



## OAK BLUFFS PLANNING BOARD

### Meeting Minutes

**THURSDAY, JULY 9, 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:** Joe Sullivan, Mark McCarthy, Matt D'Andrea, Richie Smith, Kimberly Kirk, Kris O'Brien, Chris Huntress, Mark Friedman, Christine Flynn, Terry Donahue, Joe Mikos

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

### **Approval of Minutes**

Member B. Cleary made a motion to accept the June 25 minutes as written. Member J. Lambert seconded. A roll call vote was taken and all were in favor.

### **Discussion of Board Officers and elections for upcoming year**

Planning board members re-elected Ewell Hopkins as chair, and elected Mark Crossland as vice chair.

### **Potential role of Planning Board in Pennsylvania Ave. reconfiguration planning**

The Select board elected not to vote on Pennsylvania Ave. reconfiguring – until after they hold public hearings. This is exclusively their purview. There are several activities going on up in that section, including Bellevue Ave., solar facility and the communication tower construction, a park and ride has been defined. All of this will affect commercial traffic on the lower end of Pennsylvania Ave.

Roads and Byways discussion was to block through traffic so you can't go from Barnes to County by putting up a gate near intersection of Alpine and Pennsylvania. Chairperson Hopkins has suggestions on how Planning Board can assist. They can either wait until Roads and Byways makes recommendation or can give guidance in advance.

Member Lambert said they needed to take into consideration all those who would be affected.

Member Crossland, who sits on Roads and Byways, said there had been a discussion of speed bumps but kids often have accidents on bicycles. The traffic has to go somewhere down Washington or Hudson as well as Alpine.

Chairperson Hopkins said that he had discussed with Jason Balboni (selectman) a planning technique that involves tracking behavior and patterns first before determining a plan. Suggested they put the gate up as

soon as possible, and then monitor where traffic flows after the initial reaction has dissipated. And then additional reconfiguring as necessary. (Should Hudson be brought one way; Washington doesn't go all the way through. If the gate doesn't go up now, in season, then it will be the fall with a limited number of people aside from locals. There will still be that unknown of the summer when the population explodes.

Planning Board could assist in gathering that data and reaction to the impact of the gate. While he thinks the gate is a great idea, the implications are still unknown and so we can't cavalierly just put it up and then call it a day. I think we need to figure out the impact that it has on other streets. The fire department has already been actively involved in this conversation. They're very comfortable with a gate because they could then get through as they need to.

Put up the gate and take a look, track and monitor. The first few weeks won't be indicative as people get used to it, but monitor late July, August, September. If it doesn't work, what additional steps can be taken to make it work better.

Member Lambert said she thought we should not do anything during the in-season, that more important the locals get used to it first. Member Albert disagreed and thought we should put it up now and see what happens. Member Crossland said he also agreed it should go up right away.

Chairperson Hopkins said he'd convey to Jason Balboni that while the board has mixed feelings about when, they think it's still something they should pursue.

### **Climate Action Network listening session**

Member Cleary attended 5<sup>th</sup> listening session on June 24 regarding resiliency and adaptation. The hope is that the towns will collaborate and work effectively together regionally and individually. Architects, builders, homeowners will be included in a future listening session. Planning Boards should get more involved with VTA charging structure. Select board support is essential. Conservation issues and financial implications of not doing adaptation should be clearly outlined. If we don't protect all of our coastlines there could be dire future consequences.

Chairperson Hopkins asked if there had been discussion of making all development in the coastal zone a DRI. Oak Bluffs has the strictest rules in place for the coastal zone — they are even stricter than the Commission. Maybe there should be more uniform guidelines for the entire island. Member Cleary said he is in favor of uniform guidelines — there is confusion with architects when building on-island.

### **Board discussion: High School build-out application (DRI 352-M4)**

This agenda item was not a public hearing of the project, but an opportunity for board members to discuss what's happened thus far. Chairperson Hopkins updated board — he will be meeting with Adam Turner tomorrow to go over scope of Horsley Witten peer review. By working together with the Commission, he hopes to avoid duplication of most (although not all) of the five points Planning Board has determined is needed.

On Tuesday, the Board of Selectmen approved the release allowing Michael Goldsmith to continue working on questions concerning this application — especially in light of applicant invoking the Dover Amendment that asserts they are free from local zoning. There was a potential financial conflict of

interest as he sits on the board of Community Services. He has been working on a legal opinion on this application that he can share with members of the board. A recommendation will be coming shortly on what the Planning Board's authority is and is not — in next few days or next week.

The Commission typically likes to keep projects that can be reviewed at local level with the town. He is concerned that they are overestimating the authority the town has.

Member Lambert said in light of Covid-19 and discussion of synthetic turf field, how would they keep everything sanitized. Chairperson Hopkins said this would be addressed by peer review.

Member Crossland said he looked forward to the legal opinion. Member Cleary said he did as well — also looked forward to reading an unbiased report from Horsley Witten.

Assistant superintendent Richie Smith asked how they see review process proceeding. Chair said right now is in Commission's hands, can't take a position or rule now it's there. We are exclusively informing their process where we can so they understand our expectations and include in their review. We believe their authority will hold up to scrutiny as they rule, but not as confident that town enjoys that same clarity. He said he is trying to make sure that the due diligence that should occur happens at the Commission. When they conclude their process, they will present it to OBPB and we have another 33 days to act on the decision with additional conditions if any, or request from you the applicant, a continuance. Why a continuance might be productive is when additional due diligence is necessary for board to make their decision. Both parties must agree.

Joe Sullivan asked about the guidelines and whether they are part of the Planning Board regulations. Asked for clarity on the guidelines. Chairperson Hopkins said he penned his own thoughts on the application and outlined the unchallenged authority of the Planning Board. The Commission has a broader scope of authority and the Planning Board is seeking to inform their authority.

Chairperson Hopkins said that the Planning Board would not act outside of their guidelines, whether it be working with the Commission or the month when it comes back to them. If there are seven points they deem important, that the Commission elects not to probe on or to condition, etc., they have no legal basis to make them a part of the Planning Board decision.

Kimberly Kirk questioned why a warranty from Act Global was posted on the OBPB Facebook page as it did not come from applicant and was not applicable to their plans. She said they would be more than happy to provide the actual language of a warranty specific to their project.

Chairperson Hopkins said he would not only welcome it, he would post it prominently in applicant's file.

Kris O'Brien questioned if the Oak Bluffs Planning Board Facebook page represents the entire board when Members Lambert and Cleary are not on social media.

Kimberly Kirk asked if it's typical to post details of applications on Facebook and if there's back and forth between board members. Chairperson Hopkins said they are careful not to comment specifically on applications. It is used to engage public only. K. Kirk said the concern is that on social media both sides cannot be presented as they can in official public hearings.

Chairperson Hopkins said he is a strong advocate for an active presence and involvement on social media. It's been an underpinning of the seven years that he's been on the board and he is proud of the brand awareness that they've created. He wished more planning boards would do it. It is something that they vetted legally and debated internally. Paid staff does not have access to their Facebook presence. There is a lot of history to this conversation far beyond this project. Erik Albert and Mark Crossland have posting/admin privileges in addition to the chair.

### **Board Updates**

Bill Cleary: Green Community subcommittee met June 24 — Margaret Song from Cape Light Compact and Craig Saunders — to discuss best way to meet end-of-year deadline. Has email out to Bob and Wendy for how to proceed now that they know how application should be filled out.

Ewell Hopkins: Gave updates:

1) Land Bank approved their annual budget. Several recommendations were made at town level. One was allocation to preserve encroachment issues on the southern border of the Southern Woodlands. We abut Island Elderly Housing, Community Services, the YMCA — potentially a 20 unit development of housing from the town and potentially a grocery store — All the way down home Holmes Hole Rd. Talk about allocating the right funds to approve and support and protect that investment along Old Holmes Rd. which is a footpath. Also talked about Pulpit Rock and plans for the surrounding land. They bought a property that's now public information, an undeveloped lot. It will be the linchpin of significant plans. We've sent out letters of interest surrounding the property off of County Road, seeing if anybody else wants to sell. But we have a pretty exciting vision and opportunity long term for Pulpit Rock down the Pequoit point and back up the County Road.

2) Streetscape – Meeting scheduled tomorrow with Kim and Brian to reconvene the subcommittee. Last conversation, Erik and JoJo talked about the possibility of JoJo being on that subcommittee. After we meet tomorrow I'm going to be coming back and asking very quickly who is going to be representing us as a Planning Board on that subcommittee. There's \$2 million+ that has been allocated by the town for this project and we need to get on it right away.

3) Phillips Hardware public hearing scheduled July 23. It is out of litigation. Our decision was appealed, and has now come out of Court. He wrote to MVC that he believes that the modifications do not need to go back to them. We will be reviewing the higher court decision and suggested board read and become familiar with it.

### **Public Comment**

Richie Smith said that our actions as a group are not to bulldoze or force anything through our actions are to ensure that we have a process that's looked at objectively and the social media postings are frankly confusing to me and confusing to some members of our group. That seems to create a bias towards this project. He wanted to just say that all of their behavior is to ensure that this process is done in a fair and objective manner.

Chair Hopkins said it might be helpful if he visits our web site to see difference between special permit and a site plan review. It's an attempt by the Planning Board to make a project even better – its primary intent is not to reject.

### **Adjourn**

Member Cleary made a motion to adjourn. A roll call vote was taken and the meeting was adjourned at 6:30 p.m.

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*Minutes approved July 23, 2020*

Documents on File: Agenda; board packet