

WEST TISBURY PLANNING BOARD MINUTES January 30, 2023, pg 1

PRESENT Leah Smith, Heikki Soikkeli, Amy Upton, Matt Merry, John Rau.

ABSENT: Ginny Jones

ALSO PRESENT: *(Names as they appeared on the Zoom screen)*

Lynn, Carol, Ben Reeves, Katherine Sterling, Abbie Zell, Marcio Aquino, Bill Veno, Jeffrey DuBard, Candy daRosa, Harriet Bernstein, Katy Upton, Bob Massik Matt Stackpole, Sebastian, Indaia, Kimberly, Jenny Davivo, Reid Silva, The Kids, Micah Tanhauser, Andora, Cynthia Aguilar, Julie, Kmore, Casey Blum, John Abrams and Jane Rossi.

Leah opened the meeting at 5:30:

●Referrals from the ZBA:

●Garcia, Map 16, Lot 61, 560 State Road, request to store insulation in the garage.

The board referred the application back to the ZBA with a requirement that no foam insulation is to be stored on the premises without the Fire Chief's consent.

●Carney, Map 35, Lot 6.7, Plum Bush Point Road to replace a pool with a larger pool and relocate the shed that houses the pool equipment.

The board determined that the shed should be located further into the property and away from the abutters as is required under Section 8.5-4 A 4 of the zoning bylaws.

Amy motioned and Matt seconded the motion to refer the applications back to the ZBA as stated above. Amy-yes, Matt-yes, Leah-yes, Heikki-yes.

Reid Silva stated he felt the ZBA should notify the applicants that the Planning Board will review their application. Jane said she would mention that to the ZBA Administrator.

●Continued public hearing on an application from Merry Farm, LLC to subdivide to create 3 lots and Open Space on an 8.81 acre lot of developed land on part of Map 8, Map 22, 138 and 140 Merry Farm Road:

Reid explained the background of the plan regarding the previous plan to divide the property to create a lot for the Land Bank, and now, a new plan to create open space on the existing Merry Farm LLC 8.81 acre lot, and to divide the property into four lots; the open space lot will house the existing large house, pool and barn, one lot will house an existing dwelling, the third lot will house a relocated dwelling unit and the fourth lot will be vacant for the time being. He said the plan is not a 40 B, they will preserve 60% as open space, the breakdown of the wetlands and buildable land is indicated on the plan and the area highlighted in green indicates the open space. Leah pointed out that the board had requested that the Land Bank easement appear on the plan

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but it is not shown. Jeffrey explained that the goat truck will use the easement to get to the Land Bank land and he has relocated it. Leah stated the board will need a plan that clearly displays the easement. When asked about the number of bedrooms Jeffrey was proposing on the undersized lots, he stated he would install enhanced septic systems to increase the number of allowable bedrooms per the 10,000 square feet per bedroom state law. Jeffrey explained that Island Housing Trust and the Dukes County Regional Housing Authority will monitor the affordability aspect of the properties to be sold and rented.

Matt expressed his concerns regarding size and uncertainty of the use of the main house. He said Jeffrey' proposal was to possibly rent it out to teachers during the off-season, and rent it on a short term basis in the summer. Matt asked if it would be rented to one family or several. He stated the neighbors could be affected by the turnover traffic and everything that comes with rentals. Jeffrey said he will own that house forever, and if it doesn't work out initially, then he will figure something else out if it is not feasible. He said he is trying to find a balance. Matt asked if Jeffrey had any plans for the barn and shop because if the board approves this plan, they don't want to see it come back for changes. Jeffrey said he isn't committing to any plan at the time. John asked for clarification on the restrictions; he said Lot 2 will be restricted but the restrictions won't be on record. Jeffrey said that was the case. John said the board still had the power to restrict if they chose to do so. Jeffrey said he is asking for less.

Abby Zell stated that the scope of the plan is staggering for the sleepy neighborhood. She said adding a seasonal rental is even more impactful. She suggested making everything year-round and Jeffrey said all but the main house are year-round rentals or home ownership. He added that the island has a need for these small lots. Jeffrey said that all of the dwellings except for the main house are affordably restricted.

Carol Gannon stated she appreciates the need for affordable housing. She read a letter into the record which stated the affordable houses are being marketed at market rates. The large home is the logical residence for a new property owner but Mr. DuBard doesn't plan to occupy it. In her letter she asked several questions regarding the responsibilities for the new owners and tenants. Jeffrey said he makes sure the tenants can afford to live there.

The proposed tenants of the property explained their situations and expressed their gratitude for being given the opportunity to stay on the island.

Jeffrey displayed his power point presentation and explained the plans for the property. He said that Julie Vanderhoop will farm the land. The fields will not

be undisturbed. He said all of the habitable houses are two stories and, although small, they are habitable. He displayed the calculations under the open space bylaw and he said he could have

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3 lots. Leah corrected him but he said the calculations round up. Leah said she didn't understand that to be true. One lot will be restricted under IHT and the Affordable Housing Committee.

Leah asked how Jeffrey will enforce the affordable regulations with the tenants in place. She asked how they would be monitored so they won't sublet the property. Jeffrey said it is something they will talk about on the housing committee. He said he can provide an annual report to the AHC and the Regional Housing Authority and it will be monitored by neighbors.

Matt Stackpole said he and his wife Martha are thrilled with the new neighbors. A challenge for him has been how things often evolved. The restriction agreement signed by Jeffrey has several conditions, one of which states the allowable number of dwellings allowed. Each dwelling shall be within existing structures existing as of the date of the Agreement. He asked if Jeffrey is planning to move the barn. Jeffrey said he could but the previous owner and he are friends and he has discussed this with his attorney. He said we are not presenting a change to the barn now but will return when that happens. The process will require approvals. Leah said the agreement was made between Jeffrey and someone he said he would rather not disclose. She added that the agreement is not the board's jurisdictions.

Matt Merry said in the presentation you have created 4 lots so the language needs to be changed is the main house is to be rented. They all become new lots when you subdivide. Amy wanted to add that the private restrictions came into a case in Tisbury. We were allowed to acknowledge the documents but they have no bearing on the decision. Jeffrey said this should be more about our community members and less about open space.

Leah pointed out that what is in the application is not consistent with what we are talking about. We need everything to be clear so please submit a clear application, and a plan showing the Land Bank easement marked more clearly on the plan according to what the Land Bank has agreed to. Matt suggested stating what the intentions are for the main house rental to satisfy the board and the neighbors. Jeffrey said he would rather not.

Heikki said the proposal was to be commended and the impact seemed minimal. Reid said the board has reviewed similar projects in the past.

Leah made a motion to "approve with conditions" the plan to relocate a structure, to sell and rent under private restrictions and a requirement that a new plan be provided to the board that indicates where the Land Bank easement is to be located as had been agreed upon between Mr. DuBard and the Land Bank. Heikki seconded the motion. Leah-yes, Matt-yes, Heikki-yes, Amy-yes.

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●Site Plan Review application from Marcio Aquino for a house over 3000 square feet on Map 29, Lot 15, 107 Vineyard Meadows Farm Road:

Mr. Aquino stated he did not receive a calculations opinion from the Building Inspector regarding zoning bylaw Section 4.4-8, House Size Regulations. The board continued the review to the next meeting on February 13, 2023.

DISCUSSION:

●Letter from Harriet Bernstein RE: Special Ways:

Harriet began by stating that the Byways Committee is trying to protect the special ways. However, the roads are getting damaged by heavy construction vehicles and excessive traffic. She said she wants to know what their priorities are and how they can move forward. She said the committee is discouraged by the lack of communication between the Planning Board and the Byways Committee.

She went on to say the committee wishes to relocate the special way (Scrubby Neck/Watcha Path) around the recently paved driveway on the Maciel property since Maciel has paved his driveway.

A discussion ensued regarding the Red Coat Hill/ Shubael Weeks Road special ways are under a lot of stress due to major construction on the Tisbury side of the special way. Matt said this is an ongoing issue. However, the Callahan property is the only property that is located on the West Tisbury portion of Red Coat Hill Road. The properties under construction are all on the Tisbury portion of the way. He suggested putting up some signage and maybe stating no large trucks and trailers are allowed.

Amy said the problems continue and West Tisbury is going to have to play "hard ball". She said Tisbury needs to act. Harriet suggested adding language to the regulations. Bill Veno said the issue is that the special ways were created when all was quiet and now there is a lot of construction happening. Vehicles are larger, UPS and Fed Ex trucks travel in an out daily. He suggested adding formalized pull outs. Matt suggested maximizing the road width. Jane said the time has come to stop designating special ways. She said they are creating issues that can't be resolved and it's only going to get worse. Cynthia agreed. Harriet said the Byways Committee needs guidance.

The board suggested the subject be addressed at a meeting in the near future.

Meeting adjourned at 8:00 pm

Respectfully Submitted,

Jane Rossi, Board Administrator.

**Approved on February 27, 2023: Ginny-yes, Amy-yes,
Leah-yes, Heikki-yes.**