

**Jan. 14, 2020**  
**West Tisbury Affordable Housing Committee**  
**Minutes**

**Present:** Larry Schubert, Mike Colaneri, Ted Jochsberger, John Rau, Susan Silk and  
Rise Terney

**Absent with Regrets:** Jeffrey Dubard

**Also Present:** Rhonda Conley and Gavin

Colaneri made a motion seconded by Rau to accept the 12/10/19 minutes with corrections.

**VOTE 5 YES 0 NO 1 ABSTAIN**

**INVOICES**

**Town Counsel:** Rhonda presented a bill from Reynolds, Rappaport, Kaplan and Hackney, LLC dealing with 57 Rustling Oaks foreclosure sale of \$564.65. This was taken up by the Selectmen therefore the committee felt the selectmen should be responsible for the invoice. ***sSilk made a motion seconded by Colaneri to send the invoice onto the Selectmen for \$564.65.***

**VOTE 6 YES 0 NO**

**ANNOUNCEMENTS AND CORRESPONDENCES**

**Island Housing Trust (IHT) Affordable Home Sale:** IHT has 6 two-bedroom townhouses located on Greenwood Ave. in Tisbury for sale with affordable restrictions.

**Lottery:** Colaneri stated that DCRHA will be having a lottery for 2 homes in the Co-Housing neighborhood. There was discussion of using a lottery to distribute any affordable home being sold. There is an issue with this as the covenant gives the affordable homeowner the right to find an eligible purchaser. Colaneri asked Conley to schedule DCRHA Director Vignauelt to attend a meeting and discuss the lottery.

**Conferences:** Conley informed the committee that there are two conferences on housing. Cape Housing Institute Municipal Peer Group held Mon. Feb. 10, 2020, 10:30 A M to 1 P M at Cape Cod and Islands Association of Realtors, 22 Mid-Tech Dr., West Yarmouth (see attached) . The other conference is being held by MHP on Sat. Mar. 14<sup>th</sup> from 8:30 AM to 3 PM at Courtyard by Marriott, 75 Felton St., Marlborough, MA. This one will deal with affordable housing trust and Community Preservation committees working together on developments.

**Donation:** Conley told the committee that Patient Centric (Geoff Rose) donated \$5,000.00 to the Trust. Rose asked Conley if the funds in the Trust could be set aside for certain affordable housing needs such as subsidizing a down payment on a mortgage for a needy family. Conley told him she would speak to the committee and the trust. The committee felt Conley should speak to the Town Accountant as he helped create the language for the Trust formation. She will report back to the committee and trust.

**CPC Funds:** Conley stated the CPC will recommend at town meeting the Trust's application for funding in the amount of \$145,000.00.

**Joint Affordable Housing Group (JAHG):** Conley stated JAHG will meet FEB. 19<sup>TH</sup> from 4-5 pm at the MVC.

## **NEW BUSINESS**

**Housing Bank:** Jochsberger questioned the Selectmen's housing funding commitment. Schubert tabled a discussion of the housing bank until the next meeting.

**Bylaw Changes Review:** Conley presented the changes that the Planning Board Admin. , ZBA Admin. and she put together after the Sept. meeting of Schubert and her. The committee reviewed (see attached document). The members feel the changes need to be made public before town meeting for the public to review after the Planning Board public hearing. Colaneri suggested a town mailing.

**Fisher Homesite:** Conley reported that Fred Fisher has started the process of creating a homesite lot for his son, Brett Fisher and Amanda Rose who qualify at 105% of median income. This places them in the community housing bracket and not the affordable housing bracket.

## **UPDATES**

**57 Rustling Oaks:** Conley attended the foreclosure sale at 57 Rustling Oaks held by J.P. Morgan chase who holds the second mortgage. Chase through a Power of Attorney representative bought back the property along with the first mortgage held by Rockland Trust for \$88,584.08. See attached Addendum to Memorandum of Sale for restrictions.

**Vacant Lots:** Property owners responded to the AHC letter asking about purchase of their vacant lots. The owner of 88 Pin Oak Circle stated she may be interested in selling. The owners of 14 Pin Oak Circle are not ready to sell at this time and the owner of 8 Holly Lane did not respond. The committee discussed raising the 50,000.00 buying price they had set years back. There was no vote on changing the price but will bring the issue up at the next Trust meeting.

**16 Old Courthouse Rd.:** There is no report from IHT. The committee asked that Conley get a progress report and time line for the next meeting.

**Letter of Agreement:** No report.

## **ONGOING BUSINESS**

**Advertising/Radio appearance:** Schubert has the radio information and will work on a scheduling an appearance.

Adjourned at 8:30 PM

**The next AHC meeting will be Jan.28<sup>th</sup> at 6:45 P.M. in the 2<sup>nd</sup> floor conference rm. of Town Hall.**

**The next AHT will be Jan. 28<sup>th</sup> at 6:30 Pm in the 2<sup>nd</sup> floor conference rm. of Town Hall.**

## **ATTACHMENT**

### **SECTION 4.4 HOUSING**

The Town of West Tisbury values being a diverse community that accommodates residents of varying income levels. As the cost of land and housing increases on Martha's Vineyard, many local residents are being priced out of the market for homes. The Town of West Tisbury desires to maintain and encourage housing that is affordable to the entire range of its residents, without encouraging excessive growth that detracts from the

Town's quality of life. Further, the town desires to create and maintain a pool of housing that remains affordable in perpetuity for future generations of West Tisbury residents. Therefore, the Town establishes this section to allow the creation of apartments, multi-family dwellings, and accessory dwellings to help meet the Town's housing needs, as well as the construction of individual residences on lots that do not satisfy minimum lot size requirements which will remain in the affordable housing pool in perpetuity; and to require affordable, year-round housing in all larger developments. This section also enables families that own large parcels of land to use those parcels as family compounds containing several dwelling units without subdividing their land into building lots. In this bylaw, wherever occupancy is restricted to residents, ~~of West Tisbury.~~ **such restriction shall mean island residents to the extent allowed under the Fair Housing Rules.** ~~that the Affordable Housing Committee, the Planning Board, and owners of rental units shall allow occupancy by any resident of Martha's Vineyard, but shall, to the extent practical, give first preference to residents of West Tisbury.~~

#### **4.4-1 Dwelling Unit Densities Permitted by Right**

The following densities of residential structures are permitted by right in all districts.

- A. The number of dwelling units on a parcel allowed by right is determined by dividing the total acreage of buildable land (as defined in the bylaw) by the minimum lot size in the district. This applies to all parcels in the Town with the exception of lots created in an open space subdivision (see Article V). Any proposal involving more than two dwelling units shall be subject to Site Plan Review by the Planning Board, unless it is being reviewed as a subdivision. The Planning Board shall apply the criteria, standards, and requirements in Article V, Open Space Development, in reviewing such an application. In no case shall the number of dwelling units permitted by right on a parcel exceed the number that would have been permitted if the lot had been proposed for division as either an "Approval Not Required" land division or a subdivision under the Rules and Regulations for the Subdivision of Land, including consideration of the adequacy of the road or roads providing access to the parcel.
- B. One single-family dwelling (without an accessory apartment) plus one ~~subordinate dwelling~~ **guest house** not exceeding 1000 square feet, shall be permitted on lots that meet the requirements of (1.) or (2.) below. Unenclosed porches shall be considered non-habitable space and shall not count toward the calculation of subordinate dwelling floor area. In addition, a screened porch of 15% or less of the floor area of the subordinate dwelling shall not count toward the 1000 sq. ft. maximum.
  1. Lots in existence on the effective date of this bylaw (May 24, 2000) that comply with the minimum lot size in the district, unless a subordinate dwelling has been prohibited by the terms of a subdivision approval.
  2. Lots created after the effective date of this bylaw, provided that they are at least 1.5 times the minimum lot size for the district.

Either the principal dwelling or subordinate dwelling may be constructed first, provided that the total floor area of one of the dwellings does not exceed 1000 square feet.

The setback requirements for a structure which contains or is a subordinate dwelling shall be the same as for principal dwellings.

Subordinate dwellings to be constructed on lots which have at least double the minimum area requirements of the relative zoning district will be exempt from the 1000 sq. ft. floor area restrictions.

- C. In the RU District, a lot may contain one or more seasonal camps in addition to a subordinate dwelling only if the lot contains at least three additional acres for each such seasonal camp. No lot shall contain more than three seasonal camps.

#### **4.4-2 Second-story Apartments in the MB District**

Second story apartments over non-residential uses are permitted in the MB District either by right subject to Site Plan Review, or by Special Permit, depending on the structure's overall proposed floor area (see Section 3.1-1).

Second story apartments shall not be counted toward the 3,500 sq. ft. maximum floor area for non-residential structures in the MB District, (as specified in the Dimensional Table, p. 9). For every one-bedroom or two-bedroom apartment constructed, the maximum permitted floor area for the ground floor non-residential use may be increased by 900 square feet per apartment, (including an interior stair to access the apartment(s)), up to a maximum of 5,300 square feet. The maximum floor area of the entire building (including apartments) shall not be more than 7,000 sq. ft. Such apartments shall be subject to the occupancy restrictions described in Section 4.4-4, provided that if any apartment is occupied by seasonal employees, such employees must be employed on the same premises. If two apartments are constructed, at least one shall be restricted as **affordable housing**. The minimum floor area of such apartments shall be as follows:

- A. **Studio apartment minimum 300 square feet**
- B. One bedroom apartment **minimum 400 ~~600~~ square feet**
- C. **Two-bedroom apartment minimum 600 square feet.**

#### **4.4-3 Dwelling Unit Densities Allowed by Special Permit**

##### **A. Affordable Accessory Apartments**

In order to help provide affordable year-round rental housing within the context of West Tisbury's predominantly single-family home character, and to provide an opportunity for supplemental income to senior citizens and other homeowners in West Tisbury, who might otherwise find it difficult to remain in their homes due to increasing energy and maintenance costs and/or concerns about security and health, one apartment may be allowed by Special Permit from the ZBA as an accessory use to a single-family dwelling, on any sized lot, subject to the following conditions:

1. The lot, dwelling and apartment shall be in single ownership.

2. The maximum rental rates of accessory apartments shall be established annually by the **Dukes County Regional Housing Authority/ Affordable Housing Committee** and set forth in the **Affordable Housing Committee Implementation Guidelines**.
3. Any unit which is rented is subject to the occupancy restrictions in Section 4.4-4.
4. Attached accessory apartments shall occupy a maximum of 800 square feet and a minimum of 300 square feet. The outward appearance of a residence containing an attached accessory apartment shall conform to that of a single-family residence with only one main entrance on the front or street side of the structure. Additional entrances shall be designed to ensure compatibility with the goal of retaining the appearance of a single-family residence.
5. Detached accessory apartments shall occupy a maximum of 800 square feet and a minimum of 300 square feet as a free standing unit or within an otherwise non-habitable structure such as a garage or barn.
6. Any lot with a residence and an accessory apartment shall contain at least ten thousand square feet of buildable land per bedroom.
7. Accessory Apartments shall not access the non-habitable portion of the structure from the interior of the apartment.
8. ~~A lot may contain either an accessory apartment and a detached bedroom, unless its area is twice the minimum lot size in that district, in which case it may have both.~~
  8. **At no time shall both the residence and apartment be rented at market rate; one unit must be rented affordably as defined in the Affordable Housing Guidelines.**

## **B. Multi-Family Housing by Special Permit**

At the sole discretion of the Planning Board as Special Permit granting authority, upon a finding that the proposed dwelling units are consistent with the Town of West Tisbury Master Plan and provide needed housing, ~~for Town residents~~, a Special Permit may be granted. **This allows** ~~allowing~~ any combination of residences or apartments where the density exceeds the standards in Subsection 4.4-1 (A), provided that the following criteria are met: if two dwelling units are proposed, both shall be restricted as affordable housing as defined in this bylaw; if three dwelling units are proposed, then at least 75% of the units shall be restricted as affordable housing and subject to the terms and limitations of a covenant imposed by the Affordable Housing Committee **or a covenant, deed writer, ground lease or other forms of restrictions approved by the Affordable Housing Guidelines** ~~of a Martha's Vineyard Affordable Housing Needs Covenant granted to the Dukes County Regional Housing Authority pursuant to the provisions of St. 2004, C 445, at the sole discretion of the Affordable Housing Committee, and that the total number of dwelling units in any single building may not exceed four.~~

For any dwelling units approved under this Section 4.4-3B, the lot shall contain at least ten thousand square feet of buildable land per bedroom, unless an enhanced septic treatment system is used and approved by the Board of Health.

### **4.4-4 Occupancy Restrictions on Apartments**

In order to reserve available housing for those most in need of it (year-round residents of West Tisbury and Martha's Vineyard and seasonal employees of local businesses), the following occupancy restrictions apply to the rental of apartments allowed under the provisions of Sections 4.4-2 and 4.4-3 above.

- A. The dwelling units described above may be rented only to the following occupants:
1. Persons ~~domiciled on Martha's Vineyard year-round~~ and eligible to rent affordable **year-round** housing as defined in this bylaw, as demonstrated by income, residency, and other documentation required by the Affordable Housing Committee.
  2. ~~In owner-occupied buildings and/or properties only (including mixed use buildings and properties),~~ persons employed full-time on Martha's Vineyard during the summer season, as demonstrated by a letter from an employer, current pay stubs, or other proof of employment.
  3. Persons who intend to qualify under Subsections 1 or 2 above **must be qualified as affordable renters by DCRHA through a completed application. Owners must** sign an affidavit stating that intention and submit proof of compliance within 30 days of occupancy of the dwelling unit.
  4. **If not rented, may be used by owners' family members or a family caregiver.**
- B. To prove compliance with the above requirements, the owner of regulated apartments shall file the following with the Zoning Inspector:
1. Prior to the issuance of occupancy permit for the apartment and within thirty days of any change in ownership of the premises, an affidavit attesting to the owner's understanding of the occupancy restrictions of this Section 4.4-4 and intention to comply with these requirements.
- C. **The owners of regulated apartments shall report to the AHC annually the status of the affordable accessory apartment.**

1. ~~On or before January 31~~ **July 15** of each year, ~~the names of lessees of the apartments claiming to be year-round domiciliaries of Martha's Vineyard, together with copies of their year-round leases and their driver's licenses. Any such lease shall clearly state that year-round occupancy of the apartment is a condition of the lease.~~ **owners will receive from AHC these following forms: Maximum rental table, accessory apartment occupancy status, and affirmation forms to be filled out and signed by the apartment owner and tenant. These forms are to be returned to the AHC within 30 days of receipt along with copies of a signed year-round lease. If a lease is not included, an explanation must be enclosed.**

2. Failure to comply with the requirements of this Section 4.4-4 (B) shall constitute a violation of this bylaw, subjecting the violator to all applicable fines and penalties as provided in Subsection 10.23 (A). A lessee who fails to comply with the provisions of this Section shall be considered to be in violation

of this bylaw. Failure to comply with the provisions of this section shall also be grounds for revocation of the certificate of occupancy for the dwelling unit, unless the owner makes a good faith attempt to evict tenants who do not comply with the conditions of this Section.

3. Such income verification documentation as may be required by the Affordable Housing Committee.

⊖ D. This Section 4.4-4 shall apply to all apartments created after the effective date of this provision (May 24, 2000) and to all apartments created previously that were not in compliance with applicable restrictions on occupancy in existence when they were created. All other pre-existing apartments shall come into compliance with this Section 4.4-4 on or before January 1, 2005. Apartments created in violation of applicable zoning bylaws at the time of their creation shall be granted amnesty from penalties for such zoning violations, provided that:

1. They were created prior to June 1, 1999;
2. They comply with applicable state building code provisions; and
3. They are registered with the Zoning Inspector prior to January 1, 2010.

#### **4.4-5 Employee Dormitories**

Single-family and two-family dwellings and mixed-use buildings may be used as employee dormitories for up to eight seasonal residents who satisfy the requirements of Section 4.4-4(A) (2), provided that such dwellings are either owner-occupied or managed by a resident manager employed by one or more of the businesses which employ the residents, that adequate provision is made to monitor and enforce restrictions on noise, parking, and other conditions that may be imposed through the Special Permit process, and that the Board of Health approves of such use of the premises.

#### **4.4-6 Affordable Housing Requirement**

In any division of land by whatever means - containing three or more lots developed over any five year period, at least 25% of the lots shall qualify as affordable housing as defined in this bylaw, and shall be subject to the terms and limitations of a covenant imposed by the Affordable Housing Committee ~~or a Martha's Vineyard Affordable Housing Needs Covenant granted to the Dukes County Regional Housing Authority~~ or a covenant, deed rider, ground lease or other form of restriction approved by the AHC Guidelines pursuant to the provisions of St. 2004, C.445, at the sole discretion of the Affordable Housing Committee. Fractional units of less than .5 shall be rounded down and .5 or more shall be rounded up. By Special Permit, the Planning Board may exempt from this requirement lots created for the use of family members, if it finds that suitable resale restrictions are in place.

#### 4.4-7 Homesite Lots

The Town establishes this section to allow the construction of individual residences on lots that do not satisfy minimum lot size requirements, provided that:

- the lot is approved by the Planning Board as a Homesite Lot;
- the lot's purchase price is established by the Affordable Housing Committee;
- the lot shall be owned or leased by an Eligible Purchaser or Eligible Lessee, as defined herein, who meets the qualification of the Affordable Housing Committee guidelines in effect at the time of filing of the necessary Special Permit application;
- the owner of the lot is granted a special permit from the Zoning Board of Appeals to build a single-family dwelling for owner occupancy as prescribed in this bylaw;
- and the owner of the lot grants an Affordable Housing Covenant burdening said lot to the Town of West Tisbury, in the form utilized by the Town of West Tisbury at the time of filing the special permit application, and records said covenant in the Dukes County Registry of Deeds at the time the special permit is granted, or, at the sole discretion of the Affordable Housing Committee, ~~grants a Martha's Vineyard Affordable Housing Covenant to the Dukes County Regional Housing Authority~~ **or a covenant, deed rider, ground lease or other form of restriction approved by the AHC Guidelines** pursuant to the provisions of St. 2004, C.445.

A Homesite Lot must otherwise meet the requirement of all applicable building and zoning laws and all applicable land use, environmental, wetlands, health or other federal, state or local laws, bylaws, rules and regulations, in effect at the time of filing the special permit application and at the time the special permit is granted.

##### A. Creation of Homesite Lots:

Provided that the proposed Homesite Lot or Lots conform to all conditions in the definition of Homesite Lot, Homesite Lots may be created by:

1. The Town from land owned by or donated to the municipality;
2. a property owner from a lot created by a Planning Board approved subdivision of a larger lot containing more than the minimum acreage required by Article IV of this zoning bylaw, provided that the remaining lot meets minimum lot size requirements as set forth in Article IV. If more than one Homesite Lot is created, the remaining lot shall be at least the minimum acreage required by Article IV of this zoning bylaw multiplied by the total number of Homesite Lots;
3. A property owner of existing lot which does not satisfy minimum lot size requirements of the zoning bylaw and is not protected as a non-conforming lot.

##### B. Distribution of Homesite Lots:



1. Homesite Lots created by the Town shall be awarded by lottery, limited to Eligible Purchasers or Eligible Lessees as defined herein. Such lottery shall be held at a public meeting of the Board of Selectmen.
2. Homesite Lots created by a property owner shall be limited to Eligible Purchasers or Eligible Lessees as defined herein. Selection of the Eligible Purchaser or Eligible Lessees shall, at the option of the property owner, be made by the property owner or by lottery to be held at a public meeting of the Board of Selectmen.
3. Homesite Lots may be sold or donated to a non-profit organization, which organization may hold the lot for resale or lease without profit. Any such sale or lease may only be made to an Eligible Purchaser or Eligible Lessee selected by lottery to be held at a public meeting of the Board of Selectmen.

C. Initial Conditions for Homesite Lots:

1. Size of a Homesite Lot: A newly created Homesite Lot (created under Section 4.4-7A 1. and 2. above) may be less than three (3) acres in size but not less than one (1) acre and must have the approval of the Planning Board as a Homesite Lot. A Homesite Lot on an existing lot which does not satisfy minimum lot size requirements of the zoning bylaw and is not protected as a non-conforming lot (Section 4.4-7A 3., above) shall contain at least 10,000 square feet of buildable land area per bedroom and satisfy other applicable Board of Health requirements.
2. Cost of a Homesite Lot: The maximum purchase price or lease amount of Homesite Lots (improved or unimproved) shall be established annually by the Affordable Housing Committee and set forth in the Affordable Housing Committee ~~Implementation~~ Guidelines.
3. Recipient of a Homesite Lot: a Homesite Lot may only be created for a recipient who is an Eligible Purchaser or Eligible Lessees qualified under the Affordable Housing Committee ~~Implementation~~ Guidelines.
4. Special Permit from Zoning Board of Appeals: The ZBA may approve a Special Permit for a substandard lot to be buildable as a Homesite Lot provided that the following standards and criteria are met:
  - a. The proposed lot has been approved as a potential Homesite Lot by the Planning Board;
  - b. The purchase price of the Homesite Lot has been established and posted;
  - c. The proposed Homesite Lot satisfies all Town zoning and conservation requirements in effect at the time of application, with the exception of lot size;
  - d. The proposed Homesite Lot is fully compliant with the Town Board of Health rules and regulations in effect at the time of application;
  - e. The proposed Homesite Lot is available for purchase or lease only to an Eligible Purchaser or Eligible Lessee as defined herein, and approved by the Affordable Housing Committee. Such eligibility shall be **income qualified through the Dukes County Regional Housing Authority application approved by AHC. DCRHA shall certify in writing eligibility income level.**~~certified in writing by the Affordable Housing Committee;~~

- f. The proposed Homesite Lot shall be subject to terms and limitations in accordance with the perpetual Affordable Housing Covenant approved by the Affordable Housing Committee in effect at the time of filing the special permit application, or, at the sole discretion of the Affordable Housing Committee, the proposed Homesite Lot shall be subject to the terms and limitations of a ~~Martha's Vineyard Affordable Housing Needs Covenant~~ **covenant, deed rider, ground lease or other form of restriction approved by the AHC Guidelines** ~~to the Dukes County Regional Housing Authority~~ pursuant to the provisions of St. 2004, C.445; and
- g. The proposed Homesite Lot may be subject to additional conditions imposed by the Zoning Board of Appeals to assure that the provisions of the Zoning Bylaw are met.

D. Use, Resale and Transfer of Homesite Lots;

The use, resale and transfer of each Homesite Lot created pursuant to this section of the bylaws shall be governed by a) the Affordable Housing Covenant ~~or the Martha's Vineyard Affordable Housing Needs Covenant~~ **or a covenant, deed rider, ground lease or other form of restriction approved by the AHC Guidelines** recorded at the time the special permit is granted, b) the West Tisbury Affordable Housing Committee Guidelines in effect and as revised from time to time at the discretion of said Committee, and c) in the case of a Martha's Vineyard Affordable Housing Needs Covenant, the rules and regulations of the Dukes County Regional Housing Authority pertaining to said covenants under the authority of St. 2004, C.445. The Affordable Housing Covenant and the Guidelines shall be enforceable by the Town of West Tisbury, or its designee, and shall limit, in part, the following:

1. The initial cost of the land;
2. The time within which to secure a building permit;
3. The use of the property to one dwelling, which shall be the owner's/lessee's primary residence;
4. The maximum allowable rental time per year;
5. The rental guidelines and exceptions, if any;
6. The resale value to an affordable formula; and
7. The resale or transfer to Eligible Purchasers/Lessees and heirs, or family members for whom the property is their primary residence as further defined in the Affordable Housing Covenant.

**DEFINITIONS**

**Suggested changes**

**Affordable Accessory Apartment:** A dwelling unit occupying a maximum of 800 square feet and a minimum of 300 square feet as a free standing unit or within an otherwise non-habitable structure such as a garage or shed.

**Affordable Housing:** Housing units priced at a level determined by the West Tisbury Affordable Housing Committee to be appropriate for rental or purchase exclusively by persons who will make such housing their primary residence (defined as their actual year-round domicile) and whose annual household income is not more than **80%** of the Dukes County median income, as established by the United States Department of Housing and Urban Development. To qualify as affordable housing, the units must be subject to permanent deed restrictions that the West Tisbury

Affordable Housing Committee deems adequate to ensure that tenants and future owners will continue to meet income eligibility and residency requirements.

**Community Housing:** Housing units priced at a level determined by the West Tisbury Affordable Housing Committee to be appropriate for rental or purchase exclusively by persons who will make such housing their primary residence (defined as their actual year-round domicile) and whose annual household income is not more than 81-150% of the Dukes County median income, as established by the United States Department of Housing and Urban Development. To qualify as community housing, the units must be subject to permanent deed restrictions that the West Tisbury Affordable Housing Committee deems adequate to ensure that tenants and future owners will continue to meet income eligibility and residency requirements.

**Community Eligible Purchaser/Lessee:** Any private purchaser or lessee over the age of 18 who meets the Affordable Housing Committee Guidelines in effect at the time of purchase or lease of a Homesite Lot, and whose total household adjusted gross income is not more than 81% to 150% of median income for Dukes County as established by the United States Department of Housing and Urban Development.

**Affordable Eligible Purchaser/Lessee:** Any private purchaser or lessee over the age of 18 who meets the Affordable Housing Committee Guidelines for affordable housing in effect at time of purchase or lease of a homesite lot or other offered deed restricted property at 80% or below median income

**Affordable Housing Covenant:** A Covenant which restricts the use, resale and transfer of a Homesite Lot, which includes but is not limited to a resale value cap based on the value of the property, including improvements thereto, which ensures that in the event of resale the property will remain affordable in perpetuity to other affordable Eligible Purchasers. In no event shall the re-sale price be greater than the purchase price for which a credit worthy eligible purchaser of the appropriate household size appropriated for the premises earning no more than the area median income level stated within the covenant can afford. The Town or its designee shall enforce the Covenant.

**Deed Rider:** See “Covenant”

**Ground Lease:** The leasing of property being held as affordable or community housing with restrictions on the property as in a covenant. See covenant.

**Homesite Lot:** A parcel of land which has the approval of the Planning Board as a Homesite Lot for use as affordable and or community housing, as further defined in Section 4.4.

**Nonconforming Lot:** Any use lawfully existing prior to and at the time of the adoption or amendment of this bylaw or any preceding bylaw, which use is not permitted by or does not conform with the permitted use provisions of this bylaw for the district in which it is located. See Article XI. Though the measurements may not meet buildable land, it may under special permit meet homesite lot requirements.

**Subordinate Dwelling Guest House:** A dwelling unit no larger than 1,000 square feet located in an accessory structure or stands alone on an owner occupied property.

