

WEST TISBURY PLANNING BOARD MINUTES December 11, 2017 5:30 PM

PRESENT: Ginny Jones, Bea Phear, Susan Silva, Henry Geller, Leah Smith, Matt Merry.

ALSO PRESENT: Michael Colaneri, Kristen Fauteux, Arnie Fischer, Eleanor Neubert, Ernie Thomas, Glenn Provost, Geoff Rose, Reid Silva, Eric Peters, Emily Fischer, Sarah Rivers, Jane Rossi.

Ginny opened the meeting at 5:30 pm.

●Site Plan Review application form Kristen Fauteux on Behalf of Sheriff's Meadow Foundation to install a sign on town property located at Map 12, Lot 9, 468 Indian Hill Road:

Kristen pointed out that the property was located at Norton Circle on Indian Hill Road and they needed the sign to mark the parking area and walking trail that leads to Cedar Tree Neck. The sign will have to be placed on town owned land.

Bea moved and Leah seconded the motion to approve the plan. The vote was unanimous.

DISCUSSION:

●Flatpoint Farm continued discussion on a Form B application to propose a potential subdivision plan:

Susan Silva recused herself from the discussion and left the table.

Glenn Provost of Vineyard Land Surveying displayed the plan and informed the board that it was the same plan that had been presented at the previous meeting. He said that the one addition they would propose would be to add an affordable buildable lot that would be located off site. He explained that the plan creates only four new lots and a Form A would provide for the remaining building lots on the plan if they were to present it incrementally. We did see the section in the zoning bylaw that allows by special permit in a family situation you can come to the planning board and request that the restrictions on a lot can be implemented at a later date, providing it for family initially. So, we are looking at proposing 4 lots and 1 affordable lot. Leah asked if the one lot would meet the required 20% of designated affordability. Glenn said she was correct. The offsite lot would meet the criteria of the zoning bylaw.

Ginny asked Glenn to explain the remainder of the plan and how it provides for the town and the island. Glenn said the entire property is 110 acres and the Land Bank lot is not including in that acreage. 60 acres are in preservation and the proposed development portion is 45%. Bea said the assessors map does not show the 4 lots. Glenn explained which lots belong to whom. Arnie said that those lots were divided in 1976 but Bea said they don't appear on the assessor's map. Arnie said he receives a tax bill for them. Glenn went on to say that there is a conservation restriction on the field so there are 60 acres of preserved land. Reid said that "in the end, the big picture is that this is the creation of 4 new lots." Bea said she didn't agree that this plan showed only 4 new lots. She said she saw more. Ginny pointed out that the other lots pre-existed zoning. Attorney Peters stated the criteria of a Form A division which included appropriate road frontage, structures that existed prior to zoning and conveyance adjusting lot lines to abutters. The section that contains the 5 lots could be its own Form A. Glenn said this is our master plan that includes everything on one plan as opposed to creating it in pieces.

Ginny stated that the existing houses have always been rented affordably year round. She said that creating new lots formalizes a relationship. Leah said the relevant point for the board's decision here

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is that the Leah said that based on what Glenn and Attorney Peters have said. Bea asked if the board agreed that this creates 4 lots. Matt, are the four new lots intended for the family or are they to be sold.

Michael Colaneri presented his calculations of how many affordable lots should be designated. He said that this Form B plan is a revision of a recorded Form B plan that was approved in 2009. The 2009 plan showed 3 affordable lots. This property to me is 110 acres divided, and 17 lots created. The Affordable Housing Committee wants the bylaw to apply to this plan as is intended. He said the AHC did allow for off-site affordable lots. Attorney Peters pointed out that this Form B is a new plan. He said the 2009 plan was never implemented. Michael then confirmed that the proposed plan was to include only one affordable lot. Glenn said that was the case and the lot could be as small as one acre. I think it's great that a lot of the property is going to be preserved, however he determined that this should be treated according to the bylaw. Glenn said the purpose of a form B is to make the board and the commission aware of what we want to do prior to returning with a Form C plan. Glenn said this is not 110 acres of vacant land, much of it is preserved and there are many pre-existing structures. This is a very unique plan.

Bea stated that there seem to be three questions to this:

1. Is this a four lot division? If it is four then just one affordable lot is required.
2. Is an off-site lot allowed? Yes.
3. The board needs to determine what the affordable lot should look like, or at least make sure it is desirable. However, the board could also hold a bond until the property has been selected.

Ginny explained that she had done some research. She read a list of a number of subdivisions that had been approved and did not provide affordable housing lots. She said that every family that has divided for estate planning purposes and not for profit have given significantly to the town. Many for profit subdivisions have contributed minimally to the town. Nip and Tuck Farm sold off property to preserve the rest of the farm. This was also the case and the Whiting Farm, Spalding Farm, Murphy and others. She went on to say that the board has to be careful about how they designate affordable housing. We need to be thoughtful about where we are placing housing. Flat Point Farm is not easy to get to and it is far from public transportation and civilization. In this particular situation it makes more sense to have an off-site location for a Homesite lot. If one of these lots were to be sold off in the future, could an affordable restriction be placed on the property? That was just another option. I am concerned about losing family property that has been owned for a long time. Leah said that what she thought Glenn indicated is that the lots be equal. She said she also agreed that the affordable lot should be elsewhere.

Bea asked Attorney Peters if it was his legal opinion that this plan shows four new lots. He said it is. Leah pointed out that the four new lots fit into the category under the zoning bylaw. The other lots are lots by right. Bea said she was willing to go along with that Attorney Peters said they have not yet found a lot and may not have found one a year from now.

Matt asked how the property is being taxed. Arnie said that all four get a separate tax bill. Eleanor said the rest of the property is under 61A because there are no lot lines around the properties. Peters said all of the land is under 61 A but there is and there is a conservation restriction and APR, two sets of restrictions.

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Leah said this needs to go to the MVC. Glenn said they would like to get that ball rolling. Bea said from a land use and design perspective, this plan looks good; a lot of conserved property and a new road. She said her only question was how to handle the affordable lot. How do we guarantee that this lot is not left as an orphan? Glenn said they will have lists of conditions once it goes to the MVC, and then they will come back with a Form C that will also have to go back the MVC. The Form C will have a lot more information on it.

Bea said she would like to propose a motion to send the application to the MVC. Reid reiterated what the proposal represented. Leah said she appreciated that everything was laid out on one plan. Ginny said it shows a level of stewardship and caring for the community that the family has always exhibited. Matt said we need to recognize that they are giving to their sons and daughters which is a level of affordable housing. Bea said it seemed to her that the planning board was ok with the off-site lot. It was determined that the selection process to obtain the lot will come at a later time. Bea said the lot needs to be a nice one. Ernie Thomas, West Tisbury representative to the MVC, said this is pretty complicated. He suggested that Jane Rossi call Paul Foley. He said the Commission is going to want to know where the affordable lot will be. Leah said that Jane will write a letter to the MVC for the board to approve.

Bea moved and Leah seconded the motion to send the application to the MVC. The vote was unanimous.

DISCUSSION:

Recreational Marijuana:

Ginny had suggested, at the recommendation of Jen Rand, that the planning board consider where recreation marijuana sales should be located. Jane said she wrote down some language. She said it would be located in the Use Table of the zoning bylaws. It will be allowed by Special Permit in the Mixed Business District only. Matt asked Geoff how the State is defining recreational sales. He said that Geoff had once mentioned that the amount of retail locations would have to match the amount of liquor stores in the town. Geoff said that the State is in the process of finalizing the regulations. He said that there had been some discussion regarding the liquor store/marijuana retail sales long ago, but that is no longer on the table. Bea said the board has a right to regulate the sale of a legal substance. We don't have a right to regulate cigarettes or soda. Leah said that to her the sale of recreational marijuana is a kin to liquor stores. Matt said he went to a dispensary in Colorado last year and you would never have known what it was. It looked like a regular store and the employees were very professional. Henry asked if we should deal with bylaw changes on recreational marijuana after the state regulations come out.

Site Plan Review applications:

Matt elaborated on a discussion that took place in the last board meeting. He said he felt that Tucker was right about amending the Site Plan Review zoning bylaw by stating that an applicant shall be reviewed by the zoning board of appeals for a house over 3000 square feet if the application also requires review by the ZBA. Matt said it is not fair or necessary for the tax payer to have to be reviewed by two boards. The planning board agreed.

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Email from Attorney Rappaport:

Jane read the email that Attorney Rappaport had sent to her regarding his findings on a request from Geoff Rose to change Joe's interpretation of cultivation area. Bea asked what the outcome was from his meeting with Joe following last week's board meeting. Geoff said that Joe would not change his interpretation. Jane said now Geoff will have to petition in order to get a warrant article onto Town Meeting floor. He said he had already begun the process.

Geoff asked about the warrant article Joe was proposing regarding fire regulations. Geoff asked what that different was between drafting an article as a reference to a state code, versus referencing the Registered Marijuana Industries policy. Leah explained that state regulations govern a lot of things that are not covered in the zoning bylaws, but it's helpful for us to have a reference. The Industry is not the state.

Bea said she is happy to speak on town meeting floor on Geoff's proposed warrant article.

Mass DOT letter:

Ginny said that Berta Geller, Chairman of the Complete Streets Committee, has been asking the Town Administrator for months what the response was to a letter Complete Streets drafted last summer to Mass DOT. Jane explained that the CSC asked the Selectmen to approve the letter and to send it along to Mass DOT. Jane said she asked Jen last week if there had been a response and Jen sent her a letter last that had been written in July. She said that Berta would like to draft a letter to Mass DOT requesting that they cc us on all correspondence from now on. The board was amenable to that request.

MINUTES:

November 13, 2017 minutes:

Bea moved and Leah seconded the motion to approve the minutes as amended. The vote was unanimous.

Meeting Adjourned at 6:50 pm

Respectfully submitted,

Jane Rossi, Administrator