

APPROVED

~~DRAFT~~

**Chilmark Planning Board**

**June 25, 2018**

Present: Rich Osnoss, Mitchell Posin, Janet Weidner, Joan Malkin, John Eisner

Not Present: Peter Cook, Chris MacLeod

Public & Board/Comm. Members: Chris Murphy, Clark Goff, Matt Dix, David Smith, Jessica Roddy

Staff: Jennifer Christy, Admin. Asst.

Meeting was called to order at 4:30 PM

• **Guest House Zoning Bylaw Discussion:**

- Mr. Osnoss opened the discussion and invited Board members and the public to join the discussion.
- Mr. Posin stated that his interest in a change to the zoning bylaws to increase the amount of square footage for a Guest House (from 800 sq. ft. to 1200 sq. ft.) is to provide the opportunity for a family to build a Guest House that is of a livable size and to live in that house while they rent the main house. He stated that density is not increased due to the fact that the total living area is already limited by the Residential Building Size Regulation. Mr. Posin stated that the limit of 800 sq. ft. was a limit that was established a long time ago and may not be relevant today.
- Ms. Malkin considered what the economic strata a person would need to be in in order to afford to build a main and a Guest House.
- Mr. Osnoss clarified that a Guest House limit that is larger, such as 1200 sq. ft., would allow for a family with a middle income to possibly afford to live in Chilmark more successfully than with a Guest House that is limited to 800 sq. ft.
- Mr. Eisner stated that the cost to build, using the standard cost per sq. ft., is very high and it is unlikely that a middle income family will be able to afford to build any Guest House. Mr. Eisner stated he is not necessarily against the proposal to increase the Guest House size, but he expressed skepticism that an increase would benefit middle income Chilmarkers. Mr. Posin disagreed with this view and noted that people are often very resourceful could build houses themselves and, therefore, bring the cost down. Mr. Eisner agreed that a person who can build their own houses face a different economic situation.
- Mr. Osnoss stated that the 800 sq. ft. size makes it difficult to include bedrooms that are of a useable size.
- Mr. Osnoss noted that members of the audience are attending in order to contribute their thoughts on Guest Houses and invited Mr. Murphy to speak.
- Mr. Murphy stated that it was his memory that the Guest House bylaw came into being in order to codify a practice that had been happening for many years: to allow the owners to live in a smaller Guest House so that they may rent the main house and, in that way, bolster their income. He noted that before zoning came into place, there were guest houses. Mr. Murphy stated that the larger question, when considering changes to the zoning bylaws, is what does the Town want to be or look like in the future.
- Mr. Posin asked that the concern with density be clarified since there is already a limit on total living area on a lot. Mr. Murphy stated that a concern with density depends on how one defines density. Mr. Murphy described his definition of density is defined as how many separate homes exist in Town and, then, how many people are living in Town.

- Mr. Murphy reminded the Board of the existence of at least one Accessory Apartment that allowed for parents to build a small apartment while allowing the children to live in the larger main house.
- Mr. Eisner inquired of Mr. Murphy what the five year wait stemmed from. Mr. Murphy reiterated that the concerns were always for density and the objective was to slow down the development of the land and an increase in density. Mr. Posin noted that the 1970s and 1980s were a time when large subdivisions were coming in and many houses being built. Mr. Posin asked if there had not been a Guest House size limit established in the past, what limit would the Town want to establish now within the Town's existing conditions.
- Mr. Osness stated that he feels that the total living area limit that is part of the Residential Building Size Regulation (section 6.11 Chilmark Zoning Bylaws) sufficiently limits density and thinks that allowing people to build a larger Guest House provides flexibility to homeowners who may find it preferable to build two moderately sized houses as opposed to one larger size house and one smaller sized house.
- Ms. Malkin noted there are different ways to define density and stated that Mr. Posin has good points. There is a difference, Ms. Malkin noted, to how "people" density feels and "visual" density appears. She noted that the point that a change to the size of the Guest House may allow middle income families to live in Chilmark is very interesting, but data is needed to support this idea in order to move forward. Ms. Malkin noted that the question of whether the Town, if it was starting from scratch, would establish a larger size limit of Guest Houses is a very good question. She noted that the chart that compares Guest House/subordinate dwellings in island Towns show a variation in the size of allowable dwellings that are so defined.
- Mr. Eisner stated that he would agree that the rental income of a 1200 sq. ft. Guest House would be larger than an 800 sq. ft. Guest House.
- Mr. Murphy stated he felt that the "horse has already left the barn" and stated that a family who aims to purchase land in Chilmark and build a home, and who are making a middle income, cannot manage this objective without outside help. Mr. Murphy stated that there was an effort in the past to change the zoning of lots in Menemsha from 1.5 acres to 3 acres. He remembered that he had fought to keep the zoning in that area to 1.5 acres in order to preserve lots in Town that could remain relatively affordable. Mr. Murphy described further that the decision to keep the area at 1.5 acre zoning was not about the size of the lot so much as maintaining an area of buildability for the Town's residents. He stated that if a lot allows for a home to be built on it and that is the main purpose of the lot, then the size of the lot is not as consequential to the value. Mr. Murphy reiterated that the question is about where the Town wants to go and not so much about affordability.
- Mr. Osness described his own situation with his ownership of a parcel that was purchased and built upon long ago and his grown son who works on the island and pays a high rent in order to stay. He stated he has considered building a Guest House that could be utilized by a grown child.
- Ms. Weidner stated that the previous meeting was attended by people predominately against the idea of increasing the size of Guest Houses.
- Ms. Weidner read some major points that arose at the first meeting on the proposed Guest House amendment at the meeting on June 11, 2018:
  - It would create more larger houses and the visual impact of the density would be significant
  - This would create more year-round residents

- This would create 1.5 acre zoning
  - It would lead to the Residential Building Size Regulation governing the building in Town
  - 25% of year-round families in Town move to Guest Houses in the summer to rent the main house
  - A change to the size of the Guest House would monetize the land
- Mr. Posin reiterated his view that a change to increase the size of a Guest House would allow for a middle-income family, or a family that is already established, to afford to live here. Mr. Posin stated that if there is a change that could be made that would allow a middle income family to manage living in Town then that is a good thing.
  - Mr. Dix shared his view that if the the Guest House size restriction did not exist, then the Residential Building Size Regulation would be now governing the total amount of square footage of living space that could be built. He stated his feeling that lot owners should be able to build the size buildings that they want to build within the regulation of total living area. Ms. Weidner stated the people who attended the meeting last time were concerned with the visual impact of larger Guest Houses and the character of the Town.
  - Ms. Malkin summarized the two concerns: does the Town need to increase the size of Guest Houses because it provides more space and/or it monetizes the lot for a family. Ms. Malkin inquired what the difference in rental rates would be for different size dwellings and whether larger dwellings provide higher rates that allow for a gain that would support the building of those larger dwellings.
  - Ms. Malkin stated she would like to have data that shows whether there is sufficient economic value to renting larger dwellings.
  - Mr. Eisner stated that a yearly income for a family, if they were to rent it as an AirBNB unit could be up to \$70,000. Ms. Malkin noted that the premise of the discussion is not to enable AirBNBs, but also noted that this possible impact should be considered.
  - Mr. Murphy stated that the Guest House bylaw was instituted as an answer to a need from a portion of the Town residents, but it did not represent a basic zoning need for use. He further stated that the 800 sq. ft. size, in 1976, was very close to the average size of a main house and, therefore, a change in size to accommodate a family would be defensible due to the fact that the average size of a house these days is much bigger than 800 sq. ft. However, Ms. Murphy continued, the concern is the use of the building rather than the size and he urged the Board members to again reflect on what the Town should be in the future.
  - Mr. Osnoss noted that he understands Mr. Murphy's points, but that there should be flexibility for all.
  - Mr. Murphy stated that it is important to think about what people would like the Town to be in the future and further stated that, up to now, the zoning bylaws have been developed in a "stop-gap" fashion to try to keep the Town a rural and agricultural area.
  - Mr. Osnoss and Mr. Posin reiterated their interest in allowing a change that would possibly bring families of different income strata into the community, even if the possibility is slim. Mr. Osnoss suggested that the Town may have erred on the side of caution when limiting the Guest House size.
  - Mr. Murphy stated that it is still important to think ahead to how the Town wants to be. He noted, for example, that in the 1980s the Town asked for a Youth Lot for each 10 lot subdivision,

but the Town should have thought ahead to what kind of services would be needed for those 10 houses and the Town should have demanded that worker housing be developed as well.

- Mr. Posin explained his position: he would like to allow for middle income, resourceful, diverse people to live in Town.
  - Mr. Posin further noted that he needs to find the data to support his objective.
  - Ms. Roddy stated she feels that the Town cannot get back to a state that would allow middle income working people to afford to buy and build here in Town.
  - Mr. Posin noted that the zoning bylaws has incrementally adapted to needs with the Youth Lot program first, then the Homesite Housing bylaw and now a possibly bigger allowable Guest House.
  - Ms. Roddy inquired what 1200 sq. ft. gets you that 800 sq. ft. does not. Mr. Posin stated that he is interested in taking steps to make it possible for middle income people to live here.
  - Mr. Osnoss asked if the Board should move forward and begin the process of proposing a Guest House amendment and beginning public hearings.
  - Ms. Malkin and Ms. Weidner suggested that the Board continue to have preliminary discussions for a little while longer.
  - Mr. Osnoss stated that the discussion will continue at the next meeting on July 9<sup>th</sup>.
  - Mr. Goff noted that the 5 year wait on a Guest House was to limit developers from coming in and building 2 dwellings right away.
  - Mr. Eisner stated that it is possible that there would be interest in reducing or eliminating the 5 year wait.
  - Mr. Murphy warned against unintended consequences. He encouraged the Board members to read the whole zoning bylaws and to consider the consequences of even small changes.
  - Ms. Malkin noted a consequence that could occur is that people could buy lots with houses and build Guest Houses and then rent both of them and the Town could end up with many absentee landlords.
  - Mr. Osnoss stated that the economic impact of building a Guest House is different for Town families that bought land and built many years ago and those who have just bought land and built a house.
  - Ms. Roddy expressed concern with impact on services and roads with two families living on a lot.
  - Mr. Smith noted that he would, as an islander, advocate for anything that works to keep families together and allow for family members to live here.
  - Mr. Murphy reiterated his desire for the Board members to continue to discuss how a change in size may affect the nature and future of the Town in other less tangible ways besides size of buildings.
- **North Tabor Farm Solar Array Proposal Discussion:**
    - Mr. Dix introduced the idea for installation of a solar array on the Farm Lot #1. Mr. Smith further explained the proposed solar array for the North Tabor Farm Lot #1.
    - Discussion occurred and it was determined that the Board would refer this proposal to the MV Commission (MVC) as a modification of a previous DRI. The motion was made to refer this proposal to the MVC and the motion was seconded. All ayes.
    - More discussion occurred regarding the extent of the development of the proposal and the applicant expressed desire to delay submission of the proposal at that time.

- After more discussion, Ms. Weidner made a motion to rescind the vote to refer the proposal to the MVC. The motion was seconded. All ayes.
- Mr. Smith and Mr. Dix stated they would return to the Board when ready with their plan.
- **Update from Subcommittee on the Menemsha Master Plan Work:**
  - Ms. Weidner briefly updated the Board members on the subcommittee's progress so far.
- **Correspondence:**
  - There was no correspondence.
- **Minutes:**
  - The minutes from June 11, 2018 were not reviewed.
- **Next Meetings:**
  - Monday, July 9, 2018, 4:30PM
- **Documents:**
  - North Tabor Farm solar array letter from Fuller's Energy, David Smith and site sketches.

Meeting adjourned at 6:34PM. Minutes respectfully submitted by Jennifer L. Christy