



OAK BLUFFS PLANNING BOARD

Meeting Minutes

MARCH 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, Erik Albert (*via phone*)

Members Absent:

Staff in Attendance: Kim Leaird (*Administrator*)

Attendees: Richard Toole, Jim Rawlins, Bill Cleary, Chris Alley, Greg Ehrman, Brian Packish, Christine Flynn

Chairperson Hopkins opened the meeting at 5:04 p.m.

Approval of Minutes

Member Lambert made a motion to accept February 14 meeting minutes. Member Crossland seconded. Motion passed 3-0-1 as Member Albert was not present that day.

Approval Not Required - 24 Kenney Rd.

Property line adjustment for Greg Ehrman on Kenney Rd. (Map 17 Parcel 241-2) in order to create a buildable lot with adjacent lot. Mylars were signed.

Planning Board Point-of-View Document regarding MVC's Housing Mitigation Policy

The Martha's Vineyard Commission put together a subcommittee to evaluate their housing mitigation policy and is conducting a listening session on March 20 to get input. Last meeting board members voted to send a letter establishing a point of view around their new policy recommendations. The Select Board voted to do the same but they are separate letters.

Chairperson Hopkins drafted a letter which was in board packet for discussion. He reviewed his points for benefit of board member input.

- Providing only land is not effective without a commitment of capital for the construction of units.
- There should be a payment of monetary mitigation that goes directly to each town's affordable housing trust and he'd like to see these payments go to the trusts and then money can leave there to fund the builders.
- Payment should be made on the total square footage, not "additional square footage".
- There should be NO exemptions, regardless if you're a non-profit. You should "pay to play".
- Deed-restricted housing -- it doesn't say "in perpetuity" and he thinks it should say this.

Discussion followed on the last point and whether the Planning Board thought this was too much. Members Crossland and Lambert agreed with Chairperson Hopkins and Member Albert that it should say "in perpetuity".

Under 5.9 under ongoing compliance -- who keeps applicants honest? Chairperson Hopkins said he would like to work on stronger language around compliance. Richard Toole asked if the Planning Board had reviewed the current draft policy because it is much better than the existing policy.

Chairperson Hopkins said that he and Kim would work on language of letter and have it for Planning Board members to come in to sign before submitting to the Commission.

Chairperson Hopkins said the Commission has the ultimate power in imposing housing mitigation. If they don't enforce it, it's hard to do at the Town level.

Discussion of letter to be sent to MV Commission regarding the MVCS Campus Plan

Chairperson Hopkins said he had five points to address. They included:

- 1) The current MVCS design shows three curb cuts (numbered 6, 5, 4) onto an easement which has not been granted to MVCS. The OBPB would like to understand process MVCS plans to follow to secure the necessary approval and what role Island Elderly Housing (IEH), the current sole party granted easement via this portion of Village Road, will play in that process.
- 2) The Oak Bluffs Fire and Highway departments have indicated that the geometry of Village Road is not acceptable. The entire road must be widened, three blind curves must be removed, and lines of sight must be improved at the intersection of Edgartown-Vineyard Haven Road. The OBPB is calling for the entire campus design to be moved slightly to the west allowing for increased road design options to be considered, ensuring the safety of the 97 Oak Bluffs residents of Woodside Village.
- 3) The OBPB will call for a detailed Mass Transit Plan to include traffic patterns, drop off and pick up locations and a description of infrastructure, such as shelters and bike storage options.
- 4) The OBPB will call for a Low Impact Development (LID) plan to be reviewed by representatives of Mass Audubon and the OBPB. <https://www.massaudubon.org/our-conservation-work/advocacy/shaping-the-future-of-your-community/saving-land-water-money-with-lid/lid-fact-sheets>
- 5) The OBPB will call for MVCS to present its offer of agreement for an updated road association outlining its position as it pertains to roles and responsibilities.

Member Albert said that as president of the Skate Park he did not see a conflict. Richard Toole asked him if there was dedicated parking for the skate park and was told that people use both the YMCA and high school across the street. Richard Toole asked if this had ever been a problem and he said no.

Member Crossland said that landscaping and screening of the road is important to him. Member Lambert agreed with him about the roads and added that buses were a concern. Chairperson Hopkins said several people went up to look at the property from a macro perspective but everyone agreed that emergency access to Island Elderly Housing is woefully inefficient -- very narrow lines of sight. There needs to be a minimal widening of the road.

Discussion followed about the road and emergency access. Feeling was that they need to move whole campus 100 feet to left. Chairperson Hopkins said he understands that will entail going back to landlord and to state. He shared a map and said numbers 4, 5 and 6 do not have approval for cuts and he will be asking for detailed transit map for area from the VTA / Angie. Ewell said their low-impact development

plan needs to be reviewed by Mass Audubon and their input included. He would also like to see a verbal commitment for a road association.

Fire-EMS Public Hearing

Cancelled because detailed site plan drawings were not ready for tonight's hearing.

Discussion of Zoning Bylaw Section XVIII Dealing with DCPC Regulations / Coastal District

Agenda item requested by Chris Alley. He said there are two definition issues both having to do with the coastal district. One is a blanket issue -- affecting the whole island and this resides in which Datum is used.

The coastal district, except where it's exempt, is 500 feet from the mean high water or Land Below Elevation 10. When the district was defined the world used "Sea Level Datum of 1929". Today we use the North America Datum of 1988 which changed where "zero" or sea level is. One question that's come up in their office is what do you do when you're in a coastal district defined by the ten-foot contour. In most cases, by the time you're 500 feet from the water, you're already so far above elevation 10 that that half of the definition doesn't matter. But there are a few places in Oak Bluffs where 500 feet from the water you're still not above Elevation 10 yet. So the coastal district keeps going until you get to Elevation 10. An example is the area near hospital off of Farm Pond.

So when they changed the definition of where zero is, the question comes up -- do you use the 10-foot contour based on the datum was in place when the regulation was written which was 1929 or the datum that's in place today which FEMA uses for all of their flooded information. If you use the 1929 datum you end up with some strange situations sometimes. If you're in the area where the 100 year flood which coincidentally happens to be Elevation 10, you can have a plan that has a 10-foot contour and is labeled "Elevation 10 Limit of Coastal District" and then you have a completely line that says "Elevation 10, 100 Year Flood".

For purposes of determining the 100 year flood zone we use the 1988 datum. Others feel that we should use the one from 1929.

Chris Alley said he has spoken to other island planning board members about variations in shore zone definition and suggests that all island planning boards go to the Commission to add three simple words to the bylaw so that everyone is working from same datum.

Ewell encouraged him to submit a formal proposal to Town and that he would circulate it to rest of Town.

Second issue was the definition of shore zone that was amended in 1980s. The shore zone has more restriction than inland. The definition established originally is 100 feet in from mean low water to 100 feet in to the inland edge of any beach or marsh grasses, etc., exceeding a height of 15 feet. Essentially if you have a bank that's more than 15 feet like along the lagoon, the shore zone goes from mean low water to 100 feet inland from the top of the bank. If you don't have a bank that's 15 feet high, which is most of Oak Bluffs, it goes from mean low water to a point 100 feet inland from "the back of beach or marsh grasses" (MVC definition).

Because of the geology of the Town, this rarely comes up but there are situations where the Commission's definition and the definition which evolved in Oak Bluffs -- "the land from mean low water to 100 feet inland from the inland edge of dune grass, wetlands indicator species (added in)..." it can make a difference. By the MVC definition (which they hold as the correct definition) it ends 100 feet

in and the OB definition is more restrictive and doesn't allow until far in past the "wetlands indicator species."

Chris Alley said the Commission maintains that the original definition is the correct one and has no record of the Town asking the Commission to change the definition. Chairperson Hopkins said that he is not conceding that's the case but suggested he write a formal letter to the Town. Chris said it's something the town should fix.

Master Plan Update

Brian Packish, chair of Master Plan, gave an update on the March 6 Public Forum which was very well attended. They have started receiving a lot of comments and feedback from attendees and others who are anxious to be part of this process. The consultant, Glenn Chalder, should have another draft on March 25 which will incorporate this feedback

Member Crossland said he was very pleased with the turnout. Member Lambert said she had heard complaints around omission of the Arts District. Chairperson Hopkins said he tells people who are anxious about zoning changes to attend town meeting – it doesn't become law until voted on by 2/3 of people.

Christine Flynn asked if there was a deadline for written comments on the Draft Master Plan and was told March 15.

Board Updates

JoJo Lambert – Referred to pocket communities from Feb. 28 Planning Board meeting and that she had spoken with Philippe Jordi about them. They lease the land for a nominal amount -- \$50/month, like the Campground.

Mark Crossland – Update on housing advancement and feasibility work. They are starting the process now, next couple of weeks will bring engineers down here. Bringing Philippe Jordi in as well. He'll be sending a list of what he needs from PB and Bob Whritenour. They would all be doing a site visit in next few weeks. They are still waiting to hear from town administrator re: 32 acres. Brian Packish said he doesn't like the way the 32 acres is laying out right now and thought they need to look at best way to do so in order that neighbors are happy.

Erik Albert – none

Christine Flynn updated board members on upcoming events. She said representatives from the EPA will be at the Commission on Monday to talk about water quality and the public is welcome to attend. The Commission is also holding a listening session on their draft housing mitigation policy on Wednesday. Joint affordable housing group will be doing some training sessions in May. And then in the Fall, partnership with MassHousing and representatives from the Cape will be here with some zoning regulations they're doing on their housing initiative. She said she'd keep the Board updated.

Adjourn

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

Meeting was adjourned at 6:23 p.m.

Minutes approved April 25, 2019

Documents on File

- Agenda
- Board packet
- Sign In Sheet