

Planning Board Minutes 06/12/2017

APPROVED

Chilmark Planning Board June 12, 2017

Present: Joan Malkin, Rich Osnoss, Chairperson, Janet Weidner, Peter Cook, Mitchell Posin, John Eisner, Chris MacLeod

Not Present:

Public: Doug Hoehn, Chris Murphy, ZBA Chairperson, Lenny Jason, Jr., Candy Shweder, Jessica Roddy

Staff: Jennifer Christy, Admin. Asst.

Meeting called to order at 4:33 PM

- **Continued PUBLIC HEARING: David Damroth Form C Subdivision, Map 11, Lots 54.4 & 54.5**

- The continued public hearing was continued to June 26, 2017.

- **Eileen S. Mayhew Revocable Trust Form C Subdivision, Map 13, Lot 42**

- The Board signed the plan and the certificate of approval.

- **Housing Committee Reappointments:**

- Jessica Roddy & Jim Feiner were unanimously reappointed to the Housing Committee.

- **Discussion with Building Inspector:**

- Mr. Posin inquired with Mr. Jason whether it would be advantageous to the Town to amend the bylaws to allow a larger guest house size. Mr. Posin explained that this amendment may be advantageous to middle income Chilmarkers. He wondered whether it is punitive to require that guest houses be a maximum of 800 square feet.
- Mr. Osnoss stated a larger amount of square footage, such as 900, would allow another bedroom. Mr. Eisner stated that the 5 year wait for a special permit for a guest house may be viewed as punitive as well.
- Mr. Posin stated he would be in favor of 1000 sq. ft. for guest houses.
- Discussion occurred about the possible impacts of larger guest houses. Mr. Posin proposed the idea of allowing lot owners to build to the square footage limit (3500 sq ft, for example, on a 3 acre lot) but the individual buildings would not necessarily be limited to a main house and a guest house of 800 square footage and an accessory apartment of 400 sq. ft.
- It was noted that this idea would help people who are already here and need to develop a guest house in order to rent the main house to make income.
- Discussion occurred about the 5 year ownership rule in order to build a guest house. Mr. Posin and Mr. Eisner both supported the idea of the elimination of the five year wait.
- Discussion occurred about whether a person may build an 800 sq. ft. house first on a lot, which is a by-right permit, and then build a second structure and name that the main house. Mr. Jason stated that the first house would be the main dwelling and would need to be converted to the guest house by special permit at a later date when a second building is constructed that becomes the main dwelling.
- Mr. Posin stated that middle income residents of town or who may move here, would be helped by this change due to the fact that they could get the income from a second house or it would allow more family members to live in the second house.
- Mr. Posin noted that when many of these by-laws were instituted the land was much less expensive and the idea was to limit development. Mr. Posin noted that the 5 year wait for the option to build a guest house seems punitive to Chilmarkers of limited income due to the fact that if the building of a guest house that may be rented for income or may house additional extended

family is planned as part of a budget that would allow living on the island, a wait of 5 years would make that plan difficult or impossible.

- Ms. Malkin noted that the two ideas are to eliminate the 5 year wait to apply for a special permit to build a guest house and to increase the square footage allowed for a guest house. She asked what would the implementation of these ideas accomplish. Mr. Posin stated it would help middle income people who are already here in Chilmark primarily to be able to stay in Chilmark.
- Mr. Jason took the position that if a person with 3 acres is allowed 3500 sq. ft. in total, then that person should be able to build to the limit of square footage spread out in whatever separate building organization is desired.
- Mr. Eisner stated that he remembered a proposal at one time that would have allowed a lot owner with 4 acres to sell one acre, at market value, and retain the 3 acre lot and therefore help fund their living here on the island.
- Ms. Malkin inquired into the data regarding guest houses in Chilmark, and wondered if more guest houses are owned by year-rounders or seasonal residents.
- Mr. Eisner noted that a change of this nature, with a change in the size of the guest house, would assist retirees possibly.
- Mr. Posin suggested that the Housing Committee look at whether the change to the guest house bylaws would be beneficial to the middle income Chilmarkers.
- Ms. Malkin noted that the name 'guest house' is misleading and that it should be referred to as a second dwelling. Ms. Malkin suggested the Housing Committee look into this issue and report back to the Board.
- Mr. Cook noted that this topic is important to the development of the Master Plan too and the topic should be analyzed to produce a recommendation for the Master Plan.
- Discussion occurred about who would explore this idea.

- **Review of Chilmark Zoning Bylaw, Section 7.1: Building Cap:**

- The Board discussed the Building Cap section 7.1 of the Chilmark Zoning Bylaws.
- Mr. Murphy stated the problem is how to define 'tear-down' if the Building Cap bylaw (section 7.1) has expired.
- Mr. Murphy stated a consistent definition of 'tear-down' is needed for the use by Conservation Commission and the ZBA. Mr. Murphy noted there is no current definition and the only other definition that has been used is in the expired Building Cap zoning bylaw.
- Ms. Malkin asked when there is a need on the ZBA to utilize a "tear-down" definition.
- Mr. Murphy did not have a specific time when a definition of "tear-down" is needed by the ZBA but did state that one is needed during deliberation by the Conservation Commission.
- Ms. Malkin stated the definition that is needed may be dependent on the use and therefore a definition that is useful for the ConComm may not be useful for the ZBA and one way to ascertain if this is the case is to identify instances when a definition is needed by the ZBA.
- She stated that the definition should be tagged to the context in which the definition is being made.
- Mr. Murphy stated the definition is needed so that all in Town uses the same definition.
- Discussion occurred about the issue that may come before the ZBA where a lot owner wants to renovate a house—at what point does is the work "repair" and at what point is it "replacement"? Ms. Malkin understood that the ZBA needs a definition, or a set of definitions, because in the work of the ZBA there is a need to define at what point a house is being repaired or renovated and at what point a house is being replaced.
- Discussion occurred about the word "maintenance" in the ConComm's regulations. Ms. Malkin reiterated her request for the ZBA to list the instances when the Board needed clear definitions in order to make decisions.
- Ms. Malkin requested that the ZBA come back and show the Board cases where there was difficulty making a decision due to a lack of clear definitions.
- Mr. Murphy described a case that came before the ConComm.
- Ms. Malkin noted she needs to know what the Zoning Board of Appeals wants or needs to fix in order to work on a solution.
- Mr. Murphy stated that he would go back to the ZBA and the ConComm and develop a clear proposal for the Planning Board.
- Ms. Malkin asked Mr. Murphy to please have a look at the issues that the ZBA has had trouble deciding due to the lack of clear definitions.

- **Guest House Criteria and Accessory Apartments:**

- The Board read aloud Section 1.03 of the Rules and Regulations Governing Subdivision in Chilmark. The Board discussed the issue of how the Planning Board is alerted to the need of the ZBA to gather input from the Planning Board on guest houses, or other accessory dwellings.
- Discussion occurred about the interpretation of the section 1.03 and whether the limit in the wording to one dwelling means that the lot owners may only ever have one dwelling or whether it means that they are also able to apply for a special permit for more dwellings.
- Ms. Malkin stated that she suggests that an amendment be made that states clearly that other buildings for dwelling purposes are available to lot owners through special permit.
- Mr. Murphy stated a problem that comes before the Board that needs to be dealt with by the Planning Board is how to deal with inadequate roads.
- Mr. Murphy noted that the issue needs to be dealt with outside of a particular applicant, the issue is broader.
- Mr. Murphy requested that the Planning Board look at the road issue and develop regulations and hold public hearings.
- Discussion occurred about subdivision on burdened roads and how the division of beach lots may be contributing to the road problems.

- **Housing Committee**

- Jessica Roddy was present to discuss the Housing flyer that they are going to distribute.
- Ms. Roddy briefly discussed the plan for a site visit to the Peaked Hill Pasture Road on Thursday, June 15, 2017.

- **Menemsha Master Plan Review & Update:**

- Ms. Malkin summarized the subcommittee's activities on the Menemsha Master Plan.
- Ms. Weidner briefly summarized the visit by William Brewster, the consultant brought in by the MVC to find solutions for Menemsha.

- **Correspondence:**

- MVC Public Hearing on Squibnocket ZBL amendment, June 22nd
- Site Review Committee Report

- **Next Meetings:**

- Monday, June 26, 2017, 4:30PM

- **Minutes:**

- The minutes from May 22, 2017 were approved as written.

- **Documents:**

- David A. Damroth Form C definitive subdivision, Map 11, Lots 54.4 & 54.5 Plan
- Eileen S. Mayhew Revocable Trust, Form C Subdivision Plan
- Form C Procedure
- Zoning Bylaw Building Cap, Section 7.1
- Criteria for Guest Houses on Lots in Previously Approved Subdivisions
- Alden, Chapter 91, Waterways License Appl.
- MVC Extended Schedule- June 2, 2017
- Stuart H. Watson subdivision plan 1993 (now owed by Muglia)

