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

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

Larry Schubert, Barb Madden, Deb Pearce, Laura Murphy, Bea Phear, Sheila Morse, Doug Ruskin, Thomas Humphrey, Karen Overtoom, Susan Wasserman, Michelle Borre, Ivory Littlefield, Abigail Rosen, Reid Silva, Jeffrey DuBard, Sebastian Heitt, Rob Massick, Elliot Rebhun, Duncan iPhone, Jenny Devivo, Sarah Carr Locke, Kathy Logue, Julie Braverman, Susan Feller, Laura Silber, Martha, Lisa Epstein, Fire Tablet, Jane Rossi.

Leah opened the meeting at 5:30 pm and declared a quorum present.

Bea declared a Short Term Rental Committee quorum present.

DISCUSSION:

●Public meeting with the Short Term Rental Committee to discuss a zoning bylaw proposal for the 2023 Annual Town Warrant:

Bea Phear said the committee has worked for a couple of years to try to put together regulations that they were all satisfied with. She introduced the committee members. Karen Overtoom spoke on the motivating factors: why they felt the proposal was necessary. Karen has been in real estate for almost 40 years, and has seen a lot of absentee homeowners in recent years. She questioned if short term rentals were even legal in the residential districts. She pointed out that the committee wants people to keep renting, they simply want to create some boundaries. She read the four basic statements in the proposed bylaw:

1. Provide a process through which West Tisbury can continue the historic tradition of a vibrant vacation rental market by owner-occupied homes, such that they may be permitted and registered with the town of West Tisbury for lawful use as short-term rentals

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2. Enable residents to earn extra money from their properties to better afford to live here, maintain their properties, and contribute to the community

3. Ensure that short-term rentals will not be detrimental to the character and livability of the town and the residential neighborhoods surrounding such short-term rentals

4. Deter commercial interests from buying housing to use primarily as short-term rental businesses in order to help ensure equity and sufficiency of housing stock for year-round residents

For example, Karen pointed out that Marriott is purchasing properties specifically for short term rentals and those properties are never owner occupied.

John Rau explained that some may not be aware that if people are renting, they may be in violation of the zoning bylaws. A state supreme court case regarding commercial use in a residential zone concluded that a short term rental is a violation unless there is a zoning bylaw with proper language. Bea reiterated that we want legal rentals so they have drafted some language that could either be a zoning or a town bylaw. She described the terms in the draft: an owner may rent *one* property and may rent all habitable structures on that property to a single renter. Six people in town currently rent more than one property and they will be grandfathered. A property owner could rent for a maximum of 12 weeks. To discourage people from renting out “party houses” so they have proposed a minimum of a 1 week rental. The owner will be required to live on the property for a minimum of 30 days during the year. An owner has to be a natural person, they must apply and register their house and pay the registration fee of \$350.00. There are currently 315 renters registered with the town.

Heikki said it sounds great. However, the 12 week restriction may be an issue and it may need to be increased to 16 weeks. Kathy Logue said she would hesitate to see an expansion of the 12 week limit because she would rather see more year-round rentals. She also suggested that the grandfathering period be limited to a

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couple of years. Doug Ruskin understood that the idea was to discourage disruption in the neighborhood. He wanted to confirm what the bylaw is meant to accomplish.

Larry Schubert suggested allowing 1 week to 30 days is allowed. Bea pointed out that the “commercial use” is fewer than 30 days. A year-round rental and a 6 week rental are not short term rentals. Also, if people have to register, shouldn't everyone pay a fee and have an inspection? Karen said some are renting for 31 days to avoid the rental tax.

Julie Braverman said she was not in favor of the proposal. She inherited a property that they rent out so her family can keep it. She pointed out that they only do short term rentals under 7 days. Saturday to Saturday rentals are too difficult for boat reservations. They rented 50 days last year, they live in the house in the summer and rent it primarily during the off season.

Ginny stressed the importance of inspecting houses for health and safety purposes. Inspecting the properties will be a huge and costly undertaking. Short term rentals have an impact on the community and should be limited to a 7 day minimum.

Dan Rossi said he had spoken with the Building Inspector and there will be a new state code coming out in January. Joe informed him that the Building Department will cover the enforcement. Owners will sign agreements and if some are in violation of the state or town regulations, Joe will be the enforcement agent.

Matt Merry said the proposal seems intended to keep out corporations. Air B&B's seem popular on the island and he asked if the focus could be on the corporations and not on short term rentals. Karen Overtoom said the turnovers will get worse over time and John Rau added that the town needs to do something about short term rentals as well. Doug Ruskin said he will send his opinion points to Jane.

Laura Silber said a lot of towns already require a fee. Kathy Logue said the current fee is \$350, but felt it was best not to specify the rate in the by-law since it will most likely change from time to time. Bea said the Select Board will specify the assignment of duties within the bylaw.

Larry suggested the language should be more detailed and specific before it goes to town meeting with clear definitions. Reid Silva explained that he sat on the

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committee and it was his understanding from the beginning that the bylaw would be about commercial ownership. It has expanded from there. He felt it should be simple and basic. Susan Wasserman felt it was a terrific effort.

Bea said the committee will meet again after the holidays to discuss and amend the proposal. They will hold a second public meeting in January.

DISCUSSION:

●Merry Farm LLC:

Jane said she had not received any documentation from Jeffrey DuBard.

Jeffrey said he had spoken with the Nature Conservancy, Sheriff's Meadow Foundation and the Land Bank and they were not interested in taking on the Conservation Restriction on the open space portion of his property. He explained that their reasons were the minimal size of the space, the fact that some of the space runs across other property and the requirements of Jeffrey's regulations on the space.

Leah said the board has to deal with the Open Space bylaw as it stands and the agreement between Jeffrey and the board had expired. She said that as it stands, the additional lots cannot be formed. Jeffrey said he could relocate the house to a different location even if the lots are not formed. The board did not feel that was allowed at the current time.

Jeffrey said he would be meeting with the Conservation Commission the following day to see if they had any interest in holding the CR. Jane asked if he was on their agenda and he said he was not.

Meeting adjourned at 7:10 pm

Respectfully Submitted,

Jane Rossi, Board Administrator.

Approved on December 11, 2023 Smith-yes, Jones-yes, Merry-yes, Soikkeli-yes