



OAK BLUFFS PLANNING BOARD

Meeting Minutes

JUNE 27, 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: Pierre Vaillacourt, Dorothy Young, Margaret Stafursky, Marc Rivers, Susan Christopher, Jay Schofield, Eric Peters, Brooks Billingham, John Abrams, Ryan Bushey, Anne Kitchell, Rich Claytor, Brian Packish, Brian Mackey, Juliette Fay, Amy Houghton, Phyllis Jampol, Steve Auerbach, Richard Toole, Mary Korba, Bill O'Brien, Amy Billings, Richard Toole, Sandy McNeil?, Ron Glen, Greg Monka, Theresa Morrison, Elio Silva

Chairperson Hopkins opened the meeting at 5:04 p.m.

Approval of Minutes

Member Albert made a motion to approve the June 13, 2019 meeting minutes as written. Member Lambert seconded. Motion passed. 5-0

Discussion: 110 County Rd., 112 County Rd. and 6 Inca Rd. (owner Marc Rivers)

Chairperson Hopkins two letters from the Building Department had been sent to Marc Rivers regarding clear-cutting of the above-mentioned lots in violation of OB Zoning Bylaw 5.4.5—Erosion Control – and the need to appear in front of the Planning Board for a special permit and/or a site plan review.

In reviewing our current bylaws, Chairperson Hopkins said this situation warrants a site plan review but not a special permit and all that would delay. Within the scope of site plan review, the Board can address screening. He recommended to Board that M. Rivers apply for a Site Plan Review.

Marc Rivers, who said that Brooks Bellingham did the septic plans and got approval last November from the Board of Health. He said that in his defense, if he had filed for his building permit before clear cutting they would not be here in this position.

The Building department sent them to the ZBA with their plans and the ZBA advised them to withdraw because they were vacant lots and they would not be able to grant what they were seeking. Then Building said they could not get a building permit until they were in front of ZBA. He said he had been clearing the lots for over two months and did not know they needed a permit to do so – many people saw what they were doing over this period and no one told them they needed a permit either.

Amy Billings – an abutter, diagonally across from Marc Rivers, said that she saw he had been doing this for a couple of months, in stages. She said for the record that there is nothing coming off the cleared lots as far as drainage. She also said that she also wouldn't have known that you can't clear a lot.

Brian Packish, selectperson, said that clearing a lot before a getting a building permit is pretty standard. He said both of the bylaws are clear that it's not necessarily incidental to having a building permit. He said it was not fair and that in his opinion the applicant is being unduly impacted by some political football going on, and that a dangerous precedent was being set.

He said the property owner should not have been sent to the ZBA for relief (for an accessory apartment) when there's no remedy for this in the bylaws. And on the other hand, he would not need a site plan review if he had had a building permit. He said he had concerns about the whole process and thought it should be kicked back to the building department and they should do their work.

Chairperson Hopkins said he'd get that with a site plan approval. He said the environmental impact, the clearcutting is not something we can address within the authority of the bylaw and it's not in the Board's power to mitigate environmental impacts. He further said he believes it's not extraordinary to ask the property owner for a site plan review.

Richard Toole, attendee, said whatever we do he did not want to see this happen again. Steve Auerbach asked if he had pulled the trees from the roots. Chairperson Hopkins said he'd like to save questions like these for the Site Plan Review.

MVC Long-Range Transportation Plan Survey

With current labor issues with VTA and transportation on everyone's mind, Chairperson Hopkins encouraged board members to not only take the survey but promote it within the community.

Created by Martha's Vineyard Commission.

Site Plan Review: Martha's Vineyard Community Services/ Campus Application

Representing the High School was Superintendent Matt D'Andrea – they own the property that MVCS is located on as well as the YMCA and Ice Arena. He said they are pleased to use their property in this manner [for Community Services], and are committed and willing to work with the Town.

Planning Board member Erik Albert disclosed he is president of MV Skate Park but has no financial interest in these matters.

Chairperson Hopkins asked about tenant oversight and whether or not there are expectations that tenants work together. The superintendent said each tenant has a lease that outlines the expectations and that the high school puts all the responsibility on each of them. There is an easement but they do not maintain the road. It is outlined in each lease. Any changes to the lease would go to the High School's Land Use subcommittee.

Chairperson Hopkins said he would like to see improved relations with the High School Land Use subcommittee – he said he's glad that there is an entity that he can work with to address macro issues. However, it is unfair to put everything on the leaseholder when there are significant consequences when each lease holder makes a move. With MVCS first out of the gate, it would be better to have them all more involved. There a lot of delayed issues that are bubbling up that will have macro consequences to all of the school's leaseholders.

He asked Superintendent D'Andrea to notify the Planning Board once the Land Use subcommittee is set in the fall.

Applicant Presentation

MVCS executive director Juliette Fay spoke about Community Services and the role they have played since 1961 and what has led them to this point. They are social services safety net. Over the last 5-6 years they have had a lot of growth. They built the IWYC building which serves 300 families; a veteran outreach program; a recovery coach program to address opioid epidemics; an enhanced urgent care center, walk-in behavioral health program – an essential part of services and a way to see a clinician and avoid an ER visit. In the first year of operation they saw a 43% decrease in adolescent psychiatric hospital placements.

They are now at a point where there is no room to place people, they have doubled and tripled up in office space. They do a lot of collaboration too with the Hospital and have received a \$400,000 grant and contract. They are proactive in bringing services for islanders.

Building conditions are so dilapidated that they are close to failing accreditation. When it rains, it floods inside. Employees must all wear boots. The buildings are not accessible to those with physical disabilities. Another problem is that they have 17 different entrances in Child Care Center and in an age of active shooters, this is too many. They need the facilities to be safe.

If they get too close to failing accreditation it would mean that all the kids they serve would lose their waivers and services. The MVCS board decided it was time to make a move.

Chairperson Hopkins said that this project took off quickly and that the Town has been playing catchup – Board of Health, Select Board, Planning Board. He said the conditions imposed by the Commission have made this project better and informs the work of the Planning Board.

The Planning Board engaged two peer reviews: environmental and a road/emergency services to look at Village Road.

South Mountain, Ryan Bushey

Ryan Bushey, project architect from South Mountain and Oak Bluffs resident, presented a slide show and addressed Planning Board concerns as well as suggestions made by Horsley Witten (the firm hired by the Planning Board to conduct an environmental peer review). He said they had learned a lot from them and appreciated their guidance.

Environmental Peer Review

Richard Claytor and Anne Kitchell from Horsley Witten said that South Mountain had addressed all of their concerns in Ryan Bushey's statement and read from the bottom of their report: *"...Our assessment did not include an evaluation of local codes and regulations. Based on our review of the documentation and conversations with the Applicant, the project is clearly advancing concepts and actions with the intent to implement a sustainable project into the future. Our recommendations offer opportunities for the Applicant to tweak the design to perhaps further these sustainability goals and hopefully provides the Oak Bluffs Planning Board with a set of potential actions for the review of future projects."*

He said that the applicant response to their suggestions was fantastic. He also addressed "Net-Zero" by saying there is usage that can't be controlled both onsite but offsite as well.

Anne Kitchell said the comments about parking are appropriate, the context of the core habitat that OB has mapped and identified. Rich concluded by saying they are not transportation engineers but with a curved road, making it as narrow and as curved as possible would keep pedestrians and cyclists safe.

Chairperson Hopkins thanked them and said Horsley Witten had given them confidence in the environmental stewardship proposed in this project. He asked if anyone in the public wanted to speak to campus design.

Testimony in Support

Richard Toole spoke in favor of the project. His wife worked there for 32 years. The building was poorly designed, but they have chosen a great design/build company, the best on MV for energy efficiency. The Commission put a lot of work into it.

Mary Korba, MVCS Communication Manager and OB resident gave first-person testimony to the necessity of MVCS to the island community: issues of food and security, domestic violence, safety, and said this project needs to happen.

Richie Smith, assistant superintendent, said they had conducted a thorough MedStar review... and now teams of recovery coaches and mental health clinicians are providing direct support for children and MVCS is an incredible partner for school to rely on.

Opposition / Questions

Dorothy Young, executive director of abutting Island Elderly Housing questioned the leasehold. Question and clarification on the lease line – it goes just to the center line of the road. Does that mean some of the road is under Community Services' leasehold?

Ryan Bushey said IEH still has an easement on the road, it doesn't change – same with Community Services. Dorothy Young said they are willing to share the road, were never unwilling. She also clarified that they are not under a leasehold with Community Services but an easement.

Concerns

Brian Packish said he's not met anyone who isn't in favor of the project. It is a great plan, well thought out but the need for housing in our community is not addressed. He pointed out that so many members on this team were active advocates of the housing bank. He said he supports and believes in the project but would like us to plan projects that ultimately take housing into consideration.

Chairperson Hopkins said he could not agree more but the Planning Board unfortunately could do nothing about housing.

Greg Monka from IEH said one of the concerns they still have is the ad hoc parking on Village Rd. They are worried that will not be addressed.

Closed public comments.

Board Deliberation

The Board went over the conditions made by Commission in DRI 223-M3, specifically in Section 5.

Discussion followed about net-zero efficiency and that MVCS is doing all they possibly can to achieve it.

Screening and Traffic

Chairperson Hopkins spoke about his concerns with Village Road and that there is no alternative access. He said he has worked very closely with traffic and worked with Jim Lampke and proposed this language:

“As relates to Village Road, observations of same and the study entitled “Roadway Assessment, Village Road” by McMahon Associates dated May 3, 2019 indicates that it is inadequate in its present condition in many respects, which inadequacies will be exacerbated, as well as new deficiencies created, by the development as proposed, unless Village Road is improved. In addition, the existing road does not meet the applicable standards and criteria laid out in 527 CMR 1.00, Chapter 18 of the Massachusetts Comprehensive Fire Safety Code. Accordingly, as part of the Site Plan Review Process, and as a condition of Planning Board approval, the Planning Board finds that it is reasonable, necessary, and appropriate for Village Road to be improved to meet or exceed legal requirements and provide the necessary safety protections for residents and the general public, users of the MVSC, the YMCA and the Island Elderly Housing, as well as the staff of same and first responders who may have to access these sites.

Therefore, this Site Plan Approval, herein granted, is subject to the condition that Village Road, before any Certificates of Occupancy for new or renovated buildings or locations are issued, and in any event no later than commencement of Phase II.

1. Meet all applicable standards, laws, rules and regulations and in particular 527 CMR 1.00, Chapter 18 of the Massachusetts Comprehensive Fire Safety Code;
2. The Fire Chief certifies compliance with all applicable laws, rules and regulations subject to his jurisdiction.
3. The Fire Chief certifies compliance with all applicable laws, rules and regulations subject to his jurisdiction.
4. Prior to the commencement of Phase II, final plans for road upgrades and re-construction, certified by a registered professional engineer as meeting or exceeding the standards and criteria of Chapter 18 527 CMR 1.00, Massachusetts Comprehensive Fire Safety Code], are provided to the **Planning Board** (vs. LUPC).
5. On or before [completion of Phase I a final as-constructed plan is submitted to the Planning Board, certified by a registered professional engineer, certifying that all construction has been completed in conformity with all applicable standards, laws, rules and regulations, and in conformity with the pre-construction plan submitted to the planning board.
6. If the prior four conditions have not been met on or before completion of Phase I no Certificate of Occupancy shall thereafter be issued until compliance with these conditions. The conditions contained herein may be modified by the Planning Board upon satisfactory evidence and assurance that Village Road will be improved as set forth herein.

John Abrams – said the criteria used complies fully with Chapter 18 with Fire code and thought that they were already satisfying first three. Chairperson Hopkins said that if Chief Rose signs off, that’s what is needed.

Chairperson Hopkins said he would really like to see bicycle racks and at least one bicycle shelter although can’t condition it. South Mountain said they could do that (unclear if it was just racks or both racks and shelter).

Member Cleary said question was around widening road and ... means right now, road is worn. Ewell said Land Use Committee. This project exacerbates a problem that exists today (IEH and the road)

Ryan Bushey commented that the local fire chief’s signing off has some subjectivity baked in. He said they would prefer to keep adhering to code be the goal (527 CMR). Chairperson Hopkins said that is the intent. The goal is to make Village Rd. safe.

Ryan said the Commission addressed who would be responsible for the road and addressed it under 5.5 of their conditions. They recognized there is the potential for an abutter to stonewall their progress. He said it appears that what the Board wants to make that the case. Ewell said if you are going into Phase 2 and you’re being stonewalled, then the Planning Board can still allow them to move forward.

Member Crossland made a motion to approve the site plan review with the conditions outlined. Member Albert seconded. All were in favor. Passed 5-0.

Board Updates

Ewell Hopkins – Horsley Witten did a lot of work and will help inform bylaw changes we’d like to see change at Town Meeting. Discussion followed about the Lampost and storm water runoff . He said he’d pull the decision but he recalled they required they keep the storm water on their property.

Adjourn

Member Albert made a motion to adjourn, Member Lambert seconded.

Meeting was adjourned at 7:34 p.m.

Minutes approved August 8, 2019

Documents on File

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