



## OAK BLUFFS PLANNING BOARD

### Meeting Minutes

**THURSDAY, JUNE 11, 2020**

*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:** Richie Smith, Kris O'Brien, Kathryn Shertzer, Chris Huntress, Joe Sullivan, Mark McCarthy, Joel Graves, Joe Schroeder, Aaron Wilson, Dardanella Slavin, Terry Donahue, Joe Mikos

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*Chairperson Hopkins opened the meeting at 5:00 p.m.*

### **Approval of Minutes**

Member Bill Cleary made a motion to accept the May 15 minutes as written. Member Erik Albert seconded. A roll call vote was taken and all were in favor.

### **Status Update of Last Week's CWMP Meeting (Erik Albert)**

Member Erik Albert said he did not attend but gave a general summary of what the CWMP subcommittee has done, including:

- A needs proposal
- The Mass. Estuary Project (MEP) determined that the back of the Lagoon, Sengekontacket, Major's Cove and Farm Pond are way over with nitrogen.
- We have to find a Total Maximum Daily Load of nitrogen that can go into the pond that will also restore the ponds.
- Majority of the properties are served by septic systems. The downtown area is on sewer, but that's a small area. There are three alternatives being considered:
  - 1) The first one is compliance achieved during optimizing non-sewer removal. Inlet widening like the bridge, centralized location and treatment. Cluster system similar to what [is being done] in Lagoon Ridge...
  - 2) Option two would be more traditional more like centralized sewer. With both options you can get close to the same goal, but one is more centralized and one you just start putting pipes in the ground, and sewer areas. It seems we're a little behind schedule, but it should come from the consultants is 2019 I think was the recommended plan for the environmental impact.
  - 3) Take no action.

Member Albert asked if there were any questions. Member Bill Cleary said he thought he heard that the study was not as comprehensive as it could have been.

Member Albert said he agreed it should be expanded. Member Cleary asked what the board could do to make this happen?

Member Cleary said that one of the things he hears is that when the Town originally put the sewer system in downtown, for another million or \$3 million dollars perhaps they could have done the whole town. It appears short sighted in hindsight, so he said he thought their goal moving forward as a town that they can do a better job and look at it moving into the future.

Member Albert said it was a little limited in the scope and that it lacks creativity. It's one thing to say, we're just going to put a sewer and pipe all the way down Barnes Road and down County by the lagoon there, but when you look at all the flow that we're getting and the system, he thought that the downtown area could definitely use some more boost because right now there's no new flow being added to the system in the downtown area.

Member Cleary said especially now that we're really seeing the true impact of nitrogen on all of our water resources. As we know, tourism is our biggest business, so the best we can do to protect the ponds and maybe expand the sewer system is probably best. He asked again how the board could get a little bit more involved in that process and asked that Member Albert share their concerns if in fact they are all in agreement.

Chairperson Hopkins said Member Albert is our voice on that subcommittee and we need to look for him guidance and direction and where we can be most effective. It's on agenda because the CWMP is going to define the priorities in the direction of town, which will inform the process of permitting so we're nowhere near the stage of permitting, but this groundwork that's being done will define what we are going to be requesting permission to do. Now is the time to have the kind of conversations that Bill is bringing up.

He said another thing he wanted to ask Erik about — there's a fundamental conversation at the start of all of this. First of all, sewerage is only one technology that can be employed as you mentioned, widening culverts, cluster systems, etc, in terms of addressing wastewater. Have we made the decision of how we prioritize environmental protection versus Smart Growth and do they compliment or are they at odds with one another, has the subcommittee come to any agreement? He acknowledged there are financial implications to that answer, but wanted to know from Erik whether or not he thought that's still an outstanding point of debate or are we going all in on environmental because it. We've seemed to be fighting to get Smart Growth to be a component of the priority. There's a lot of low interest loans and other money available if we are to sewer in terms of protecting the pond and the water quality and the chair of wastewater has been a strong proponent of protecting and saving the water quality and the ponds. There have been others who have been very interested in sewerage which will allow for more responsible development and density where density makes sense, e.g. homes that are one bedroom now may be able to do two or three. Is that whole discussion our end game, is Smart Growth our end game, environmental protection, is it a combination of the two? That was clearly an outstanding issue. Last year, the last public meeting that was held, did the Committee come any closer to formulating that recommendation?

Member Albert said they're kind of at odds. Conversation of these houses that are one bedroom in the County Rd. area, and if they started to do that the numbers start going up because they're talking about the existing things that we have. So if you want to, like, say, Smart Growth in the downtown area. I still

think there's not consensus on that. I think that's a better place to put it — for instance, above Phillips. So that people can live in town and not have to drive as much. But he said he does not feel that there's necessarily consensus of anything. The trend might be a little towards just the water quality, do the water quality part and kind of be done with it.

Chairperson Hopkins encouraged him to keep a part of the conversation. The idea of very restricted areas—the houses along Tradewinds, Pennsylvania Ave. and Alpine that are currently under severe restrictions for what kind of development they can do, also some of the homes in Sengekontacket and at the end at the intersection of County and Edgartown Vineyard Haven Rd. — all of those are under severe restrictions now, sewerage may be able to relieve some of that pressure and he said he knows that the pushback so far has been that the cost would be born exclusively by the town and we might not be able to afford that. But he said he hoped that voice stays a part of the conversation. He encouraged Member Albert to try to include that where he can.

He also said that he knew that the engineers did a video presentation last week and that if Member Albert could get his hands on it, he'd love for this board to see it. He heard it was a pretty good meeting last week and would like to know more about it.

Member Albert said the one bedrooms on County Road – if you start doing that you have to start redoing your numbers. Now you need an even bigger system because the numbers that we put in there that's zone 2. And that's why they're limited to one bedroom. It's just going to make the bill that much higher.

Chairperson Hopkins said the longer they wait the less that's a possibility. He mentioned what our affordable housing committee is doing and said that one thing they always look to is how to expand capacity and inventory without cutting down trees and the logical thing is accessory apartments, duplexes that are now single family, add-ons and additions to existing houses. There's a lot that we can do with minimal environmental impact if we can responsibly handle our human waste. And that's why he has been pushing all along even with as green as he is from an environmental point of view, he wants more than just that to drive the conversation and said Erik was spot on – the numbers will expand, but if we don't do it at this point we're going to really shut the door because once we move into the permitting phase, we're going to have to freeze those numbers to Erik's point.

Member Lambert asked about percentages, and what do we need to balance nitrogen and which one to start with. Member Albert said it depends on how impacted it is. The three [bodies of water] are at different levels; Majors Cove and Sengekontacket are most nitrogen damaged in our town.

Chairperson Hopkins asked if there was anything from the board that would help Member Albert in his subcommittee work on guidance direction or anything we can do in addition to putting this on the agenda.

Member Albert said he'd get the video and report back.

#### **Update on DRI 352-M4**

Chairperson Hopkins said after they defined their five points of oversight as a board, he has been working with Adam Turner to iron out the terms of Peer Review and where they agree and can possibly work together to keep the cost down for the applicant. Goal is to have as much efficiency as possible in terms of making sure that the board's questions are informing the Commission's questions and vice versa. They

have agreed to join a contract with Horsley Witten — not for the entirety of the peer review, but within defined common areas of interest that they are qualified to address.

He said that after consulting with Town's attorney, his recommendation is that all of the contracts with the applicant for this work go through the Commission.

Member Cleary said he's all for the efficiency to reduce the cost of the applicant while doing their due diligence as a board and asked if this would increase or decrease that cost.

Chairperson Hopkins said the cost is the cost, it's just who is invoicing and it is recommended that the MVC do it. The peer review will not address all of the PB's 5 points — they have been going back and forth on two points. There will be additional consultants hired for other aspects, but this initial piece peer review, we can work with the Commission.

High School committee member Kris O'Brien said she's happy to hear that things are going well between the Planning Board and the Commission. She asked for clarification on the two points not addressed and Ewell said they have not yet agreed on expertise to address those. Additional consultants will handle the points Horsley-Witten is not addressing.

### **Menotomy Decision / Review and agree to sign**

Discussion followed about the draft of the Menotomy decision. Member Cleary said for the record that the decision as written is exactly as he remembered. Members Lambert, Albert and Crossland agreed. The decision would be at the Town Clerk's office for each board member to go in and sign.

### **Board Updates**

Mark Crossland: No Affordable Housing meetings. Roads and Byways supposed to meet June 24.

Chairperson Hopkins asked if Affordable Housing would be attending the June 19 ZBA hearing re: the solar facility project. He asked him to attend and to stay on top of that. Member Crossland said he'd ask the chair.

Member Crossland asked how they would handle zoning reform now that the Planning Board's warrant article [for comprehensive bylaw reform] was removed. Chairperson Hopkins said they should not slack off, and maybe should pull together a meeting and gather new interested members.

Member Crossland said we should talk as a board at next meeting to figure a way forward.

JoJo Lambert: no updates. Sign committee has had nothing new.

Bill Cleary: Attended first Commission Climate adaptation plan meeting. There were a list of questions that Kim would forward to rest of board; another meeting on the 24<sup>th</sup>.

Green Community subcommittee planned to meet the next day. They were ready to go at town meeting and now have to pause. Next step is as-of-right zoning, expedited permitting process within a year, and then last part is to fill out the application process. All other criterion all set. Application deadline extended to Dec 30. Member Cleary said he'd recommend to subcommittee that they start working on application.

Ewell Hopkins: Sent a letter updating the Governor's guidance on liquor licenses restrictions and hearing processes. He has granted local authority for any changes (like dining outside). Barn Bowl and Bistro has requested outside dining. He recommended that they allow permitting agencies go directly to Select Board thru November. The Select Board also asked if Commission would grant them same approval.

Also the MVFF along with YMCA has requested to use back parking lot behind ice arena which we've put restrictions on to transform it into a drive in movie venue over the summer. He reviewed and gave suggestions and believes it does not trigger anything for the Planning Board.

The building known as the Take It Easy building, formerly owned by Bill Bilzarian, has been under a lot of scrutiny with a lot of construction taking place there. There are restrictions on construction in summer months. They had asked for a release, but not granted. Question about what was permitted and what is actually being done. Waiting to see plans from building but looks like they're in violation and it needs to be addressed. Wastewater concerns as well. Working with Building and Select Board and Wastewater to figure out.

Re the High School Athletic Fields application: A petition with support from coaches past and present was received. Chairperson Hopkins said he had questions about that petition but had not heard back from the principal and athletic director.

Mark McCarthy, athletic director, said he had sent a response on June 9, 2020. Confusion about not having received a response, letter Mr. McCarthy referred to was located and forwarded to Chairperson Hopkins.

Richie Smith spoke to the signatures on the petition and that those signees who have been represented on the list will actually reach out on their own to support the project as originally intended. He just wanted to clarify that would be happening.

### **Adjourn**

Member Albert made a motion to adjourn. A roll call vote was taken and the meeting was adjourned at 5:55 p.m.

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*Minutes approved June 25, 2020*

Documents on File: Agenda; board packet