

Feb. 13, 2018
West Tisbury Affordable Housing Committee
Minutes

Present: Larry Schubert, Mike Colaneri, Ted Jochsberger and Rise Terney

Absent with Regrets: Susan Feller, Glenn Hearn and Angela Prout

Also Present: Rhonda Conley

Mike made a motion seconded by Ted to accept the 1-23-17 minutes as written. **VOTE 4 YES 3 NO**

INVOICES

Town Counsel: Invoices for Scott's Grove, 57 Rustling Oaks and Bollin refinancing were received. *Mike made a motion seconded by Ted recommending that AHT pay Reynolds, Rappaport, Kaplan and Hackney invoice portion dealing with Scott's Grove of \$2,588.00. This is with a subtraction of \$70.25 per adjustment by town counsel. VOTE 4 YES 0 NO*

Mike made a motion seconded by Ted to pay portion of Jan. invoice dealing with Cottle and Bollin of \$929.75 with AHC funds. This is nil with the adjustment per town counsel of \$929.75.

ANNOUNCEMENTS AND CORRESPONDENCE

MVC: There is a DRI meeting on Feb. 15th for the Old Courthouse Rd. property. There is a DRI scheduled for the Flat Point Farm on Mar. 15th.

UPDATES

57 Rustling Oaks Rd.: Larry led a discussion of the Cottle-Look property under possible foreclosure procedures. There has been a lack of communications by Cottle. Town counsel has tried through Cottle's attorney and Cottle to reach out to no avail. The committee does not know how to handle this before it goes to foreclosure as the covenant does not give the AHC any leverage and the owner is not communicating. Rhonda was asked to create a document explaining the policy of resale to an eligible purchaser, the present covenant and the owner's covenant problems.

Old Courthouse Rd.: Mike and Rise attended the LUPC where the public, mostly abutters, were pushing for saving the building. The decision may go either way.

ONGOING BUSINESS

Flat Point Farm: Rise and Mike reported on the MVC meeting. There was an impasse as to how many affordable housing lots should be required. Should the previous lots created be counted toward the requirement? How many lots are really being created in this DRI? Mr. Adam Turner (MVC Director) stated that MVC requires 10% while the town requires 20%. Turner did not think the MVC could ignore the West Tisbury By-law. He also suggested the AHC get a legal opinion from town counsel on the number of lots being created and number of required affordable housing lots.

Mike made a motion seconded by Ted for Rhonda to map specific questions to town counsel on the number of affordable housing lots that should be given to the town. Rhonda should also create a letter to the MVC stating AHC is consulting town counsel on this matter and request MVC to wait on their decision on the DRI until AHC has a legal opinion. VOTE 4 YES 0 NO

Lambert's Cove: Larry asked the members what they want to see on the property. Elderly housing was discussed and it was decided to ask Peter Temple (Representative for Island Elderly Housing) to speak to the AHC at the next meeting.

NEW BUSINESS

Grant: Rise spoke of state grant that is available and the AHC pursuing the grant. She is willing to take the lead on writing the grant. She asked that everyone read the material sent in an email and that the committee discuss at the next meeting.

Adjourned at 8:10 PM

The next meeting is Feb. 27, 2018 at 6:30 PM in the 2nd floor conference rm. of Town Hall.

The next AHT meeting is Feb. 27, 2018 at 7 PM in the 2nd floor conference rm. of Town Hall.

Respectfully submitted by Rhonda Conley

ATTACHMENTS

2018

Flat Point Farm Questions from the West Tisbury Affordable Housing Committee to Town Counsel

I have left all the docs I have on this property at Reynolds, Rappaport...law office. The Registry of Deeds electronic files do not go back to 1976 nor do the town records. You will find most of the details in the newest DRI as to the division of the land. We would like clarification on a few points.

Short History

1976- Form A: 4-5 acre lots

2007- DRI 34-M Form A: 12.9 acre lot around existing camp created then sold to Land Bank

2009- MVC approved a preliminary estate plan that was not followed through on. At this time MVC did not have their 10% affordable housing policy but West Tisbury had a 20% affordable housing by-law. At this time there were 3 affordable housing building lots in the plan.

2018-DRI 34-M3 Form B: It wishes to take the 4 existing lots from 1976 and subdivide off 4 more lots thus creating 8 lots and create 5 additional lots around existing buildings on the whole property. This totals 13, 9 or 4 lots not counting the preserved land depending on what you count. They are offering 1 affordable housing lot off site.

I did not find any affordable housing requirements for 1976. There has been affordable housing zoning by-laws since at least 2000. The multi-family zoning bylaw 4.4-6 states any subdivision containing 3 or more lots developed over a 5 year period requires at least 20% of the lots shall qualify as affordable housing.

Questions

- 1. Does this project meet West Tisbury's Zoning By-law Section 4.4-6 affordable housing requirements?**
- 2. Should the first 4 (5 acre) lots be counted?**
- 3. What is the legal opinion of the 4 pre-existing lots being resubdivided and counted in the calculations for affordable housing requirement?**
- 4. Shouldn't the new 5 created lots around the existing buildings be counted?**
- 5. Would this be considered increment subdivision?**
- 6. Shouldn't this be held to the West Tisbury By-law of 20%?**
- 7. Should the number of affordable units be based on 13 lots, 9 lots, or other?**

Please let me know as soon as possible your legal opinion on this. I can be reached at 508-693-3925 if you need any clarification on the material.

As always thank you for your legal advice.



TOWN OF WEST TISBURY

AFFORDABLE HOUSING COMMITTEE

P. O. Box 278

West Tisbury MA 02575-0278

508-696-0102

affordhouse@westtisbury-ma.gov

Feb. 15, 2018

Martha's Vineyard Commission (MVC)

Paul Foley, DRI Coordinator/Planner

P.O. Box 1447

33 New York Ave.

Oak Bluffs, MA 02557

Dear Mr. Foley:

Several of West Tisbury Affordable Housing Committee (WTAHC) members attended the Feb. 12th MVC meeting pertaining to the DRI 34-M5 (Flat Point Farm) presently under MVC review. At said meeting WTAHC was advised to seek a legal opinion on the matter of affordable lot allocation.

The WTAHC is seeking a legal opinion as advised. The WTAHC request that the MVC gives the committee time to receive this legal opinion on the West Tisbury 4.4-6 by-law and what number of lots that are within the subdivision should be considered when determining the affordable housing lots allocation.

The WTAHC understands that this is an MVC decision but does hope the Commission takes into consideration the number of times this property has been subdivided and the possibility of future subdivisions.

Sincerely,

Larry Schubert, Chair

West Tisbury Affordable Housing Committee

c.c. Adam Turner, MVC Executive Director

West Tisbury Planning Board

West Tisbury Selectmen