



## OAK BLUFFS PLANNING BOARD

Meeting Minutes

MAY 23, 2019

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

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

**Members Absent:** Bill Cleary

**Staff in Attendance:**

**Attendees:** Rob McCabe (Pyramid Network Services, LLC), Diane Damino (Motorola), John Rose (Fire Chief), Robert Ogden (Sheriff DCSO), Richard Toole (OB MVC, Energy Committee), Walter Vail (MVCS board), Stephanie Mashek (MVCS board), Robert Egerton (MVCS board), Christine Flynn (MVC staff), Donalexander Goss

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*Chairperson Hopkins opened the meeting at 5:08 p.m.*

**Special Permit Hearing: Fire-EMS Radio Tower**

Chairperson Hopkins read the hearing notice which included the following: *“In accordance with the provisions of Chapter 41, Section 81-T and 81-U, and Chapter 40A, Section 11 M.G.L., the Planning Board will hold a public hearing on **Thursday, May 23, 2019, at 5:00 p.m.** at the Oak Bluffs Fire Station in the Upper Level Meeting Room, 6 Firehouse Lane, Oak Bluffs, on the application of the **Town of Oak Bluffs Fire-EMS, P.O. Box 2131, Oak Bluffs, MA 02557, for approval of a site plan review and special permit for a 140 ft. radio communications tower under Oak Bluffs zoning by-law 8.3.2: Wireless Communication Overlay District (WCOD) and by-law 3.2.2: Accessory Uses, Wireless Communication. The primary applicant is the Oak Bluffs Fire-EMS Department while all structure and equipment will be property of the Dukes County Sheriff’s Office.**”* He also outlined the hearing process.

Project presentation: The applicant was represented by Rob McCabe, Pyramid Network Services, the general contractor for the construction of the project and overseeing the engineering and design for a 140-foot self-support tower inside of a new fenced-in compound.

It will be located to the left of the old salt shed behind the Highway Barn and be a new pre-fabricated 10x12 equipment shelter with a 6-foot extension with a generator already installed as well as propane tank and pad in the back of the compound.

They propose bringing a new 200-amp electrical service to the shelter and installing two 36” micro dishes on the tower, one at 60 feet and the other at 135 feet as well as two whip antennas, one at 100 feet and the other at 140 feet. Those antennas are installed on 6-foot side arms that are attached to one of the tower legs that are extended off. The plans also include other antennas (state equipment).

Deputy Gold from Dukes County Sheriff's Office (DCSO) said that he works on tactical side as the in-department project manager. He explained that DCSO has seven sites they operate for public safety and that there have been significant issues with communications between police and fire over the last 10-12 years. The goal is to create the safest environment possible-- not only for the public, but also for first responders. The extra antennas are to support inoperability in case there is a need for off-island agencies in the event of a disaster. This allows them to patch together.

Testimony: Chairperson Hopkins said there were no letters submitted in opposition or in support beyond the Planning Board's letter of support. He asked if there was anyone in public who wanted to speak in favor of the project.

Richard Toole, Oak Bluffs resident, said that he had heard the project when it was in front of the Commission and thinks it's a great idea and a great location. He commented that CVEC has a proposal to install a solar array and a battery backup at the landfill and wondered if they may be able to provide electricity for the communication tower.

There was no one present to speak in opposition to the project. There were also no questions from the public.

Board questions: Member Lambert asked who would maintain it and whether or not the FAA figured in. Deputy Gold said the DCSO would maintain it. They've gone to each Town Meeting to establish an MOA for maintenance of the system. They are also working to establish the oversight of system with the government. As far as the FAA, they hired a consultant to do an analysis and determined that the height would not be a hazard and does not need to be lit. Once they have the structure, they will register it with the FAA with the FCC.

Chairperson Hopkins closed the public meeting and the Board began deliberations at 5:20pm. He reminded the board they needed to determine whether the positives outweigh detriments. He said for his part, he did not see impermeable surfaces (hot top) being added or taking area that is ground and increasing paving. As when they first approved idea in concept, the only condition was that they would not be leasing to any non-emergency or non-communications entities – tower is for public safety only. Applicant agreed that was the case – it is only for emergency communications.

Member Albert made a motion to accept the application as submitted. Member Crossland seconded. Chairperson Hopkins added with the condition stated. Motion passed unanimously 4-0.

### **Approval of Minutes**

Member Albert made a motion to approve April 25 minutes as written. Member Crossland seconded. All were in favor, motion passed 4-0.

### **Community Services Campus Plan – MVC Commission decision**

*Presentation by Adam Turner on DRI 223-M3.* Adam Turner opened by saying that DRI 223-M3 was the third amendment for Martha's Vineyard Community Services (the first was from when it was originally built). Project is a demolition and replacement of their campus.

The Commission worked on this for months with the applicant with several redesigns and made 50+ suggestions as they met. Between Sept. 2018 and April 2019 they had several meetings and two LPUCs which is rare, normally there is just one. First public hearing was held in January 2019, continued to February, with a final hearing in March. The Commission made its decision in April.

Their decision was based on the mission and type of work Community Services does coupled with deteriorating conditions of their buildings -- specifically flooding, a lack of ADA accessibility, an old HVAC system, etc. They have a 30- to 40-year-old campus and need significant replacements and significant money to achieve it. He also said they need improvements to the road and parking. Parking along Village Road is an issue. They put close to 50 conditions on the applicant

Summary of some of the findings and conditions:

- The applicant was given credit for being connected to waste water, but they need to use an IA system until the Town is ready to accept their additional sewer.
- They attempted to reduce clearing and insisted upon reduction of energy, green development, they are almost at carbon neutral. There are two solar arrays on the property and they are going to have them screen it from the road. Eliminated footprint as much as they could
- Clearly there is not enough parking and there is no signage now to guide where to park. One of their goals was to make sure that curb cuts were reduced and making sure parking gets off of Village Rd.
- Landscaping (Commission has asked that a final be submitted for approval)
- They required regular maintenance for the life of the project
- Focused on dark sky, required mandated light plan,
- Plan for transportation – they ordered applicant to come up with a plan to eliminate parking along Village Rd.
- They tested road at different times to judge patterns and said that traffic volumes were mostly low, it's more of a function of the road – there's no marking on it, which means people drive in middle of road; there is no speed limit; the roadway has potholes which force you to middle; there are no sightlines around curves.
- Intersection in front of high school is way too narrow and traffic funnels there. It's a roadway with significant issues including poor conditions on the shoulder, and that is exacerbated when people park there. It's not a public road, it's a private road.

Three entities control this road, not just one, so they don't have the right to make unilateral action. They ordered applicant to work with high school, IEH and the YMCA and vowed to monitor for next five years. These entities all have expansion plans, they all have a stake into getting this fixed. Widening the road may be necessary and Adam said they had left that possibility open and mentioned it in their decision. They agreed to conduct and monitor traffic counts and turn limits for 5 years. They're designing with their island engineer the intersection improvement now.

- Affordable housing – Adam said the building exists and affordable housing was calculated on the increase in square footage which they did include in the final decision and in their final staff report. However, the Commissioners voted to remove it based on the consideration of Community Services' mission – they do important work and if funding were to be taken out it reduces that mission and they would come back to the town anyways for more money. Not all nonprofits are alike but this one provides services to low- and moderate-income people and those at risk already. This was the rationale and he said he understood that the Town was not happy.

Finally, he said that significant conditions were imposed and there is a significant record that was developed, all available online.

Chairperson Hopkins asked for clarification on points 3 and 4 (Wastewater and Energy) on page 8.

Adam said they have a wastewater connection right now that serves existing structures. There is no additional capacity for them so if they go beyond their current footprint they are required to develop an I/A system. When there is capacity with the Town, then they will connect.

Re: Energy – Community Services will report to the Commission on the status of their effort to achieve net-zero energy five years after occupancy. Chairperson Hopkins said there are best practices regarding GI (green initiatives) and LID (Low-Impact Development) techniques outlined by Mass Audubon and asked why these best practices were not included in the Commission's conditions.

Adam said because they met most of them.

Chairperson Hopkins said this is important because the Planning Board needs to work within the guidelines of the Oak Bluffs bylaws and there are very poor guidelines as it pertains to environmental stewardship. He said the Planning Board wants to address this through Town Meeting but it will take time. In the meantime, the Commission has the awesome authority to outline specific techniques to be employed. The fact that it is in MVCS' proposal is great but it would be better if he saw it as a condition because the Planning Board does not have the legal authority to condition specific techniques while the Commission could.

Adam said he takes that to heart and pointed out that they had done just that when working on the Town Hall design. Chairperson Hopkins agreed and said his goal is to have it in the bylaws which will require a Town Meeting vote.

Richard Toole said the contractor on this job has more concern for the environment and energy [than anyone] and says this project will be the most environmental and energy efficient they can get and he knows they've given Community Services a discount on their rate. Chairperson Hopkins said he is just interested in seeing verbiage in agreements so if/when project goes over budget that it's not environmental stewardship that gets pulled out.

Chairperson Hopkins said the fire chief has outlined criteria for acceptance of Village Road for fire and emergency access and the Commission was included. The Planning Board will probably be looking at making this CMR a condition because you're not going to get an occupancy permit until that CMR is reached. He asked why under 5.5 the Commission didn't specifically reference the CMR.

Adam said that at the time he did not believe it was in the record.

Chairperson Hopkins said it's a comprehensive state code that outlines the geometry and sightlines of the road as well as access to water and pressure and road surface materials, etc. Code applies to over a certain number of units and we have 97 residents (Island Elderly Housing) living at the end of Village Road.

Member Crossland asked if the three entities could finalize something before they give occupancy.

A. Turner pointed out Condition 5.2 : *“The Applicant shall submit a plan to LUPC for review and approval to improve the existing condition of Village Road before construction begins such as improving sightlines, addressing the pavement condition, cleaning debris from the road, and closing the egress on the curve.”*

Chairperson Hopkins said he was glad that the condition referenced the other users of the road (under 5.6). He commended the Commission for doing an incredible job on this project. A lot of his criticism is around what was omitted, not what was done – which he found to be very thorough and thanked him.

A.Turner said they have a ton of documentation if the Board wanted to study they could.

Chairperson Hopkins said he had submitted a tri party agreement regarding peer reviews and asked Adam if it was possible to use Commission staff – those that do have technical expertise – might be a cost-saving avenue to also follow and wondered if it would be a conflict? Answer was it would be case by case.

Stephanie Mashek asked if hearing that Community Services had met almost every GI/LID technique if that would alleviate Planning Board concerns because they are also hoping to save money. Chairperson Hopkins said yes, but that it would be better if the Commission had outlined particulars in their decision – the Planning Board would hold that in high regard.

Ryan Bushey from South Mountain said he didn't think a condition regarding road would have been warranted either from the Commission or the Planning Board to satisfy that requirement just because it is a base code requirement. Just as with the building code, they would have to submit a plan. They couldn't get a building permit without going through this process regardless.

Chairperson Hopkins said they have not seen anywhere so far that achieving that criteria has been challenged or understood and said if they could come back with a stamped certification of that CMR, that is all that Chief Rose is asking for. Ryan said his understanding was that they couldn't get a building permit without going through that process regardless.

Ultimately the school department is responsible but the other entities would/will also have same standard for their expansions. Community Services is just the first through the door. Said that it would also be legitimate to say the Town is also responsible. He offered up a number of different options that they could undertake in order to help make Village Rd. compliant with CMR.

R.Bushey said another area of confusion has been the overlap of that intersection onto Edgartown-Vineyard Haven Rd. How much of that is in the purview of Community Services to design vs. the Town and/or Commission? What was wanted was a better turning radius onto Village Rd.? He said that a study is being done with Richard Combra who explained to him that it's for a new wider crosswalk with a different type of paint that's higher visibility with the possibility of flashing lights that face both ways on Edg-VH Rd. but no additional lighting or re-working of that intersection.

Chairperson Hopkins said the Town would want to work collaboratively with South Mountain in that process, and most likely share some of the expense of accomplishing that goal at the intersection.

A.Turner said the was the goal is not just to put in a crosswalk, it's to look at the geometry of both sides and doesn't think Richie can comment on it yet because he hasn't seen it, it's not done. Again, it might require more work once Community Services and Y get involved.

Walter Vail asked for Planning Board's anticipated schedule for hearings, etc. Chairperson Hopkins said they had asked for and received an extension to July 7 and the goal is to be complete by then.

Member Crossland left the meeting at 6:11.

### **Becoming a Green Community**

Chairperson Hopkins said that being designated a Green Community is a controversial topic even though over 70% of Mass. Communities have achieved the standard. First, being designated a Green Community is the right thing to do. Second, there are financial incentives to allow a municipality to grow and improve infrastructure and in an environmentally sensitive way if you achieve Green Community status.

Why do people run into resistance? You have to build responsibly. You add additional criteria to the building code (the stretch code) that takes into consideration things like the overall life cycle of the materials you use. There is an active lobby of builders that do not want to be burdened by that or incur that expense. If the Town is to pull this off, the Planning Board will need to work closely with the Energy committee and understand from Richard what the real benefits are and how we accomplish this goal.

The third point is when you read through our current bylaws, there is no environmental stewardship. He said he has been working with IGI and Mass Audubon in terms of what other municipalities are doing to provide responsible environmental language to their zoning bylaws. He said he would be working with PB administrator to secure a grant to get professionals in to “green” our zoning bylaws. Ultimately we’ll have to convince the public and get approved at Town Meeting.

Chairperson Hopkins said if we had stricter bylaws, we could condition applications.

Richard Toole is the Town’s Energy committee chair and he presented to the Board and said 266 out of 351 communities in Mass. have been designated Green Communities. Major benefit is money from the state in form of grants to finance some of these green initiatives.

Discussion followed on how the Planning Board can work in concert with the Energy Committee to achieve criteria as outlined below.

*From web site <https://www.mass.gov/guides/becoming-a-designated-green-community>*

The Green Community Designation and Grant Program provides a road map along with financial and technical support to municipalities that 1) pledge to cut municipal energy use by an ambitious and achievable goal of 20 percent over 5 years and 2) meet a set of other criteria established in the Green Communities Act. Participation in the Program has grown steadily since the first group of 35 municipalities achieved designation status in July of 2010 to include more than half of the diverse cities and towns of the Commonwealth and nearly two-thirds of the population. The benefits of designation extend beyond the program itself, inspiring cities and towns to undertake additional energy-related initiatives, improve coordination between municipal staff and departments, and increase messaging with the public at large about energy-related issues and actions.

**Criterion 1:** One of two criteria related to renewable energy development, Criterion 1 is met by a municipality passing zoning in designated locations for the as-of-right siting of renewable or alternative energy generating facilities, research and development facilities, or manufacturing facilities. Like the landfill.

**Criterion 2:** One of two criteria related to renewable energy development, Criterion 2 is met by a municipality adopting an expedited application and permitting of one year at most, under which facilities interested in locating their facility in a designated renewable zone may be sited within the municipality.

**Criterion 3:** To demonstrate compliance with Criterion 3, municipalities must:

1. Establish an energy use baseline inventory for municipal buildings and facilities (which can include schools, water, wastewater treatment plants and pumping stations, and open space), street and traffic lighting, and vehicles; and
2. Adopt an Energy Reduction Plan (ERP) demonstrating a reduction of 20 percent of energy use after five years of implementation.

**Criterion 4:** Criterion 4 requires all departments within a Green Community to purchase fuel-efficient vehicles for municipal use, whenever such vehicles are commercially available and practicable. To meet this requirement municipal governments and school districts must:

- Adopt a Fuel-Efficient Vehicle Policy requiring all municipal departments and divisions to purchase fuel-efficient vehicles, (*Fire/police is exempt*)
- Develop and maintain a vehicle inventory for all four-wheeled vehicles, and
- Provide a plan for replacing non-exempt vehicles with vehicles that meet specified fuel efficiency ratings.

**Criterion 5:** Criterion 5 requires that municipalities minimize the life-cycle cost of all newly constructed homes and buildings. DOER recommends communities do this by adopting Massachusetts' Board of Building Regulations and Standards (BBRS) Stretch Code (780 CMR 115.AA). Buildings constructed to the Stretch Code use significantly less energy than buildings built to other current and previous building codes.

R.Toole said that criteria 5 and the Stretch Code is the biggest stumbling block. He said code is much more stringent now anyways and the cost of energy will still be going up. Upfront costs will go up when someone buys land or adds an addition. Chairperson Hopkins asked Member Lambert, in her capacity as a realtor, whether she thought that this would be a stumbling block at Town Meeting.

R.Bushey said that Tisbury is already doing this and that there is no upcharge cost to materials --they are readily available.

Chairperson Hopkins said if you can't achieve this you're an irresponsible builder. He said that we have to get behind this concept as a board because there will be resistance. He encouraged each board member to meet with Richard Toole if they had questions. Town Meeting is the end of the process, not the beginning. He said he was going to ask for a vote at the next meeting to ask for a Green policy from the board.

R.Bushey clarified that the stretch code, does not require you to meet for additions, just new construction.

### **Board Updates**

**Ewell Hopkins** – Regarding Eversource, they are awaiting approval of MOU and have not yet referred to Commission. Has submitted testimony to DPU. Meeting with state fire marshall was productive, concerned about safety and access. He also mentioned that Member Crossland had a very well-attended Affordable Housing committee meeting.

### **Adjourn**

Member Albert made a motion to adjourn, Member Lambert seconded. Meeting was adjourned at 6:44 p.m.

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*Minutes approved June 13, 2019*

### **Documents on File**

- **Agenda**
- **Board packet**
- **Sign In Sheet**