



OAK BLUFFS PLANNING BOARD

Meeting Minutes

THURSDAY, January 12, 2023

5:00 p.m. | Virtual Zoom Meeting

Members in Attendance: Ewell Hopkins, Mark Crossland, Erik Albert

Members Absent: Bill Cleary, JoJo Lambert

Staff in Attendance: Jessica Downey

Attendees: Mark Leonard, Richard Toole, Abigail Rosen, Laura Silber, Reid Silva

Chair Hopkins opened the meeting at 5:01 p.m. A quorum was present.

Approval of Minutes

Minutes from the December 8, 2002 Meeting of the Planning Board will be approved at the next scheduled meeting on January 26, 2023, as not enough members in attendance were present for approval.

Board Updates

Member Crossland stated that the Southern Tier project is now at the MVC. They had their first meeting last Thursday.

Member Albert indicated that the Copeland Plan Review Committee is in the process of trying to ensure that all submitted applications are complete and that all applicants are held to the same standard.

Chair Hopkins stated that an application for Special Permit has been submitted with respect to 10 Oak Bluffs Ave. (the Old Variety/Souvenir Shop). Additionally, the Town is contemplating responding to a grant request for industrial scale composting. He stated that he intends to gauge the interest of Board members regarding joining a subcommittee. Finally, the bidders' document went out for the Bellevue project, and the Chair has had conversations with the Affordable Housing Committee Chair around that document. Member Crossland expressed interest in joining the subcommittee.

Discussion with Laura Silber of the Martha's Vineyard Commission:

Ms. Silber explained that there are proposed changes to the Massachusetts Building Code that would require inspection of all short-term rentals by each town in Massachusetts. This regulation would be instituted July first. Tisbury is currently the only town on the Vineyard with such a regulation in place. A significant amount of manpower would be required to institute inspection and permitting in accordance with this regulation, and there would be a cost to the town. Provincetown (a municipality that is moving toward more comprehensive regulation of short-term rentals) has recently made changes to their fee schedules to facilitate enforcement efforts. Additionally, every rental in town (short-term, long-term, year-round) has to be inspected by the Board of Health and receive a rental certificate. Rental fees have

been split into two categories, with short term rentals incurring a higher fee for permitting. The certificate fees alone are projected to raise approximately \$1m for the town, which is expected to offset costs. A discussion followed regarding more details of Provincetown's model for short-term rental regulation, and the importance of bringing this model to the attention of Island Planning Boards.

Great Barrington recently adopted a short term rental ordinance, and as a resort community with both a summer and a winter season, their Select Board has crafted some interesting suggestions.

A discussion of local transient occupancy tax possibilities followed, including details regarding potential limitations on the number of days a property is allowed to be offered for short-term rentals, and the tendency of other locations barring corporations from using residential housing stock as full time investment short term rentals.

Ms. Silber discussed the impact of fractional ownership platforms and their recent focus on east coast locations, due to less regulation. One such platform has recently appeared on Nantucket, and is of particular concern. West coast municipalities that have been dealing with these platforms for some time have instituted timeshare bylaws with special provisions for fractional ownership. Oak Bluffs has no timeshare bylaw, so Ms. Silber suggested that now might be a good time to get ahead of the trend and prevent the ability to skirt short term rental taxes and other regulations. Another option municipalities are considering is the concept of a business license for short-term rentals. All of this is to say that some sort of regulation at the state level is likely, and now is a good time to begin the conversation regarding possibilities.

Ms. Silber then raised the issue of quality of life issues for neighborhoods experiencing a proliferation of available short term rental units, stating that there are several communities that have instituted complaint hotlines, trash ordinances, and the like in order to ease the practical impact of living in proximity to these properties. These ordinances have been put in place in many cases to see if the result would be a return to long-term local housing stock, and it has proven true. North Tahoe, for instance, has reported that the town is much more livable in the wake of more extensive regulation. However, the evidence is anecdotal and they intend to commission a formal study to collect data.

Ms. Silber discussed the importance of *Styller vs. Lynnfield*, a decision which highlights the fact that the absence of town ordinances and bylaws relating to short term rentals does not necessarily indicate that short term rentals are allowed within that town. This may be an issue to pursue with Town Counsel. A discussion followed regarding the legality of short term rentals in Oak Bluffs, and Ms. Silber recognized the long history of people renting their houses out during summer months, and the impact on the local economy. As such, she has not become aware of any discussion within or among Planning Boards that is aimed at eliminating short term rentals. There are models across the US that offer protections for owner-occupants, and she indicated that this approach can absolutely be adapted to the Vineyard.

The Chair recognized the far-reaching nature of the short term rental issue, and its impact on building departments, health departments, building code, quality of life, and the like. He indicated a desire for the Board to consider different procedures or regulations and how they may impact several facets of the community. A discussion followed regarding potential engagement of chambers of commerce and lodging associations.

The Chair noted that Member Albert has recused himself as a Board Member with respect to this topic.

35 Crystal Lake Rd Application for Endorsement of Plan Believed Not to Require Approval

The applicants' representative, Reid Silva, stated that the Applicant in this case (James McDonough) is seeking to divide a small piece of land that would be transferred to the owner of a neighboring lot, and would be non-conforming and not buildable. It is a single lot plan, and the frontage would remain at 201 feet after division. Mr. Silva reported that the neighbor is interested in acquiring this parcel in order to have more "breathing room" on his lot. Member Crossland made a motion to endorse the Form A Application and Member Albert seconded the motion. A roll call vote was taken and the motion passed 3-0.

Member Albert made a motion to adjourn. A roll call vote was taken and the motion passed 3-0.

Minutes approved April 27, 2023

Documents on File:

Agenda; Board Packet; Zoom Video