

Minutes meeting with ZBA 7-23-26

Larry's initial thought was the bylaw requires landowners to submit formal intentions to the Planning Board (PB) for relatively minor actions. He could see the bylaw's utility: Now, major infractions bounce between boards and committees and are sources of long-lasting contention between neighbors. The bylaw could shorten and/or eliminate the backing-and-forthing that eats up valuable Town time and attention. He also recognized the bylaw would prompt more forethought from landowners. But he's concerned about government overreach. Depending on the monitoring individual, there's potential for the bylaw to be interpreted far too strictly.

Sue agreed this is the central tension: an individual's right to control his property versus the right of a community for privacy, conservation, drainage, historic preservation, etc. CAC has brought the matter to the ZBA and other bodies to help think it through. Imposing limits has downsides, but doing nothing has even greater downsides.

Larry felt the limits set forth in the bylaw seemed reasonable. His concern was their practical application: The bylaw places proof of compliance on the landowner, which could be costly, time-consuming, and inexact or subjectively judged.

Sue proposed a change in monitoring. A conservation agent from ConCom could take on new duties. Sue's hope was that in speaking with the ZBA, PB, and ConCom, the Town can collectively arrive at something workable. Sue's personal opinion, looking at recent land-clearing, was that it's almost too late: The Town should have done something like this 10 years ago.

Andrew suggested finding examples of communities successfully implementing something similar. Special attention should be given to a models' enforcement mechanisms and what resources and personnel are required.

Sebastian asked how the threshold for a special permit was calculated, and whether a simulation has been done for smaller-sized lots. Given size constraints of a small lot, asking a landowner to seek a permit for disturbance over 60% seemed too conservative when lots require wells, waterlines, utilities, septic, and leaching fields.

He also asked about grandfathered situations where more than the allotment is already cleared? (In that case, a lot could not be cleared further; the bylaw counts any clearing done 10 years prior—a look-back period to forestall preemptive land-clearing in anticipation of the bylaw's passage. In the case of ADUs on a lot already maxed-out, the bylaw exempts 30 feet for maintaining fire breaks around structures.)

Larry noted that once someone gets a special permit, abutters can comment and this can start deliberation that wouldn't happen otherwise. Invitation to comment can benefit neighbors—it's

not necessarily negative—but it expands the process and could potentially stop what might have been a simple action. On the other hand, Sue said, people live within a neighborhood and are part of something larger than just their property and preferences.

Julius proposed that instead of percentages, the bylaw could mandate no-cut buffers from boundaries according to lot size. Setbacks would expand or contract, depending. Overall, he suggested simplifying the percentage calculation or ensuring the percentage calculation matched the setback calculation. Also, practically speaking, does the PB have capacity? If implemented properly, the bylaw would generate many special permits.

Deborah asked whether, given this was WT, there was a carve-out for agricultural use? Sue explained an exemption had been removed in the interest of length. It can be put back.

Sebastian asked whether there was an overall target or metric for conserved woodland that motivated the bylaw? Sue said no metric per se; the bylaw comes from a desire to slow and limit the environmental consequences of clear-cutting. Clearcutting affects drainage, the aquifer, soil biome, and wildlife corridors, among other things. It takes 30 years to restore soil and habitat to its prior state after clear-cutting. Sebastian said a more helpful approach might be to invite people to preserve and conserve rather than issue restrictions. Setting targets might encourage more participation and fewer workarounds.

Andrew pointed out that in anticipation of passage, the bylaw would likely encourage people who wouldn't necessarily do so to either cut or cut more than planned. (See look-back period, above.) Sue asked: On the other hand, should nothing be done? She added that the CAC comes to the ZBA in the spirit of asking for help addressing this problem.

Larry stressed the ZBA has best intentions for the Town and wants to help. Some ideas in the bylaw are good. Concerns raised by the ZBA are likely to be raised by other people, and solutions—or at least resolutions/decisions—must be made before putting anything forward so the Town doesn't continually find itself in court facing appeals. People will vote for things that make sense, are easy to enforce, and clearly benefit the community.

Deborah recommended that the bylaw—or communication about the bylaw—focus on not just how it benefits the community but how it benefits landowners, and their land, personally.

Sue noted the bylaw had an introduction/rationale but it was removed to reduce length. There needs to be a pervasive message about conservation; this is currently missing from discussion. Island organizations—Vineyard Conservation Society, Biodiversity Works, Sheriff's Meadow—are operating with these values, but everything can't fall to them. People complain the old Vineyard is gone but then do nothing about it. As we eliminate woodland one property at a time, we will become a suburban enclave.

Sebastian wondered whether the bylaw might prompt consolidation of land since people won't have enough room to do what they want on their property, leading to larger and larger landowners.

Larry said all ZBA members now had the bylaw in their possession and would consider it. He personally would like to help, but he's oversubscribed. The goal is to arrive at a bylaw that's not too onerous to individuals but at the same time, does the right thing.

Kate will find communities that have implemented similar bylaws or regulations. Andrew said there's no reason to reinvent the wheel and we could learn a great deal from precedent.

Larry suggested using satellite maps in the same way as the Assessor's. NearMaps could be used to generate estimates of remaining woodland by individual parcel. The Town could assess every lot's remaining woodland available for disturbance, which a landowner could then look up. Julius strongly agreed and said in fact it will be impossible to apply the bylaw *without* a visual baseline against which to monitor compliance.

Julius also pointed out the process will have to account for situations where property remained treed but scrub has been cleared beneath; a satellite image might not show clearance through remaining tree cover. And "scrubby areas" in exemptions (for routine maintenance) is too vague.

Sebastian proposed a pilot, applying the satellite process to a practice lot. The visual could offer landowners a conservation "budget," allowing them to understand how much they had left to "spend" in order to preserve the natural integrity of their land. Something like this would be comprehensible and empowering. The process could show people their different options before acting. Also, a successful pilot can offer a narrative that people can easily grasp.

Julius suggested Andrew Woodruff might want to be involved.

Meeting concluded.