Although he understood that he was subject to the review process, he thought it important for the seller to be aware of the process because of its impact on the PNS.

D. Bellante-Holand appreciated the applicant's due diligence and quality of his application. She believed they've received all the information they needed for a complete application and explained that the review process allowed them to pull in additional resources i.e., Peer Review if it was necessary. Tonight's discussion was a launching point.

E. Miller referred to the applicant's responses about the commercial use, and felt they were too subjective. She wanted to see statistical data to substantiate his observations of the commercial requirements and uses in the area, noting that it would be very useful for her. She explained that she wanted to know what the commercial demand was for the district. The applicant noted that there were a few commercial tenants in the building that have expressed an interest in staying there. He was considering relocating his office (property management) in the building as well. He envisioned the commercial spaces to be primarily used for office and retail.

B. Robinson requested a plan reflecting the existing conditions of the building and property.

D. Bellante-Holand closed the discussion at 7:39 PM

BOARD DISCUSSIONS:

A. NEW BUSINESS

1. Master Plan RFQ

RE: Update (three submittals:

D. Bellante-Holand informed the Board that they received three (3) proposals. All submittals consisted of seven (7) hard copies and one (1) digital copy. Board staff was to send Board members a copy of the review criteria to grade the proposals for a robust discussion on 10/20/2021. The hard copies were available at the Planning Board's office during regular business hours.

2. Ronald H. Tolin, Trustee – 47 Weaver Lane Realty Trust

RE: Form A Application, A 13B02

E. Miller recused herself from the discussion given that she was part of the transaction.

B. Robinson screen shared the Form A plan of land prepared for 47 Weaver Lane Realty Trust by Smith & Dowling, dated September 15, 2021 (Job No. 4272.4), and Board members reviewed a division of land within the R50 District creating a second lot.

B. Robinson inquired if the portion of the road was public. Board staff replied that it was a public road. B. Robinson and C. Doble noted that the road should be Weaver Lane not Winyah. Board staff noted that Weaver Lane was a private road. Board members agreed

that the scope of their address was limited to frontage and the condition of the road to provide adequate access to the buildable portion of the lot.

D. Bellante-Holand did not see an issue not to endorse the Form A plan. C. Alexander concurred. B. Robinson moved to endorse the Form A. C. Alexander seconded the motion. D. Bellante-Holand roll called the Board and Doble, Alexander, Robinson and Bellante-Holand voted in favor of the motion. 4/0/0

Staff to follow through on the potential correction of the road name on the plan with the surveyor.

3. Elaine Miller, Planning Board Member
RE: Tisbury Marine Terminal (letter to the MVC)

D. Bellante-Holand informed the Board that E. Miller drafted a letter to the MVC regarding the Tisbury Marine Terminal. She asked the Board if it was still relevant given that they missed the deadline of Oct. 4, 2021.

E. Miller believed it was the Board's decision to make, but felt it was important to respond to the MV Commissioners' comments at their meeting regarding the town's absence and silence on a very important development. She thought it was important to make some comment to the MV Commission about their position on the proposal. Given that they did not have the opportunity to review the letter in time to meet the deadline, E. Miller left the final decision up to the Board.

B. Robinson thought the town was going to have ample opportunity to review the application and address any issues the MV Commission may not have addressed.

E. Miller believed they missed the opportunity to submit a response, but that the Board could avoid this in the future.

D. Bellante-Holand recalled that the MV Commission has always wanted to hear from the communities, but she did not feel the Board delved deeply enough in the proposal to weigh in on this application. If they were to provide some of their initial impressions, she thought the lead member on the project and B. Robinson, the town's representative on the MV Commission could share the specifics and issues about the proposal with them, she would feel much more confident sharing their initial impressions and concerns with the MV Commission in a timely way. She asked Board members if they were aware of any applications before the MV Commission that they will be reviewing for a special permit.

R. Seavey left the meeting at 7:50 PM and P. Munafo left at 8:08 PM.

B. Robinson replied in the affirmative, noting Mr. Aghassipour's application as an example, where the applicant submits an application to the town, who then sends the referral out to the MV Commission. The applicant in this instance did not initiate the review process with the town. He understand that the Building Inspector normally refers

the applicant to the MV Commission, but he preferred to see the applicant submit a complete application before its referred to the MV Commission so that they can review the materials before the MV Commission initiates their review process.

E. Miller thought they were really had to tighten up their process and application requirements. She also felt that the Board could always send the MV Commission a generic letter stating that while they conceptually approve of the proposal, there were many issues to be resolved. E. Miller felt it would buy them some time to review the proposal to provide an initial position. B. Robinson did not like getting the required details on a proposal in a piecemeal fashion. It did not give them the full picture of the proposal or the time to delve into the details or to keep up with it as the MV Commission embarked on their review process.

B. Robinson felt they should hold back on the referral to the MV Commission until they felt comfortable they had sufficient information to review and understand the proposal. He did not understand how the Building Inspector could refer an application without receiving a building permit. He was not subject to any timeframe, at least not until he received a building permit. E. Miller thought they had to specify and clearly state their application requirements, so that an applicant understands that they could only submit a “complete application” to the Planning Board.

B. Robinson, at J. Grande’s inquiry recommended that the Building Commissioner should not refer any proposal to the MV Commission, until any applicant requiring a permit or special permit contacted the local board and submitted a complete application.

Additional discussions ensued and D. Bellante-Holand deferred to staff about the process, in which she explained that town counsel explained to her that they could not refuse an application, even if it was incomplete. Once the town clerk stamped the plan, they had to move forward on the process. They were obligated to review what they receive, inform the applicant of any insufficiencies, give the applicant time to provide the information, and make sure that are within the 155 days review process, otherwise they defaulted and it was an automatic grant. They had the ability to ask the applicant to grant an extension to give them the time to exceed the 155 days review process (by mutual consent), but if the applicant did not comply, the Board had the option to close the hearing and render a denial. They had to have sufficient information to make a decision.

D. Bellante-Holand did not understand why they could not deny an application, if the applicant failed to comply with their request for information. B. Robinson did not know that the Planning Board could deny an application without prejudice. Staff noted that past Planning Board’s had done so. B. Robinson did not believe the Town Clerk stamped an application until it was deemed complete by the Board. Board staff informed the Board that an applicant had to submit an application (complete or not) to the Town Clerk before submitting a copy of the application to the Planning Board. We are required to receive stamped applications.

D. Bellante-Holand wanted to reconcile the conflicting information. C. Doble thought they could enact a policy whereby all town boards are notified of any project being referred to the MV Commission. It will give them the opportunity to contact the applicant and Commission for information.

J. Grande offered to meet with R. Seavey and P. Harris to discuss the subject further and explore the use of Open Gov. E. Miller felt they had to establish the guidelines, require complete applications, and defer referrals.

D. Bellante-Holand appreciated the Board's comments, but felt she the Board had different understandings about the timeframes and how to communicate the information. It was unclear to her as well. B. Robinson's points appeared to be relevant, but their staff is noting that it may not be feasible. Either they remedy the situation or staff comes on board with their ideas, but it is important that they all come together on a solution.

E. Miller offered to draft a set of guidelines to pass around to the Board for their input. J. Grande asked the Board to give him the opportunity to meet with staff and A. Turner to see what's changed and how they could delay the referrals if possible.

C. Alexander noted that they had to appreciate the fact that it also depended on the applicant's knowledge of the process, their ability to come prepared with the documentation. There was a great difference between the previous applicant and X. Aghassipour. She also felt that they had the MV Commission as a resource, so that they could also attend LUPC meetings to hear about the proposal. Attending their meetings and conversing with A. Elvin on the applications she's been assigned to take the lead has been very informative and helpful. Leads could also update the Board about the application, and any issues they should solicit input from the Board.

B. Robinson thought the Board shouldn't refer an application until they were ready to refer their proposals, and not rely on the MV Commission's process.

D. Bellante-Holand also noted that the Board had developed a template to work as a guide for their initial review, which has worked well, and looked forward to hearing from E. Miller about additional guidelines. She confirmed with J. Grande that the Board would be hearing a report on his findings and recommendations.

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

B. OLD BUSINESS

1. Committee Reports (Updates only)

A. Vision Forum

B. Land Bank Advisory Committee

C. Tisbury Housing Committee

D. Community Preservation Committee - P. Munafo reported to the Board that the Committee received a total of 14 applications for this cycle, and recouped \$67,000.00 for use on other projects.

E. Water Resource Committee

F. Sewer Advisory Committee

G. Site Plan Review Board

H. Open Space and Recreation Committee

I. Energy Committee

J. All Island Planning Board - E. Miller reported that the Committee has been communicating with A. Elvin and J. Malkin about their issues, and scheduled a meeting with the West Tisbury Planning Board to present and discuss the letter they were proposing to send to the MV Commission. She felt that the participants on the committee were working so well together that it was possible that they would consider re-establishing an All Island Planning Board.

K. Climate Advisory Committee – J. Grande informed the Board

L. Waterways Committee

2. Uses requiring a Special Permit

A. Main Street Medicinals – E. Miller & D. Bellante

B. MV Shipyard – C. Doble

C. Tisbury Marine Terminal – B. Robinson

D. 7 Beach Road MVY LLC (Educomp) - C. Alexander

E. Hinckleys – E. Miller & B. Robinson

F. Kenneth Hurd – P. Harris

G. Andrea Peraino, Tansyl Juice By The Sea LLC – P. Harris

H. Reid A. Dunn – 70 seat Restaurant (Bldg E) – C. Doble & P. Munafo

I. 5 McClellan Way (Carroll's Trucking) – B. Robinson

CORRESPONDENCE:

1. Douglas Hoehn, SB&H Inc.

RE: Harborwood LLC, 61 Beach Road (Form A)

2. Martha's Vineyard Commission

A. Extended Meeting Schedule

B. LUPC Meeting

Other business not reasonably anticipated 48 hours in advance of meeting

PRO FORM

Meeting opened, conducted and closed in due form at 8::28 P.M.
(m/s/c 5/0/0)

Respectfully submitted;

Patricia V. Harris, Secretary

APPROVAL:

Approved and accepted as official minutes;

Date

Dawn Bellante-Holand
Chairman