

WEST TISBURY PLANNING BOARD MINUTES April 1, 2024 pg 1

PRESENT Leah Smith, Ginny Jones, Heikki Soikkeli, John Rau, Amy Upton, Matt Merry.

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

Chris Alley, Bob Massick, Michelle Borre, Jeffrey DuBard, Kristine MacDonald, Indaia and Sebastian Haiette, Casey iPhone, David Foster, Jane Rossi.

Leah opened the meeting at 5:35 pm

● Informal discussion with Doug Hoehn on a proposal to create frontage to Christiantown Road for Assessor's Map 12, Lot 30 and 12, Lot 34, 76 Christiantown Road (Baumrin):

(The board had reviewed the preliminary plan for the proposal at the previous meeting.) Chris explained that several Baumrin family members own the properties surrounding the proposed lot. Judith Baumrin's lot is being sold and the property in the rear, owned by Bernard Baumrin, needs access to Christiantown Road. The proposal is to expand the frontage to 100 feet to provide proper frontage and access for the Bernard Baumrin lot by creating the frontage in the corner of Judith's lot and on Michael's lot. Eventually an access road will be created to provide access to Bernard's lot. Lots 2A and 2B and lot 3 are not buildable lots. Jane mentioned the stream that would run across the proposed access. Chris said the wetlands have been flagged and there is no road/access proposed at this time. Matt asked if Bernard's lot would be subdivided Chris said it would not. Amy asked if the application should be a Form C. Chris explained that they are simply cutting off a portion of one lot to provide space for the other. It was suggested that the Conservation Commission be consulted on the proposal.

Amy cautioned the applicant to make sure they understand that they might need to change the location of the driveway to Bernard's lot which could potentially need to be relocated with regard to the location of the stream. She suggested they take caution in selling prior to knowing how the Conservation Commission will act.

Leah felt the proposal appeared reasonable. The applicants will return with a formal application.

Continued public hearing on a Form C application from Reid Silva on behalf of Merry Farm LLC for a special permit to create 2 buildable conforming lots on Assessor's Map 8, Lot 22, 140 Merry Farm Road, RU District:

Leah explained that the applicant, Jeffrey DuBard, had sent an email to the Board Administrator stating the following: "Please consider this Merry Farm application to be withdrawn". Leah stated the board would not be discussing the continued public hearing at the applicant's request. Jeffrey DuBard stated he was advised that "withdraw" was an incorrect word and he should have used the word "continued". Jane said the email stated "withdraw". Jeffrey asked Jane if his attorney had asked for a continuance. Jane stated the attorney had originally asked for a continuance to May 31st not relating to the application currently before the board, but because he was going on vacation. She then received the email from Jeffrey with a request to withdraw. She asked Jeffrey to submit a request for a continuance rather than a request to withdraw.

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Leah said the board will need to continue to a date and time certain. Jane said she will need a formal request from the attorney to file with the town clerk. Jane suggested the board should base the continuance on confirmation from Attorney Goldsmith. Amy asked if Jane had received findings/opinion from Jeffrey DuBard's attorney and Jane said she and Leah had received the document and she was waiting for guidance from Attorney Goldsmith on how to proceed.

Leah said the board will continue the hearing contingent upon 1) receipt of a written request from the applicant's attorney for the continuance, 2) sand 3) Jane will file the formal request of the continuance with the town clerk. Ginny moved , Matt seconded the motion. Matt-yes, Amy-yes, Ginny-yes, Leah-yes, Heikki-yes.

Leah said the board should hear from Jane the following day and hopes to hear from Attorney Goldsmith soon with his findings on the Merry Farm LLC matter.

Ginny asked if the board needed to confirm the time factor. Jane explained that as long as everything is filed with the town clerk regarding the continuances the clock is extended. Jane provided the board with a timeline for clarification.

Jane said the applicant's attorney had originally requested a continuance on the filing of the decision to rescind the Merry Farm Plan to April 15, 2024. Now it may be extended but she won't know of the date until she receives something in writing from the attorney.

Meeting adjourned at 7:00 pm

Respectfully Submitted,

Jane Rossi, Administrator

Approved on May 6, 2024 Upton-yes, Soikkeli-yes, Merry-yes, Smith-yes