

**PUBLIC NOTICE POSTING REQUEST**  
**COMMUNITY PRESERVATION COMMITTEE**  
**TOWN OF WEST TISBURY, MASSACHUSETTS**

**DATE:** April 28, 2021

**Time:** 5:30 pm

**LOCATION:** Virtual Meeting via ZOOM – Please see Page Two of Agenda to join

**PURPOSE:** Regular Meeting

**REQUESTED BY:** Heidi Dietterich

All meeting notices must be filed and time stamped in the Town Clerk’s Office and posted on the Municipal Bulletin Board 48 hours prior to the meeting. (In accordance with Chapter 303 Acts of 1975.)

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**AGENDA**

**Call to Order**

**Old Business:**

1. Review Minutes of March 24, 2021 Meeting, p. 3
2. Response Letter to Angela Aronie, p. 5
3. WTCPC Policy on Affordable Housing, p. 6
4. Charter School Update, p. 8

**New Business:**

1. Review Meeting Dates for FY 2021-22, p. 10
2. Prep Annual Town Meeting – May 18, 2021 – 5:00 pm – Tabernacle, p. 11

**Adjourn**

Time will be reserved for topics the chair did not reasonably anticipate.

West Tisbury is inviting you to a scheduled Zoom meeting.

Topic: Community Preservation Committee

Time: Apr 28, 2021 05:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/98304584522?pwd=Z2JidDFzYW5Wb3VpQ2JDcW5rTGxBQT09>

Meeting ID: 983 0458 4522

Passcode: 354910

One tap mobile

+13126266799,,98304584522#,,,,\*354910# US (Chicago)

+16465588656,,98304584522#,,,,\*354910# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 983 0458 4522

Passcode: 354910

Find your local number: <https://zoom.us/u/adgRXlki4B>

Town of West Tisbury  
Community Preservation Committee (CPC)  
Meeting Minutes – March 24, 2021, 5:30 pm, Part One  
Virtual Meeting via Zoom

The meeting was called to order by Chairman Cheryl Lowe, at 5:30 pm.

Present: Bea Phear, John Rau, Ted Jochsberger, Mary Sage Napolitan, Cheryl Lowe

Absent: John Brannen, Nancy Dole, Jeffrey DuBard, Doug Ruskin

Others: Heidi Dietterich, Administrative Assistant, Ashley McKenna, MVCMA

Cheryl Lowe called the meeting to order at 5:33 pm.

The Committee welcomed its new member, Mary Sage Napolitan.

The Committee reviewed the minutes from the March 10, 2021 meeting. Cheryl Lowe asked if the Committee had any changes or corrections to the minutes. On a motion made by Beatrice Phear, seconded by Ted Jochsberger, the Committee approved the minutes, with Napolitan abstaining.

The CPC's Affordable Housing statement written in February of 2010 was reviewed. The Committee considered some revisions to this statement. A discussion was held on how stringent the definition of 'policy' was. John Rau said a policy was not a statute, but more a guideline. The Committee discussed the Dukes County Rental Housing Authority's annual appropriations, and how they should be addressed in this document. Following discussion, on a motion made by Beatrice Phear, seconded by Ted Jochsberger, the Committee unanimously adopted two suggested changes, one making the 'statement' a 'policy', and the second adding a sentence at the end of the document, further defining the policy. The revised document is attached to these minutes.

The Committee discussed the draft letter in response to Angela Aronie's correspondence. The Committee agreed that the word 'habit' in the third paragraph should be changed to the word 'policy'. The Committee began discussing the addition of a sentence to the third paragraph, but was interrupted by a zoom bombing and was immediately ended at 5:47 pm.

Meeting Minutes – March 24, 2021, 5:30 pm – Part Two  
(Continued) - Virtual Meeting via Zoom

The meeting was reconvened on zoom, following the abrupt ending due to a zoom bombing. The second part of this meeting was called to order by Chairman Cheryl Lowe, at 5:56 pm.

Present: Bea Phear, John Rau, Ted Jochsberger, Mary Sage Napolitan, Cheryl Lowe

Absent: John Brannen, Nancy Dole, Jeffrey DuBard, Doug Ruskin

Others: Heidi Dietterich, Administrative Assistant, Ashley McKenna, MVCMA

The Committee returned to their discussion of the draft letter in response to Angela Aronie's correspondence. The Committee agreed that the word 'habit' in the third paragraph should be changed to the word 'policy'. Discussion included that the Committee had done their due diligence on this project. Some towns on the Island may not have researched as thoroughly as West Tisbury had, and that led to the differing opinions on this project's eligibility. The Committee further agreed to a sentence that John Rau proposed be added to the third paragraph as well. On a motion made by John Rau, seconded by Beatrice Phear, the Committee approved the two revisions, with Napolitan abstaining. A copy of the correspondence is attached to these minutes.

Dietterich shared that the return receipt requested correspondence had been delivered to Bettina Washington, of the Mayhew Chapel project. Dietterich had received the confirmation of receipt. There had been no further contact from any project representative, and if this situation remains status quo until 6/30/21, this project's original \$10,000.00 appropriation will be returned to the CPC fund. A CPA funded project has five years to begin and complete their projects, unless communication between the project and the CPC has taken place and agreed to.

An email had been received from the Charter School asking if they could use the funds appropriated in 2019-20 for playground equipment purchase, for field reparation. Due to the pandemic, tents had been set up on their playing fields and had damaged the fields. Phear said that the CPC could not change the Town's decision on the warrant article, and that the Charter School should come back to ask for an appropriation to address the field's repair. Since there was no Special Town Meeting scheduled, it was too late to make a second application and get on this year's warrant. The Committee asked Dietterich to respond to the Charter School's inquiry.

With no further business, the Committee voted unanimously to adjourn at 6:10 pm.

Respectfully submitted,

Heidi Dietterich  
Administrative Assistant



## Town of West Tisbury Community Preservation Committee

P. O. Box 278 West Tisbury, MA 02575

Nancy Dole  
Jefrey DuBard  
Ted Jochsberger  
Cheryl Lowe  
John Brannen

Beatrice Phear  
Doug Ruskin  
John Rau  
Mary Sage Napolitan

March 24, 2021

Ms. Angela Aronie  
PO Box 1385  
West Tisbury, MA 02575

Dear Ms. Aronie:

The West Tisbury Community Preservation Committee is writing in response to your query regarding the Committee's decision determining the TRI/PALS program as ineligible for CPA funding. At the March 10, 2021 meeting, the CPC reviewed your letter and your questions about this decision.

The Committee is sympathetic to your financial situation regarding the cost of housing and repairs on Martha's Vineyard, and are very aware of these costs continuing to rise. The Committee is also aware of the good work that the TRI program does for the Island's citizens (and our neighbors) who are eligible for the TRI program's funding.

However, after significant research, the Committee determined that the TRI/PALS program as currently set up, is not eligible for CPA funding. It has been the CPC's policy since February of 2010, that any funds used for housing, whether new construction, remediation or other assistance, be only for those projects where affordability is restricted in perpetuity. This policy is in accordance with the policies of the State Community Preservation Coalition, which does not consider the TRI-PALS program eligible for CPA funding. The Massachusetts Housing Partnership also determined that the TRI-PALS program does not meet the intent of the CPA legislation.

If the TRI/PALS program is modified to meet the eligibility requirements for CPA funding, the Committee will revisit the program for review.

The Committee thanks you for your interest in the program and the CPC's work. If you have any further questions, please let us know.

Best regards,

Cheryl Lowe, Chairman  
West Tisbury Community Preservation Committee  
[cpa@westtisbury-ma.gov](mailto:cpa@westtisbury-ma.gov)

## Town of West Tisbury

### Policy on Affordable Housing – March, 24, 2021

The West Tisbury Community Preservation Committee is charged with recommending the appropriation of CPA funds for projects that have enduring public value for the town and its residents. With respect to community housing, this means that affordable housing ownership initiatives supported by CPA funds should remain available in perpetuity to eligible households with incomes less than or equal to 100% of the area median income. Although there is no statutory requirement that CPA-funded community housing properties carry permanent deed restrictions unless they are constructed on town-owned property or acquired for the town, such deed restrictions are not precluded by statute and the WTCCPC has employed them in cases where the assurance of permanent affordability is needed.

For example, in 2009, the CPC recommended Article #34: “To see if the Town will vote to appropriate the sum of \$50,000 from the Community Preservation Undesignated reserve to support energy-efficient construction of *permanently deeded affordable housing for West Tisbury residents with incomes at or below 100% of the area median income*, with funds to be administered by the Island Affordable Housing Fund subject to a grant agreement requiring that specific projects be designated and approved by the Community Preservation Committee in advance of any payment from this appropriation.”

In this case, it was essential to require permanently deeded affordability because there was no requirement that funds would be used only for houses built on ground-leased land with permanent deed restrictions.

By contrast, in 2008, the CPC recommended Article #30: “To see if the Town will vote to appropriate from the Community Preservation Community Housing reserve the sum of \$20,000, and from the Community Preservation Undesignated reserve the sum of \$380,000, toward construction of affordable housing at 200 State Road being developed by the Island Housing Trust with funding by the Island Affordable Housing Fund, provided that eligible applicants will be selected with the West Tisbury Affordable Housing Committee.”

The “permanently deeded” language was not necessary in the 2008 warrant article because the Island Housing Trust’s 99-year ground lease establishes permanent affordability and formed a part of the 2007-08 application for these funds. Moreover, the Community Preservation Coalition has stated that “The requirement in Section 12 for a permanent deed restriction would only come into play should you provide CPA funds for an acquisition, in our opinion.”

Likewise, in its 2008-09 application, the IAHF was solely interested in reducing the prices on two houses at 250 State Road to make them accessible at <100% AMI; no changes in ground lease provisions or deed restrictions were involved.

In sum, the CPC recommendations have been framed to include long-term affordability of community housing constructed or supported with CPA funds. It is the West Tisbury Community Preservation Committee's policy to consider housing development applications, other than rental assistance programs, to be eligible for use of CPA funds only if the project in question assures perpetual affordability of community housing up to 100% AMI.

Thank you for your email. We understand. We look forward to sending our application to the Committee in September. We appreciate your consideration.

Sincerely,

Pete

On Fri, Apr 2, 2021 at 11:15 AM Community Preservation Committee <[cpa@westtisbury-ma.gov](mailto:cpa@westtisbury-ma.gov)> wrote:

Hello Peter!

How are you?

The West Tisbury CPC discussed your request at their meeting last week and asked that I get back to you.

Unfortunately, a CPC appropriation cannot be altered from the warrant article that was approved by the Town's citizens at Town meeting. The Town Meeting decision cannot be changed. In this case, the appropriation that was approved was: "to fund the playground equipment". So, your request to use these monies toward restoration of your fields is not permitted.

However, the Committee does encourage you to come back and ask for funding for field restoration in the Fall application cycle. The dates are still being set, but generally the eligibility applications are 'due' late September and the final applications are 'due' in late October.

As always, please call me if you have any questions. I am working from home and my number is 508-687-9286.

Best regards,

Heidi Dietterich

**From:** Hpkal Steedman <[steadman5brazil@gmail.com](mailto:steadman5brazil@gmail.com)>

**Sent:** Tuesday, March 23, 2021 1:21 PM

**To:** [cpa@westtisbury-ma.gov](mailto:cpa@westtisbury-ma.gov); [clowe@mvinsurance.com](mailto:clowe@mvinsurance.com)

**Subject:** Options in Education application to the CPC

Dear Heidi and West Tisbury CPC,

I hope this email finds you well. In 2019, Options in Education, in partnership with the Martha's Vineyard Public Charter School, received a generous gift from West Tisbury Community



Preservation Committee to update the school's playground equipment. We were hoping to use these funds as part of a larger playground restoration project which included upgrading playground equipment, redoing our fields, and resurfacing our basketball court. The arrival of the pandemic in March of 2020 forced us to alter our plans.

In order to accommodate in-person learning, multiple tents were placed on the playground. The fields are currently in a state of disrepair. Options in Education is asking if it would be allowable to spend all, or part, of the allotment we received from the CPC in 2019 first towards the urgent restoration of our fields. Options in Education plans to return to the CPC in the fall of 2021 to apply for more funds to complete the upgrade and expansion of our school's playground.

Thank you for your consideration.

Sincerely,

Peter Steedman  
President, Options in Education

**Town of West Tisbury, Massachusetts  
Community Preservation Committee  
2021-2022 Meeting Dates**

**Fourth Wednesdays, 5:30 pm**

**Virtual Meetings will be held in accordance with orders issued by  
the Governor during the current state of emergency.**

**There will be no in-person attendance by the public.**

**Meetings will be held via ZOOM application.**

**All ZOOM login instructions will be posted with meeting agendas**

August 25, 2021 Regular Meeting – Elect Chairman

August 30, 2021 Due date of WT Housing Trust Fund Information/Agreement  
for CP-3 Inclusion

**Note: ELIGIBILITY APPLICATION DEADLINE, Thursday, September 23, 12:00 noon**

September 29, 2021 Regular Meeting: Eligibility Application review and vote

**Note: FINAL APPLICATION DEADLINE, Thursday, October 21, 12:00 noon**

October 27, 2021 Regular Meeting: Final Application review

November 17, 2021 Regular Meeting: Public Hearing

*(Thanksgiving, Thursday, November 25th)*

December 8, 2021 Regular Meeting: Public Hearing – Final Application Vote

December 15, 2021 Regular Meeting: (if necessary)

January 26, 2022 Regular Meeting: Warrant Articles Review and vote

February 23, 2022 Regular Meeting

March 23, 2022 Regular Meeting: Review Town Meeting Handout Information

April 12, 2022 TOWN MEETING

May 25, 2022 Regular Meeting: Set Annual Plan

Additional Meetings will be scheduled on an as needed basis.

**Warrant Articles 2021-22**  
**CPC Member Project Liaison**

Dukes County Regional Housing Authority - \$60,000 – Ted Jochsberger

Island Autism Center and Neighborhood Housing Project - \$100,000 – Jeffrey DuBard

Harbor Homes of Martha’s Vineyard (Women’s Housing) - \$75,150 – Beatrice Phear

Scott’s Grove Affordable Housing Reserve Fund - \$58,500 - Kathy Logue

Martha’s Vineyard Campground Meeting Assn. Tabernacle Roof - \$110,000 – Cheryl Lowe

Mill Brook Watershed Management Plan - \$40,000 – John Brannen

Martha’s Vineyard Shellfish Group – Hughes Hatchery Seawater Lines - \$10,000 – Doug Ruskin

Lambert’s Cove Beach, Rope Rail and Dune Barrier - \$30,000 - John Rau

Bruce Stone -

Open Space Reserve - \$55,000

Historic Reserve - \$55,000

Community Housing Reserve - \$55,000

Undesignated Reserve - \$357,500

Administration - \$27,500