

WEST TISBURY PLANNING BOARD MINUTES October 16, 2023, pg 1

PRESENT Ginny Jones, Leah Smith, Heikki Soikkeli, John Rau.

ABSENT: Matt Merry, Amy Upton.

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

Thomas Humphrey, Bea Phear, Doug Ruskin, Sheila Morse, Laura Silber, Samantha Look, Dan Rossi, Wayne George, Jeffrey DuBard and Jane Rossi.

Leah opened the meeting at 5:40 pm.

●Public Hearing on an application from Wayne George to relocate his existing curb cut 60 feet +/- to the south of the current location on Map 1, Lot 59, 19 Lambert's Cove Road, RU District:

Leah opened the hearing and read the hearing notice. The applicant was not present but the board proceeded with the hearing after determining that the request was minimal. Leah said the Highway Superintendent was highly in favor of the relocation for safety purposes. Jane explained that the line of sight would drastically improve in the proposed location for anyone exiting the property and anyone approaching the property along Lambert's Cove Road. Jane informed the board that board member Matt Merry provided an email prior to the hearing stating that he was in favor of the proposal, but stressed that the existing curb cut was to be permanently closed off once the new cut was completed.

Ginny made a motion to approve the plan to include the requirement of the closing of the existing curb cut. Heikki seconded the motion. Ginny-yes, Heikki-yes, John-yes, Leah-yes. Ginny made a motion to close the public hearing and Heikki seconded the motion. Ginny yes, Heikki-yes, John-yes, Leah-yes.

DISCUSSION:

●Short Term Rental Committee:

Leah mentioned that she was impressed with the proposed short term rental document created by the committee.

Bea said the committee wants to present the proposal at the April town meeting. She named the committee members and said Reid Silva is a committee member but is not quite in favor of the proposal.

Proposed regulations:

- Only one unit can be rented per owner.
- One week minimum rental (to discourage long weekend rentals)
- Maximum rental period per year is 12 weeks. The hope is that this will encourage winter rentals. Sheila stated, as a Real Estate Broker, those 12 weeks are the peak rental season on the island.

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John Rau said the committee had started with different ideas. By the end, they were able to reach a consensus, agreeing that they had to do something. He said the courts have ruled that the rentals are commercial use so it was important to put something official together. He said that the town has to do something according to the state.

Bea explained that the Bylaw could fall under either the zoning bylaws or a Town Bylaw. A zoning bylaw would require a 2/3rds vote on town meeting floor. Public meetings would be held in November and January, and Bea suggested that the Preserve West Tisbury Committee members could be helpful with the advertising of the meetings.

Sheila Morse said it had been great to work with the committee on the proposal and they had productive group meetings both on zoom and in person. She pointed out how important it is to set some guidelines for the future.

Laura said none of the towns have a short-term bylaw in place. Tisbury has a registry process but no rules in place. "We are a little behind the curve." Nantucket is about to present a bylaw as are some other towns. It's been a difficult topic to tackle. She said Nantucket is trying to shift back to weekly instead of nightly rentals which will limit the numbers of contracts. It's getting back to how it used to be with weekly rentals. Ginny suggested some sort of a graph showing similarities and differences between the Vineyard and Nantucket, or perhaps other towns. Laura said it wouldn't be the right time until the towns are up and running and also that Board of health approval will be needed.

On a similar note, Laura Silber mentioned Fractional Ownership and informed the board that West Tisbury doesn't have any properties that are owned or run as rental units by fractional owners (Time Share), however, it's important to stay ahead of the potential use. Tisbury has a bylaw in place and Edgartown and Chilmark are working on one. Aquinnah currently has one property owned under fractional ownership.

Laura went on to explain that resort towns are behind in responding to changing rental patterns.

Nantucket has a concept similar to the STR Committee's proposal, including shifting to weekly rentals instead of nightly. They have a 9 week rental maximum.

Bea pointed out that her son lives in New Mexico in a highly rental community, and he feels 12 weeks maximum is too restrictive.

●Description from Bea:

1 Unit per Owner: One or two buildings rented to the same tenant. Can't rent two buildings to two separate tenants.

Bea said currently we have 4 owners renting multiple units and the committee feels they should be grandfathered. An owner can rent for a maximum of 12 weeks annually. A tenant can rent for the week even if they choose to stay only for the weekend.

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Bea said the goals are to minimize the impact on the neighborhood and to slightly encourage owners to rent for the winter season. The seasonal owners must use the house a few weeks a year.

Samantha Look stated that she is a landlord, and a maximum of 12 weeks felt like a constraint to her. Sheila Morse said that short term means 30 days or fewer. She explained that longer than that is not considered short term; 12 weeks covers the peak season, July, August, the last two weeks of June and the first two weeks of September. That is generally the most popular rental period.

Bea pointed out that the committee was looking for the Planning Board to suggest they go forward with the proposal or not. The planning Board felt they should proceed.

Jane was asked to confirm with the Select Board if the proposal should be considered a zoning or town bylaw.

Dan Rossi said that the Building Inspector has been notified by the state that as of January he will be the enforcement agent, as well as the Board of Health. Jane was asked to confirm where the short term rental fees are deposited. It is believed they go directly to the General Fund.

Jefrey said he was asked to inquire if there would be a grandfathering clause. Bea said there will be a clause and the clause will not carry with the land. Doug Ruskin expressed concern about the amount of fees coming in versus the amount of money paid out for enforcement, stating there won't be enough money and it won't happen easily. Bea said she will work out the numbers.

Heikki, a member of the Preserve West Tisbury Committee pointed out that their public meetings primarily included people who were not in favor. The discussions were helpful and productive. Samantha said they placed posters throughout the town and posted public meeting notices in the local papers. They also included the press and the MV Builders Association.

Ginny said she would encourage the proposal to move forward with the proposal and the board members agreed.

OTHER BUSINESS:

- Jane explained to the board that the Ben Davids, located off of Old County Road, replaced a split rail fence with a new split rail fence and they were having issues with the neighbors. The fence is located along Old Holmes Hole Road, a special way. The board determined that they replaced "the same with the same" and the location had not changed.

Ginny moved and Heikki seconded the motion to allow the fence to remain without the requirement of a special permit review by the Planning Board. Ginny-yes, Heikki-yes, John-yes, Leah-yes.

Meeting adjourned at 6:40 pm

Respectfully Submitted,

Jane Rossi, Board Administrator.

**Approved on October 30, 2023 Ginny-yes, Heikki-yes,
Leah-yes, John-yes, Matt and Amy recused themselves.**