

WEST TISBURY PLANNING BOARD MINUTES October 19, 2026, pg. 1

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

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

Vargasplumbing, Ben Reeve, Elizabeth Wroblecka, Kim Angel, Deborah Elias, Caroline Flanders, Perry and Mary Ambulos, Darci Schofield, Katharine Sterling 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 began by pointing out that an open space-development does require a holder of the conservation restriction. Caroline Flanders explained that the applicants are hoping that the Planning Board will allow the Trustees of Reservations (TTOR) to own the open space portion of the development and waive the Conservation Restriction requirement since TTOR is already a reputable conservation organization. She added that the hope is that the board will grant the applicants permission to begin releasing some of their lots. She asked if the owner of the open space were to be a conservation group, would a CR be needed. She also included that Attorney Michael Goldsmit stated to her that the bylaw was poorly written.

Leah stated that the board does recognize that the ownership would ensure that the property will be conserved, but the bylaw doesn't support the request. Elizabeth (TTOR) explained that applying to the state to hold the CR is a lengthy process that could take 6 to 12 months and the applicants are hoping to release some of the lots' now, for financial reasons.

John Rau stated that it seemed "redundant" for a conservation organization to have to hold the CR on a property they own. However, he said they should act in accordance with the bylaw.

Elizabeth said the TTOR is on the agenda for the following evening to request the Con Comm hold the CR. However, they would prefer to own the land and care for the property as they always have cared for all their conservation land.

Darci Schofield (TTOR) said the Trustees are working with the other conservation groups island wide to mitigate the eco system. Their charge is to protect wildlife. She pointed out that the TTOR owns the Brick Yard in Chilmark. They don't have anyone holding the CR. They are solely responsible for protecting the property.

Perry Ambulos suggested to the board that when discussion the proposal with town council, the board should recognize the advantage of the proposal. And to keep in mind that the bylaw is poorly written. He said the Planning Board has the power to do this.

Leah said there are two things for the board to do:

1. Discuss the proposal to waive the CR and allow the TTOR to own the lot and provide its

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standard protection.

2. If the board will allow the proposal, when can the lots be released once we have a firm agreement.

Matt said he tended to agree that this could move forward with a firm agreement. He asked Elizabeth why the CR process is so lengthy. Elizabeth said the holder of the CR has to be approved by the state, and there is a back-log of applications.

Matt suggested the board consider a bylaw amendment to alleviate the time constraints.

Jane pointed out that the bylaw isn't poorly written, the process is simply quite lengthy. She also pointed out that the CR is the protection for the land.

Katharine Sterling pointed out that the bylaw states there must be a Homeowners Association. It was pointed out that the Homeowners Association is still a requirement. She asked who would protect the strips of land around the building lots. Caroline said those lots are designated as no cut/no build zones which will be enforced by the HOA. Katharine added that those zones are not included in the open space count.

Amy reiterated the need to review the zoning bylaw and the DCT, LLC decision and discuss the proposal with Town Counsel. Matt confirmed that the Conservation still needs to sign off on the conservation restriction as well.

Cass asked about an easement merger and if there was an exemption for it. Caroline said she believed Cass was correct.

Heikki said the proposal appeared to be a viable idea, and the board would discuss the situation with town Counsel. Matt added that the CR piece has been a problem for the Open Space applications.

MINUTES:

Matt made a motion to approve September 21, 2026, and October 5, 2026, minutes as amended and John seconded the motion. Matt-yes, John-yes, Amy-yes, Heikki-yes, Leah-yes.

Further Discussion:

- Leah pointed out that the temporary Old County Road curb cut granted to the Rome property on Yellow Brick Road has not been closed off. Jane said it was installed for the deliver of the modular guest house and was to be closed off once delivered or by mid-June. Jane has notified the Building Inspector of the issue.

- Regarding the Open Space discussion, Matt pointed out that the island has several conservation groups, and it may be time to amend the open space bylaw to reflect that fact.

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Meeting adjourned at 6:10 pm

Respectfully Submitted,

Jane Rossi, Board Administrator