



## OAK BLUFFS PLANNING BOARD

Meeting Minutes

JANUARY 9, 2020

5:00 p.m. at Oak Bluffs Fire Station, 6 Firehouse Lane, Kitchen Meeting Room

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**Members in Attendance:** Ewell Hopkins, JoJo Lambert, Erik Albert, Mark Crossland, Bill Cleary

**Members Absent:**

**Staff in Attendance:** Kim Leaird (*Administrator*), Liz Durkee (*Conservation Agent*)

**Attendees:** Dorothy Young, Pierre Vallmoral, Jason Balboni, Peter Meleney, Julie Fay, Jill Robie, Richard Toole, Amy Billings, Amy Houghton, Chris Alley, Ryan Bushey, Donna Hayes, Joan Hughes, Antone Lima, Brian Kuchar, Jim Monteith, Kathy Kinsman, Robert Edwards, Jim Bishop, Peter Goodale, Brian Packish

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*Chairperson Hopkins opened the meeting at 5:06 p.m.*

### **Approval of Minutes**

Member Cleary made a motion to accept Nov. 14, Member Albert seconded. All were in favor. Member Crossland made a motion to accept Dec. 4 meeting minutes. Member Albert seconded. All were in favor. Motions passed unanimously.

### **Community Services update**

Ryan Bushey from South Mountain present to update the Planning Board on landscape and lighting plans including conditions imposed in its decision (See Update Memo). Discussion included:

- Specific plant species to be used
- What view would be from IEH and sun canopies
- History of earlier plans to present ones – parking lot has reduced scale
- Light poles, light will cast down. Dark sky compliant LED fixture, warmer
- Proposed updated road agreement between IEH, MVCS and the YMCA
- Some trees marked to be taken down
- Walked property with Chief Rose to verify plan acceptable -- subsequently added some additional clearing of Edgartown-Vineyard Haven Road intersection
- Improving safety and visibility on the road
- Widening Village Road to a minimum of 22 feet and painting center lines, add crosswalk signage in and out arrows, do not enter and stop signs
- Signing off on CMR? Ryan said it's hard to understand what Fire Chief needs, he has been vague, he needs to see what's been built and sign off on that. He gave written approval via email that what they provided satisfied him.
- Ewell reiterated that before the beginning of Phase 2 can begin, the fire chief needs to certify the CMR.

- Certification of Village Road
- Chairperson Hopkins said they have to make sure they don't obstruct road at all. A 10-minute closure is not acceptable, and asked that they work together to alleviate the anxiety the residents are feeling. Ryan said they would.
- Construction to satisfy before there is a certificate of occupancy
- Ryan also outlined how they are addressing Horsley Witten concerns (see Update Memo), including:
  - pre-treatment sediment / parking – In one section it made sense, in others it did not
  - 2 sets of guidelines used designing septic systems (Title V state regs and MVC numbers) different numbers used by Commission and those are ones used for nitrogen analysis. Then a system needs to be designed to specs of Title V. Ryan said they are different numbers but they are meeting both.

### Public comment

Chairperson Hopkins opened discussion to the public.

*Peter Goodale* – asked about materials used in permeable surfaces. Ryan said material similar to that used at West Tisbury library, also may be just a continuous permeable asphalt.

*Jim Bishop* – Affordable Housing chair, asked about how many gallons per day pumped into septic system: answer 555 gallons. How many employees at the build-out: answer it's for one phase only, it's hard to isolate by number of employees.

*Dorothy Young* – IEH, said they are funded by HUD who is reviewing the shared agreement and as soon as they get it back from HUD they will share it will all.

*Pierre Valmarral* – IEH, asked if they have considered putting an ambulance down there at Woodside as a security measure for during construction.

*Richard Toole* – MVC commissioner, asked if anyone has pursued an escape route out another way. Chairperson Hopkins said his impression was they did not have a cooperative partner in the Land Bank. The town needs to pursue that more.

Chairperson Hopkins the due diligence and response to the Planning Board concerns had been admirably addressed and thanked Ryan Bushey. The Planning Board was prepared to sign off on this phase and would write a letter stating same that applicant could take with them to the Commission.

### Sunset Lake Site Plan Review

Member Mark Crossland recused himself from discussion as he is a potential vendor for the project – it was noted for the record.

Chairperson Hopkins outlined the Planning Board process and said that first the board does an analysis of the application to determine if it is a Development of Regional Impact (DRI) requiring referral to the Martha's Vineyard Commission. If they so determine, they are at liberty to form a point of view to include with the DRI referral.

Chairperson Hopkins said in reviewing the application, there were two areas that he thought might indicate Sunset Lake is a Development of Regional Impact:

1. Under 5.1a (Development in Harbors) which further specifies “*Developments In or Adjacent to Harbors, Great Ponds, Ponds, or Oceans*” and
2. Under 8.3 (Significant Habitat) which says “*Any Development that proposes site alterations or Clearance of more than two (2) acres of Significant Habitat including clearing and Topographical Alteration*”

He asked Horsley Witten representative Brian Kuchar, principal engineer, to explain why in their application he had indicated that it did not trigger a DRI.

The rest of the Planning Board said they would like to hear the presentation first before deciding this issue.

Brian Kuchar presented the project. He said he has been working on this with FANS since 2010. It went through Commission review and approval and went back for restoration. The guideline “from the harbor” is 25’ but thinks its 50’ from shoreline. They didn’t see as a development project but as a restoration project.

Donna Hayes – president of FANS – said they are seeking a site plan review to restore Sunset Lake. She gave background on their group – one made up of Greenleaf citizens and then MVCM residents concerned too. Terry brought them together in 2010 and the first agenda was to talk to town, Parks, Conservation who all thought it was great that citizens were coming together for the town. They conducted research and worked closely with conservation agent Liz Durkee. At town meeting, their application for a \$55k grant was approved. Started project and slowly solved ADA accessibility, boardwalk over wet swale for accessibility. They are trying to minimize earth work and save money with grant but there is great deterioration around the lake, invasive plants have jumped over and if they’re cut they spread. There’s a specific way to get rid of them (Cat tails) and they flourish in brackish water.

Member Albert asked about sea level rise and the storm catcher on Greenwood Ave. The west swale spoke to inundation and doesn’t fall under wetlands regulations.

This project is a buffer enhancement project as well, they have worked with Conservation.

The building inspector said they do not need any permits and felt the flooding was addressed by the order of conditions. MV Camp Meeting Assn is also doing a project to address flooding.

Chairperson Hopkins said he’d like to complete this review at the next meeting but again asked the Board for a discussion on whether this project triggered a DRI review and asked board what they thought.

Members Albert, Lambert and Cleary said they did not believe it did.

Brian Packish, selectman, said he did not think it was DRI.

Amy Billings said Parks department did their assessment and worked with different groups and that citizens groups could not have done this without them. Joan Hughes, conservation commissioner said they will have large scale plans in Conservation office for the public to view.

Richard Toole said there are two culverts, one under lake and had they not looked at it? Horsley Witten said it was not in the scope.

Peter Bradford said the most pressing issue is uphill draining and said he disagreed that it was a Restoration Project and instead classified it as a Beautification Project.

Chairperson Hopkins thanked FANS' Donna Hayes and Horsley Witten for the work they had done.

Member Mark Crossland left the meeting around 7pm

### **Green Community Designation**

Bill updated board on progress of committee work.

- Expedited permitting process
- Ultimate goal is to reduce base line over 5 year period
- Stretch code

The committee has been working on the five criterion – they presented in front of Select Board. In addition, there was an article in MV Times about OB going green. Board of Selectmen said the concern was the cost benefit analysis of stretch code as there are varying opinions.

You only need to designate 1.5 acres to qualify.

Work on tightening up the as-of-right zoning for solar. Chairperson Hopkins said this board had written the Solar bylaw and said we need to beef up this up and he'd work offline with him.

### **Zoning Bylaw Subcommittee Work**

Chairperson Hopkins gave a history of the subcommittee – what was charged and how they formed to see if there were incremental changes they could make that would have impact while they also attempted to secure funding for comprehensive review. This week they found out they were not awarded a grant for this endeavor.

The subcommittee has done a lot of work and identified a several key areas of concern. When you're trying to do incremental work there are a lot of unforeseen consequences, so he asked board to consider whether they can write a warrant article to secure funding for comprehensive zoning reform.

Member Lambert explained how they began with town counsel to look at areas in the bylaw to potentially close up loopholes.

Chairperson Hopkins said they had looked at portions of the bylaw but he felt they needed to look at a greater goal. If they start making minor tweaks without having a greater understanding it would be an incomplete process. He said again that he proposes bringing this question to town meeting in a warrant article to ask for funding.

Member Lambert said she wanted the subcommittee to move forward and have another zoning meeting. Chairperson Hopkins said they were both saying the same thing, they both want to go forward, but that we either say we've made a credible argument for comprehensive zoning reform or we bring it piecemeal.

Member Albert said he saw his point with some of the other proposed bylaw changes but said he thought addressing the 1928 vs. 1948 zoning was doable. Chairperson Hopkins asked him if doing that dilutes conversation.

Member Cleary said that town counsel had identified certain areas to help town save money.

Selectman Brian Packish said there had been three different iterations of a bylaw from 3 different places in time and that last night's input session showed that the 3.4 bylaw being used aggressively in our town and he questioned why. He also said there were more questions from last night's presentations / changes.

After some discussion, Member Cleary said he'd like to go with writing a warrant article for comprehensive zoning reform. Member Albert agreed. Planning Board will take information of the subcommittee and direct this towards an article for town meeting to secure funding for a comprehensive reform.

Attendee Peter Bradford spoke to what he saw as a flaw in the process, that there are conceptual conversations that need to be happening long before a redline copy is shown to public. Before we do anything to tighten things up, we need to be having several conversations.

### **Board Updates**

Ewell Hopkins– Community Services expansion plan did a phenomenal job in responding to Planning Board concerns but he sees a breakdown in relations between MVCS, the YMCA, and IEH – the road association is not coming together, no assurance how logistics will play out. There are residents very anxious and upset. Thinks they have tremendous responsibility for those citizens – how can we improve situation.

- Jim Bishop wants to dig a big hole and put in units, Elio Silva wants to put another hole on the other side and put units in.
- Island Elderly Housing's project on Wing is going to require a 40B. When we talk zoning reform we have zoned out an elderly care facility anywhere in the town. Need to be stronger advocates of the residents of OB who live behind all of this.
- The high school, the landlord, could give some relief – but won't rest until the superintendent takes more of a leadership position.
- Member Cleary asked what issue was with IEH, that MVCS had made efforts to meet but IEH were not getting to table. Dorothy Young said they were waiting mostly on HUD.
- Bob Edwards said they don't have a lot of local autonomy – HUD is calling a lot of the shots. There's a 1993 agreement recorded to share, but not in practice.
- Member Cleary asked how they could come to agreement. Amy Houghton from Community Services said their draft agreement spells it out and IEH has had it since early November. They've tried to pull meetings together and it hasn't happened.
- Chairperson Hopkins said the board should write a letter to our representative to help these two entities move forward. Would like to bring landlord into conversation because ultimately need to design an alternative access point here.

RKG date – February 6.

## Adjourn

Meeting was adjourned at 7:49 p.m.

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*Minutes approved February 13, 2020*

## Documents on File

- Agenda
- Board packet
- Sign In Sheet
- South Mountain Update Memo dated 12/27/2019