



OAK BLUFFS PLANNING BOARD

Meeting Minutes

JUNE 13, 2019

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

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

Members Absent:

Staff in Attendance: Kim Leaird (*Administrator*)

Attendees: Dave Keefe, Chuck Sullivan, Lynn Vera, Eleni Roriz, Richard Toole, Christine Flynn, Matt Viaggio

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

Approval of Minutes

Member Albert made a motion to accept minutes as written from the May 23, 2019 Planning Board meeting. Member Lambert seconded. All were in favor, motion passed 5-0.

Special Permit and Site Plan Review: “Kennebec Farm Stand”

Site Plan Review:

Owner Dave Keith and architect Chuck Sullivan presented the project which already has wastewater and Board of Health approval. The plan is to convert a 3-bay garage structure on Kennebec Ave. into a “farm stand” – a small takeout-only grocery store that will feature products from Vineyard farms and providers. They will not be preparing any food on-site.

Chuck Sullivan said that they were here under two bylaws: 10.4.1—Site Plan Review for change of use within an existing structure and 5.1.3 – special permit, parking mitigation. They were approved for 1,000 sq. ft. for wastewater. Their proposal is for 922 sq. ft. with a portion of garage left for storage. The property is joined with 33 Ocean Park which does not have a basement, so this would allow storage of beach and patio furniture, etc.

- The site plan shows space for two piggy-backed parking spaces, one labeled “Manager Parking” towards inside of the lot then a handicapped parking space facing the street.
- The scale of the building won’t change. They plan to change the façade of the building which would divert rainwater plus two dry wells on either side of the building to catch runoff.
- There is currently a concrete apron that leads up to the building that would not be changed.
- There is vegetation and some fencing that needs to be removed and repaired. They have met with Tabor and the tree warden does not see any issue. The largest tree is a choke cherry which is not

very attractive on the downhill side, north of the building – left side as you're looking at it from the street.

- There is a side door for deliveries and trash/recycling bins would be on back of building, all self-contained.

Chairperson Hopkins asked if there was any public comment in opposition or support.

Lynn Vera, 42 Kennebec Ave., asked what would be put in place of the choke cherry and whether there was a plan for composting along the back side in addition to trash pickup. She said she was concerned about noise and asked if there would be enough insulation for a freezer/refrigerator, compressor and would there be a generator in case power goes out.

There is a 2-3 foot buffer that has been neglected over the last several years between the parking and the neighbor to the north. Chuck Sullivan said there are some areas where a tree could be re-planted but they plan to put a row of shrubberies in place of the choke cherry. As far as refrigeration, it will be on an interior wall and should not be audible plus the building will be insulated. Composting will also be done on the interior and be picked up by a local group. They have not thought about having a generator.

Mark Crossland asked where the parking spots were and Chuck Sullivan showed the back-to-back spots on the plan, one being a handicapped spot and that currently the area is mostly lawn. Chairperson Hopkins said they would have state requirements for handicapped parking that dictate materials used. They can't use gravel and the Planning Board does not want to see asphalt, they would be looking for semi-permeable surface and concrete would not work.

Chuck Sullivan said they're concrete pavers, like blocks with gravel within it. He said grass is hard to keep up with and then gets muddy, so probably would have pea stone within it.

Member Crossland asked about the deliveries and if they would interfere with area businesses. No deliveries other than the company vehicle that will go around to area farms and pick up produce.

Discussion followed on whether the business would be contained inside or if they would utilize the concrete apron in any capacity. Chuck said they had considered putting wooden crates with fruit out there as a display, also maybe a planter or two to make it more attractive. Member Cleary asked if a barrier of some kind would help people not run into it. The planter would help.

Chairperson Hopkins asked about the rainwater going down the back and what the material was between the house and garage structure now – grass. He asked why they wouldn't utilize rainwater there on that grass instead of dropping it into a dry well. Chuck said they were mostly trying to not contribute to problem.

Member Albert asked if they were doing any HVAC, Chuck said on it would be in back and won't be loud. It will be on the side of Offshore and the back of the Keith's house. He asked about exterior lights and was told there are three and that front lights would only be on when store is open and pointed down to the sign.

Member Lambert asked for clarification again on parking and deliveries because that area is already busy. She also asked if the Board could require they have liability [insurance]. Chairperson Hopkins said that was not part of our purview but said we'd check. Applicant stated they would be doing that anyways.

Member Crossland said one of his concerns was the concrete ramp that wouldn't prevent a car for pulling in and that a condition should be stated adding a flower pot or other barrier to prevent it.

Chairperson Hopkins said the Board should consider the following conditions:

1. HVAC location needs to be clearly designated in the plan
2. A landscaping plan with materials used for those 2 parking spaces, removal of the vegetation currently in place
3. Composting plan be clearly outlined, terms of the vendor be included in the decision
4. Lighting plan be clearly articulated in the plan and the decision
5. "People barriers" and planting in concrete apron in accordance to the 5-foot setback... be included in decision
6. Noise mitigation plan for any internal condensers
7. Loading plan will be clearly outlined in the decision
8. If within our purview, proof of liability

Member Crossland made a motion to approve site plan with the conditions stated above. Member Albert seconded. All were in favor. Motion passed 5-0.

Special Permit:

The Planning Board then moved to discuss the Special Permit for Parking in the B-1 District.

Special Permit and Site Plan Review: Kennebec Farm Stand – 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, June 13, 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 **David and Julia Keefe / Kennebec Farm Stand**, P.O. Box 3509, Oak Bluffs, MA 02557. Applicant seeks approval of a Site Plan Review of a proposed grocery store selling primarily local farm products sold on a takeout basis, and a Special Permit under **Section 5.1.5 of the Oak Bluffs Zoning By-laws** *"Where a proposed use in the B-1 District cannot meet the off street parking requirements set forth in Section 5.1.1 such off street parking requirements may be waived by special permit granted by the Planning Board where the applicant makes a payment in lieu to the Oak Bluffs B-1 District Parking Mitigation Trust."* Plans submitted reflect property located at assessor's address "28 Kennebec Avenue," **assessor's map and parcel 9-14**, in zoning district B-1.

Chuck Sullivan said at 922 sq. ft, the bylaw requires 8 parking spaces. If Board sees 2 legitimate spots provided on the property, then they would pay for 6 parking spaces, or a \$575 annual payment into the Parking Mitigation fund.

Neighbor Lynn Vera asked where did the people who live at 33 Ocean Park, park now. Dave Keefe said they have an address that allows them to park on the circle. Lynn Vera said that is supposed to be for people who don't have parking. She asked if they used the garage for any cars and was told no, it's empty.

Chairperson Hopkins wondered if the Town was losing three spaces by converting garage to a store.

Dave Keefe said the inside of the garage is interior space, it is not public parking. It's private space.

Member Cleary said he was supportive of this idea but had concerns that people would park at Reliable Market and run over to their farm stand and he could see that upsetting Reliable owners. While there is

nothing to prevent that, some said people whose destination is not Reliable are already scared to park in the lot.

Member Albert said he disagreed with counting the interior 3 spots as valid parking spaces but thought the two the applicant said they have are really just one spot. Chairperson Hopkins said he felt strongly about the loss of spaces and Member Albert thought disagreed and thought it should be just one additional space.

Member Crossland made a motion that they approve the special permit with 7 spots because the Managers' car does not count as a space. Member Albert seconded. Discussion followed. Member Cleary wanted to know how the interior space is being used now. Chuck Sullivan said it's kind of like a workshop. Dave Keith says a friend uses it to store paintings and there is no commerce there. He also said that Mike Sullivan is moving and shingling #33 and is using some space to stage.

Member Albert said in approving the number of 7 spaces, he wants to spell out that the two on the side are just one spot. Discussion followed about piggyback spots and how they do not work and named some that are not working.

Chairperson Hopkins reminded all there was a motion on the floor to increase parking mitigation from 6 to 7 total spaces (\$650 annually). All were in favor. Motion passed 5-0.

Parking Mitigation: Map 9 Parcel 21, 8 Circuit Ave. / Discussion

The Town has recently invoiced a number of people / organizations for current and past Parking Mitigation fees. Margaret Wray, property owner, claims that parking mitigation was never imposed on her or her property and that she was billed in error. She acquired this property in 1997, and invoice sheet to her stated she was issued a special permit in 2001 but she never changed the use of the building and never applied for a special permit. Administrator stated that she had searched back for any evidence to support the alleged parking mitigation debt and was unable to turn up anything in Meeting Minutes, with the Town Clerk or locate a special permit.

Mrs. Wray also said that over the years she gets inquiries for restaurants that are at 8 Circuit Ave. EXTENSION and that maybe one of them is "R and C" (for example, Lobsterville). Administrator said she would investigate further for this possibility.

Member Albert made a motion to waive parking mitigation for this property past and future. Member Lambert seconded. Motion passed 5-0.

Green Community Designation/ Discussion

Chairperson Hopkins called for a subcommittee to work with the Energy Committee to put the due diligence necessary in order to bring this to Town Meeting in 2020. Member Albert made that motion and Member Cleary seconded. Motion passed 5-0.

All Island Planning Board Meeting

Chairperson Hopkins said the next AIPB meeting is set for June 19th, hosted by Tisbury. He said that their only agenda item is to discuss regional housing bank options moving forward. He feels that voters spoke

on this issue at Town Meeting and were not in favor of a regional housing bank and that it would be disingenuous to attend. Discussion followed about OB participation. Member Albert said he's not against a regional housing bank, just the one that came in front of voters in April and Member Crossland agreed with him – he also was not against exploring alternatives. Member Lambert said there would be one person from each town to be on that committee. She said she's not for the regional but there would be one person representing the Town. Member Cleary asked whether it would affect their input if they are not involved. Discussion followed and the decision was that the Planning Board would not be at the meeting.

Planning Board Fees and Regulations

After researching what other Island towns charge or do not charge, Member Cleary looked at a 1.5-2% per year increase and outlining administrative and review fees. Board members agreed to schedule and notice a public hearing to vote on the revised Fee Schedule.

Mass. Audubon Zoning Bylaw Review Tool

Mass. Audubon has an online review tool that allows you to compare and contrast current zoning bylaws against best practices in terms of environmental stewardship. Chairperson Hopkins said he is putting together a subcommittee to work with this tool and bring back a recommendation to the Planning Board. Member Bill Cleary volunteered to be involved.

Review and Sign Special Permit Decision for Fire-EMS Radio Communication Tower

Board members signed decision.

Board Updates

Mark Crossland – Affordable Housing committee – he said they are planning a joint meeting in mid-July with the Planning Board and Selectmen (Eric Halvorsen, engineers). All the engineering is done for both the 32 and 8 acre lots. There are three other lots ... just waiting for approval from town administrator – one is off of Alpine, one is off California, plus a third. They sent Perc tests out for bid, George Sourati was lowest. Member Crossland said he offered to do excavation for free.

Bill Cleary – Asked questions about parking mitigation and who had paid. Administrator read from a printout that Town Accountant printed out. Discussion followed. Member Lambert said she thinks that everyone in the B1 district should pay into parking mitigation, it shouldn't be so small and piecemeal. Member Crossland added he'd like to send a letter to the Board of Selectmen from the Planning Board to the effect that no licenses can be issued or renewed unless you're caught up with parking mitigation fees. He also thought there should be an incremental rate on fees charged. Chairperson Hopkins said they have that commitment from the Select Board already but if he wants to draft a letter and bring it to the next meeting to sign, that is fine.

If they want to revise the parking mitigation fees, they would need to take that to town meeting. Chairperson Hopkins said that this should be another subcommittee and asked Member Lambert to form one. Both Members Crossland and Lambert said they'd work on a subcommittee to work on the parking. Chairperson Hopkins said we need to spend money to do it right – by re-writing the bylaws.

Ewell Hopkins – Spoke about the clear cutting that took place on the property that is behind the police barracks and on the corner across from the hospital; working with the landowner and the state which is another land owner which could represent 8 acres. This may be in front of us in the future.

Eversource is continuing forward. He said they had just completed an environment impact study and determined that ground contaminants through fire suppression would contaminate the well which represents about 20% of our drinking water in 3.5 years if there were a tragedy. They are looking at containment options.

Master Plan – he reported that they came in \$7,329.53 under budget and congratulated all.

Adjourn

Member Crossland made a motion to adjourn, Member Cleary seconded.

Meeting was adjourned at 6:49 p.m.

Minutes approved June 27, 2019

Documents on File

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