

**WEST TISBURY PLANNING BOARD MINUTES March 20, 2023, pg 1**

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

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

Ben Reeves, Katharine Sterling, Jeffrey DuBard, Martha Stackpole, Indaia, Sebastian, Michelle, Laura Silber, Michelle Borre, Bob Massich, and Jane Rossi.

Leah opened the meeting at 5:30 pm.

**Warrant Article 2023 Board Discussion:**

**●Section 8.5-4, Swimming Pools:**

Jane explained that the preliminary discussion was in preparation for the public hearing that will take place on March 27<sup>th</sup>. Leah explained that the swimming pool bylaw amendment was being proposed by the Energy Committee. Amy asked why stand pipe requirement language within the proposed bylaw was stricken. She said she felt it was an important source of water in the event of a fire. Jane explained that the Fire Chief had requested the removal of the language and it could be because town counsel required it be stricken. She explained that everyone will have an opportunity to ask questions at the public hearing regarding each amendment proposal and a member or members of the energy committee will be present.

The request for the appropriation of \$25,000.00 would allow the Planning Board to hire a consultant to conduct a Visioning Study of the town in preparation of updating the Master Plan.

Jane explained that the proposal to add language to the Accessory Apartment bylaw regarding the restricted use of the structure is for housekeeping purposes. The bylaws currently contain the terms "Family Members" and "Caregivers" in the definitions section of the bylaws. However, the terms are not contained in the Housing section of the zoning bylaws. The article will correct the language.

Leah explained that adding "Retail Sales" to the Use Table is necessary due to the past practice of the Select Board approving retail sales that were restricted within the Village District.

The proposal to add Mobile Food Establishments allows "food truck" to apply to the Planning Board under Site Plan Review to sell their product at a specific location. The Applicant would then apply to the Select Board for a permit, based on the Planning Board's review and the regulations set forth by the Select Board.

A discussion ensued regarding the proposal to allow for a property owner to hold one event, such as a wedding, once annually by right, on their property for a fee. Amy said she felt the idea was problematic and would be met with push back. Matt wanted to know what would be allowed if a

person wanted to ~~donated~~ donate their property; would they be allowed to hold several events.  
Leah and

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Jane explained that the Zoning Amendment ~~ts-s~~ Committee struggled with similar questions amongst themselves. Jane pointed out that the committee voted on whether or not to place this on the Warrant and the vote was a tie. However, it was determined that the decision was up to the voters, not the committee.

John Rau suggested a semi-colon or a comma placed after the word “fee” under the “Event” proposal for clarification purposes. Jane said she would make the correction.

Leah explained that the Zoning Amendments Committee discussed the issues regarding several events happening at once in the Village District and the committee was trying to get a handle on it. The Select Board will keep track of dates and times so that too many events aren't taking place simultaneously.

#### **DISCUSSION:**

##### **Laura Silber: Housing information:**

Laura informed the board that the Martha's Vineyard Commission is working on changes to how they are dealing with housing. In April, the MVC wants to expand their affordable housing groups to include several other businesses, entities and organizations, to form an island wide housing action taskforce. She said they would like the planning board to be involved. Also, they would connect with Cape Cod and the Islands to influence ~~S~~state policy. Ginny suggested the acronym's be spelled out for clarification purposes.

Laura added that Tisbury has been working on a fractional ownership bylaw and they are working on proposing to designate it outside of residential areas. She pointed out that Aquinnah has one fractional ownership property that they were unaware of. She said she has not found any other fractional ownership on the island. Amy stated that the Tisbury Select Board had expressed some concerns regarding tracking and enforcement, and that it is the intention of the Tisbury Planning Board to clarify potential enforcement concerns in the language of the Article.

Laura added that each town is different and will need to draft a bylaw that will suit the town's needs. Also, she said the MVC is looking into a short term rental study.

##### **●Merry Farm LLC Issues:**

Leah pointed out that there are two issues of concern, the first is the location of the easement because it is not a buildable lot under the current conditions. The second is the absence of a designated conservation group, or the town, as the holder of the conservation restriction on the

open space portion of the plan. She said Jeffrey said he was going to discuss the regarding the location of the easement with the Land Bank. Jeffrey said it does not make the lot unbuildable and

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they will just build around the easement. He said it does not disqualify the lot as being buildable. Leah felt otherwise. Jane said the only person who can determine the buildability of a lot is the building inspector. Matt said the easement seems to be in the wrong location. He said the Land Bank easement is different than what Jeffrey has submitted. Jeffrey explained that the plan ~~is~~ shows the easement exactly as the Land Bank requires. He said he is working with the Land Bank. Matt said lot 4 has a 50 foot setback and suggested they relocate the easement. Jeffrey said they will relocate the easement at a later date. Ginny asked if there will be a bond that will insure that the work will be taken care of. Leah pointed out that the plan can be approved if the lot is not buildable as long as the lot is altered at some point to make it buildable. Ginny felt the need for a guarantee that this will be completed and a bond may be necessary. Jeffrey said he is not asking the board for anything regarding the easement.

Leah said the other issue is the Open Space. It has to be formally monitored. She said the outline of the open space area needs to be more clearly defined. Jeffrey said he has just relied on Reid and didn't know what to look for to make sure it was a complete plan.

Jeffrey said he had spoken to a couple of organizations and is hoping to get something together. He said he spoke with the Native Land Conservancy as well. Leah asked if they are located on the island and he said they are not. Leah said the development is under the Open Space bylaw so the board needs the holder of the conservation restriction to be identified specifically on the plan.

Jeffrey said he is familiar with the process of gaining an organization for the Open Space. He said he thought he had satisfied the requirement when he sold to the Land Bank but that didn't happen.

Matt suggested the board restrict lot 4 until the conservation restriction is named. Jeffrey said that wouldn't be a problem and welcomed the suggestion. Amy said we don't have any reason not to trust Jeffrey so I don't see why we can't sign the mylar and move forward. Leah pointed out the board needs an organization to agree to holding the restrictions. The process after that may take a while.

Ben Reeves said he felt the Open Space bylaw needed to be read by the board and the applicant for its content and that offering up an agreement or bond was not the right approach.

Jeffrey asked if the subdivision could occur now so that the waiting occupants can move forward. Amy said that in reading the open space bylaw she could not identify any components which

Commented [AU1]: I asked Joe about this specifically and he said it should go to Town counsel as a question outside of his purview.

were not being addressed and/or had already been met by the applicant.-Leah stated that the board has to make sure that everything is within the requirements of the bylaw and that is why

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the conservation restriction was being addressed. Ginny reminded Jeffrey that this has been pending since he signed the first purchase and sale agreement with his buyers.

Matt suggested that lot 4 be restricted to no work until the CR has been established and signed on. Leah suggested a moratorium be set on lot 4 and Ginny suggested Lots 4 and 2 be restricted, and Jeffrey said that was reasonable.

The board determined that Jane will draft an agreement stating that Lots 4 and 2 shall be restricted from use, construction, activity until the CR is accepted by an appropriate group.

Jeffrey said he already has language in place as he has already been working on it.

*Matt made a motion to approve and sign the plan with the signed agreement that Jeffrey will secure Conservation organization to hold the restriction on the open space portion of the subdivision. Jane will draft the agreement and have town Counsel review the document. Once town counsel has reviewed the document a date certain shall be established.*

*Amy seconded the motion and all were in favor: Ginny-yes, Leah-yes, Matt-yes, Heikki-yes, Amy-yes.*

Meeting adjourned at 7:20 pm

Respectfully Submitted,

Jane Rossi, Board Administrator.

[Approved on April 3, 2023 Ginny-yes, Leah-yes, Matt-yes, Heikki-yes, Amy-yes.](#)

