



OAK BLUFFS PLANNING BOARD

Meeting Minutes

THURSDAY, JUNE 10, 2021

5:00 p.m. | Virtual Zoom Meeting

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

Members Absent: Erik Albert, Mark Crossland

Staff in Attendance: Kim Leaird (*Administrator*)

Attendees: Gail Barmakian, Simon Shapiro, Bill Veno (MVC), Christine Flynn (MVC), Maura McGroarty

Chair Hopkins opened the meeting at 5:02 p.m.

Approval of Minutes

Member Cleary made a motion to approve the May 27 meeting minutes as written. Member Lambert seconded. A roll call vote was taken and the motion passed 3-0.

Potential Planning Board oversight, Shared Use Path along Beach Road

Selectperson Gail Barmakian shared information from the June 7 MEPA meeting. MassDOT came before the Select Board for signoff on the state taking three parcels that the town owns along Beach Rd. She said that because they asked the town to waive any and all destruction that might occur to town property in the taking of those parcels, she was not willing to sign off. Damage could include: it's in a flood zone, Beach Rd., there is a lot of shrubbery and trees.

She said that while she is on the committee, after the 25% plan she was not kept informed. She is concerned that there is not a whole lot of mitigation being done, so she called Ewell because of the MEPA application. MEPA is an environmental review board for the state and connects with all the state organizations. This project has many triggers and she thinks the Planning Board should officially take a role and pay close attention because it could have a dramatic effect on a restructuring of the roadways in a flood zone. She said she thought the Planning Board may have already played a role sending Mr. Shapiro on behalf of the Planning Board to this committee

Chair Hopkins said he did think the Planning Board should be more actively involved in this project.

Member Lambert said she's a biker but a big concern for her is trees and ponds as well.

Member Cleary asked about Commission involvement. Selectperson Barmakian said she spoke with Adam Turner to clarify their role and that they are sort of a sponsor entity: the funds go through the Commission and Bill Veno was involved. She said in her opinion the process was flawed -- there were 3 or 4 meetings and then all of the sudden after taking everyone's input there was a 75% plan. Her biggest concern is the impact on the environment -- pulling out nearly an acre of trees near the pond whose roots help remove nitrogen from the pond. She asked them to commit to fixing any destruction that occurs and to have an arrow pointing towards the hospital in case of rain and they said no.

There is a viable path right now up at the hospital and it's by way of easement and she does not think it's in the town's best interest to lose that. In addition, at the corner of County Road and Eastville, they

[propose?] a three way stop. Right now you can either bear left or go right right but now everybody will have to stop. She said this is a major change and that the planning board might be interested.

Selectperson Barmakian said she wanted to schedule a meeting with head of the district along with a member from ConCom, a member from the Planning Board as well as maybe another relevant board to meet with them as well.

Chair Hopkins said we may need to elbow our way into this conversation but wanted to make sure that the board had the opportunity to comment and see if they wanted him to engage with Selectperson Barmakian to move forward. Member Lambert said yes but Member Cleary mentioned that in the past when they give input they seem to be ignored and wondered if a similar outcome would occur based on past issues.

Chair Hopkins said he understood that sentiment but that it was never too late to try to get involved.

Selectperson Barmakian said the Roads and Byways committee has jurisdiction over the roads and byways and bike paths and the configuration of roads and this was never seen by them. That [proposed] intersection change (County and Eastville) is something that they actually reviewed about five or six years back but no one went before them to discuss or review it, at which point they would have given a recommendation, studied it and brought to the selectmen

Simon Shapiro said to give some historical background, he was chair of the Bike Advisory committee and they were called to a meeting by the Town Administrator and a former selectman (Coogan), and at that point there was a 25% plan. To say they didn't know is somewhat false -- it is not a hidden project.

Bill Veno said the Commission's role was through a joint transportation committee that had directed funds towards this project and the town has representation on this committee. This was identified as a priority project several years ago. That has been the extent of the MVC involvement. The town of Oak Bluffs engaged a designer (GPI – Pearson) to design the project under the Selectmen he assumed. He said they worked for the town and developed a 25% plan and he's not sure when they handed it off to MassDOT. The bike and pedestrian committee gave input, there were public hearings held by the town and written correspondence was offered. They had some revisions, with a subsequent designs, taking into account some of those and explaining why they couldn't do some of the other suggestions that were made that were brought up the issues about the reconfigured intersections, etc. They have reasons for those. The communication has broken down at multiple levels and he said the Commission is very interested in talking with MassDOT and the towns to [repair that].

Chair Hopkins agreed and said he'd like to go back and audit the process with Kim and see who was notified formally and where we are as a town; who has seen this and who signed off on it – not to delay it but to get a handle on the process. He said he would report back at the next meeting.

[New Massachusetts 2020 model floodplain bylaw](#)

Liz Durkee from Martha's Vineyard Commission forwarded the new Massachusetts 2020 model floodplain bylaw which has certain requirements the town must adopt in order to remain eligible for the National Flood Insurance Program.

He said that it's important to put together a process to review not only our current floodplain bylaw but within the overall bylaws and believes that we need technical assistance as it's very complicated and changes will have significant impact on how and what people can do along the shorelines of Oak Bluffs. He said he was not comfortable with a specialist from off island looking at it until the board had a chance to review it and that's why it was on the agenda.

Member Bill Cleary said that they appeared to be required changes in order to remain eligible for the National Flood Insurance and that this consultant could be a good resource for them. The insurance program is an important thing to remember going forward.

Member JoJo Lambert said she is an insurance agent and there have been a lot of changes to flood. It is complicated but you have to – it would be great to have someone come explain the changes to the board because they do make the rules and do change them.

Chair Hopkins said his questions revolve around process: who is responsible, what is the outreach, etc. His point was we not start mucking with the bylaw without a more open process.

Gail Barmakian said there may be political motives behind these changes. She mentioned the flood maps and suggested an engineer should look at them to see if there are inaccuracies.

Chair Hopkins said this has potential significant implications to any of our residents who live along the shoreline and he would not want to do anything hasty so he will look to the board on how to orchestrate this process, we can get the specialist JoJo is referring to; we can formally inform the public and other officials in town. We have to start with: Is 8.0 inadequate? And if it is inadequate and these proposed changes are incorporated, what is the impact in the community. He said in the future he would ask another board member to be the point person on this.

All Island Planning Board progress update

Chair Hopkins said they've had three meetings (including last night) and minutes May 27 were included in packet. As planning boards, they are trying to find where there is common ground -- not what the Oak Bluffs issues are vs. the Edgartown issues -- but what can we get Chilmark to agree with us on? How do we move forward as a single voice and are there areas where we can do that? They've agreed that:

1. The relationship with the Commission is a priority they all need to work on (so they had the MVC's executive director and the chair at yesterday's meeting);
2. Facilitating affordable housing planning is a priority; and
3. We all see deficiencies in our local zoning that impede our relationship with the MVC, so they are looking for commonality of where we can make modifications to our bylaws, that are reflected in all six towns

He told the Board that he wanted them to follow along with what they're doing and if they want, they can either invite themselves to the meeting or give him feedback to share.

Member Cleary said he was glad the Commission was involved in the conversation and that it was moving in a more positive direction. Member Lambert agreed.

Board Updates

JoJo Lambert: Said she was down at Sunset Lake and was really surprised by the materials being used – she thought it would be paved or cement, but it's stone. Chair Hopkins wondered if it was finished or if there was more to be done and said he'd look into it because it doesn't sound ADA-compatible.

Bill Cleary: Final stages of getting the Green Community designation application submitted. The state starts accepting them on July 1. He needs town counsel to write an official letter. Kim and Ewell will forward request to Wendy for approval. He's also in final stages of energy reduction plan and will need to

go in front of Select Board to ask them to adopt a vehicle policy. Also needs to go in front of school committee for same. Plan is to have application in for that by the end of July.

Ewell Hopkins: Wrote two letters per last meeting. He went through the board packet and highlighted:

- Hidden Cove: Finishing up. They are looking for a conservation easement and part of that requires a trail system. They've agreed on the trail system.
- MV Skate Park / VTA bus stop: They are finishing up the glass and the re-shingling of the bus stop and building a lip on the back for a covered seating area and you see excavation work that's going on there today. There are new crosswalks and a light system so this project with MassDOT is finishing up very nicely.
- The High School application is in front of LUPC and he anticipates it will be back soon with the Planning Board. There are questions about the Water Protections Overlay District and 8.2 of our bylaws. This is over and beyond limitations around Dover and would be a special permit. He'll be speaking to the Board of Health by end of month about it as well.
- The Water department. wrote a letter of concern around Southern Tier housing project. He wrote a formal response back to them.

Adjourn

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

Meeting was adjourned at 6:00 p.m.

Minutes approved June 24, 2021

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