

WEST TISBURY PLANNING BOARD MINUTES October 21, 2019

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

ALSO PRESENT: Christine Flynn, Rhonda Conley, Nancy Cole, Pam Thors, Larry Schubert, Cindy Mitchell, Jen Rand, Ted Jocksberger, Deborah Wells, Mike Bellissimo, Joe Tierney, Doug Ruskin, John Rau, Philippe Jordi, Jane Rossi.

Ginny opened the meeting at 5:35 pm.

DISCUSSION:

•Proposed zoning bylaw amendments to the Multi-Family Housing section of the zoning bylaws:

Bea Phear explained that the draft changes are in response to the Housing Production Plan. She said the proposal looks at multi-family housing rules and part of it has to do with definitions, and adds standards. She explained that what the board is asking of those present in the room are three things (see attached):

1. Policy; Bea said that this is a change and the board was seeking input as to whether or not it is right. Is it too restrictive?
2. Bea said the board would like feedback on the proposed language.
3. We ask that you consider what we may have omitted to make sure we haven't deleted anything critical.

The goal is to encourage multi-family housing; what we currently have in the bylaws doesn't seem to be working.

Bea referred to the handout and read down the list:

Purpose: Bea said the goal is to increase the supply of affordable housing. We have responded to the MVC about 150% of median income for community housing. We want to encourage builders to participate in these efforts. Currently the bylaw states that 75% of units must be affordable. We propose that the language should say bedrooms as opposed to units.

Density: Properties are limited to 10,000 square feet per bedroom or an enhanced septic system.

Height: Perhaps an increase to 32 feet for affordable/community housing. The proposal is to allow for a minimum of 25% bedroom requirement for affordable and 25% for community housing.

Considerations for Special Permits: Neighborhood character and architectural design, impact on roads and traffic, cost/benefits of housing versus conservation or agriculture, landscaping plans including parking, screening and open space, access to public transportation and bike paths and plans for visitability (wheelchair compliant).

Some examples of development:

Bea explained how some developments could be set up to provide cluster development, open space, affordable and community housing and market rate housing.

WEST TISBURY PLANNING BOARD MINUTES October 21, 2019, pg 2

Bea explained the term “visitability” which pertains to accessibility for the disabled, which is less restrictive than full ADA requirements.

Bea went on to explain that deleting the current language in section 4.3-3B of the zoning bylaws and replacing it with new language, allows for the new proposed changes in the handout (see attached).

John Rau asked if this proposal expands density. Bea said it changes the count from units to bedrooms. Ginny stated that there are certain features of the property that would need to be subtracted from the how much building would be allowed, such as wetlands, roads and topography. Doug Ruskin said he wanted to clarify what happens under 40 B housing. He said that although the applicant would have to appear before the Zoning Board of Appeals, zoning regulations are pushed to the side so the project isn’t really regulated. He said that aside from height, zoning is relaxed. Bea pointed out that height and density are enforced. Faren Worthington of IHT stated that 40 B housing is a valuable tool. One issue, though, is when acquiring properties for 40 B housing, the process is lengthy while the application process with the ZBA is much easier. John Rau suggested dropping the percentage rate from 75% to 50%. Bea said it may still discourage developers. Doug Ruskin said his concern was that the lucrative construction on the island makes it difficult for the contractor. He said his idea would be to actually market a proposed project. IHT can’t answer it fairly and a 40 B limits profitability to the developer. He said we need to get the word out better. Rhonda stated that the Eligible Purchaser Leases should read “affordable and/or community housing”. Larry Schubert said that he wasn’t sure that lowering the numbers would encourage more building. He said that the price of land is a problem. He tried to squeeze some numbers down for a client and was only able to get down to \$350 per square foot for construction. Bea said that the market rate construction may help to subsidize the affordable units. Cindy Mitchell suggested this conversation be taken up with local developers. They should be asked if these ideas look good. She pointed out that if the economy “goes south’, then what. Bea said Cindy had a good point.

Bea said that the affordable housing will have to be identified throughout the zoning bylaws so that nothing is left out or passed over. Christine Flynn said she has this already. Bea said that when the accessory apartment bylaw was amended, the section stating that the apartment can be in the main building was omitted and that needs to be fixed.

Bea mentioned the median income chart that the Regional Housing Authority has drafted is an excellent tool to see what range someone falls into financially. Jen asked if the rent is defined in the chart. Bea told her the rent is based on the applicant’s income. Rhonda Conley (AHC Admin.) said that in terms of sales, there is a covenant that is attached to the property which

WEST TISBURY PLANNING BOARD MINUTES October 21, 2019, pg 3

states that at no time can the maximum resale price be greater than the purchase price, and an eligible purchaser can earn no more than 80% of the median income for a household.

Visitability Standards:

Bea read the proposed language regarding designs for accommodating those with disabilities (wheelchairs). Henry asked Christine Flynn if the state will codify visitability and she said she was not sure.

A general discussion ensued. Ginny asked Christine what she thought about the changes to the bylaw. She asked if it meshed with workforce housing Christine said she feels it addresses things nicely. She pointed out that public wells are large and take up a lot of the property. Matt asked Joe Tierney what the fire code would be if the height of a structure were to go up to 32 feet. Joe said it all depends on what the structure is, i.e. house, business with housing above. He said that a sprinkler system and/or an elevator may be required.

Jen Rand stated that the town should have a unified commitment to affordable housing. She said that change is hard but it is necessary and the affordable housing crisis is real. She said it's the same with 40 B housing. There are ways we can make it work but we have to get behind it. Bea pointed out that Scott's Grove is lovely and it works. Nancy Cole pointed out that there is very little the ZBA can do to regulate 40 B housing. Ginny asked if the Co-Housing development was done under the 40 B process, and it was, and it has a commercial entity. She was told it is and it is also a commercial entity. Doug Ruskin said he was happy to hear Jen say that.

Michael Bellissimo said that it is nice to be looking at the things that might be getting in the way of affordable housing. He asked if there were any potential parcels that this concept would work on. Doug Ruskin said that it has always struck him that good ideas don't happen because they aren't promoted. Christine said that it is important for the towns to get behind the subject. She said she could work with Jane Rossi to encourage spreading the word. She said the state has tools on 40 B's; the review process has changed and it is very helpful.

Bea informed the room that a public hearing on the proposals will be held in January. Rhonda told Bea that the Affordable Housing Committee will send the PB their comments on the proposed language. Bea encouraged everyone to do the same. Larry said he assumed comments could be sent to Jane and we will all meet again. Bea confirmed that.

Bea pointed out that we should address the subject of sub-leasing affordable units.

WEST TISBURY PLANNING BOARD MINUTES October 21, 2019, pg 4

Accessory Apartments:

Bea said that the ZBA wanted to address accessory apartments and the “owner occupied” bylaw language that we removed on town meeting floor. Ginny said that in the beginning, accessory apartments were referred to as in-law apartments. They have evolved into something else and the size has increased.

Nancy said that the original purpose of an accessory apartment has gotten lost. She pointed out that it seems that people can now move into their accessory apartment and rent the main house at market rate. Pam said there is nothing in the by-law that prohibits the owner from doing this. Bea said that was correct. Nancy said that takes the affordable unit out of circulation. Larry said the “domicile year round” language has been removed so the owner could rent out both units at the same time. Bea said that the accessory apartment would have to be rented affordably. He wondered if the owner should have to qualify to live in the apartment.

Larry said that the ZBA feels Section 4.4-3A should say ‘Affordable Accessory Apartments’ not just “accessory apartments”. Philippe said there are many best practices to look at. San Francisco has several examples.

Bea suggested any edits to the zoning bylaws be sent to the planning board. Also, if any inconsistencies are found please send them as well.

CORRESPONDENCE:

- Letter to the Selectmen requesting the appointment of an Associate Member:

Bea moved and Leah seconded the motion to request the appointment of Amy Upton to the Planning Board as the Associate Member. The vote was unanimous.

MINUTES:

●*Bea moved and Leah seconded the motion to approve the September 30, 2019 minutes. The vote was unanimous.*

●*Bea moved and Henry seconded the motion to approve the October 7, 2019 minutes. The vote was unanimous with one abstention from Leah.*

Meeting Adjourned at 6:55 pm

Respectfully submitted,

Jane Rossi, Administrator

Approved as amended on November 4, 2019