

WEST TISBURY PLANNING BOARD MINUTES December 19, 2022, pg 1

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

ABSENT: John Rau

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

Carol, Sebastian Hiatt, Indaia, Dave, Jeffrey DuBard, David Foster, David's iPad, Bob and Peggy Schwier, Thomas Humphry, Sterling Reeves, Ross iPad, Barbara Kasset, Abbie, Candy DaRosa, Gaile Poggi, Jane Rossi

Ginny opened the meeting at 5:30:

● **Public hearing on an application from Middletown Nursery to erect up to four temporary signs between November 30, 2022 and December 24, 2022 on Map 22, Lot 55, 680 State Road:**

Leah opened the hearing and read the hearing notice. She explained that the applicants have already been granted permission by the Zoning Inspector to proceed so the review is simply a formality.

Ginny made a motion to approve the application and close the public hearing and Amy seconded the motion. Ginny-yes, Amy-yes, Matt-yes, Heikki-yes, Leah-yes.

MINUTES:

Ginny moved and Amy seconded the motion to approve the December 5, 2022 minutes. Ginny-yes, Amy-yes, Matt-yes, Heikki-yes, Leah-yes.

CORRESPONDENCE:

● Letter from the ZBA responding to the Planning Board's concern about solar panels located inside of the required setbacks.

● Request for \$25K on the town warrant to cover a visioning study of the Village District.

● Approval of the Fiscal 2024 Budget:

Ginny moved and Amy seconded the motion to approve the budget as written. Ginny-yes, Leah-yes, Amy-yes, Heikki-yes, Matt-yes.

● The board agreed to hold a public meeting on Tuesday, January 17, 2023 at 5:00 on the proposed zoning bylaw amendments to the VR, RU Districts regarding Mobil Food Establishments, Limited Retail Sales and Incidental Use.

●Public hearing on an application from Merry Farm LLC for a special permit under the Open Space bylaw and a Form C application to create 3 lots, two under three acres, on Map 8, Lot 22, 140 Merry Farm Road:

Leah began by reading a letter she received just prior to the meeting from the Land Bank. The letter explained that the 18 acre lot they purchased was not a part of the abutting lot Mr. Dubard owned and would not be connected as the open space portion of his proposed application. Jeffrey explained that the intentions were very clear when he and the board last met to subdivide the property into two lots, one for the Land Bank and one for himself. He said he was very clear that he would create small lots with his own restrictions. He explained that he could have created 5 additional lots but he didn't want to do that. Instead, he wanted to create smaller lots to provide affordable year round housing for islanders who couldn't otherwise purchase a house on the island. He added that the Land Bank has not shown much consideration for anything other than their own well-being. He said his intentions with the Land Bank were very clear. He came to the board back in June stating his primary consideration is to find creative solutions to create housing. He said it's unfortunate that they sent the letter last minute. Leah said at this point Jeffrey's portion of land included just under 9 acres and Jeffrey agreed.

Ginny said that the board usually reviews plans at the onset and not half way through the process. She said this plan is "later in the process", adding that the Land Bank property doesn't qualify as open space. She added that she had a question regarding the LLC and asked who the person named in the agreement was. Jeffrey said that person was a previous owner of the property. He explained that in June, when he appeared before the board with a Form A plan to divide the lot into the LB lot and the Merry Farm LLC lot, timing didn't allow for him to apply for the application that is before the board now.

Matt said the letter from the Land Bank is eye opening; The fact that the LB is not willing to give up the credit says a lot and we need to discuss this with Town Counsel. Jeffrey said he doesn't need the Land Bank's stamp of approval. Leah stated that the land is no longer attached to Jeffrey's property. Jeffrey added that he felt the board understood his intentions back in June. Leah said it appeared the L B understood it differently. Ginny pointed out that there is no written agreement between the property owners.

Reid displayed the plan and provided an overview of the proposal to the board. He explained that it was a Form C plan because of frontage, and there is an existing 30 foot wide right of way into the property. The dwellings already exist; one will be relocated onto the proposed 17,000+ square foot lot, and the other house will provide a proposed 40,000 square foot lot, and the remaining 7+ acres will contain an existing house, barn and shop.

The proposed plan and the reason for the Form C form is because of frontage. The existing dwelling and relocated dwelling, will have their own lots. Whether or not this is an open space

Development may need to be determined by town counsel if the board so chooses. If the acreage now owned by the Land Bank can be included, this plan could be considered under the open space development bylaw. Reid said if this is not considered an open space development, then it will need to be looked at differently and reconfigured.

Matt asked if the houses are livable and Jeffrey said they are currently occupied. Peggy Schweir said she loves the affordable housing idea. She explained the history of the property and the written restrictions that they would always have the open space. There is already affordable housing nearby. She had a problem with the fact that the owner will not occupy the property. Also, the current tenant who has been there for 27 years, needs to move out. She was promised an apartment over the barn. She said it's not a year-round home and she would like to see it as a home. Jeffrey said he plans community housing. He added that the main house is a seasonal house while the smaller houses are for year round use. The house wasn't designed to be a year-round house.

Sebastian said he and his family are going to live in one of the houses. He said the timing is not what he and his wife want it to be. The interest rates keep going up and they have to re-do the loan application often. He said they are going to live in the house, not rent it. Amy said we are at the beginning of a conversation on the island and we are talking more about building community housing which is more of a middle income level. She said this is a new way of looking at keeping people in the community.

The board determined an opinion from Counsel was necessary. Jeffrey and Candy DaRosa requested a "conditional approval". The board said they would not consider that and will continue the hearing to January 9, 2023 at 6:15 pm after seeking an opinion.

Ginny Moved and Amy seconded the motion to continue the public hearing. Amy-yes, Matt-yes, Leah-yes, Heikki-yes, Ginny-yes.

Other Business:

Amy said she sent the board the article in the Times regarding the Short Term Rental Committee meeting for review.

Meeting adjourned at 7:10 pm

Respectfully Submitted,

Jane Rossi, Board Administrator.

Approved on January 23, 2023
**Ginny-yes, Leah-yes,
Matt-yes, Heikki-yes**