

W. T. PLANNING BOARD MEETING, FEBRUARY 14, 2011, 5:30 P.M.

PRESENT: Ginny Jones, Susan Silva, Leah Smith, Bea Phear

ABSENT: Jim Powell, David Douglas

ALSO PRESENT FOR ALL OR PART OF THE MEETING: Simone DeSorcy

MINUTES

Minutes of the February 7, 2011 meeting were approved as written.

CORRESPONDENCE

In: Byways Committee re. joint meeting
ZBA: two hearing notices.

Out: Ron Rappaport re. condo-ization;
Town Administrator re. access to legal counsel;
MVC re. Hart Hardware;
MVC re. Master Plan;
NSTAR re. Map 11, Lot 82.4.6

OLD BUSINESS

DRI Checklist: Bea said that she had a conversation with Mark London about the DRI checklist review, and specifically the question of if/how the MVC should review large houses. They are considering putting together a laundry list of beneficial things an applicant could incorporate into a large house, such as alternative energy, native plantings, etc., that would enable the applicant to avoid MVC review. Bea said that the impact a large house varies by location and the size of the lot it is on; there is a very large house in her neighborhood, but because it is on a property containing dozens of acres, it doesn't impact the neighbors. She wondered if a formula could be developed. She said she thought incentives were a good way to go; other Board members agreed. Ginny said that specifying low amounts of outside lighting as well as native landscaping are very important. Bringing in large amounts of fill can have just as much impact as excavation. She said that all swimming pools should be required to use solar energy if heated, and they and any noisy mechanicals such as generators should be sited as far away from neighbors as possible due to noise.

Bea said that she found the existing DRI document difficult. It blends issues of process with issues of content. She said discretionary referrals should be done away with. Leah agreed. She said she felt strongly that the amount of excavation and fill a project requires figures heavily into its impacts, as well as the access road. Regarding fill, Ginny noted that tons of materials are being brought in from all over the country; they could be bringing in the next blight. Bea asked whether members thought the MVC should regulate the importation of foreign materials. After a discussion, Board members agreed that was too overreaching.

Leah said she is concerned with too much regulation. The Island used to be a "live and let live" place, but now there are too many of us. We're no longer the close community that used to self regulate.

Bea said that the water resources section was well written and well thought out, clear to the developer, as is Attachment B, which contains a pretty hefty list of things the MVC is paying attention to. Leah wondered if we should suggest that fill/excavation be added.

Bea said that the term “possible factors” is imprecise and not fair. What is an applicant supposed to do with this? Ginny said that “displacing a water dependent use” doesn’t make sense. Bea said she had never personally applied to the MVC, but had heard that the process can be a moving target. This concern needs to be addressed.

Leah said that some of the concerns contained in Attachment B are covered by Conservation Commission regulations. Bea noted that now that the watershed mapping has been finished, we’re finding out that some of the impacts are not as obvious as once thought. Ginny said regarding agriculture, farmland should be protected for productive farming, per the State’s definition, not private recreation facilities. Bea said that the MVC needs to separate out the DRI process from the content. It will be a challenge for the MVC to do this.

Bea wondered whether 2,000 sq. ft. is too small for automatic referral for a commercial use. It was noted that the West Tisbury zoning bylaw requires Special Permits for commercial uses over 1,500 sq. ft. in the RU and VR Districts, and over 3,000 sq. ft. in the MB and LI Districts. Bea said she didn’t believe the size of the commercial structure was the issue, but the traffic impact the specific use would have. For example, a piano store would need a very large retail space, but might only generate 2 or 3 car trips per day. A convenience store, on the other hand, doesn’t require a huge space, but generates constant traffic. She also noted that “fast food restaurant” is defined in the checklist, but then never addressed in the body of the document. She said it should require review.

It was agreed that the trigger numbers throughout the checklist should be reviewed and either defended or changed.

Condo-ization: Simone said she had spoken to Town Counsel Ron Rappaport re. the Board’s question of “condo-izing” a property. Specifically, a West Tisbury resident was advertising his 800-foot guest house for sale as a condominium unit. Ron said that zoning doesn’t regulate ownership, thus, the guest house could be sold. If the owner did sell it, however, both properties would still only be habitable by members of the same family, per the zoning bylaw. If occupied by two different families, both houses would be zoning violations. He will put his opinion in writing.

Cellphones: Ginny asked that all Board members and guests turn off their cellphones before meetings; the constant ringing at recent meeting has been distracting.

Byways: Board members reviewed a recent letter from the Byways Committee requesting a meeting with the Board and Town Counsel to clarify several issues before ATM. Leah made a motion to request the Selectmen for access to Counsel; all in favor.

The meeting was adjourned at 6:35 p.m.

Respectfully submitted,
Simone DeSorcy, administrator

Approved 2/28/11