

PLANNING BOARD

TOWN OF TISBURY
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MEETING MINUTES

DATE: January 26, 2017

TIME: 5:00 PM

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

PLACE: Town Hall Annex, 66 High Point Lane

BILLS: CPTC (Annual Conference) Registration Fee

APPOINTMENTS:

5:00 PM Jennifer Goldson & Judi Barrett – Presentation on Tisbury’s Housing Production Plan, FY 2018-2022 (Executive Summary)
Attendance: M. Loberg, L. Gomez, J. Snyder, B. Lambson

J. Goldson, a consultant at RKG Associates, Inc. began the presentation with an overview of the Commonwealth’s commitment to provide affordable housing, the communities’ obligation to create affordable housing, the qualifications of an affordable unit, and the benefits in meeting the 10% goal.

She explained that newly constructed units had to be subsidized, affordable to households earning no more than 80% of the area median income, affirmably and fairly marketed, and subject to a long term affordability restriction (30 Years) to qualify as subsidized housing under Chapter 40B. Units, once certified became part of the state’s Subsidized Housing Inventory and counted towards the 10% goal.

The Housing Production Plan is a state sanctioned planning tool to provide communities the technical assistance required to establish a strategic plan for producing affordable housing. It required a community to look at the possibility of modify zoning districts or areas (zoning recommendations), to look for potential building sites, the characteristics of the developments, and the potential for regional collaborations to help achieve affordable housing goals in the regions in the development of strategies.

J. Goldson noted that the consulting firm began to work on the project in June 2016, and held a total of 18 community workshops (3 per town) between the months of September and December. Community members were asked to share their opinions on the community’s housing vision, goals and strategies, all of which were incorporated into the draft Housing Production Plan. Today’s presentation was to highlight the more salient points, answer questions. J. Goldson indicated that they were asking the Board of Selectmen and Planning Board for their comments by February 24, 2017 to incorporate them into a final draft for their approvals.

J. Goldson referred the Board to the PowerPoint presentation she had prepared for tonight's discussions, and began with a note on the constraints in the development of affordable housing in the community. The list included: impaired water quality, limited infrastructure for sewers, inadequate supply for competing markets, seasonal markets, seasonal employee housing, retirees, the lack of rentals (especially multi-family housing), and capacity issues (town vs regional). In her opinion, the biggest challenge in the address of affordable housing stemmed from the leadership and political will, so that it was extremely important to have the support of the Board of Selectmen and Planning Board across the island.

The next subject to be addressed pertained to housing goals. J. Goldson explained that they had been revised to reflect the comments they solicited at the workshops. The list included: the diversification in housing options, an analysis of the household types in most need of housing in the community, housing's connection to the economic vitality of the community and island, the importance of preserving community character and community growth, expanding resources and capacity (island wide strategies focus on funds for housing), and the numerical production. Based on their analysis, the town had to develop 50 units that qualified for consideration on the subsidized housing inventory over the next five years. If they continued to construct 10 qualified units per year, the Town of Tisbury would meet the 10% threshold by 2026.

J. Goldson added a goal to the recommendations, and suggested an additional seven affordable ownership units within the 80%-100% of AMI range, even if they did not count towards the affordable housing inventory.

In order to create their housing goals, the town had to implement a variety of local initiatives (town staff, funding and property), regulatory strategies and island-wide initiatives (political lobbying, state legislation). Comments from the other towns during the presentation of their plans indicated that a few were somewhat uneasy about investing in regional efforts.

J. Goldson enumerated the top 5 local initiatives that were supported at the workshops. They included:

- A. Allocating funds for wastewater infrastructure to support the creation of affordable housing

Community residents recommended utilizing CPA funds for onsite wastewater infrastructure (maybe connections) for CPA eligible housing units under 100% AMI.

- B. Increasing allocations of local CPA funds to create affordable housing

C. Doble inquired if they should invest CPA funds into the Housing Trust Fund in lieu of reserving the funds. J. Goldson recommended investing the funds, if the trust was going to create new units. It did not make sense to contribute funds to the housing bank if they were going to sit on the funds for an extended period of time. The Housing Trust Fund was often used to create units because they were much more flexible. J. Snyder asked the consultant how they could achieve the transfer of funds. J. Goldson replied that the CPC had to assess the town's housing needs, develop a policy based on the assessment and submit a warrant article to allocate a percentage of funds to the Housing Trust Fund (HTF).

- C. Explore opportunities to convert some of the existing conservation land for the development of affordable housing

According to the 2004 Community Development Plan, the Town of Tisbury had an inventory of 860 acres of conservation land. Publicly owned conservation land and parks were protected by Art. 97 of the state's constitution. Communities were allowed to reduce their inventory. They were however allowed to swap land of equal land area if the town wanted to develop it for housing. The process required the Conservation Commission's approval, and a 2/3 vote of the state legislature. C. Doble inquired if the properties had to be of equal "conservation" value. J. Goldson did not know.

- D. Further consider establishing programs to convert existing market-rate housing to permanently affordable ownership units

J. Goldson noted that it was recommended by a community resident, and not a recommendation she would suggest because it was a very expensive proposition. B. Robinson compared the expense to renovate an apartment in relation to the expense of constructing a new unit on the island, to demonstrate that the latter was much more expensive. He did not believe the issue was a shortage of housing, but the short supply of guaranteed, affordable, year-round housing. He also doubted that they would ever be able to keep up with the market, if they had to construct affordable housing units.

J. Goldson advised the Board that they were not tied to a particular model. They had several options. The first program involved the tradition homebuyer, where the funding source provides the subsidy directly to the low-income homebuyer. The second option was to have the Island Housing Trust find modestly priced units for purchase. IHT renovates the units and sells it to a qualified homebuyer with a deed restriction. C. Doble inquired if there was an inspection requirement built into the first program, since first time homeowners may not would not calculate the cost for renovations into the final purchase price. J. Goldson replied in the affirmative, adding that some programs offer additional funds to rehabilitate the unit. H. Stephenson inquired if they could apply for the funds towards the purchase of a home that could be converted into a duplex or multiple units. J. Barrett replied in the affirmative. J. Goldson added that they would have to comply with the requirements of MGL Ch. 30B (pay prevailing wages, public procurement procedures).

The third option allowed the town to operate as a real estate broker. B. Robinson questioned the program's application on the island, when the market values were very high. D. Bellante-Holand inquired if it included a subsidy. J. Barrett replied in the affirmative. She also noted that it may encourage sellers to participate in the program if they wanted to protect their homes from being torn down. Board members were advised that the options provided the town a role in the transaction. They all converted a market valued home into an affordable unit and housed a low income buyer.

The fourth program involved a reverse mortgage arrangement, which provided the homeowner a life estate. The drawback was that the unit was not considered affordable under Chapter 40B, until the town actually developed an affirmative fair marketing plan, create a lottery and wait list, etc. This was the most controversial model, because it was felt that the property owner did not truly getting the full value. H. Stephenson thought an elderly property owner should be able to get a subsidy for converting a portion of the

house into an affordable apartment, if they were experiencing a financial hardship to remain in their homes.

J. Goldson noted that the town had to decide on the target income level they wanted help, know what the affordable price was for the targeted income level (allow for a 10% window), know what was available in the housing market that was affordable, have a local funding source (CPA) and support staff (DCRHA) before they could embark on any program.

- E. Investigate development potential of Water Department land to offer at little or no cost for development of affordable and/or mixed-income housing

J. Goldson explained that she did a cursory review of the town's GIS maps and narrowed it down to four parcels with a total of 40 acres on Holmes Hole Road within the Zone 2 of contribution. The restrictions did not prohibit development.

- F. – J. The next five strategies listed in the draft plan were island wide, and it required that the town address its willingness to support the recommendations with time, effort and political capital.

J. Goldson recommended that the town advocate for a housing bank and ask for a real estate transfer fee of 0.5 percent to promote the creation of affordable housing. Other towns, such as Nantucket tried to pursue this course. For reasons unknown, Nantucket subsequently withdrew the application. M. Loberg inquired if they applied under Home Rule. J. Barrett replied in the affirmative, and recommended that Tisbury could follow suit with the other towns.

J. Goldson suggested that they look at the recommendations as a package, because they all required special legislation. Community residents recommended an excise tax on seasonal rentals, a tax incentive (waiver) on year round affordable units only, the creation of an island seasonal employee housing task force and island wide housing trust. H. Stephenson noted that business owners were purchasing homes for their employees. J. Goldson noted that residents brought up cruise ships, and dormitories, the latter of which could be used as an emergency shelter during the off-season.

The last four strategies pertained to zoning revisions, which were best explained by J. Barrett. J. Barrett thought all of the communities on the island would benefit from having a set of guidelines for Chapter 40B developments separate from zoning. It clarified the town's expectations of the developers and kept the Zoning Board of Appeals on top of their regulations. This did not always occur, even though the Board of Appeals is required to have administrative rules by state law.

J. Barrett reviewed the town's zoning regulations and recommended easing the requirements for accessory apartments. She suggested allowing the use as a matter of right if they met the specified standards. If they did not meet the standards, they could apply for relief from the Zoning Board of Appeals. They found that the additional units benefited senior citizens and people in need of moderately priced housing. They had to make sure was that the language clearly specified that the unit shall be occupied by year round tenants. Regardless of the strategy, the one issue that will always surface will be enforcement, because the island has a very strong seasonal market. It supports the recommendation for investing in these strategies,

because nothing yielded more power than a mortgage. Once the procedural relief was in place, they had the ability to invest in a mortgage.

The one provision for multi-family housing in the existing zoning regulation did not make economic sense. The maturity of the land use patterns in some sections of the town made the introduction of multi-family dwelling “eminent sense”. As a result, J. Barrett recommended removing the regulatory barriers in select locations so that it made economic sense. If they permitted sufficient density “to make it worthwhile”, they could add the requirement for affordable units. The current limitation on the number of units and their correlation with the land area simply did not work.

Infill development in communities with well-developed land use patterns will always produce a stock of substandard lots. They were becoming desirable, based on land supply for single family or multi-family development. She recommended the adoption of a regulation that would allow the development of the substandard lot for affordable housing, subject to a set of standards. Private developers wouldn’t consider investing in the lot because there was no profit. It did however create a land supply for non-profits, such as IHT, and Habitat for Humanity that experienced a difficult time locating affordable land.

J. Barrett thought the Planning Board’s should start by recodifying their bylaw because it was outdated, disorganized and not user friendly. She suggested starting with a LITE update. C. Doble inquired if she understood that the regulations could be revised to create the land the needed for affordable housing. J. Barrett replied in the affirmative and added that it also required money. D. Seidman noted that they still needed the infrastructure.

The presentation continued with a discussion on the action plan and how their implementation could be phased in over the five years of the plan. Board members were asked to look at the table and advised to begin the process by focusing on the CPA allocations first because they could make decisions and develop policies. The strategies calling for special legislation were also among the first to be addressed because it required political capital. The Housing Trust was staged at a later point in time because they had to secure the funding sources before the trust became necessary. She left the zoning overhaul for the last, except for the recodification. J. Barrett did not think they could start the project without fixing the errors, redundancy, conflicts, etc. M. Loberg inquired if she could send model bylaws for reference. J. Goldson clarified that they could recodify the bylaw without have to include the entire text into the warrant if they did not recommend any revisions. J. Barrett added that they could have a couple copies at the library, town hall, website and town clerk’s office. Board members were advised that they should submit a warrant article to recodify the bylaw, and separate articles to amend the language.

J. Goldson indicated that she assigned a responsible and supportive entity to all of the strategies. She asked the Board to look at the assignments because she was interested in their comments. Board members were asked to use the comment form they designed, and to submit their comments, questions or recommendations by February 24, 2017. This will allow them to incorporate the comments into the final plan (mid-March) for the Board of Selectmen and Planning Board’s approvals and submittal to the Department of Housing and Community Development.

J. Goldson was asked to elaborate on the momentum she's observed at the state level regarding the recommended strategies and how they might be able to take advantage of it. She thought it was important to keep abreast of the mainland's lobbying efforts and joining them as a collaborative. She was asked if the transfer fee was gaining interest. J. Barrett replied in the affirmative. It was also important to form alliances outside the island.

6:32 PM Deliberations (cont.) – Application for a Special Permit for Samuel Denbo, AP 7G6,
58 Main Street

The deliberation for the above named applicant's application for a special permit was duly opened at 6:32 PM by the Planning Board Chairman. D. Seidman noted that the Administrative Assistant had prepared a draft document for their review and comment. He did not have any recommendations for additional language, and suggested eliminating No. 10 (??).

Board members were given an opportunity to review the document, and there being no comment, D. Seidman entertained a motion to approve the document as written with the one minor modification to the numbering system. C. Doble so moved. D. Bellante-Holand seconded the motion.

C. Doble thought the emergency repair of a building failure was straightforward. The application was minor in nature. Board members concurred and voted in favor of the written decision. 5/0/0

D. Seidman entertained a motion to close the deliberations. B. Robinson so moved. C. Doble seconded the motion. And the motion carried. 5/0/0 The Planning Board resumed their regularly scheduled meeting at 6:37 PM.

BOARD DISCUSSIONS:

1. Zoning Bylaw Amendments

A. Marni Lipke's Accessory Apartment Bylaw Amendment

Board members were advised that the proposed bylaw amendment essentially granted relief from the criteria that pertained to the percentage and sq. footage for accessory apartments. In return for the relief, applicants were required to register the apartment with the DCRHA as an affordable unit, or to limit the use for a caregiver. The use was to be in perpetuity for the duration of the accessory apartment. C. Doble inquired if the existing regulation provided any relief. D. Seidman replied in the negative.

D. Seidman reminded the Board, that he continued to support an amendment that would allow accessory apartments as a matter of right. L. Barbera from the Zoning Board of Appeals opposed the recommendation, because she thought the use should remain a special permitted land use.

C. Doble thought it was counterproductive to consider an amendment without fully understanding the ramifications or its impact on other zoning regulations. She thought they should focus on securing funds to recodify their zoning regulations as recommended by the consultant. The piecemeal modifications compounded the issues they were already experiencing with the regulation.

D. Seidman noted that the Planning Board was not obligated to support the proposal, and M. Lipke had the option to pursue the amendment by petition so that she could make an appeal on town floor. B. Robinson inquired if they would consider giving the Zoning Board of Appeals the ability to grant the relief under certain circumstances. He also questioned some of the qualifications for the relief. The five year requirement did not make sense. H. Stephenson assumed that M. Lipke was preventing developers from taking advantage of the proposal. It further concerned him that the language allowed applicants to circumvent the existing regulations, so that it allowed a free standing unit or addition outside the footprint.

B. Lambson lived in a large home that could be easily adapted to an accessory use without the limitation of some arbitrary criteria for square footage that would allow her to stay at home. She thought the proposal was brilliant, and simple. The language raised a solution to creating larger units in a revocable form without high construction costs or impact to the existing infrastructure.

Additional discussions ensued and it was suggested that the language should specify that the accessory unit had to be constructed “within an existing structure” or footprint. B. Robinson inquired about the monitoring of the homeowner’s compliance with the criteria. D. Bellante-Holand did not think they were not going to be able to monitor the tenants or the affordability aspect of the apartment, and suggested that they just assume that the proposal was not enforceable, and regulate by the percentage of a house. D. Seidman concurred; he did not think DCRHA was going to do this without a fee. B. Robinson questioned whether they could achieve the same results by revising the existing language to give the Zoning Board of Appeals the ability to waive the restriction on a case by case basis. D. Seidman was concerned that it would open the town to litigation. He favored an increase in the percentage. D. Bellante-Holand understood the Board’s concerns, especially the potential for abuse. She thought they should refocus the discussion on language that would address their concern and consider whether they wanted to pursue a different amendment, or a modification of the proposal.

C. Doble indicated that the regulation was designed to maintain the context of the neighborhood, and to provide residents with an option to stay in their homes. She understood M. Lipke’s proposal addressed an issue with the size of the accessory apartment, but felt that it had also raised a couple of issues. She thought they could address the first by writing language to restrict the use within the existing footprint. The second issue could be addressed by incorporating language to prohibit the accessory use in a free standing structure or addition. She hesitated endorsing the amendments until they had the opportunity to carefully evaluate their impacts.

D. Bellante-Holand asked the Board if they were leaning towards prohibiting the accessory use in an outbuilding or addition, and eliminating the sq. footage requirement for accessory apartments because they favored the use of a percentage. She understood that they wanted the accessory apartment to be within the existing footprint, but questioned whether they intended to adhere to the 600 sq. footage requirement for the additions and free standing proposals.

H. Stephenson believed M. Lipke was introducing a complicated subject (i.e. affordable) into the regulation. She thought the change in the criteria from sq. footage to a percentage within the house was a reasonable recommendation. She would not have an issue pursuing the proposal as long as they did not introduce the “affordable” component into the regulation.

C. Doble thought someone had to evaluate the proposal to recommend the language, or modify the proposal. H. Stephenson offered to review the language and submit her recommendation(s) for the Board's meeting on February 1, 2017.

B. Tiny Homes (400 sq. ft. or less)

D. Seidman submitted the bylaw amendment for the Board's review and explained that he had modified the language to include tiny homes, remove the restriction to the R10 zone so that they could encourage the development in all residential districts, reduce the land area requirement from 10 acres to 3 acres and decrease different buffer requirements by half. He explained that he had deleted the last criteria prohibiting the use of the trailer for storage and inserted language stating that they could not park the tiny home/trailer home and leave it on the premises unoccupied.

He explained that tiny homes came in different architectural styles and sizes, and recently found a non-conventional, self-contained tiny home (900 sq. ft.) for \$100,000.00. Board members were advised that tiny homes were typically 400 sq. ft. or less, and considered personal property because they were classified as recreational vehicles.

The 900 sq. ft. building referenced earlier was HUD approved and eligible for a loan. D. Seidman indicated that the USDA was coming to funding energy efficient mobile units, which presently exist in New Hampshire. He felt it presented a workable solution to their housing needs.

H. Stephenson was concerned that that he was introducing a set of issues with tiny homes and mobile parks. D. Seidman mentioned that they already had a trailer park that was permitted in the R10 zone. B. Robinson noted that it limited the use to the R10 District. D. Seidman felt the land area requirement made it useless. H. Stephenson noted that he was introducing the use into the other districts, and was concerned that it was aimed for a select group of people who were willing to forgo with the conventional in favor of a minimalistic lifestyle. She did not understand how the proposal tied in with the provision of affordable homes.

D. Seidman clarified that it had nothing to do affordable housing. He was simply offering individuals with an income between \$50,000.00 - \$60,000.00 an opportunity to own or rent a place on the island. C. Doble believed the proposal begged a thorough study, because the amendment impacted the entire town, and significantly reduced an important criteria pertaining to land area. She thought it important to understand the logic of the amendment and its impact(s) to the districts. D. Seidman explained that the reduction in the land area requirement appeared to correlate with the buffers. C. Doble thought they should conduct graphic studies on density, wastewater, etc. D. Bellante-Holand inquired about wastewater. D. Seidman indicated that they would all be placed on composting toilets. C. Doble objected to moving forward on a proposal without the time to study the subject.

B. Robinson noted that they were missing important elements to complete the proposal, such as access that had to be vetted. C. Doble recommended tabling the proposal until they had the opportunity to study the concept, work out the elements and to determine if the use is suitable. D. Seidman notified the Board that he had schedule the public hearing on the language in February. C. Doble did not believe the amendment was ready for public discussion. D. Bellante-Holand asked if there were any resources he'd recommend.

C. Public Shade Trees, Scenic Roads

2. Complete Street Policy

A. Walk-around at 3:00 PM – 4:00 PM on February 9, 2017

B. Presentation on February 9, 2017 at 6:30 PM (Senior Center)

C. Ray Tattersall's recommendations for topics (curb cut applications, etc.)

C. Doble informed the Board that the wikimap was online and available on their website. Members were invited to the walk-around with the consultants on February 9, 2017 and advised that the state did not approve the town's policy because it missed three important elements. She understood that the state failed the Town of West Tisbury's policy as well.

3. CPTC Conference

RE: March 18, 2017 (Sat.) at Holy Cross College

D. Seidman informed the Board that he had reserved the town car for the conference and asked the Board to register if they were interested in attending.

4. Finance & Advisory Committee

RE: February 8, 2017 Appointment (new position)/Floater

5. Committee Reports

H. Stephenson reported that the MV Land Bank had scheduled a public hearing on 1/31/17 to discuss the purchase of a parcel of land that was located just behind the lama farm in Oak Bluffs.

CORRESPONDENCE RECEIVED:

1. Christine Flynn, MV Commission

RE: Comment re Bylaws pertaining to the use of the word "affordable"

2. Jay Grande, Town Administrator

RE: Revised Refreshment Policy

The Administrative Assistant was to inquire if the Board of Selectmen had approved the policy.

3. Tisbury School Committee

RE: Draft Schedule, events and minutes of 1/11/17

4. MV Commission

RE: 23 January 2017 Extended Schedule

Other business not reasonably anticipated 48 hours in advance of meeting

PRO FORM

Meeting opened, conducted and closed in due form at 7:38P.M.
(m/s/c 5/0/0)

Respectfully submitted;

Patricia V. Harris, Secretary

APPROVAL: Approved and accepted as official minutes;

Date

Daniel Seidman
Chairman