



## OAK BLUFFS PLANNING BOARD

### Meeting Minutes

THURSDAY, APRIL 22, 2021

5:00 p.m. | Virtual Zoom Meeting

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

**Members Absent:**

**Staff in Attendance:** Kim Leaird (*Administrator*)

**Attendees:** Alex Elvin (MVC), Amy Billings, Ashlee Edwards, Bill Giordano, Bill Lytle, Brian Packish, Cecilia Brennan, Chris Alley, Christine Flynn (MVC), Donna Joyce, Dorothy Young, Doug Ruskin, Gail Barmakian, Jaclyn Moak, Jemima, Jill Cheatham, Joe Davidson, Juliette Fay, Kira Sullivan, Laura Silber, Linda, Marcia Cini, Mark Cheatham, Maura McGroarty, Pierre Villaincourt (IEH), Rene Cheatham Hill, Rich Weiss, Richard Leonard, Richard Toole, Salli Hart, Sandra Grymes, Simone DeSorcy, Thomas Rapone, Tom Zinno

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*Chairperson Hopkins opened the meeting at 5:01 p.m.*

### **Public Hearing: Island Elderly Housing Inc., Aidylberg III, 38 Wing Road, Special Permit and Site Plan Review Application**

*In accordance with the provisions of M.G.L. Chapter 41, Section 81-T and 81-U; Chapter 40A, Section 11, and Oak Bluffs Zoning Bylaws 10.3, 10.4 and 7.3 (Flexible Development), the Oak Bluffs Planning Board will open a public hearing on **Thursday, April 22, 2021, at 5:00 p.m.** via Zoom, on the following application:*

**Owner:** Island Elderly Housing Inc., 60B Village Rd., Vineyard Haven, MA 02568

**Applicant:** Island Elderly Housing, Inc.

**Project Location:** 38 Wing Road, Oak Bluffs; Map 17, Lot 105; Zoning District R2

**Project Description:** Aidylberg III. *Applicant seeks approval to build a five(5)-unit, deed-restricted low income housing for elderly residents under the Town's Flexible Development bylaw 7.3*

Chair Hopkins polled the board on whether they should continue a concurrent board review or if they should send it to the Commission as it is a mandatory referral, and then pick it up when it was returned. Consensus was mixed. There have been 30+ letters received to date and it was decided to keep the public record open. After tonight's presentation, the Planning Board would refer it along with letters received so far.

Originally this project was going to be a 40B and then they looked at 7.3 as a way to keep oversight in the town and not have to go to the state level. Since then, they've received several challenges to that decision and those points may be used as a point of appeal. The Planning Board will review and forward those letters of challenge to our town attorney to get a finding as soon as possible

Introduction of project: Simone DeSorcy, IEH board president, said this would be the same project regardless if it went through the town (7.3) or if it ends up being a 40B: a 5-unit building for low-income seniors. Their architects, Jaclyn Moak and Joe Davidson were present. They are very much designing it to fit in with the rest of that area with gabled roofs and porches, the natural siding, etc.

Architect Joe Davidson said by using local materials that are used all around like cedar shake and clapboard siding; gable roof stormers of varying heights to break down the size of this structure so that it fits within a more residential character; a wraparound porch accessible to all units. Each unit has access to outside living area. Shape is an L because it provides screening of the parking area from both Wing Road and Aidylberg Way. It has been designed to be energy efficient with choice of materials with high recycled content. Day lighting is utilized in the design, foam installation to make a tight energy-efficient building.

Simone DeSorcy said that years ago, per the chair's suggestion, they had kept their immediate abutters notified and felt they had made a great attempt to work with their neighbors.

Chair Hopkins said that they would suspend public hearings but asked if there were any procedural questions. Chris Alley said they would rather not go through two referrals and that if Planning Board was going to refer that they first get an answer from the town attorney.

### **Coalition to Create the MV Housing Bank (CCMVHB) — CCMVHB briefing on efforts to date (long-term Land-Use Policies / Legislation implications)**

Chair Hopkins said the CCMVHB is a private nonprofit formed to address our housing crisis. Oak Bluffs has a representative from the select board on it, Gail Barmakian. We invited them to discuss the implications on land use policy and the potential impact on the work that we do, and the authority that we have and to really think about what impact their work might have on local zoning as well as what aspects local zoning might be able to have an effect on their overall mission.

Present were representatives Julie Fay, Laura Silber, Kira Sullivan and Sandra Grimes.

Julie Fay: The goal of the Coalition to Create the Martha's Vineyard Housing Bank (CCMVHB) is to preserve the island community by establishing a regional housing bank that provides significant permanent funding to advance year round housing. In conjunction with many other communities across the state we're looking to fund the housing bank by establishing a transfer fee on real estate transactions over a certain amount.

Our goal would be to raise approximately \$7-\$10 million a year, depending on how the fee is structured. There is a two-pronged approach to this effort — both at the local level and at the state level.

At the local level we're taking our time to research and seek input from our town governments about town committees [and boards], community groups and we will be holding some public listening sessions soon to get more public input. We will be working towards bringing resolutions to all six town meetings in the spring of 2022 that would enable the establishment of a regional housing bank to serve the entire island.

At the state level we're participating with growing statewide efforts, including Boston and Nantucket to support enabling legislation that would allow real estate transfer fees to be established in Massachusetts to fund community housing.

We have 16 members on our Steering Committee, these are the worker bees that are really leading the effort that are representative of each of the towns. Our coalition Council, this is an actively participating group of around 80 members, including governmental representatives designated from each of the six select boards and Gail was kind enough to volunteer to play that role [for Oak Bluffs]. Also participating is the Dukes County Regional Housing Authority, the Dukes County Commission, the MV Commission and various agencies from across the island. We have also met with the tribal Chairwoman and expect to

have a designee from the tribe shortly. We have renters, realtors, folks in the building trades and public health, planning board members, business owners and many others ranging in age from younger adults, in their 20s all the way up. We welcome more active participation from across the island and if anybody here today is interested in joining our effort, please contact us for info at CCMVHB.org.

The first effort is around public awareness and communication and outreach and the town committees [and boards] will be an essential feedback loop to the Steering Committee. As we continue through the design process, a lot will be informed by the public hearing sessions that are planned for early May.

We envision a housing bank with a structure very similar to the to the successful Land Bank which has been around for more than 30 years, that has elected Commissioners from each town in town advisory roles that would have the final say so on the use of funds for all projects. Toward that end we envision keeping the housing bank administration as lean as possible and not duplicate the services of other existing island organizations such as the Land Bank and the Dukes County Regional Housing Authority. We envision the housing bank primarily as a funding mechanism that would accept proposals for funding from town affordable housing committees, Island Housing Trust and private developers. We are dedicated to ensuring that the maximum amount of funds collected are targeted at actual housing projects, rather than administrative costs the housing bank will not develop or manage property and will receive a purchase and ramp plan.

Our intent is also to prioritize repurposing existing housing stock and focus on land that has already been developed. We are seeking collaboration from the Land Bank and conservation groups to advance housing, while preserving habitat. The Land Bank has offered to collect the transfer fees for us once the housing bank has been established and that kind of collaboration is something we'll be seeking from other organizations as well. We're very cognizant of the wastewater and nitrogen mitigation issues on the island and plan to work with the MV Commission and our legislative delegation to [--] provisions in the housing bank design that would structurally support climate impact reduction practices.

We're also looking to expand the range of community members we can assist to include our middle-income earners, first responders, teachers, hospital workers, the entire spectrum of folks who make up our island infrastructure. These are folks who do not qualify for support from existing affordable housing programs, and yet are not able to either afford to purchase a home at our current market prices or find a rental that fits their income. The current median home price on the Vineyard is now at \$1.15 million. We're looking at other resort communities, because there is a tipping point when real estate prices so far outstripped the earning capacity of the local population that more comprehensive solutions are needed.

The median home price on Nantucket is approaching \$2 million; the median sale price of an open market single family home in Aspen Colorado is currently over \$10 million. We're looking to where the Vineyard is heading and we need to take action now. There are innovative programs being used in other communities with similar challenges such as down payment assistance and expanding income limits on deed restricted properties both for rentals and for home and ownership, the goal is to keep these folks on island to keep our Community functioning.

There are many details to be worked out and our design committee has been hard at work exploring options researching models and other parts of the country; examining how parts could be adapted to our unique needs; looking at state level bills being introduced; and talking with our legislators, as well as municipal and housing groups and other areas of the state, working on similar issues. So we are in the design mode right now, this is one of many sessions that we've been holding over the last several months to get input and to raise awareness about the effort.

Laura Silber: In 2005 the six towns on the Vineyard passed resolutions to establish a regional housing bank that would have been funded by a transfer fee, and some of you may have been involved in that effort. In 2006 that bill was amended to include Nantucket and the bill made it through three readings in the legislature, but failed, largely due to lobbying pressure from the Massachusetts Association of

Realtors. I know Mark Leonard was very involved with trying to push that bill. No second attempt was made by Martha's Vineyard but Nantucket launched another attempt six years ago filing a home rule petition — to date that bill has not passed the legislature.

But in the meantime, Boston, Concord, Somerville and Brookline also filed home rule petitions for transfer fees to fund affordable housing. None of the independent petitions passed the legislature, but last session these cities along with Nantucket for the transfer fee coalition wrote a consensus bill that was led by Dylan Fernandez (our own representative), which was filed this February by legislative sponsors Senator Comerford and representative Connelly. This is a piece of State level enabling legislation that would allow all municipalities and regions across the Commonwealth to establish real estate transfer fees to fund affordable housing. The original bill did not have a regional clause so CCMVHB has asked for an amendment so regions of the Vineyard would be able to participate should this bill pass. We expect the amendment to be included, as it would also serve rural areas of western and central Massachusetts.

So in addition to that, there's another transfer fee bill that's been passed, that is, sponsored by representative Fernandez and representative Malia of Dorchester. It's very similar to this bill, but it has a higher exemption threshold set at \$1 million dollars so there's no fee levied on the first million dollars in any transaction; you start paying for the first dollar above 1 million.

Senator Cyr has also filed the Seasonal Communities housing bill that's a combination of zoning, wastewater and has a transfer fee component in it. That would also suit the needs of the Vineyard. So the statewide effort has a lot of energy behind it and Boston's entry into the transfer fee conversations really pushed the conversation forward in the legislature so we have high hopes that it may actually pass this legislative session. To that end, we'd like to get a regional effort going here, so that when the transfer fee passes on the state level the venue set up to start receiving funds if we asked to do that.

Chair Hopkins asked if they hoped to help with zoning reform or had ideas about zoning for towns. Is the Coalition planning any work around zoning reform or do they have input or thoughts around local zoning as it exists or the potential for change?

Laura Silber said the housing bank itself is not working on zoning reform — that does not fall in the purview of the funding mechanism that we're looking to create. The way we envision the Bank being set up would be similar to the Land Bank with elected Commissioners and town advisory boards. The zoning would really be left up to the municipalities to take care of. Senator Cyr [does] have a lot of zoning proposals in his piece of legislation. We understand that funding alone is not going to solve the problem that we have here that as a whole, we need to take a look at zoning and how the funding can play in partnership with zoning so that we can actually build inventory— not on undeveloped properties, but use existing properties to become Community housing inventory, to increase the units and community housing.

Zoning is going to be up to the planning boards, and you [all] have a fantastic opportunity to imagine what it would be like if a \$10 million funding source was suddenly available to the island. And if that could be bonded that becomes a huge funding source that the towns can then apply for a tap into for projects. And if you think about it that way, if you if you can envision what it would be like to need 3,000 units to serve a population of 18,000 people [like in Aspen]. Where is that on the Vineyard? Where do we find that in existing, how can we have ADUs (accessory dwelling units) on developed property so that we are not breaking into new habitat but using properties that are already there? How can we think creatively about community housing that's higher density attached to unbroken habitat, and how can we partner with the Land Bank to do this.

Chair Hopkins asked if the Planning Board could consider the CCMVHB a resource, should we consider tapping into your group. First the locations have to be available, and then the zoning has to be designed in such a way to encourage and support that so as land use planners, we are going to need some assistance and some expertise in terms of evaluating our current zoning and determining if it's a hindrance or not in terms of the work that you're trying to do now. As we plan and advance our discussions around zoning reform, housing has to be one of our priorities and it will be one of our focuses.

Doug Ruskin: I would say that we are working in parallel, as opposed to different directions. There are three major components to "fixing" the problem: 1) We need more inventory at all price levels, all the way up above 200 AMI, because even the professionals who come here; 2) We need a place to put it; and 3) We need to resolve wastewater issues.

We are always happy to be in a discussion about anything that will improve the housing situation on the island, but the Planning Boards are the only ones that can initiate that. You have the power to affect zoning, obviously with town meeting approval, so I can't speak for the other members of the coalition, but we were formed with a very, very narrow focus. I am sure a number of my colleagues on the coalition would be happy to be considered a resource in terms of opinion but I don't know what kind of work we might do. One of our members is a former Housing and Community Development secretary under a former governor — I'd be more than happy to ask him that very question.

Erik Albert said he didn't want to change any of the zoning.

JoJo Lambert said the Land Bank takes 2%, what percentage would be for the housing bank. Laura said it can be anywhere from .5 to 2%. This one has a threshold of \$480,000. The other piece of legislation sets the minimum threshold at \$1 million, which means the first million dollars of every transaction is completely exempt from the transfer fee. That's the model that CCMVHB is looking at as viable for the island.

Gail Barmakian said the coalition is made up of volunteers and already has a lot of work to do. She would hope towns would begin looking at their [own] zoning. She said the short-term rental market needs to be looked at and how it's creating a large part of this problem. Everybody's afraid to talk about it [probably] because people make a lot of money from it, but I think zoning short-term rentals may also be thrown into the mix and/or encouraging people to rent their homes year-round or even winter rentals because there are so many homes that are built and so much development that is vacant during the fall and winter and spring months. So, I would just put in the mix to analyze short term rentals — identify how many short-term rental homes there are on the island and consider zoning them.

Chair Hopkins thanked everyone and said the point of this agenda item was to see how the Planning Board can play a role and if so how to work with the Coalition if at all.

### **Streetscape planning conclusion - Vote to forward on to Select Board**

Erik Albert and JoJo Lambert served on subcommittee. Chair Hopkins said he thought the Planning Board had done a phenomenal job through this subcommittee of getting public input and now it has reached a point where the town would have to make some decisions around priorities and potentially execute against this conceptual plan. It's important that both of the members of the subcommittee have an opportunity to speak up in terms of what it is that we're doing and what we're forwarding to the select board.

Erik Albert said we've done a lot of outreach, [had] lots of meetings in season and off-season. We voted on it last year in the Tabernacle and voted, and I think we need to keep going forward with this — let's get it done.

Chair Hopkins asked if he had any charge or any additional comments to make on the record, so that it would be included in our referral to the to the select board or was he comfortable with the work speaking on its own.

Member Albert said let the work speak for itself.

JoJo Lambert said she had not heard anything about an engineer to study the buildings on Circuit Avenue to make sure they are structurally sound. She said this contingency should be added if we forward to select board. The parking is another issue that we should have a contingency, possibly do a trial run.

Member Albert said they did a survey of the businesses on Circuit and the overwhelming majority favored parallel parking for ALL of circuit.

Chair Hopkins said I think what I'm hearing is that it would be [JoJo's] expectation, and I'll ask the rest of the board how they feel, that any project that were proposed from this conceptual design include appropriate due diligence with studies and drawings around structural integrity. Additionally, a concern articulated to select board that there would be an opportunity for intermediate steps such as a trial run for the parking designs, noting that all of these are suggestions.

Mark Crossland said the subcommittee and Brian had done had great job. However, he had been to three meetings and read all the public comments, the pros and against, and said he personally did not think they should send this to the select board and instead should do a trial run for the summer and see how it plays out with the traffic down on Lake Avenue. He said he thought they need to have a traffic study, have the fire chief see if it works for them, the police department see if it works for them. He said he would just hold off on sending this to the select persons because there is a lot of contention around the parking.

Chair Hopkins said the board was tasked with soliciting public input on a planning process of a conceptual design. This is not the execution of an application. As in the Master Plan, if someone comes forward with a project, we have the tool of the Master Plan which to refer. We now have a conceptual vision of a potential direction for downtown — not that it's been received and embraced 100% — but it is not a project itself. My concern is at some point we have to draw a line between planning and executing on individual projects. I could name off the top of my hand four, five or six different potential projects that would be considered or constitute a part of Streetscape but none of them will we be recommending a proposal.

I was trying to capture from JoJo's comments what are our concerns are in the work of the subcommittee and the plan that they have presented to us. We want to make sure the select board understands and doesn't misconstrue that our referral of this conceptual design is our tacit approval of all that it represents. I think we get into a dangerous area if we start to say let's now start getting into the execution mode as the planning board.

Looking at the engineering and the mechanics of doing the work, the select board may choose not to sponsor any projects for a variety of reasons, based on the conceptual plan we present to them or they may attempt to prioritize and go forward. Regardless of what we feel about what's in the plan, I do not think it would be appropriate, nor would we have the authority, to start executing against that plan.

Mark Crossland said in the last three meetings he'd attended, there are a lot of people against this [conceptual plan]; more than half that he's seen. He's read all the public comments on the planning board website, the pros and against, plus there is a petition from 1,200 people that that do not want [parallel parking]. I don't see any problem in recommending, if this has to go to the select board, that they consider

giving a test drive for this summer to see how it works before they make a decision to move forward and spend the 2.7 million, or whatever it's going to cost.

We need [new] sidewalks, no question. Healy square is great, the whole concept is great. I just think we need to test this theory out. I don't think all the people are being heard. The feedback on our website [seems split] 50-50. If we have to send a recommendation to the select board I would recommend they look at the pros and cons, read all the letters on our website. It is not going to hurt to hold off for three months.

Chair Hopkins: I am capturing your concerns as charges to go along with the referral, which is what I had suggested initially. What I was concerned that I thought I heard was your suggestion that the Planning Board might do those execution roles, which I don't think we have the authority to do. So to include in this conceptual plan our charges of concerns around an engineering study and due diligence around the parking design and doing a trial run, capturing potential additional feedback from the public — those are all very legitimate points for us to capture and include in our referral. I had heard you initially say “don't refer it at all at this point” and I didn't know what you meant by that, so thank you for the clarification.

Bill Cleary: My thoughts are that the committee worked very, very hard and did the best they could to try to come up with the best plan available. Taking in all the factors, I think we should respect their decision, as a group for the vote that they took. I am not sure that the sidewalks are necessarily supporting the buildings on Circuit Ave although I'm not an engineer, I could be wrong on that.

I think it should be the committee's decision — they put all the time, energy and effort on this and have the most experience — if the committee believes that the conceptual plan can be tested over the summer, I would encourage that and I believe that it doesn't need to be held solely to the parallel parking but other aspects as well. It seems we have time and if we can test it, I'd encourage that, but I'd respect the committee's thoughts on this.

Brian Packish, chair of the Streetscape subcommittee, said that it's hard in municipal government to find something everyone is 100% in favor of but they had listened to every person who raised their hand. He said that the comments made tonight by subcommittee members Mark and JoJo were not made in any of the three Streetscape meetings they each attended when there was opportunity to be heard. Regardless, the charge from the Board of Selectmen was clear: Would the Planning Board support the Streetscape subcommittee holding two public hearings on the Selectmen's behalf to gain additional levels of input for them to be able to review and deliberate and make some choices. Who knows which way the board of selectmen will go. They may decide to change the entire plan, they may decide to pick one portion. There are five members, two of them are on Streetscape.

You have a pretty simple task in front of you, and the question is: The board of selectmen requested the Planning Board's assistance in asking the Streetscape subcommittee to hold two public hearings on their behalf, was that accomplished. I believe it was accomplished. I believe there's a lot more discussion to be had there's a lot more regulatory review we've been working with the Martha's Vineyard Commission around this project with the executive director, Alex Elvin, the consultant. There's certainly more discussion to be had and more work to be done.

The statement that there's no harm in pushing it off, not making a decision until September —there most definitely is. Changing bond rates and construction needs to start in October or the people who have been running around saying that this project is going to cost too much money will be right, because the amount that you pay for financing will be more money, the opportunity to take part in grants this coming fall related to the money that we were just granted for consultants to review our downtown in relation to Covid issues, there's a lot of things actually at stake, particularly the construction timeline. And if you

were to not finish a plan until late September, you will be delaying the project in essence by a minimum of one year, potentially two.

Again, the board of selectmen asked for the Planning Board's assistance to hold two public hearings on their behalf. Has that been accomplished — that's your question here tonight, thank you.

Ewell Hopkins: It's also a little bit bigger than that, and I would say emphatically that the request by the select board was indeed fulfilled. At this point it is my recommendation that our work is complete, that there is a viable conceptual plan for consideration that has received tremendous input, whether or not it's executable, whether or not the finances are in place for it to happen, are not our decision to make.

What I want to make sure is that the Planning Board feels comfortable that the work as planners has been done, and if they don't agree with the decision of the subcommittee, I wanted to give them the opportunity at tonight's hearing to publicly express that. It is my recommendation as chair that we very carefully word the charges that I've heard articulated by [members Lambert and Crossland]. Member Albert was very comfortable with the work speaking for itself and, as I completely understand, and I think that we, without hesitation hand off this conceptual plan to the select board of our town for consideration of potential execution.

Brian Packish: I think there are two separate and distinct points of conversation: 1) Has the charge been met—were two public hearings held? Yes. 2) Would the Planning Board like to review the decisions that have been made, discuss them and make any further recommendations to the board of selectmen on behalf of a project that's potentially going to occur in the town? I think those are two separate and distinct points of conversation.

Gail Barmakian: I've been on the committee from the start, and my understanding was that this was at minimum a joint project with the Planning Board. I would suggest that this is actually a Planning Board project. I would refer all of your Members to Chapter 41 section 81D, as well as a guidance document from the Citizen Planner Training Collaborative (CPTC). This is absolutely in your jurisdiction. This is a planning project. Streetscape emanated from the Master Plan. The way you described this can be described in a different way. CPTC gives guidance on jurisdictions of the Planning Board and the responsibilities of the Planning Board and, particularly, it talks about working on long-range plans and special projects emanating from a Master Plan.

[The Planning Board] participates in planning that promotes public safety and the general welfare, property rights, environment, appropriate uses for land. It develops visions for future growth and preservation of the community. The extent of this project, which somewhat dramatically changes the downtown, has a direct relationship with growth and the community. There are so many ways that this is a planning project under the jurisdiction of the Planning Board. My comment is, Do your job. This is a planning project, this isn't a selectmen's project.

The selectmen have a certain jurisdiction and a lot of what they do is somewhat relevant, but this is more, in my opinion, a planning project and we shouldn't have something that we're considering at one board without all of these questions and issues that are come from the Planning Board answered.

Brian, you did a lot of work on this, put a lot of energy in it, but a lot of questions that were brought up here were not answered by the board. There's a big difference between being heard and being listened to and the experience of what I witnessed, and I was at most every meeting, even in the beginning of this process, is that it went underground to try and get grant funding that just did not exist and now later is that people were not heard, and you know as much as I do that the proponents of this project talk about overwhelming approval. I've heard nothing but disapproval on the street and I don't think we can explain

that away by saying, *Well people don't like change or they don't know what they don't know*. This is somewhat divisive. Aside from that, I think my point to you right now is that this indeed clearly, under Chapter 41, can be [Planning Board] jurisdiction. And I think that your members should know that they have the authority, or the decision to be made, whether to recommended it or not.

Ewell Hopkins: My position is still that the work and our responsibility under Chapter 41 section 81D, in the planning process of a conceptual design for potential redesign of downtown is complete, and I still believe it's complete. It is not my decision alone to make. I believe that the points that I've heard about additional due diligence are all very valid and are relevant to criteria of oversight for any potential project that comes from this design if the board feels as though its work is not complete in terms of planning, I want to hear that. To Brian's point earlier, I think it's very important to address the specific charging request that was asked by the select board, and I want to get some concurrence that that has been done. And my recommendation to the balance of the Board is that the planning process is that a good enough position now to be referred for consideration and potential execution.

Amy Billings: I also was on the committee from Day One. I am one of the [subcommittee members] that voted No on sending you the final plan, because I didn't feel that it was ready. We did make some tweaks and changes to some of the other areas of the plan that were never changed on the actual plan by the designers so looking at the plan at that final meeting it didn't show me some of the things that we had changed and tweaked and they were very minor but they still weren't there, the biggest contention is the parking change from Giordano's to Healy Square, and I think as a Planning Board, for you not to try it first and/or do the traffic study it would be irresponsible to send it to the Selectmen. The majority [of people] I've spoken to on the committee and who have written in have all been very supportive of the project as a total, except for the parking issue and that extra wide sidewalk on end of the street.

I agree with Mark and JoJo and Gail that here's no reason why the Planning Board shouldn't take the charge of giving us a trial run and then sending it to the selectmen if you want to send it to the selectmen now to get it off your plate, then I would do so with the recommendation to do a trial run.

Brian Packish: [Gail said] this was directly out of the Master Plan, but the Master Plan happened in 2020 and this [Streetscape] process began in 2014. The current iteration of the plan was developed and finalized in 2016 four years before the completion of Master Plan. Number two, if the Planning Board were to take on every single project under that criteria ... well, you guys are responsible for climate change, you're responsible for flood zones, you're responsible for traffic patterns, you're responsible for wastewater CWMP master plans. A variety of things all would be the direct responsibility. Think about a variety of projects that have come through the town. Anything that has ever been built is a project that came out of some type of planning initiative, etc. The Planning Board didn't take the North Bluff as its project, it participated, but didn't take it as its project, and so I think that it's a bit of a stretch.

As far as [Streetscape plan] is concerned, we don't know where the project is going. The board of selectmen has the ultimate say and what occurs at the end of the day in relation to this project. It is a warrant article sponsored by the Board of Selectmen on town meeting and there's only one entity that gets to spend money at the town meeting authorized. It's the Board of Selectmen.

Brian asked that the Planning Board refer this plan and if they would like to make a secondary recommendation, that the planning board also has the following questions, concerns, comments, etc, I think that that's completely reasonable and completely respectful to both parties and the purview of both parties.

Ewell Hopkins: I will reiterate at this point that I believe that there is a very strong conceptual plan that is worth consideration. The subcommittee has voted (although not a unanimous vote), to conclude its work.

I do not feel the desire to ask the subcommittee in whatever form it could be reconstituted, to pick back up and do additional work, because I think personally the work that needs to be done, does not constitute planning, but constitutes execution on a specific application.

So with that said, my recommendation as chair to the Planning Board is that it is a job well done by the subcommittee and it is time to hand it off with letters of concern, comments of concern to anyone that might consider executing against this plan, there are still holes and this plan cannot go from a plan to a proposed engineering drawing, in my opinion, without everything I've heard.

Erik Albert made a motion that we send [the conceptual plan] to the Selectmen. Chair Hopkins asked: With the concerns and charges outlined? Yes.

Bill Cleary asked which exact concerns were they voting on.

Chair Hopkins said they would gather comments and present to Planning Board for approval and give you all a chance to review it and, if you agree on the language of how we've written it, then I would release it to the select board early next week, but I give you a chance to look at what we wrote up.

Bill Cleary seconded the motion on the table.

Mark Crossland said if we do not agree with language what will happen.

Chair Hopkins said they would alter it until it represented what they meant.

A roll call vote was taken. Members Albert, Lambert, Cleary and Hopkins voted aye. Member Crossland voted no.

Motion to forward to Select Board with charges and concerns to be approved by the full Planning Board passed 4-1.

### Zoning Reform

Chair Hopkins said we've talked a lot tonight about zoning and the importance of zoning and the importance of the Planning Board's role in zoning. Kim has identified a community programming grant program that would possibly provide us with a maximum of \$75,000 to redesign our current zoning. Discussion about whether members Lambert and/or Crossland wanted to take on submitting an application that is due June 4, 2021. Member Lambert said she was unable to. Member Crossland said he'd like to look into it first and the chair said he'd defer discussion to next meeting.

### Approval of Minutes

Member Cleary made a motion to approve the minutes from March 25, 2021. Member Crossland seconded. Motion passed, 4-0-1.

### Board Updates

Bill Cleary: Member of Edgartown Energy committee has put together an outreach session on the stretch code. He has invited Oak Bluffs to take part in it – joint effort scheduled for May 11. In addition, Lisa Sullivan, the regional coordinator for the Green community would attend, so the State will be there. A stretch code expert, Will Derego, a HERS rater from the island perhaps to answer questions on costs, etc.

Also planning to attend is Reade Milne who is the Edgartown building inspector. He asked everybody that has a social media presence to publicize the session.

Mark Crossland: We had our second public community meeting regarding the 8 acres (Southern Tier housing site). There was a lot of good input. A third meeting is being planned for May. Chair Hopkins suggested he reach out to Brian Packish re his comment tonight about “tremendous pushback” around the housing project, saying it is best to bring that out of the shadows and discuss it fully. Member Crossland said he’d reach out.

Ewell Hopkins: Since we had our AIPB retreat, the Planning Board administrator for Edgartown has been actively involved with the Commission on the procedures of the DRI checklist. He has made a lot of comments that I tend to agree with, but I have essentially reached out to my counterpart in Edgartown to understand if that has been vetted by the elected officials in Edgartown. If that position that has been articulated represents the will of the Edgartown Planning Board, once I get a response back from the Chair I will share that with all of you, and we can discuss it publicly. Adding on, or being a part of that discussion until I hear from him, I don’t think it’s appropriate for us to have any comments.

### **Public Comment**

Gail Barmakian reiterated that the board study Chapter 41. She also said that in regards to zoning reform, that they look at short-term rentals. The rents are so high and it takes [them] off of the year-round and winter market. The Commission may be able to provide the number of short-term rentals on the market. It is important just to analyze the market and consider possibly zoning short-term rentals.

She also mentioned to Member Cleary that regarding the stretch code, there was a talk given by Senator Julian Cyr at the housing bank and he was somewhat definitive that the stretch code, should it be adopted by the town, increases the cost of building by 20 to 25% per unit and that’s somewhat daunting. I don’t know where he got those numbers, I would expect it was a responsible number, since he was giving a speech before the community. But if you could look into that, people should be aware.

### **Adjourn**

Member Albert made a motion to adjourn. Member Cleary seconded. All were in favor.

Meeting was adjourned at 7:00 p.m.

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*Minutes approved May 27, 2021*

Documents on File: Agenda; Board packet; zoom video