

PLANNING BOARD MINUTES
Joint Meeting with the All Island Planning Board

Wednesday, December 14, 2022 – 6:00 PM
ZOOM MEETING

TOWN OF TISBURY
P.O. BOX 602
TOWN HALL ANNEX
VINEYARD HAVEN, MASSACHUSETTS 02568
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IN ATTENDANCE:

Aquinnah Jim Newman
Not present: *Jim Wallen – Chair, Amera Ignacio, Isaac Taylor, Berta Welch, Heidi Vanderhoop*
Chilmark Peter Cook, Ann Wallace, Hugh Weisman
Not present: *Rich Osnoss – Chair, Mitchell Posin, Catherine Thompson, Janet Weidner*
Edgartown Lucy Morrison – Chair,
Not present: *James Cisek, Fred Mascolo, Michael McCourt, Scott Morgan, Glenn Searle*
Oak Bluffs Ewell Hopkins – Chair, Jessica Downey – Administrator
Not present: *Bill Cleary, Mark Crossland – Vice Chair, Erik Albert, JoJo Lambert*
Tisbury Benjamin Robinson – Chair, Cheryl Doble – Clerk, Casey Hayward, Elaine Miller
Not present: *Connie Alexander*
West Tisbury John Rau, Heikki Soikkeli, Amy Upton*
Not present: *Virginia Jones – Chair, Matt Merry, Leah Smith*
Others: About 30 attendees including: Laura Silber – Martha’s Vineyard Commission (MVC),
David Vigneault – Dukes County Regional Housing Authority (DCRHA), Abigail Rosen,
Jefrey DuBard, Nancy Weaver, Arielle Faria, Beatrice Phear, Scott Lajoie, Jeff Agnoli,
Sarah Carr-Locke, Brian Smith, Rachel Orr, Freddy Rundlet, Harland Gibbs
*Amy Upton – was in attendance as the Tisbury Planning Board Administrator.
Press Vineyard Gazette – Thomas Humphrey, WCAI – Jeanette Barnes

Due to ongoing efforts to prevent spread of Covid-19 this meeting was held remotely via Zoom platform. The Public could attend and participate in the meeting by the following method:

-Join Zoom Meeting <https://us06web.zoom.us/j/87562593294> Meeting ID: 875 6259 3294

-One tap mobile +13017158592,,87562593294# US (Washington DC)

(Recorder’s Note: Discussions are summarized and grouped for clarity and brevity).

Chair Benjamin Robinson called the Tisbury Planning Board (TPB) Meeting to order at 6:04 PM.

BOARD DISCUSSIONS:

- A. Joint meeting with All Island Planning Board to hear update from MVC Housing Planner on short term rental housing study and other topics associated with housing bylaws**

Chair Robinson said the need to address the short term rental issue on the Island was discussed at the November 9, 2022 meeting. It was decided that further study was needed as a collective effort through the Martha's Vineyard Commission (MVC).

Laura Silber was doing background research to get this to a point of defining a particular scope of work. The study would provide baseline information to help determine what kind of bylaws and town regulations were needed and the goals of the Planning Boards in relation to protecting the housing stock on the Island for our community. *(Please see document on file for details: APPROVED Minutes TPB JOINT MEETING November 9, 2022.pdf)*

THE FLOOR WAS OPENED TO PUBLIC COMMENTS AT 6:07 PM; THERE WERE NONE.

L. Silber thanked those that had contributed comments and questions and encouraged more, as they helped in this process of creating a framework of goals that helped to define the scope when working with a consultant; goal outlining would be helpful before the study.

L. Silber said based on her findings so far (North Lake Tahoe & Truckee, California), short term rentals were being regulated in resort communities; the MVC had the capacity to do much more studying. *(Please review documents on file (listed below) for additional community responses.)*

Pacaso, a company based in California, offered Fractional Ownership Platform/Models. These were based on the timeshare concept but did not call themselves timeshares and therefore were able to successfully bypass community ordinances and bylaws. **L. Silber** said they tended to purchase properties in areas where there were not vigorous regulatory bylaws in place to prohibit this in residential districts. Pacaso made their first purchase on Nantucket; they were now in legal discussions.

L. Silber said this will become a big issue in Massachusetts. She said the opportunity was now to consider putting regulations in place, to educate ourselves as an Island on how they operate and whether or not they should be regulated here; it would be worthwhile. She said these platforms were not under the short term rental umbrella; she was uncertain if they were exempt from short term rental taxes although the average stay was limited from 2 - 14 days.

Discussion:

- Communities were requiring business licenses for short term rental owners which generated a significant revenue stream.
- **Freddy Rundlet** owner of the Look Inn, said there were three universal questions to focus on for this study:
 - The issue based upon the Supreme Court decision 2 years ago in Massachusetts, that it behooved every community to review with their Zoning Boards and Select Boards, the extent these businesses could be in the residential areas. *(Styller v. Zoning Board of Appeals of Lynnfield decision)*
 - The direct relationship between short term rentals and affordable housing.
 - The effect short term rentals have on existing licensed lodging facilities.

He recommended using Salem and Nantucket to guide this process; **L. Silber** said it was more relevant to look at what other resort communities were doing. She had one caution with Nantucket as the conversation didn't emanate from the Town but from a private group which did not take into consideration the year round community and voters.

- **Hugh Weisman** recommended, we as an Island come up with common language [goals] that simply gets adopted by everybody; to move this forward in a timely manner.
- **Jim Newman** said his Town was against limiting short term rentals, but found this an interesting conversation; this would be decided on the Town floor.
- **Elaine Miller** asked for a clear understanding of the corporate infusion we had. If we understood that, we would know how to move forward and to protect what needed to be done.
- **Rachel Orr** said the graphic work of Chris Seidel which was linked to the registry of deeds transactions, was a really great at-a-glance snapshot of what was happening on the Vineyard; she suggested using his graphics with the short term rental registrations from the State, as it would help to understand scope, distribution and so forth.
- **Chair Robinson** said they were exploring outside funding sources for the study so as to not place burdens on the towns budgets; an estimated cost was \$30,000 to \$50,000.
- **Beatrice Phear** said it might be confusing for the public doing interim steps; it would be preferred to know the final regulation.
- **Chair Robinson** said this was, how do we protect the community from being overrun by outside interest groups that don't have a connection to the community, that only see us as a vehicle for making money? **Ewell Hopkins** said that was the challenge, how you make that distinction. That sounded good on paper, but legally, the difficulty was how to delineate those two.
- At the State level, accessory dwelling units (ADU) by-right were being reviewed, more information would come over the next months.

L. Silber said the scope of work was a better place to start; goals would be extrapolated from those. This project was a massive undertaking and required hiring an outside consultant; **Chair Robinson** said this could be done in phases.

Next Steps:

- **Chair Robinson** said we could generate a request for quotation (RFQ) to decide on someone we all felt comfortable to work with, to conduct a study.
- **C. Doble** recommended creating a Working Group, a member from each Board to work with the MVC and to put together the proposal, a smaller group to work together.
- Planning boards, over the next month or so, would select their Working Group members and have internal discussions about what they were trying to accomplish. Then feed back that information to the MVC, to start compiling the scope of work and try to define what an RFQ would look like in broad brush strokes.

Chair Robinson conducted a straw poll:

THE MAJORITY WAS IN FAVOR OF MOVING FORWARD WITH SETTING UP A WORKING GROUP, TO WORK WITH L. SILBER FOR THE NEXT STEPS.

Ewell Hopkins said his Town still needed to have discussions in January to determine a clearer view of how they would like to move forward; he didn't want to give the impression they were on board until those discussions occurred. **L. Silber** said she was happy to join meetings to answer questions, as she was doing with Oak Bluffs.

Other business not reasonably anticipated 48 hours in advance of meeting: None.

ADJOURNMENT:

DISCUSSION ENSUED THEREON, UPON A MOTION DULY MADE BY ELAINE MILLER AND SECONDED BY CASEY HAYWARD, THE TPB MEETING UNANIMOUSLY ADJOURNED AT 7:03 PM.

★ **Next meeting: TBD**

Documents on file:

1. 2022.12.14 PB AGENDA.pdf
2. St Helena Ordinance Chapter 17.138 _Time Share Uses_ - Staff Report[16959].pdf
3. Great Barrington, see page 15, 2022_atm_warrant_working_file[16957].pdf
4. Park City and Land Use Regulations for Fractional Use of a Dwelling Unit _ Park City UT[16961].pdf
5. Placer County -- Easter Co STR Rental Ecomonic Study 08.A[16963].pdf
6. letter from Bea Phear to Laura Silber re STR.pdf
7. Lynfield Case.pdf

Respectfully submitted;



Teresa Kruszewski, Recorder

APPROVAL: Approved and accepted as official minutes;

Date

Benjamin Robinson, Chair

APPROVED JANUARY 25, 2023