

MVC Adaptation Master Plan Subcommittee (AMPC)

Stakeholder Listening Session #4: Building Inspectors

May 27, 2020, on Zoom

AMPC members and MVC staff present: Liz Durkee, Alex Elvin, Kathy Newman, Ben Robinson, Kate Warner

Building inspectors and commissioners present: Reade Milne (Edgartown), Ross Seavey (Tisbury), Joe Tierney (West Tisbury)

Key concerns and ideas

HAZARDS

- Flooding is the biggest concern related to climate change and buildings.
- Beach Road will eventually become impassable, and it's not clear where those buildings will go.
- The north-shore bluffs make floodplain issues less of a concern in West Tisbury, although fire risk is still a concern and there has been some development along the south shore.

REGULATION

- Regulation for buildings would be more effective at the local level.
- Need to balance property owner concerns/tax contributions with adaptation.
- Flood plain regulations seem straightforward, but regulations for the shore zone are less clear.
- Floodplain regulations don't address the issue of emergency access.
- Local and state regulations don't necessarily align with appropriate development in shore zone.
- Zoning bylaws could be clarified as to whether structures can be rebuilt or renovated in a shore zone.
- Property owners can raise their buildings on stilts, but then they run into the town's height restrictions.
- Many roads that will be affected by storms and sea-level rise are privately owned, so the towns don't have jurisdiction. However, other town regulations may make it unfeasible to rebuild in areas where roads have been destroyed.
- Building inspectors don't have much clout in terms of influencing codes at the state level.

EDUCATION

- People tend to want to build as close to the current flood level as possible.
- Need for homeowner education regarding why it's important to exceed the building code.

- Developers/homeowners often don't understand the concept of flood vents; pilings are a better long-term solution.
- High-end developments often don't incorporate the highest-end efficiency measures.
- Building design is more an issue for designers and architects, since building inspectors usually only see the final plans.

OTHER COMMENTS AND CONCERNS

- There is a clear movement toward all-electric building design on the Island, although energy storage is still a question.
- Tisbury is running out of buildable land in the flood zone. The flood zone there is mostly commercial.
- Some groups have started looking into a more organized system of architectural salvaging on the Island, but in many cases the opportunity is lost.

Notable statements

"The biggest issue I see here is the fact that properties most prone to floodplain regulations are also the properties that contribute most to the tax base. There is a balance that needs to be investigated and figured out." – Reade Milne

"Some south shore things are developing now [in West Tisbury], and people are building on the current flood level as close as they can to the shore. Not the best idea, but it's allowed." – Joe Tierney

"The state is strong with floodplain regulations. The broader issue is what about [emergency] access to property. We are not looking at the bigger picture. We are missing the broader view of, 'Is this an appropriate location in general?'" – Ross Seavey

"Putting a house on stilts is great, but there is a height restriction. As you go up you get less house." – Joe Tierney

"Everyone is looking to do the absolute minimum to meet stretch. That's true for additions and renovations, and some towns are still non-stretch. There is not enough education in the building industry about why it's good to exceed the stretch code." – Reade Milne

"People are going to electric [design] like they were in the '70s, when the electric company was giving rebates. I haven't permitted a new house with an oil burner in [years]." – Joe Tierney

"At the root of what we do, we [building inspectors] are working on the same things. We communicate regularly with questions and ideas. We are all tied to our code until it changes. If there were more universal regulations coming down for the shore zone, that would be helpful." – Ross Seavey

"Flooding. That is the biggest issue for Tisbury. Flooding and stormwater management. Not only are we dealing with water in certain areas, but excess runoff. Water is our biggest issue." – Ross Seavey

“As with anything, you have people who will do the right thing, and then people who will just scrape by. That exists everywhere. It’s not a reason to not try to continue the education.” – Reade Milne

“In Edgartown, money is an issue, and it is not the high-end places that are interested in doing the absolute best high end. They are interested in what it looks like in the end. That is where they go, is with the high-end finishes, and not necessarily the [efficiency] components. That requires education at the homeowner level.” – Reade Milne

“We don’t have much influence because the design is already done. This needs to kick back to designers and architects.” – Joe Tierney

Summary of discussion

I. Main challenges at present

The building inspectors identified some of the main challenges they currently face in terms climate change. Flooding and water issues (including excess runoff), were at the top of the list, along with the need for more education about energy efficiency and development in the shore zone. There was general agreement that regulations in the flood zone are more straightforward than in the shore zone, but regulations and procedures for both are often vague. Specific areas of concern included Beach Road and Lagoon Pond in Tisbury, and the shore zones in each of the towns represented. Ross Seavey pointed out that regardless of meeting the floodplain regulations for building height along Beach Road, the road itself will eventually become impassable, and it’s not clear where those business can go if the road becomes a no-build zone.

There was also agreement that addressing the issue of building and re-building near the shore would require a delicate approach, since property and taxes are involved. Reade Milne said the properties most prone to floodplain regulations in Edgartown are the ones that contribute most to the town’s tax base. Absent the financial question, she would support the idea of a buffer zone where water can naturally rise and fall, but she expected that anywhere structures are involved would be a battle. She said zoning bylaws need clarification in terms of whether structures can be rebuilt or renovated in a shore zone, but in Edgartown there has been a precedent for rebuilding mostly what was there before. She saw that as being at odds with the intent of the shore zone, but also questioned how the town would change course after so long.

Ross argued that the state floodplain regulations were generally adequate, but a bigger issue had to do with emergency access to properties that are at risk. He said the regulations as written overlook the broader question of whether a specific site is appropriate for building.

Joe Tierney noted that the north-shore bluffs make floodplain issues less of a concern in West Tisbury, although people generally want to build as close to the bluff as possible, and he has seen some development along the south shore, which is prone to erosion. He said people tend to want to build as close to the current flood level as possible, which is allowed, if not advisable. He agreed that local

zoning boards could use more tools to address the issue. Ben Robinson added that despite the stability of the north bluff so far, new levels of erosion could result from climate change. Kate Warner said that while West Tisbury has less of a flooding issue, its structures are still vulnerable to wildfire.

On the topic of adaptation for existing properties, Joe noted that property owners can raise their buildings on stilts, but then they run into the town's height restrictions. Still, he said it would be possible for a property owner to get a special permit that could offer relief of the height restriction in a flood zone. Ross said doing so would require a variance in West Tisbury. In regard to flood vents versus pilings, he said developers often don't understand the concept of flood vents, which often get blocked and become ineffective after a project is finished. He said elevating a building on pilings was a better long-term solution for building in the flood zone, although Tisbury does not see many of those projects, since it is running out of buildable land. The flood zone there is mostly commercial.

II. Building efficiency, solar power, and materials

AMPC members brought up the issue of building efficiency and decarbonization. Building inspectors discussed what they saw as a clear trend toward all-electric design on the Island (the issue of energy storage was still a hurdle), but also a reluctance among builders to do more than the bare minimum required to comply with the MA stretch code. Ross stressed the need for more education as to why it's preferable to exceed the building code, but he said the building inspectors generally don't have time to do that education themselves. Reade said the MV Builders Association could play a role in that regard, although not all of its members are concerned about climate change. She added that in Edgartown the highest-end developers are often less interested in energy efficiency than in high-end finishes, and she saw that as an opportunity for homeowner education. On a related topic, Joe pointed out that building inspectors typically review finished plans, so they don't have much influence on the design. In that sense, education should focus on designers and architects.

Joe noted that updates to the International Energy Conservation Code will eventually push out poor products in the industry. The state's latest building code (10th edition) has been approved by the BBRS, but is only operating on a concurrence level, and Joe said no one will use it until it officially goes into effect. Reade added that building efficiency requirements would be more effective and enforceable if enacted at the local level, such as through the town zoning bylaws. (As one example, the building code addresses ventilation, but not the additional moisture in coastal areas that can lead to mold.) However, some communities resist regional oversight at the expense of local control. Building inspectors said they generally don't have much clout in terms of influencing codes at the state level.

The inspectors also discussed how property owners are free to demolish their buildings without salvaging the materials. Some groups have started looking into a more organized system of architectural salvaging on the Island, but in many cases the opportunity is lost. West Tisbury, and perhaps other towns, has a bylaw requiring a stay of 14 days following an application for a demolition permit, during which the contractor could potentially save some of the building components.

III. Hurricane preparedness

On the topic of hurricane preparedness, Joe acknowledged the abundance of existing houses at risk, but wasn't sure how they could be retrofitted to handle hurricanes, short of a full renovation.

Regulations for rebuilding in flood zones are relatively straightforward in the building code: if more than 50% of a home is damaged (as determined by a building inspector), it would have to be built back according to current floodplain regulations. However, the process is less clear for buildings in the shore zone. Building inspectors expressed a need for more universal shore zone regulations. Some felt the Island's shore zone DCPC was an effective model in that compliance is managed by the towns.

Property owners are allowed to rebuild even if their road is destroyed, although many roads that will be affected by storms and sea-level rise are privately owned, so the towns don't have jurisdiction, except when it comes to emergency vehicle access. Other town regulations could make it unfeasible to rebuild in areas where roads have been destroyed.