

W. T. PLANNING BOARD MEETING, OCTOBER 20, 2008, 7:30 P.M.

PRESENT: Ginny Jones, Susan Silva, Leah Smith, Eileen Maley

ABSENT: David Douglas

ALSO PRESENT FOR ALL OR PART OF THE MEETING: Ken Child, Niki Patton, Diana DeBlase, Andrew Woodruff, Nisa Kontje, Geoff Kontje, Kim Heath, David Thompson, Jim Feiner, Maria Moody, Karen Child, Hal Child, Simone DeSorcy

Public Hearing, Patton/Feiner Special Permit: Susan read the notice and opened the public hearing. She said that David Douglas would not be participating as he has a conflict of interest. Developer Niki Patton said that she was proposing 3 homes on 3.1 acres on Dr. Fisher Road, approximately 200 yards in from Old County Road. She said that her intent was that 2 of the houses would be permanently restricted as affordable housing for people making up to 150% of Dukes County median income. She said she would work with Island Housing Trust and/or Dukes County Regional Housing.

Ginny corrected that per Town zoning, 2 of the 3 houses are required to be permanently restricted as affordable, and that only people making up to 140% of median income would be eligible.

Niki Patton said that the 3 houses would share a single entrance off Dr. Fisher Road, about 100 feet in from Holmes Hole Road. Two of the houses would be modular, the third would be custom. They would each have separate wells and septic systems. She showed the plans of each house. Susan noted the lack of windows on the plans of the modular homes; Niki Patton said in order to save money, these plans are not the ultimate design. The houses will have more windows. Susan said she would hope so.

Leah said she was curious why the houses would have their own wells and septic systems, and not shared systems. Niki Patton said that engineer Chris Alley said a shared system would require additional permitting and other issues, and that her project was in a different category. Susan said that the project is within the recharge area for the Great Pond; a shared system should be considered, just as at the previously approved affordable housing project at 250 State Road.

Niki Patton said that at least the market value house would need its own system in case it is expanded in the future. Abutter Diana Douglas asked whether Niki Patton was hoping to expand the market rate house; Niki Patton said "yes."

Abutter Karen Child said it was her understanding that West Tisbury had 3 acre zoning. Susan said that zoning makes some exceptions for affordable housing. Ginny clarified that no guesthouses would be allowed on the site. Hal Child asked whether the property would be subdivided; Niki Patton said that an LLC will be formed, and the property will not be subdivided. Developer Jim Feiner discussed lease situations. Ginny reiterated that the purpose of this zoning bylaw section was to create housing that would remain in the affordable housing pool in perpetuity.

Diana Douglas asked whether the affordable units would be limited to family use, and whether children could inherit them even if they did not qualify for affordable housing. Susan said that when sold out of the family the buyer must qualify as an eligible purchaser. Ginny said that other restrictions, such as disallowing vacation rentals, would apply to the affordable units. Hal Child asked whether they would receive a different tax rate; Susan said she didn't know. Karen Child asked why a lottery would not be held for the affordable units; there was a discussion that the bylaw allows private developers to choose their own recipients whose eligibility must be reviewed by the Affordable Housing Committee.

Karen Child read a letter opposing the project signed by the following "Friends of Dr. Fisher Road": Clair Walls, Hal and Karen Child, Glen and Dilly DeBlaise, Ken Child, Maria Moody, Gerry and Martha Sullivan, Cheryl Stark, Margery Mezger, Barry Danner. She noted that the road has never been the same since an underground electric line had been installed a year or so ago. Hal Child said the road was supposed to be brought back to its original condition but it never was; this could be a preview of what's to come with this project. There are tremendous potholes due to the trench being dug. Diana Douglas agreed that the road had not been brought back to its original condition. Susan said the condition of the road will be a factor in the Board's decision. Eileen said she was curious about a road association. Susan said it only takes 3 residents to form one.

Andrew Woodruff, speaking for himself, said he has reservations about this project. It is located within a highly sensitive frost bottom area. There has been incremental subdivision of this land over time, which erodes the Town and island. The Planning Board needs to take a larger view, the way the MVC does. He said that during Visioning he was supportive of this bylaw to accommodate affordable housing if it also preserved open space. This is along an important special way. It will drastically alter a frost bottom, which is unique to the Vineyard. This project has gone too far; there should have been a red flag when it came before the Board years ago. This is a priority habitat – has Natural Heritage reviewed this? It should also be referred to the MVC under priority habitat. He said there is no shortage of 3-acre parcels in Town to accommodate this project, yet this is a most unique lot.

Diana Douglas said that she and her family live in an apartment over their barn and rent out their house affordably, although not as part of the formal program. About 5 years ago she came to the Town to square off her property line with Town property. When she brought the survey to Health Agent John Powers, he said that water for the school flows through this area, and that he was concerned. She said she is also concerned about the safety of the area's water, and now 3 wells and 3 septs are being proposed on 3 acres. Jim Feiner said that John Powers said this project was fine.

Hal Child asked whether there had been soil testing on the lot. Jim Feiner said there is an approved perc test. He said that Dr. Fisher is a beautiful road. All property owners should have a no-cut zone along the road. People who haven't yet developed their

properties shouldn't be penalized. Families on this property will be able to walk to school. This is a viable project for this area.

Niki Patton said that not many 3 acre lots are appropriate for this project. She said her goal is to work with as many people as possible to make this work. She said she's a grass-roots developer, not like Michael Jampel. She wants to make this work for people with children. She, too, is concerned with the road.

Hal Child said that when zoning was adopted in 1971 the minimum lot size was 1.5 acres. When the community realized that West Tisbury could be subdivided down to nothing, 3-acre zoning was adopted because people realized it was out of control. As a community we don't want such density that everyone is in each others' back yards. It is now a kick in the pants to see density limits being nibbled away. He said he could put 6 houses on his property under this bylaw, and so could his neighbors. What would this do to our town? Where is this going? Susan said that the current bylaw is flexible, at the Planning Board's discretion. It is location dependent. This is one tool to get some affordable housing in town. Ginny said the Board tries to administer the bylaw fairly. Leah said she really needs to visit the site to evaluate the proposal.

Diana Douglas said that a large windmill is being proposed on the school property. She is concerned with its size, especially if more families will be living within 200 feet of it. The proposed increased density AND windmill need to be looked at concurrently; it will be right over these houses with small children. Ginny said the Board is aware of and concerned about the windmill, too.

Andrew Woodruff asked what the guidelines are for evaluating these projects. He said the frost bottom is unique, and that there's not a lot of leeway to reconfigure this project.

Ken Child asked whether the abutting vacant lots will be developed this way. Susan said that this proposal doesn't necessarily set a precedent. Eileen said she recalled that in the past more than one affordable lot had been allowed in the same neighborhood.

Diana Douglas asked whether experts are ever consulted on issues such as frost bottoms. Ginny said that the rules surrounding special permits allow them to do so. Also, a subdivision was referred to the MVC a few years back due to the existence of frost bottoms and other issues. She said that the Conservation Commission would be consulted and that the Natural Heritage priority habitat map would be studied. The public hearing was continued until a site visit takes place.

NEW BUSINESS

Change of Road Name: Michael's Way: Residents of Michael's Way contacted the office to ask about changing their road name; they are having trouble getting their mail delivered now that W.T. and Vineyard Haven both share the same zip code for home delivery, and there is another Michael's Way in Vineyard Haven. Board members

approved their request for "Lottie's Lane." (Simone said she checked with the Tisbury Planning Board and there is no Lottie's Lane there.)

Minimum Viable Area Map: Leah presented a draft minimal viable are map prepared by the MVC showing eco-regions. Board members said that they would like to see this map with W.T. assessors parcels superimposed on top.

Glassworks Sign: The owner of the Glassworks was referred to the Board by Zoning Inspector Ernie Mendenhall. The Glassworks would like to create a new outdoor sign made of glass with L.E.D. strips along the perimeter of the sign's frame to illuminate it at night. Ernie requested a determination as to whether this would be considered an internally lit sign, which is prohibited. Board members were all in agreement that this would constitute an internally lit sign. They also discussed several illegal signs in Town which should come down, including the banner at the antique store next to the Co-Op Bank, the gynecologist's walk-in clinic, Up-Island Pain and Tool, an off-premises sign at Island Farms Road, and some event signs at the Arboretum.

OLD BUSINESS

Regulating Wind Turbines: Board members discussed their recent joint meeting with the Chilmark Planning Board. Leah said that owners of wind turbines get all of the benefits, while their neighbors receive the impacts. We need some way to quantify costs and benefits. She suggested site visits to all existing turbines to get a personal sense of impacts from the neighbors' point of view.

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,
Simone DeSorcy, administrator

Approved 11/03/08