



OAK BLUFFS PLANNING BOARD

Meeting Minutes

THURSDAY, MAY 27, 2021

5:00 p.m. / Virtual Zoom Meeting

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

Members Absent: Erik Albert

Staff in Attendance: Kim Leaird (*Administrator*)

Attendees: Jill Cheatham, Eric Peters, Island Housing Development, Rob Brennan, Deborah Watrous

Vice chair Crossland opened the meeting at 5:02 p.m. There was a recess from 5:10-5:30pm. Chair Hopkins joined the meeting at 5:30pm.

Approval of Minutes

Member Cleary made a motion to approve the April 22 meeting minutes as written. Member Lambert seconded. A roll call vote was taken and the motion passed 3-0.

Approval of the May 13 meeting minutes was postponed until meeting was joined by Chair Hopkins and/or Member Albert as Member Crossland was not present. When he joined, Chair Hopkins made a motion to approve the minutes as recorded. Member Cleary seconded. Motion passed 3-0-1.

Annual Town Meeting recap

Member Bill Cleary gave an overview of how Annual Town Meeting (ATM) went. There were three warrants that we were most concerned about: the \$20,000 was approved as seed money for our comprehensive zoning review. The second two items were for the Green Community designation -- the large scale ground mounted solar bylaw was approved, as well as the stretch code. Now they can begin the application for Green Community designation.

[Recess until 5:30pm]

Chair Hopkins joined meeting.

Member Lambert said that the \$20,000 was approved at ATM and she thought that meant we could hire a specialist. Chair Hopkins clarified and said when he spoke at ATM he explained that the original ask was \$80,000 which was cut in half to \$40,000 because of the state of free cash and that the Finance Committee unbeknownst to the Planning Board, was cut in half again. He said they were still investigating other funding streams to supplement, but this was not enough to begin work.

Lagoon Ridge

Chair Hopkins said he had spoken with Eric Peters and received a letter that day from CapeBuilt. He invited Eric Peters to explain why they were there.

Eric Peters said they are still working on conveying Lagoon Ridge to CapeBuilt, however in the course of discussions it appears that some are raising questions about the special permit provisions as adopted in

2018 and amended in February of this year. So they felt it prudent to put clarification request to the Board.

Their understanding was that the obligation was to provide LOTS not UNITS or buildings. Minutes from the original proceedings are confirmed by town counsel. Some planning board members were concerned that they would not be built, so the buildout provision in the original special permit was designed to provide incentive that they be built. With the amended special permit, Cape Built offered an additional affordable “lot” so there would be two lots and two duplexes for senior and affordable housing.

Chair Hopkins said that it was important the town not become a de facto third party in a pending real estate transaction. Once this board has voted and written a formal decision, we are not going to interpret that decision as individuals. If there’s any clarification necessary they will have to bring it back to the full board for discussion.

He said the special permit decision that the Planning Board voted and wrote does not require the applicant to build out affordable units, it does require them to set aside and make land available for affordable housing. However, we had conditioned with a buildout schedule what must happen before they can move on from Cluster A or Cluster B.

In order to build out from Cluster C they must first present certificates of occupancy. If they set aside the land and did nothing they would not be in violation but they would also be unable to move on with development. The only way they can build out A or B is if they have approval and sign off at the state level that those units count towards the town’s quota to be outside 40 B exposure. The only time distinction of lots and units is if they decide to move on from these properties. Of course there are other infrastructure requirements, but in terms of condition of affordable units: they can build them if they choose, they can partner with a third party and build if they choose, but if they want to realize full value of land they must produce occupancy certificates for those affordable. They only have to build units if they want to move on.

Eric Peters said that reflected his understanding. Rob Brennan from Cape Built also agreed.

Chair Hopkins said that if needed they would incur the cost of the town attorney if needed. Eric Peters and Rob Brennan said they would confer but that this was very helpful conversation to have.

Member Lambert asked again about units vs. lots.

Member Crossland asked that they could not move on until four affordable units were built, was that correct?

Chair Hopkins said he did not want to get into specific of numbers but what is clear is that there is a build out schedule that is required. The town does not have a say in how it’s done. They must provide certificates of occupancy and have the affordable units registered at the state before they can move on.

Member Cleary said he read the original agreement but that based on the most recent presentation made by Cape Built he was under the impression that they were going to build those units. His question to Mr. Brennan would be “Why NOT build the units” – for consistency, for the neighborhood – it makes the most sense. He said it was a shame that in the 11th hour we are dealing with an issue that should have been brought up earlier either by us or the applicant, or the applicant’s attorney.

Member Lambert said she similarly understood that Cape Built was building the affordable units.

Chair Hopkins said they may do so, but they are not legally required to build. They can partner with others or not. The concept of a third party being involved is not something that Cape Built brought up.

Member Cleary asked if Rob Brennan could speak to this.

Rob Brennan reaffirmed that their desire and intention is to move forward as quickly and deliberately as possible and bring the vision of the Danielson family in way that all stakeholders can be proud of. He also said its their intention to leverage their design and modular construction for affordable units as well. There may be some changes in the final aesthetic the question was asked and the clarity sought because we're at that important stage when we're proceeding from the conceptual to factual including financing and these indepth conversations with other affordable housing entities to partner with. It's important to have clarity on the paths and options and obligations they're taking on so when they talk about cost of selling and construction and know what options they can look at to close gap. With regard to their intention, they are looking to improve on that.

Member Cleary said he understood but that the presentation was misleading and that others who knew more about the original decision should have clarified during public hearings.

Chair Hopkins said for his part, he saw in the presentation what those units would look like, he did not hear how they would be built or financed. Of the most concern was that the board put in the right restrictions so that it is built correctly and he believes that they absolutely did and that we all will be very happy with what Cape Built.

AIPB update

We are meeting on a regular basis with other PB chairs. Relationship with the Commission is paramount. Joan Malkin joined last night and they had a very productive meeting.

Board Updates

Bill Cleary: Both of our bylaws for Green Community were approved. We have ability now to make application to state due July 1st. The Climate Resiliency committee has been doing a lot of public outreach and applying for grants; they are planning a Climate Week.

Mark Crossland: We had final community meeting for 8 acre property on Edgartown-Vineyard Haven Rd. There were 37 participants and more input received. A final RFP will be presented to Select Board. It will go out June 6. Number of units will be determined by developer. The committee received a letter from the Water department saying that they needed to be involved in development. He asked that Chair Hopkins write a formal letter saying that it was off limits for a well who said he would do that, that this is an ongoing issue. Maybe it could be attached to their letter.

Member Lambert asked about ancient ways in the 8 acres. Member Crossland said there is minimum vegetation being removed.

JoJo Lambert: Said she attended Select Board meeting for Streetscape and the letter they wrote was ignored or not acknowledged. She raised her hand and Brian did not call on her. Chair Hopkins said he'd file a formal complaint that she asked to be recognized and was not. Member Lambert also brought up a "weak chief" vs a "strong chief".

Ewell Hopkins: He is doing a site visit and walking the final layout of the path at Hidden Cove, which is a continuation of Southern Woodlands and the conservation easement... This will connect and cross Edgartown Vineyard Haven Rd across County Rd. You'll be able to go from the Kettle Hole and Dodger's Hole to Featherstone on conservation land.

The VTA bus shelter at MV Skate Park and pedestrian improvements are almost completed. Envision you can come to the bus stop from arena and YMCA in a much more safe way. This board secured over \$200,000 to complete this work.

Chair Hopkins said there's a troubling trend and a complaint was received from the Commission. We've had two and possibly three demos that have bypassed approval at the Commission -- 112 Dukes County and we now have the Island Elderly Housing demo on Wing Road. We're seeing holes popping up all over town that are supposed to go through a level of due diligence and scrutiny. They are getting sign offs at the building department that we need to understand better.

Member Crossland asked how that was possible and Chair Hopkins said someone is taking their eye off the ball. Island Elderly Housing is now a 40B and the question is how did they secure a demo permit without signoff from the Commission. The Commission is coming to the next Select Board meeting to discuss this. Member Cleary said the holes were not just dug on their own – they were approved by the building inspector? Member Crossland asked what they could do to help. Chair Hopkins said there was nothing the Planning Board can do at the moment, this was between the Commission and the building department.

Chair Hopkins thanked the board for the flowers and acknowledging the loss of his mother.

Adjourn

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

Meeting was adjourned at 6:30 p.m.

Minutes approved June 10, 2021

Documents on File: *Agenda; Board packet; zoom video*