WEST TISBURY PLANNING BOARD MINUTES November 2, 2026, pg. 1

PRESENT: Leah Smith, Matt Merry, Heikki Soikkeli, Amy Upton, Cass Luskin

ABSENT: John Rau

ALSO PRESENT: (Names as they appeared on the Zoom screen)

Vargasplumbing, Katharine Sterling, Sam, Darci Schofield, Mary Ambulos, Perry Ambulos, Deborah Eliason, Jevon Rego, Elizabeth Wroblicka, Peggy Tudek, Caroline Flanders, Val Petrov, Michael Goldsmith, Eugene and jane Rossi.

Leah opened the meeting at 5:00 and declared a quorum present.

Informal discussion with DCT, LLC/Perry and Mary Ambulos and a member of the Trustees of Reservations to discuss the open space portion of the proposed application on Assessor's Map 29, Lot 81, 312 Edgartown Road, RU District:

Leah stated that the board had two questions for town Counsel: Can the owner of the conservation land also hold the Conservation Restriction. Second, can any of the building lots be released prior to certification on the CR. She said the answer to those questions is "no". Michael Goldsmith stated that the text in Section 5.5-2 of the bylaws states that open space must be preserved under a conservation restriction or owned by the Land Bank. There isn't an alternative to the bylaw. He said the open space restriction must comply with Chapter 184. Even though the land will be owned by a reputable conservation group, the holder cannot be the owner of the protected land.

Leah stated: in the previous meeting, it was mentioned as an example, that the Brick Yard was owned by the Trustees of Reservation without the requirement there be another conservation group to hold the CR. Leah pointed out that the Brick Yard was not an open space development so the comparison wasn't relevant to DCT, LLC application. Darci Schofield from TTOR stated that the Brick Yard situation was in fact different by comparison to the DCT, LLC requirements, so Leah was correct in her statement. Leah also pointed out that the infrastructure couldn't begin since the curb cut had not yet been approved by the state. Perry stated that he had received an email from Mass DOT that the curb cut has been approved, and the approval will be forth-coming. Jane asked Perry to send her a copy of the approval certificate once he receives it.

Elizabeth Wroblicka (TTOR) said the CR process is going to take a long time, so it is out of the Trustees hands. She asked how the board can be assured that there will be a CR placed with the Con Com? She said the Trustees and applicants have met with the Conservation Commission and they have basically agreed to hold the CR if the Planning Board requires it. They have a meeting with them again in a couple of weeks. The deed between DCT, LLC and the Trustees Of Reservations can reference the Planning Board Decision and the holder of the conservation restriction decision. Caroline interjected said that they understand that the lots cannot be released until the CR is recorded. They agree with what Michael said. We understand that and appreciate that

Infrastructure work can begin before CR has been recorded but not until final approval of the curb cut has been received by the Planning Board. What has been explored is a modification to allow lot to be released before the CR is recorded. Can we transfer to the Trustees prior to the recording of the CR?

Michael said the board has experienced another difficult open space applications that didn't go well. It is important to be careful. The questions are, could the release of the buildable lots happen upon conveyance of the open space to the Trustees? Can the open space be deeded to the Trustees sooner than the recording of the CR? He said a modification will have to occur prior to making any determination. Perhaps the requests could be put out prior to an amended decision. In the recorded decision, the applicants are going to convey to the Homeowners association so the language would have to be amended to reflect that the TTOR will be the owners of the open space.

Caroline agreed with Michael, stating that the lots could not be released prior to the recording of the CR. Infrastructure can begin before the CR has been recorded but not until the curb cut has been approved by the state. Michael said the amendments to the recorded documents could be considered administrative clarification or modification. A public hearing will be necessary, but the applicants will not need to provide duplicate documents. The board will only have to review the amendments to the documents.

Matt asked if they could possibly convey the lots but stipulate in the language within the decision that they cannot build until the CR has been recorded. Michael suggested the board wait until they have reviewed any modifications to the documents before making any decisions on the property. Leah said the board would review the documents once received and schedule a public hearing.

Correspondence:

●401 State Road: Letter from the Affordable Housing Committee requesting that the address 401 State Road remain since all paperwork and bank accounts contain that title.

The board determined that the address may remain as 401 State Road during the construction phase of the project. If any issues occur while the residents are occupied, then the planning board may revisit assigning an address change to reflect that the access to the property is on Lambert's Cove Road.

ZBA Referrals:

●Nagy: Ground mounted solar panels: Map 15, Lot 29.2, 72 Rogers Path:

Leah made a motion to refer the application back to the ZBA for their consideration and Heikki seconded the motion. Leah-yes, Heikki-yes, Amy-yes, Matt-yes.

●O'Neill: Swimming Pool: Map 30, Lot 2.23, 24 South Pond Road.

●Zimmerman: Swimming Pool: Map 7, Lot 58, 5 Scotty's Lane:

Amy moved and Heikki seconded the motion to refer the applications back to the ZBA for their consideration. Amy, yes, Heikki-yes, Matt-yes, Leah recused herself from the vote.

MINUTES: *Amy made a motion to approve October 19, 2026, minutes as amended and Heikki seconded the motion. Amy-yes, Heikki-yes, Matt-yes, Leah-yes.*

●Brief Discussion on potential zoning bylaw amendments:

Pickleball: Matt pointed out that pickleball is a different sport than general court sports. It's more controversial and should probably not be looped in with the others.

Lot Clearing: Jane said that Kate Guiney, Sue Hruby and Nicola Blake continue to work on the draft bylaw. However, Jane said she was anxious to get the final copy.

Service Business Moratorium: The board felt it was worth circling back to discuss amendments to the Service Business bylaw. Perhaps the ZBA and PB could meet to discuss creating a draft bylaw. Jane will organize a meeting.

Swimming Pool Equipment: Jane said the ZBA will have to present the bylaw with convincing talking points.

Meeting adjourned at 5:50 pm

Respectfully Submitted,

Jane Rossi, Board Administrator