

WEST TISBURY PLANNING BOARD MINUTES December 4, 2017 5:30 PM

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

ALSO PRESENT: Michael Colaneri, Andrew Kahl, Rise Terney, Joe Tierney, Tucker Hubbell, Glenn Provost, Ried Silva, Geoff Rose, Doug Ruskin, Jane Rossi

Ginny opened the meeting at 5:30 pm.

•Site Plan Review application from Andrew on behalf of Simon Athearn Realty Trust, Map 12, Lot 7, 96 Obed Daggett Road, to convert an existing guest house into a work shop:

Bea Phear recused herself and left the table. (Direct abutter)

Andrew displayed the plan and explained that the owners (Roberts) want to decommission the existing guest house and make it into a work shop/studio. He was before the board for the change of use. The bath tub and shower will be removed so that only a sink and toilet will remain in the bathroom. The kitchen has a counter with a microwave on it. There are no other appliances. The structure was built in 1984 and the lot is just over 4 acres. The property is accessed off of Obed Daggett Road. Andrew explained that Sherriff's Meadow Foundation is installing a walking path that will cut across a few lots. The Roberts have granted them permission to do so. Bea asked if any retail use was expected and Andrew said no. Ginny suggested that perhaps the Roberts would consider converting the building into an affordable housing unit. Andrew said that their plan was to use the structure to service their main property.

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

DISCUSSION:

Tucker Hubbell to discuss Site Plan Review applications:

Tucker informed the board that he was before the board on behalf of the ZBA. He explained that the ZBA feels it is a redundant practice for the Planning Board to review houses over 3000 square feet in the event that the applicant is required to appear before the ZBA. He considered it to be bad government. He used the Stimola application as an example, as well as numerous applications in the Mixed Business District. In the Use Table of the zoning bylaws, Tucker pointed out that site plan review is required if the floor area of a principle residence exceeds 3000 square feet, or 2500 square feet for an accessory structure. He suggested that the ZBA conduct the site plan review piece if ZBA approval is also required for something such as setback relief. Bea agreed and Leah asked if Tucker would convey some language. Tucker said he found that to be the responsibility of the Planning Board. Joe said that the language in Section 9.2-1D of the zoning bylaws states that the site plan should be referred to the Planning Board for Review unless the PB is the special permit granting authority. Tucker respectfully disagreed with Joe and said that it still involves the Planning Board and there is no public hearing. He would like that language to change. Joe said that the PB has to report back to the ZBA prior to the public hearing. Leah stated that she and Bea will take a look at the language.

Form B application from Glen Provost and Reid Silva on behalf of Flat Point Farm, Map 35, Lot 3.1, 126 Road to Great Neck:

Susan recused herself and left the table.

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Glenn Provost displayed the plan and stated that the surveyors and the Fischers have been working on it for many years, and this plan is the result. He said there are approximately 110 acres that the farm owns now. The green area on the plan represents either conservation land or land that will be conveyed to the Landbank. 55% of the property is not built on.

Lot A is 4.5 acres and has a dwelling

Lot B is 6.3 acres and has barns and structures that were there prior to zoning.

Lot C is 3.1 acres and has a dwelling.

Lot D is 3.1 acres and has a dwelling

Lot E is 6.1 acres with a boat house and a pier.

The red lines indicate the original four 5 acre lots that were for the four children. The red is what exists today. Glenn said that this new plan shrinks the lots. The road that is currently used will not be used anymore. They propose a new road will run through the middle of the development. The Fischers would like those lots to remain available for the children and stay in the family. There are 13 lots proposed, 7 are existing and 6 are new, with a new 40 foot access road.

Bea stated that there are 3 lots that are at least 4.5 acres so they are eligible for a guest house. There could potentially be 18 houses of which 6 now exist. Reid said that the smaller lots were intentionally smaller so they would not have guest houses.

Michael Colaneri pointed out that the application is considered a DRI and will have to be referred to the MVC. He said that the prior plan contained 3 affordable lots. Ginny said that those lots were designated for family in the old plan. She said she didn't feel this was the place for affordable housing given that it is far removed from the main road. Michael explained that there is a zoning bylaw that clearly states what is required and this property should provide 2 to 4 affordable lots. Michael asked if this was a Form C application and was told it was not. Henry said that the bylaw on affordable housing may conflict with this plan. Leah stated that the lots may be going to family members but not as affordable housing in perpetuity. Ginny said that she is seeing no more than four new lots and Glenn told her she was correct.

Joe asked if the plan includes a water source in the event of a fire. Glenn said that this is the first draft and the final plan will include all that is necessary. Jane pointed out that this will become a Form C application prior to Planning Board approval and Glenn concurred. Leah said that this plan looks reasonable in general but it has a long way to go.

Ginny said that there are many families that have tried to provide affordable housing for their own family members but they don't get credit. Bea said that it is a big stretch to suggest that these are affordable housing lots. Reid said that affordable housing has been a part of this discussion for years. We want to reach a comfort level here before going to the MVC. We know what the bylaw says but what is the basis? We are talking about 4 new lots. This could be a Form A. He said he wants direction from the board before the

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referral. Glenn said that Reid's point is well taken. We rely on the Planning Board to act on the plan. This is basically a 4 lot Form C plan.

Joe suggested that one of the 3.1 acre lots be reduced to provide a 1 acre homesite lot. Reid said this was a "tender spot." The property has been in the family for a very long time. The owner is not present because this is a sensitive issue. These people have worked their whole lives to keep this land in the family.

Matt said we have an obligation to look at the bylaw before forming any decisions. Henry agreed. Bea said she was not clear on what to do next and was told the conversation needs to get to the point it is ready to be sent to the MVC. Henry said he could imagine a discussion regarding cluster housing to keep more open space. Bea stated that the applicant has already done that. Henry suggested they could perhaps do more. Reid said they have to consider where to place the houses, wells and septic systems. Bea said she would like to think further about this. Matt suggested the board discuss this at the next meeting and then set a date. The board concurred.

DISCUSSION:

●Geoff Rose RE Cultivation area:

Ginny pointed out that Geoff was present to discuss the grow area of his Marijuana Dispensary.

Jane explained that Town Counsel had stated that he didn't feel it was a good idea to amend a bylaw for one individual and he didn't think a definition was necessary. Henry said he was uncomfortable with Town Counsel saying something off the record. He would like something in writing.

Ginny stated that Geoff has the option to sending the board a petition to be presented on TM floor. She reiterated that the Enforcement officer interprets the bylaw so his decision is clear.

Doug Ruskin asked if the Planning Board was willing to look at what they would like to accomplish and why. Our argument is not with the definition, but from an industry standpoint and what has been done in other states. The request is not to reconsider what Joe has done. Susan said she feels that the number the board suggested was arbitrary and was not thoroughly planned. Bea said that the board asked the applicant at the time and that was the number she came up with. There was nothing else to base it on. Bea said that amending the bylaw could be considered spot zoning and Counsel said we shouldn't do spot zoning. I am sympathetic to the wish to redefine but I don't want to go against Town Counsel. She suggested that Geoff and Doug should petition for the amendment. Leah said that the board knows there will only be one dispensary of the island. Doug said that was not necessarily the case. Ginny said that in Massachusetts, you can't draft a bylaw for one person. Henry asked if that was in the regulations.

Geoff said he would like the board's support if he were to petition. Matt asked Geoff if he was upset with the interpretation, or was he trying to get around Joe's interpretation of the grow area. Doug said that Geoff came up with this plan a long time ago and it works. Now, with the 1000 square feet of "grow area" definition we are falling short. Matt asked what the ultimate space was that is needed. Geoff said 1000 square

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feet. Doug suggested 1800 square feet. Matt asked how the plants are measured and Geoff said at their most mature size. Matt pointed out that when Susan Safford had been in to talk with the board, she and her business partner worked in Rhode Island and the size of the grow area was determined by her partner.

Geoff said rather than petitioning, he would prefer to have the board's support. Matt said this seems to be more or less a business breaker.

Bea said that she will speak in favor of an amendment if Counsel is unwilling to draft something in writing. Geoff asked Joe if he would consider changing his interpretation. Joe said he would not. Geoff and Doug said they would be in to discuss this further with Joe.

●Sign request from Julie Prazich:

Jane informed the board that, although her second sign request had been denied, she would like to propose that she place her business sign on State Road and place an arrow in Lambert's Cove Road. The board said they can't make a determination until they see a copy of the sign.

●Proposed zoning bylaw amendments from Joe Tierney:

●NFPA:

Joe handed out the State fire protection document and explained that the standard regulations for recreational marijuana won't be adopted in Massachusetts until 2019. He suggested that the document should be referenced in the Dispensary bylaw. This would be similar to the amendment the board recently made on swimming pools. Doing this would protect the time between Town Meeting and the adoption in 2019. This is recommended from the states Fire Marshall's office.

Bea moved to start the process and Leah seconded the motion. The vote was unanimous.

●Homesite Lots:

Joe explained that he has a customer that is in searching for a building lot. He said there is an undersized lot in town that has the proper frontage on two roads. He suggested that the lot be split in half to provide two buildable 1 acre homesite lots. Bea said she felt it was a possibility under the multi-family bylaw. Bea said she would re-read the multi-family section.

●Storage Containers:

Joe stated that storage containers are allowed in the MB and LI Districts but he doesn't have the ability to regulate them. He said he would like to adopt a regulation.

Meeting Adjourned at 7:15 pm

Respectfully submitted,

Jane Rossi, Administrator