



Peaked Hill Pasture RFP Committee

Town of Chilmark

Meeting Minutes

November 10, 2022 – Zoom Meeting ID: 869 0853 7179

Members in attendance: Andy Goldman - Chair, Lindsey Scott, Rich Osnoss, Fred Khedouri, Peter Cook

Not in attendance:

Others in attendance: Alison Kisselgof – Admin, Ron Rappaport & Michael Goldsmith – Town Counsel, Jessica Roddy, Phil Banta, Ann Wallace, Janet Weidner, Billy Meegan, Jefrey DuBard, Chuck Hodgkinson, David Vigneault.

The meeting was called to order at 1:01 PM.

Town Counsel Ron Rappaport and Michael Goldsmith joined the Peaked Hill Pastures (PHP) RFP Committee meeting today to answer some questions raised by the Committee. A memo from Michael regarding the questions raised was circulated to members prior to the meeting.

Ron said that the issue with rental density for the project should have been identified before the town meeting, when residents voted on the concept. He offered that he felt the current outline of the project is doable under current zoning and, in his view, there isn't a need to return to town meeting to vote on the changes. Ron mentioned that it would be helpful to update the by-laws to make them consistent on some of the issues that have come to light during PHP planning, including road frontage and lot width.

Ron said that questions related to Community Preservation Act (CPA) fund usage came up during Middle Line Road design. He mentioned a letter that he wrote at that time regarding how CPA funds could be used for infrastructure. The memo circulated outlines this topic.

Andy said that the Committee would engage a land planner to identify precise location of infrastructure after this meeting. He hopes that the work will be done prior to the next town meeting. Molly Flender Affordable Housing Trust (MFAHT) would be used to fund infrastructure work. Andy asked if the MFAHT could be replenished with CPA funds. Ron and Michael agree that this could be done. Michael added that the caveat would be that accounting for MFAHT would need to be tracked as to which projects it is used for. Ron added that the replenishment was okay from a legal standpoint but that the treasurer would need to look at the allocations as well.

Fred asked if Ron's comment on updating the by-laws related to the PHP project. Ron answered that it would be worth updating the by-laws not only for this project, but also for future projects where the by-laws are applicable. Ron felt it would be simple procedure to make the by-laws consistent – he specifically mentioned road frontage and lot width by-laws and offered to work with the Planning Board on these edits. Fred wondered if a petition for variance for PHP would be faster, rather than wait for the by-law to be updated. Ron offered there was plenty of time to get a warrant ready for the town meeting and expected that timeframe would align with the proposed schedule for PHP.

Chuck thanked Michael for his memo regarding the PHP RFP Committee questions. He went on to say that Ron was

referencing the road frontage and distance between lot lines by-laws that were not updated when the town voted to allow Homesite lots to be under 1 acre. Chuck said that he would discuss with the land planner about working within the current zoning, which calls for 100 foot road frontage and 100 feet between lot lines. Ron mentioned that he did not expect any issues from residents at the town meeting to make these minor adjustments to the by-laws since they are related to the Homesite warrant that had already been approved. Chuck offered that the hired land planner would see if current zoning works and, if not, design with the anticipation of town approval of updated by-laws. Chuck agreed with Ron that the by-law changes should be approved at town meeting. He added that the land planner could also offer input on the by-law updates.

The Committee had asked town counsel about total acreage necessary for PHP. In the current plan, four Homesites of up to 0.8 acre each were proposed, leaving 13.47 acres for the rental buildings. However, the three rentals building would require 13.5 acres. Town counsel offered that 13.47 acres could not be “rounded up” to 13.5 acres and therefore 0.03 acres more would need to be allocated to the rentals units to adhere to current zoning regulations. Chuck felt that this could be accomplished.

Chuck asked if an architect’s fee and owner’s project manager’s fee could be considered infrastructure expenses. He estimates that these expenses could cost upwards of one million dollars. Ron was not sure. Ron went on to say that he has a contact who is a retired Department of Revenue employee and she could be contacted for guidance on these types of questions. Ron suggested that Chuck write a summary of further questions that could be sent to this contact.

Town counsel had stated in their memo that a lease for over 30 years must be approved at town meeting. Chuck asked if that meant that the Committee would need to go to town meeting to set a lease price for the rental manager. Michael answered yes. Fred mentioned that the economics to a developer between 30 and the proposed 75 year lease is small and wondered if the town wanted the option of reversion. Chuck said that he understood any lease over 30 years would be disposal of land as an asset, which Ron confirmed. Fred questioned whether even 30 years was necessary. Chuck explained that Homesite lots carry a 75 year lease so that the homeowner can acquire financing. Banks are more likely to finance projects when there is no risk of losing the land. Chuck clarified that he was asking town counsel if the same applied to rental lots. Fred said he actually had some experience with this issue and that there was a big difference between what would be appropriate for a Homesite versus a rental unit. Fred said that a 30 year lease may be a viable option once financing is decided and would allow the town the option of reversion.

Peter offered that the rental portion of PHP would take time and asked if it would be enough time to amend the by-laws, specifically the removal of by-law 6.10A2 which stipulates rental density. Andy agreed that the rental units would take longer than the Homesites but was unsure if the timing would coincide and expressed the desire to prevent any delays to the project.

Andy opened the meeting to questions from non-committee members. Jeffrey offered that he is the chair of the Community Preservation Committee in West Tisbury and has used CPA funds for development of housing projects. Chuck asked if the use of CPA funds encumbered the units with reduced AMIs. Jeffrey answered that the portion of design allotted to lower AMIs would have to be determined and funds used accordingly. Andy said that he wanted to get town counsel’s opinion on this topic.

Jeffrey also said that he was a member of the Island Housing Trust (IHT) Board and offered that the length of the land lease doesn’t factor into the appeal of the pro forma much for IHT but he did feel it would make the project less appealing to private contractors.

Andy thanks Ron, Michael and Chuck for the work on the done on the Committee’s questions. He asked Chuck to reach out to Reid Silva of Vineyard Land Surveying & Engineering to join the Committee for a meeting next week.

Chuck mentioned that the entire acreage would need to be designed together even if the Homesites would be built before the rental units. Chuck still has a questions about what can be paid for with CPA funds – for example, would permitting fees be included? Ron asked that Chuck send him a summary of pending questions.

Jessica questioned the usage of the entire acreage. Andy mentioned that that the structures would all be situated on 6-8 acres, even though the project would need to use all the acreage available for zoning purposes. It was unclear if acreage could be used for future projects retroactively should the zoning by-laws be changed. Ron asked this question to be added to the summary being sent to town counsel.

Jefrey said that Nantucket Land Bank has started to collaborate on affordable housing projects – there was an editorial in the paper about this topic recently. He offered that this kind of collaboration might be beneficial for this project. Fred clarified how this process would work – land could be sold to the Land Bank for conservation and the funds could be used to finance affordable housing. Fred mentioned that this property was actually originally owned by the Land Bank but this did not mean that this approach was out of the question. Jefrey said that Sheriff's Meadow could also be approached.

Documents:

11-7-22 Memo from Michael Goldsmith regarding PHP RPF Committee questions

Pending Items:

- Summary of additional questions to Town Counsel (Chuck)
- Engineer Research (Fred)
- Approvals and Permitting Summary (Peter & Rich)
- Discussion with Rob Hanneman regarding green energy for development

With no further business to conduct the meeting adjourned at 1:43 PM.

Respectfully submitted by Alison Kisselgof, board administrator.