

PLANNING BOARD

TOWN OF TISBURY
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MEETING MINUTES

DATE: April 5, 2017
TIME: 6:04 PM
PLACE: Town Hall Annex, 66 High Point Lane
ATTENDANCE: Bellante-Holand, Doble, Robinson, Seidman
BILLS: Verizon (IPads)..... \$1300.00

APPOINTMENTS:

6:04PM Housing Production Plan FY 2018-22(HPP hereinafter) with the Board of Selectmen
Attendance: Board of Selectmen (M. Loberg, T. Israel, L. Gomez), J. Grande (Town Administrator), L. Barbera (Tisbury Housing Committee)

M. Loberg, Chairman called to order the Board of Selectmen's joint meeting with the Planning Board to discuss the Housing Production Plan (HPP hereinafter) at 6:05 PM and deferred to D. Seidman, Planning Board Chairman for the presentation of the plan.

D. Seidman apologized for not forwarding the recently revised HPP FY 2018-22 Executive Summary and provided the Board members with copies for their review. They were advised that the document listed a number of strategies to create fifty (50) affordable units over a five (5) years period.

L. Gomez inquired if the strategies entailed zoning amendments. B. Robinson and C. Doble replied in the affirmative but clarified that it was not limited to zoning amendments. D. Seidman added that they were not obligated to meet the fifty (50) unit goal, if they approved the plan. The plan was an aspirational target. B. Robinson noted that it provided the town a one year grace period before they had to show some progress in the development of the units. C. Doble believed it also demonstrated a commitment on the town's part to create affordable housing.

L. Gomez believed the plan required zoning amendments, because a change in the regulation would allow garage apartments. D. Seidman concurred and added that zoning could reduce the land area and set back requirement for affordable units. Property owners would have to deed restrict the accessory unit to make sure the unit stays affordable in perpetuity. He reiterated that the Town had to approve the plan to demonstrate a commitment towards producing affordable units. D. Bellante-Holand inquired about the state's process in managing and monitoring the town's progress. B. Robinson replied that it was a non-binding commitment. L. Barbera added that DHCD monitored the

Subsidized Housing Inventory for all of the communities. T. Israel thought the town could count the Island Housing Trust's development for thirty-two (32) affordable units within the fifty (50) units. D. Seidman replied in the affirmative.

T. Israel advised the Board members that he did not support the use of CPC funds for a regional housing bank. He thought it was premature at the time, because the Housing Production Plan had not been completed. He has since reconsidered, and thought the concept deserved a more regional discussion. He also believed that they had to take into consideration how the additional affordable units were going to impact the town's regional assessments (high school) and infrastructure. T. Israel was concerned that the Towns of Tisbury and Oak Bluffs were shouldering the lion's share of the financial burden.

D. Seidman noted that 60% of the applicants for affordable housing were comprised of households with two people. B. Robinson noted that the vast majority of applicants earning an income between 100-150% AMI were of childbearing age. T. Israel thought it important to note that housing issue went beyond the affordable units and included other categories such as "workforce". B. Robinson thought the reality was that they did not have any year round rentals, even for those who could afford the rent.

D. Bellante-Holand inquired if she was correct to assume that the affordable units were going to be monitored by the DCRHA and therefore either subsidized through donations, fund raisers, and taxes or rent control. L. Gomez did not support subsidized housing, and thought the objective was to provide affordable units for renters that could afford their housing accommodations without any public assistance. D. Bellante-Holand explained that she asked the question because everyone deferred to DCRHA as the monitoring agency, and if she understood their operations correctly, DCRHA monitored subsidized units. D. Seidman explained that DCRHA managed non-subsidized units as well. L. Gomez suggested DCRHA because he felt they should pool the housing stock under one entity, and they seemed to be the most logical agency.

D. Seidman reiterated that the HPP was focused on the 80% AMI. T. Israel recalled that the discussions on the HPP included other categories (e.g. 150% AMI, workforce and seniors). While the 80% AMI was an important component, they had to address the needs of the other renters. D. Seidman understood, and noted that HPP included strategies that would address the housing needs for those earning beyond 80% AMI. B. Robinson understood the HPP's requirements and objective, but did not feel it addressed the real issue of making existing rental units available year round. They had to find a mechanism, such as a financial incentive to persuade people to rent year round. T. Israel indicated that property owners were renting out units at affordable rates, but that were not part of their affordable inventory. D. Seidman indicated that property owners did not want to deed restrict their properties because of the impact on market appreciation.

Board members were advised of the Board of Health's initiative pertaining to the rental of homes and/or room. The regulation proposed certain Board of Health and Fire safety standards homeowners had to meet in order to obtain a permit/license. Their objective for the regulation was to make sure that property owners did not overtax their septic systems, exceed their occupancy or ignore the fire safety requirements. M. Loberg felt they could build incentives in the regulation to encourage year round rentals. D. Seidman doubted that the regulation would alter the homeowners' behavior.

L. Barbera, member of the Tisbury Housing Committee questioned the need for additional regulations and fees on guesthouses, when property owners were required to

submit to an in-depth review process (and fee) to obtain a special permit. The additional regulation appeared excessive.

L. Gomez believed it served as an additional source of revenue. M. Loberg agreed, but thought that it was a concept the state would eventually pursue in the future. T. Israel believed it addressed the Air BNB's. B. Robinson thought the initiative would also provide the town with a list of all the short and long term rentals.

T. Israel recommended a zoning regulation that encouraged infill development (non-conforming vacant lots) as opposed to the larger developments (Kuehn's Way), which were very disruptive to the abutting neighborhoods. D. Seidman agreed. The non-buildable lot could be developed provided the property owner secured a deed restriction that kept the development affordable in perpetuity. C. Doble noted that the consultants advised them that zoning was not the only solution to the affordable housing issue. They needed funding sources.

C. Doble also inquired if there were any repercussions to adopting the plan and failing to meet their goals. B. Robinson replied that there was one. They were not protected against Ch. 40B proposals. D. Bellante-Holand inquired about the benefits in producing the fifty (50) affordable units. It was a very low number for the island. B. Robinson was not convinced that the HPP was the best plan for the town, given that the fastest growing segment of their work force were the professionals. L. Barbera disagreed. The statistics did not convey the same information. T. Israel believed the discussions should not be limited to those earning 80%AMI. Their community needed housing for the other categories including renters earning between 100%-150%, workforce, etc.

M. Loberg clarified that the stated goal was to focus on the development of fifty (50) housing units over the next five years for the 80% AMI. She also understood that board members felt there were other segments of renters that should be focused on because they were valuable assets. D. Seidman clarified that the one did not negate the other. Both could be pursued. T. Israel wanted information on the ramifications of the infrastructure to support the fifty (50) new units. D. Seidman replied that the information depended on their location. D. Bellante-Holand inquired if there was a way of addressing the capital investments to create the units and to sustain their affordability.

D. Seidman mentioned that the HPP provided strategies to address all housing types, but that its main focus was to create the fifty (50) affordable units. B. Robinson believed the HPP touched very lightly on the other housing categories, so that they had to develop a separate set of strategies.

T. Israel reiterated that they had to eventually move the discussions out into a regional arena. D. Seidman mentioned that each town agreed to develop their own HPP and contribute towards to the development of an island-wide plan, although the latter was not certified by the state. He wanted to clarify that the objective for the meeting was to solicit the Board of Selectmen's approval so that they could begin working on the development of the affordable units and the other housing categories. It was not exclusive to the fifty (50) affordable units.

L. Gomez inquired about the tax revenue. He wanted to know if DCRHA would continue to pay taxes on the land if they purchased the lot. D. Seidman replied in the negative, and mentioned that the town owned sufficient land to solve their housing issues. L. Gomez commented that the proposal would increase density. D. Seidman explained that density was unavoidable with any proposal. B. Robinson thought it difficult to support a concept

that increased density and reduced revenue. They had to look at the incentives to encourage private development over public. Private developers were purchasing properties and turning them over to rental agencies with no revenue for the town. The Town had to become a market player in order to compete with the private investors, and it required funds.

D. Seidman did not agree with B. Robinson's comment regarding the reduction in revenue, because he believed the town could implement regulations that restricted the development of non-conforming lots for affordable units. The deed restricted developments increased the value of the property substantially, and its contribution to the tax base. B. Robinson thought it was worth investigating. He was interested in learning about the number of vacant lots that existed, their locations and what impact, if any; their development would have on the area.

T. Israel reiterated that he did not want to lose sight of the other housing needs in the community, and felt it important to remind the board members to include the needs of the baby boomers, the retirees and their care takers.

M. Loberg understood that the state was promoting an incentive to adopt the HPP in order to exercise local control over the development of housing rather than private development (Ch. 40B). She wanted to know the number of parcels that were susceptible to Ch. 40 B development, and if the incentives justified the production of the fifty (50) affordable units vs other housing options. T. Israel thought they should ask the MMA to send a representative to respond to their questions about Ch. 40B. L. Barbera recommended asking Town Counsel. L. Gomez requested a copy of the map illustrating all of the vacant lots that were candidates for Ch. 40B development.

B. Robinson questioned whether they would be able to meet the HPP's goal. He wanted to explore other housing options beyond the plan. D. Seidman reiterated that the town did not have to adopt the HPP. B. Robinson indicated that they could still adopt the plan; he just did not believe they would be able to meet the goal. M. Loberg noted that the only downside was that they did not have any protection against Ch. 40B developments.

L. Barbera stated that the HPP should be adopted. She felt it was a step in the right direction. She advised the Board that there were no penalties in defaulting on the 50 unit goal. She hoped that they did not get bogged down on speculative scenarios. She felt it important to remind the board members that the Tisbury Housing Committee was invested in looking into other housing types. T. Israel understood, but wanted to learn more about the issues, and suggested inviting A. Turner to a meeting where he can explain the details of the plan. L. Barbera explained that the MV Commission completed a housing needs assessment not that long ago, which was incorporated into the HPP.

M. Loberg indicated that the value of the plan was that it categorized and listed the strategies they could implement. They had to evaluate and prioritize the goals to begin strategizing. C. Doble noted that they also had to take into consideration each strategy's impact on their infrastructure. M. Loberg mentioned that the Town of Oak Bluffs refused to approve the HPP for that very reason. T. Israel was concerned that the towns of Oak Bluffs and Vineyard Haven would continue bear the brunt of the educational costs because they had the most affordable accommodations that attracted families. It increased their enrollment and their share of the assessments.

D. Seidman recommended continuing the discussions on May 17, 2017 at 6:00 PM. The Board of Selectmen and Planning Board agreed with D. Seidman's recommendation for May 17, 2017 at 6PM.

There being no further discussion, M. Loberg moved to adjourn the Board of Selectmen's joint meeting with the Planning Board at 7:08 PM. L. Gomez seconded the motion, which motion carried. 3/0/0

7:30 PM Deliberations: Margaret Knowles, 18 Beach Street LLC, AP 7F16

The deliberations for M. Knowles approved special permit application were duly opened at 7:30 PM. D. Seidman Planning Board Chairman referred to the draft decision and asked the Board for comments and/or corrections.

He referred the Board to Condition No. 6 on page 5 of the draft document and asked if the Board they wanted to address the parking requirements for the proposed use given that she planned on staffing the café and renting the apartment upstairs. He inquired if they believed the applicant should provide one parking space for the tenant, two parking spaces for the employees, one handicap parking space, and the remaining two spaces for the general public.

C. Doble inquired if they should limit the parking area to non-public. B. Robinson thought it was self-limiting and inadequate by current standards. D. Seidman recommended that they ask the applicant to assign and identify the parking spaces for the tenants, employees and handicap. B. Robinson suggested that the applicant should demonstrate alternative parking arrangements for her employees if she does not designate two spaces in the rear parking area.

D. Seidman noted that he wanted to include a condition prohibiting her from leasing out any of the parking spaces. Board members agreed.

There being no further comment, B. Robinson moved to approve the Decision for Margaret Towles as amended. D. Bellante-Holand seconded the motion, which motion carried. 4/0/0

D. Seidman entertained a motion to close the deliberations. D. Bellante-Holand so moved. C. Doble seconded the motion, which motion carried. 4/0/0

The Planning Board resumed their regularly scheduled session at 8:00 PM.

BOARD DISCUSSIONS:

1. Special & Annual Town Meeting

RE: Warrant Articles (Planning Board FY 2018 Budget and extra staffing)

Board members were advised that Town Counsel had an issue with the text in Article 11 (STM Warrant) that related to the definition for Community Housing. He wanted to add references to the governing regulations. C. Doble asked that they place the subject on their next meeting agenda, because she thought it was important for the Board to delegate the articles they were going to present and to prepare for their presentations. Board members agreed.

2. MV Museum

B. Robinson emailed Teri Pyke (Howard/Stein-Hudson), the Planning Board's consultant on Complete Streets to request a cost estimate for the design to upgrade Lagoon Pond Road and the bridge for Phil Wallace. He explained that Mr. Wallace requested the information to present to the MV Museum's Board of Directors.

P. Wallace asked B. Robinson about the repercussions, if the Board of Directors voted against providing a contribution towards the cost for the design. B. Robinson suspected that the MV Commission would condition their decision in favor of a contribution towards the improvement of Lagoon Pond Road. He asked the Board what they would recommend for a ball park figure. D. Bellante-Holand recommended \$250,000.00. D. Seidman suggested \$500,000.00. C. Doble concurred with D. Bellante-Holand.

D. Bellante-Holand did not think their recommendations were excessive. She agreed that the museum would benefit the town, but was concerned about the impact the buses were going to have on the neighborhood, specifically their proposal for a turn off on Lagoon Pond Road. D. Seidman and C. Doble opposed the idea. It presented a safety hazard for cyclists and pedestrians. D. Bellante-Holand questioned whether they could leverage the proposal for the buses against the funding. Board members discussed various strategies for transportation and the one that appealed to the board was the use of a small electric shuttle bus that ran from the SSA to the museum every fifteen minutes. It would recharge on the museum property and avoid having buses staged on Lagoon Pond Road.

Board members also agreed that it was important for the museum's long term viability to have a second pedestrian and bike access on Skiff Avenue. B. Robinson thought they should ask the MV Commission to require a second means of access on Skiff Avenue as a condition the second phase of the project, and offered to write a letter on the Board's behalf to express their recommendations at the hearing tomorrow evening. D. Bellante-Holand thought the Board should correlate the second means of access as a fire safety precaution in an emergency with the increased level of activity. C. Doble was concerned that the property owner of the one vacant lot could increase the price at the hint of their recommendation to the MV Commission. B. Robinson agreed that it could not be listed as a condition. C. Doble suggested language that basically conveyed "that there was value in a secondary access for emergencies".

D. Seidman reiterated the electric shuttles over the tour buses. B. Robinson clarified that the museum was just one stop for the tour buses and separate from shuttle service. He further noted that the shuttle service was not a definite. If they opted to run a shuttle service from the SSA, they were recommending the small scale electric vehicle. D. Bellante-Holand reiterated a contribution of \$250,000.00 for the Lagoon Pond Road design was reasonable. C. Doble thought it was premature to suggest a dollar amount without having more information about the actual cost. B. Robinson inquired if they objected to asking the MV Commission that the applicant should be directed to negotiate

and agree on some amount prior to the issuance of a building permit. Board members agreed with the recommendation.

There being no further discussion, B. Robinson offered to draft the letter to the MV Commission for the Board's review and edit tomorrow morning, so that it could be sent by afternoon. Board agreed.

CORRESPONDENCE RECEIVED:

1. Jonathan Snyder, Tax Collector/Treasurer
 - A. Annual Town Meeting Warrant, 25 April 2017
 - B. Special Town Meeting Warrant, 25 April 2017
2. P. Harris
RE: Vacation (5/1-5/5/27)
3. MV Commission
 - A. 3/31/17 Extended Meeting Schedule

Other business not reasonably anticipated 48 hours in advance of meeting

PRO FORM Meeting opened, conducted and closed in due form at 8:30 P.M.
 (m/s/c 5/0/0)
 Respectfully submitted;

Patricia V. Harris, Secretary

APPROVAL: Approved and accepted as official minutes;

Date

Daniel Seidman
Chairman