

PLANNING BOARD

TOWN OF TISBURY
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MEETING MINUTES

DATE: October 5, 2016

TIME: 6:02 PM

PLACE: Town Hall Annex, 66 High Point Lane

ATTENDANCE: Bellante-Holand, Doble, Robinson, Seidman and Stephenson

BILLS: Axion.....\$247.24
Petty Cash (Postage).....\$ 14.30

MEETING MINUTES: September 21, 2016 Deferred
September 28, 2016 Deferred

APPOINTMENTS:

6:00 PM Christine Flynn, MV Commission re Affordable Housing (definitions)
Attendance: M. Loberg, ME Larsen

C. Flynn, Economic Development & Affordable Housing Planner for the MV Commission began her presentation with a historical review of the MV Commission's efforts to study and address affordable housing. The most recent study, dated 2014 pertained to a zoning analysis of community and affordable housing. They discovered that the majority of the towns lacked terms and definitions in their zoning regulations for affordable and community housing or any goals and objectives to produce and/or acquire affordable housing. Except for the Town of West Tisbury, all other island towns lacked a purpose clause for the development of affordable housing in their local regulations.

She was assigned to work with the local housing committees (e.g. Joint Affordable Housing Group) to address the oversight, and to develop a few definitions (Area Medium Income, Affordable Housing, Community Housing and Affirmative Fair Housing Marketing Plan and Resident Selection Guidelines) for a more standardized approach. C. Flynn indicated that they work group also developed a purpose clause to clarify the town's policy and objectives.

C. Doble inquired if she had a recommendation for the location of the purpose clause in their local regulation. C. Flynn suggested in the section of the bylaw that provided exceptions for affordable housing such as substandard lots or restricted accessory units.

Board members were advised that the definitions were designed to clarify the three criteria that qualified a person for affordable housing. She noted that the state and federal governments normally recognized applicants that met the 80% or less of the area median income. Board members reviewed the chart illustrating the incomes that met the

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definition for AMI. C. Flynn continued to explain that in 2004, the state legislature drafted special legislation for the counties of Dukes and Nantucket to mandate the placement of a deed restriction on property owners with incomes up to 150% of the AMI. The definition for Community Housing included the restriction and stated "Community Housing is permanently deed-restricted year-round rental or ownership housing for those earning between 81% to 151% AMI". She noted that the Joint Affordable Housing Group did not develop a definition for work force or elderly housing as of yet, but felt that the two groups would be categorized by their income. Unlike the state or federal subsidizing groups, the Joint Affordable Housing Group was recommending a permanent deed restriction to preserve town assets, lands and resources. Board members concurred.

C. Flynn noted that the criterion in the definitions for Affordable and Community Housing was based on income, a clarification on the income and compliance with the Affirmative Fair Housing Marketing Plan and Resident Selection Guidelines. The definition secured the towns' compliance with the state and federal governments' guidelines.

D. Seidman inquired about the difference between income and clarification of income. C. Flynn explained that they were referring to 80% AMI or less for affordable housing and between 81%- 150% AMI for community housing. She further clarified that the criteria she was referring to was income, the permanent restrictions and the Affirmative Fair Housing Marketing Plan and Resident Selection Guidelines.

B. Robinson inquired about HUD's calculations for Dukes County's income. C. Flynn replied that her knowledge on the subject was limited, but that it involved a complex formula and various sources of data. He questioned whether she could generate a ten year graph on HUD's income. C. Flynn referred the Board to the table (Table 1: HUD's AMI Limits for Dukes County, FY 2016) as an example of the information HUD provided.

D. Bellante-Holand inquired if there were any situations that would disqualify a town from obtaining funds. C. Flynn replied that the residency requirement for affordable homes by municipal Resident Home site Committees was no longer permitted by federal and state law. It was illegal for the island to require durational residency. They were however allowed to have local preference for the first round and some of the units.

Board members were given a six page handout listing the definitions they were being asked to adopt and a set of internal guidelines for town housing committees. The latter of which contained additional information about the three criteria she had presented earlier.

B. Robinson inquired if the Joint Affordable Housing Group was recommending a difference between seasonal and year round affordable housing. C. Flynn replied in the negative, noting that they did not recognize seasonal affordable housing. The programs were solely for year round housing.

D. Seidman inquired if she had met with their counterparts on the island. C. Flynn replied in the affirmative. He asked if any of the boards had reservations. She mentioned that a couple of the towns were concerned about the permanent restrictions and appeared a bit

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hesitant about adopting the definitions. Overall the reception had been positive. D. Bellante-Holand inquired if the durational residency pertained to state and federally funded projects. C. Flynn learned that durational residency was illegal for all projects, irrespective of their funding sources. All projects were bound by the affirmative fair housing guideline.

D. Seidman questioned whether the “Affirmative Fair Housing Marketing Plan and Resident Selection Guideline” qualified as a definition. C. Flynn agreed, but thought the term should be adopted as a definition for informational purposes.

C. Doble was uncertain about the location for the purpose clause. B. Robinson thought they might have to create a separate affordable housing section within the bylaw and consolidate the various references to affordable housing i.e. exceptions.

C. Flynn advised the Board that the Joint Affordable Housing group was also going to review each town’s zoning regulations to identify all references for affordable housing, because it was possible that they might have to revise them so that they correlated with the definitions. B. Robinson noted that they had to replace the references to moderate – low income housing throughout the bylaw with the new definitions if they were adopting the housing group’s recommendations. Board members concurred.

C. Flynn indicated that the Tisbury Housing Committee was very supportive of the definitions and thanked the Board for their support.

On a separate topic, D. Seidman asked the Board to review the document containing definitions for tiny or small houses and information about the terms that could be utilized for a potential regulation that would permit tiny houses. C. Doble thought it was a subject for the HPP consultant, who could raise it as a strategy. Board members indicated that they were having trouble opening the document with the definitions because of the format. Hard copies were made for the Board members to review .

C. Doble thought the Planning Board had to look through their ordinance for anything that related to affordable housing to determine if it was still applicable.

PM Ray Tattersall, DPW Dir. Re:Kristen Reiman’s curb cut on Owen Little Way (R 25)
Attendance: H. Lee and D. Hodsdon arrived at 7:05 PM

C. Doble walked along the perimeter of the property in question to determine what the best location for the curb cut would be considering that it was a corner lot with two frontages (Main Street and Owen Little Way). Based on her observation, the curb cut on Main Street was unsuitable because the sight line was very poor. She attributed this to the steep incline of the right of way, and the obstruction created by the utility pole, and the tall, sprawling hedge. The curb cut on Main Street did provide sufficient space for a vehicle or two to turn around on the property, so that they did not have to back out.

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It appeared to her that there was not sufficient room to turn one vehicle around to drive out on Owen Little Way. In its current configuration the two cars had to back out on the road. The other observation she made was that there was another curb cut directly across the street from the property on Owen Little Way. If they permitted the one curb cut, she felt it would be difficult not to grant this current request.

B. Robinson inquired about the property's address. R. Tattersall indicated that it was on Main Street. D. Seidman noted that the front door faced Owen Little Way. B. Robinson inquired if the process to change the address was difficult. The board secretary noted that the property would have to go to the Board of Assessors to demonstrate that their "practical access" was off Owen Little Way. C. Doble advised R. Tattersall that they had to cut down the hedge because it was a bit high.

D. Bellante-Holand agreed with C. Doble. Based on her observations from the site visit, the curb cut on Owen Little Way made more sense. The only reservation with the location was the potential for striking down a cyclist while backing out.

M. Loberg felt that R. Tattersall could solicit input from the immediate abutters to solicit their opinions, since they were much more aware of the traffic flow. R. Tattersall acknowledged.

BOARD DISCUSSIONS:**1. Committee Reports****A. Complete Street Policy**

C. Doble had a few minor edits she wanted to incorporate into the policy that she wanted to present to the Planning Board. B. Robinson indicated that he had one recommendation. He suggested the addition of all the references that were pertinent to the applicable guidelines. She questioned whether it should include the ADA guidelines. D. Seidman did not think it was necessary, since all projects had to be ADA compliant.

C. Doble referred the Board to the sentence on line 25 stating "not limited to pedestrians, bicycles ...commercial vehicles" and thought they should add "public transit". D. Seidman concurred. She also questioned whether they should include the Steamship Authority in line 92. B. Robinson inquired if the document was going to be vetted by the consultant. D. Seidman replied in the affirmative. B. Robinson thought they should refer the question to the consultant. C. Doble informed the Board that the consultant had reviewed the document, but that she wanted to make sure the draft policy was complete.

C. Doble indicated that she had a question about the last paragraph pertaining to implementation. She thought it was important to designate the appropriate parties. She thought the Planning Board should be assigned to the task on line 110. D. Seidman recommended the DPW for line 125. She questioned whether the consultant should

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draft the inventory on line 122 and assign the updates to the DPW. The Board delegated the evaluation of their success, opportunity and improvements to the Planning Board, the DPW and the MV Commission.

There being no further discussion, D. Seidman moved to send the revised Complete Street policy to Nick Gross, the consultant for a final review. C. Doble seconded the motion, and the motion carried. 5/0/0

2. Santander Bank, Main Street, Vineyard Haven

B. Robinson informed the Board that the bank had recently replaced the Spanish tile on the roof with asphalt shingles. On speaking with K. Barwick the bank obtained their building permit in July 2016, unaware that the town had adopted a regulation requiring a referral for special permit consideration. This was especially important because the building in question was at least 100 years old. The gross square footage was listed at 4700.

He noted that the Board of Selectmen had the project referred to the MV Commission, but that the issuance of the building permit may have thwarted the possibility of a referral to the Planning Board or any other action.

H. Lee spoke with the Building Inspector in August 2016 about the project and was told that the MV Commission's jurisdiction was limited to "demolition" not "alterations, or renovations". He contacted P. Foley, the DRI Coordinator at the MV Commission and was referred to the DRI Checklist, v. 12 and shown the section that included alterations and renovations. M. Loberg understood that the building inspector also believed that it did not trigger a referral because it did not meet the sq. footage requirement. D. Seidman noted that the field card clearly stated 4726 sq. ft.

B. Robinson questioned whether the town had any recourse and if it would require the town to absorb the cost to have the bank restore the Spanish tile. H. Lee inquired if they could penalize the applicant. B. Robinson replied in the negative, because it was not the applicant's fault. D. Seidman was concerned about absorbing the cost, because it meant that the tax payers were ultimately going to pay for the improvement.

M. Loberg thought they should consult with the town attorney because they did not know what their liability was in this particular case. H. Stephenson thought they should issue a cease and desist while they communicated with the attorney. M. Loberg did not think they wanted to stop the applicant midway through the project given the weather they had been experiencing. She explained that the Board of Selectmen learned of the situation just before their meeting. They discussed it and voted to refer the application to the MV Commission. B. Robinson thought they were obligated to abide by their own bylaw. M. Loberg felt the question was whether they could retroactively obligate the applicant to secure a special permit. D. Seidman thought they should wait until the MV Commission reviews the referral.

Additional discussions ensued, and M. Loberg agreed that it was important to understand why the building inspector issued the permit and did not realize that the scope of the project triggered a referral to the MVC and the Planning Board. D. Seidman inquired if the conversation should be initiated by the BOS or Planning Board. B. Robinson believed the Planning Board should hold the conversation with the Building Inspector and offered to speak with K. Barwick. Board members agreed.

B. Robinson asked D. Hodsdon if the Historic Commission would endorse the asphalt shingles. D. Hodsdon replied in the negative. They'd want the applicant to replace the Spanish tile. He clarified for the record that the building in question was not in the historic district or listed on the national registry. B. Robinson recalled that their regulations included language specifically to structures that were at least 100 years old. D. Hodsdon noted that the MV Commission had regulations in place. B. Robinson reiterated that the regulation in BI would have allowed them to require the replacement of the Spanish tiles. D. Seidman departed at 7:35 PM

3. Open Space and Area Plans

C. Doble did not think the Planning Board had the time or staff to work on an Open Space and area plan. She approached A. Turner, the MVC Dir. for assistance. A. Turner offered to develop a scope of work for both the Open Space and Area plan, and volunteered his staff for technical assistance. If funds were required, A. Turner offered to write the grant application.

She thought they had to think about the boundaries for the area plan, and suggested the BI and Waterfront Commercial Districts as a start. Board members were asked if they agreed. Board members concurred. C. Doble also wanted to include the Vision Council and focus their discussions on the two topics to have ongoing public input. B. Robinson supported the recommendation.

CORRESPONDENCE RECEIVED:

1. Jay Grande, Town Administrator

A. Capital Budget (deadline: 10/14/16)

B. Letter: Roadway Project Management, Project File No. 607411

2. Tisbury Zoning Board of Appeals

A. Hearing Notice: Lillian Friedlander, AP 28A02 (detached guesthouse/swimming pool)

B. Hearing Notice: Eve Vincent and Geoffrey Coddington, AP 51A1.2 (detached guesthouse)

3. MV Commission

RE: 30 September 2016 Extended Schedule

4. Thomson Reuters

RE: Zoning Bulletin, 10 September 2016

Other business not reasonably anticipated 48 hours in advance of meeting

PRO FORM

Meeting opened, conducted and closed in due form at 7:55P.M.
(m/s/c 4/0/0)
Respectfully submitted;

Patricia V. Harris, Secretary

APPROVAL:

Approved and accepted as official minutes;

Date

Daniel Seidman
Chairman