



OAK BLUFFS PLANNING BOARD

Meeting Minutes

FEBRUARY 14, 2019

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

Members in Attendance: Ewell Hopkins, Mark Crossland, JoJo Lambert

Members Absent: Erik Albert

Staff in Attendance: Kim Leaird (*Administrator*)

Attendees: Christine Flynn

Chairperson Hopkins opened the meeting at 5:07 p.m.

Minutes to be Approved

Member Lambert made a motion to approve January 10 and 24 minutes and was seconded by Member Crossland. Motion passed 3-0.

Discussion re: Parking Mitigation

Chairperson Hopkins said the Town had recently decided to send out past due bills but had not run it by the Planning Board body, just PB staff. Some people have complained about the invoices and members of the community have asked questions.

In preparation for this discussion Chairperson Hopkins had printed out a few documents for board members to read -- case studies on Smart Parking from mass.gov and then a 64-page report that highlights case studies -- including Oak Bluffs. As the Commonwealth looks at innovative ways for addressing vehicular traffic it is notable that they featured Oak Bluffs. What we are doing here is considered commendable, the question is the implementation.

There was a period of time when fees were collected and the funds have been lost. We have \$12,126 in the account and we are in the process of doing an accounting effort. Chairperson Hopkins said he would like to ensure that no funds leave the parking mitigation trust without the sign-off of the then-Chair of the Planning Board because they impose the fee and they should be able to explain to people how it's being used.

Records are incomplete -- Town Treasurer had compiled research to generate invoices. Kim is supplementing with her own research. The funds are designed to "mitigate the effect of parking." A park-and-ride would qualify, signage for parking, producing a parking lot, buying a shuttle bus to move people around, etc.

Discussion followed about the inequity of a few people (through the permitting process as outlined in the zoning bylaws) being imposed with this fee when not everyone on Main Street must pay into it. Parking is a universal problem for all businesses on Main Street and board members debated the fairness of only charging a handful vs. all businesses with parking mitigation. Chairperson Hopkins said right now the

Planning Board does not have that authority although something could be brought to Town Meeting that would allow charging all businesses on Main Street. There is not enough time to do so for this April but something to consider moving forward.

Discussion continued about steps to take, a plan, to use parking mitigation funds for something concrete and what they are designed to do: mitigate parking. Member Crossland expressed the need to change parking mitigation on Circuit Ave. and Chairperson Hopkins said let's work on that language. He said he'd work with Michael Goldsmith to draft language but that this amounts to a new tax and that it would be controversial. Member Lambert said yes, but it's not fair for some to bear burden while the majority do not. Board members asked if there was an official list and Kim read those who are currently invoiced:

- Offshore Ale
- JB Blau (Chowder Company)
- 52 LLC, (Chuck Sullivan)
- 21 Kennebec Condominiums
- "R and C" (Margaret Wray)
- Island Transport
- Havenine Realty (Bill Coggins)
- Ocean Day Spa (Quahn Tran)
- The Lampost

Discussion followed on which businesses are bypassing Planning Board vs. going to the Select Board. We need to make sure a special permit is not granted if there is a change of use -- Planning Board members need to work cooperatively with Select Board so that all are imposed with parking mitigation. Member Lambert mentioned a few businesses that had a change of use that were not on the parking mitigation list including an ice cream/frozen yogurt, Sea Bags. Chairperson Hopkins said these had come in front of Planning Board but we'd need to look back to see if it triggered parking mitigation.

Chairperson Hopkins said he'd go through files with Kim to determine what had happened with these past applications -- including one that was a bar and converted to three separate retail locations. He recalled conditioning bathroom additions, egress, trash pickup but not sure about parking. Member Crossland said he would like to see any new business comes to downtown, whether renting or owning they must come up with parking mitigation.

Chairperson Hopkins said we have no legal language to impose it but we can work on it.

Helen's Way Form O

Board members signed the Form O Release of Municipal Interest in Helen's Way as voted upon at the January 24, 2019 Planning Board meeting. Kim will distribute original to applicant and copies to others.

Upcoming Master Plan Public Forum

Discussion followed about how best to publicize and promote the March 6 Public Forum for the Draft Master Plan. This is last massive opportunity for public to influence document. It will ultimately come in front of the Planning Board to be ratified.

Chairperson Hopkins said he wanted to take out a color ad in the paper. Member Lambert said she would take an hour and stand outside post office to get the word out. In her opinion, that is a high traffic area. Chairperson Hopkins said a poster inside post office would also be a good idea. He instructed Kim to finalize design of a "palm card" to be printed at Tisbury Printer and distributed to public. Once designed

would also distribute via social media. Member Crossland thought an online ad at the Times is really effective. A board member should go over to Council on Aging to talk at a luncheon.

Subcommittees and Planning Board Participation

Member Crossland updated on the Affordable Housing meeting. They are trying to get the land that is on the 32 acres on Edgartown Vineyard Haven Road. However, the Land Bank is involved and trying to include land on Old County Road -- he's involved Bob Whritenour to try to facilitate discussion so they can move forward.

He said that consultant RKG is doing a feasibility study on the entire 40 acres (32 + 8). They are also still trying to get Johnny Light to get rid of the junk on his property -- they are unable to move forward with those lots until junk is removed. Philippe Jordi plans to present to Affordable Housing on pocket neighborhood community proposal. Discussion about having him in front of Planning Board on Feb. 28.

Chairperson Hopkins commended Member Crossland for all the work he is doing on behalf of Planning Board and keeping Affordable Housing in line.

Board Updates

Ewell Hopkins – Glenn Chalder wrote an end-of-year letter on his behalf for the Town Report. This year centered around the Master Plan process. Discussion about timeline for Planning Board ratifying the Master Plan. Chairperson Hopkins said he'd like to call for a vote in May but if board members wanted more time, it could go to end of summer. Ultimately he's looking for Town to provide funding for zoning reform at either a special Town Meeting or next April 2020.

He said that it might be wise to discuss with the Master Plan subcommittee the idea of parking mitigation for all. If it's not in the Master Plan they would have to tackle it solo and that frankly, he's never heard from anyone that that's a good idea. Now that he hears it, they could go out and test it -- but wouldn't it be great if it was in the Master Plan.

He also told board members that site plan review criteria was part of their board packets and said he'd like each of them to study it. There will be controversial projects making their way in front of them. When hearing them, they must go by the criteria and not by what they feel. The job of the Planning Board is to help applicant make a better project, not discuss the merits of one way or another. For example, how will they deal with storm water maintenance, compromising ground water, etc. They need to understand the process. Media will be present and there is greater scrutiny.

He updated board members on the battery backup tower with Eversource. He attended the public hearing and had stood up to point out that they claimed to have worked with the Town but yet had not had the courtesy to sit down with Planning Board chair if they're looking for a zoning exemption. The claim is that they have no authority, that it's a state exemption but Town counsel is writing a letter to support the position that they do.

He also updated board members that he facilitated a joint meeting between Community Services, Island Elderly Housing and the VTA to discuss traffic and logistical concerns. It was a productive meeting. Angie from VTA made a very accurate observation at the meeting: one one side you have elderly residents coming to the end of their driving years and right across the way you have high school students with newly minted licenses who should really not be driving either. Both are meeting at this intersection and it's not ideal. So they are looking with a critical eye at this situation.

Christine Flynn -- Reported that the Municipal Vulnerability Preparedness Plans consultants are working on final plans and there will be a March 12 presentation at the Oak Bluffs Selectmen's meeting. Liz Durkee has additional information if needed. She said she had attended the Wayfinding Implementation committee meeting and thought that consultant John Seeley had done a great job with the signage.

She also updated that the short-term rental tax was adopted and signed by the Governor on December 28. For planning purposes, the Commission has been working with all of the island towns on how the state is handling this and how towns can regulate short-term rentals. Chairperson Hopkins asked if he could work together with her directly on zoning implications and how to implement this the right way. He said he'd really like the Planning Board to have a firm position on this new tax and the recommendations they have. Zoning impacts what you can build. As a board they could do things that encourage or discourage. Member Lambert pointed out that the tax is going back to renters but unlike hotel tax that is only a few nights, this tax is imposed on a week or more which adds a huge amount to (an already) huge amount.

Chairperson Hopkins ended the meeting by saying that Kim had requested to attend the annual Citizens Planner CPTC conference and he had approved. He encouraged other board members to attend if they wanted.

He also asked that we include Commission updates on future agendas.

Adjourn

Member Crossland made a motion to adjourn, Member Lambert seconded.

Meeting was adjourned at 6:40 p.m.

Minutes approved March 14, 2019

Documents on File

- Agenda
- Board packet
- Sign In Sheet