



## OAK BLUFFS PLANNING BOARD

### Meeting Minutes

**THURSDAY, JULY 23, 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:** Chuck Gilstead, Sean Malone, Kathleen Malone, Scott Malone, Robin Malone, Tom Cummings, Susan White, Donna Leon, Peter Gearhart, Chuck Sullivan, Mary Gallagher, Joe Sullivan, Terry Donahue, Maura McGroarty, Matt Viaggio, Marilyn Miller, Lynn Vera, Amy Billings, Brook Katzen, Ron Zentner, Ruth McDermott-Levy, Christine Flynn

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*Chairperson Hopkins opened the meeting at 5:04 p.m. A quorum of all five board members was present.*

### **Approval of Minutes**

**Bill Cleary:** Can I make a motion to approve the July 9 meeting minutes as written, please.

**JoJo Lambert:** Seconded.

A roll call vote was taken and motion passed unanimously, 5-0.

### **7 Prospect Ave. (Map 7 Parcel 121) | Sean F. and Kathleen A. Malone — Approval Not Required**

*George Sourati representing Sean and Kathleen Malone*

**Ewell Hopkins:** [JoJo and I] had an opportunity to walk the site on Saturday. I've also submitted my recommendations to the board to review, and sent a copy to you in advance. Have you had an opportunity to review those?

**George Sourati:** Yes, we did receive your letter we reviewed it, and we discussed it with the owners.

**Ewell Hopkins:** So you understand that to comply with an ANR there are certain criteria that must be reached. Obviously the roads to create frontage are not in place at this point. And then there's an issue of access to the property as well. So I wanted to give you an opportunity after you've had a chance to read my recommendations to comment or ask any questions that you might have.

**George Sourati:** We discussed your letter and the opening of Panola Avenue to get better circulation and emergency vehicle access. The owners are wondering if we could do a hammerhead 50 feet deep into Panola Avenue instead of opening the entire roadway for 200 feet to connect to Linton. Financially it is less money. But opening all of Panola would also possibly interfere with the neighbors who abut Panola along Linton Avenue. The hammerhead has been allowed by the planning board on small subdivisions

instead of a circular driveway or a circular road [in the past]. We are wondering if that would be acceptable to the Planning Board.

Ewell Hopkins: There are a couple of questions. First of all, do you have questions about the recommendation that I have made so far, is that clear? and do see the difference between what you're suggesting, or proposing and what I recommended?

There are two components of my recommendation and we have not been able to find a form A or form C for Prospect at all. So there is an issue of the status of the road itself. But putting that aside for the moment, Prospect will have to be continued to a certain standard to create the frontage that you're calling for in your plan for the second of the two lots that you're hoping to create. In addition to that, there's a real concern about circulation and emergency access. When we look at emergency access, we look at not only the road; we also look at height and canopy, the whole envelope in terms of bringing apparatus and our concern about trapping emergency responders with fire apparatus with the narrowness of the road and no ability to create a loop.

The original plans for the subdivision for Prospect Heights called for those crossroads to Linton. I understand that there might be some question about everyday and common access. So we've talked a little bit about gates that we've used in the past which allow that freedom for emergency vehicles, etc. Tonight we won't make a determination. I wanted to hear from you and hear from the applicant.

Obviously if you accept it, and the board was comfortable with my recommendations, we could move forward. If you don't accept those recommendations, I am going to suggest that we continue to investigate what the options are for this property.

If you have no other comments, I'd like to open up the conversation to the other board members to ask any questions. JoJo, you were there. So why don't we start with you. Do you have any questions as it pertains to George's suggestion or my recommendations or any other questions you might have.

JoJo Lambert: Yes, I was there on Saturday and I don't think that a hammerhead would work. It's a very tight road going in there and you really need some square footage to make a road because it's not something to make a loop. Whether it's a fire engine or an ambulance, there's not a lot of room. So I would say I would like to continue to talk about this.

Mark Crossland: I agree with both of you. I'm concerned about emergency access and I agree with you a 100 percent.

Erik Albert: Yes, I see the safety issue with that concern. I don't know. I agree with JoJo.

Ewell Hopkins: And finally, Bill Cleary. Any additional comments or questions you want to bring up?

Bill Cleary: [none]

Ewell Hopkins: Great. So George. I'm going to suggest that if we have —I won't say reached an impasse, but if we have a difference in opinions of how to proceed. I will say that there is precedent on the other end of Panola. Panola was extended from Linton in the opposite direction to connect two lots that are directly across from Prospect Park and hydrant, and water service was brought down for firefighting, to that end. So we have some precedent.

You had mentioned what had been approved in the past to get that that development through an ANR.

The board required an extension of the road in that direction. And what I'm proposing in terms of continuity is to finish out the road and connect Linton and Prospect so that we are in a much safer situation here moving forward.

That said, I want to give the public an opportunity to comment and possibly inform the work of the board.

Marilyn Miller: I'm at 15 and 13 Prospect Avenue. So it's right where 13 abuts the paper street Panola. One of the reasons that we bought that property when it was available was as a buffer because we figured that at some point it was inevitable that Panola would be developed one way or another. Having said that, the concerns that I think my neighbors and I have ... The condition of our road Prospect Avenue is pretty shabby and has been for some time. And I think that the town told us in the past was that once the street was fully developed, then it would be an approved road or something like that.

The drainage every time a new house is built, there doesn't seem to be anything taken into account as to the effect of drainage on what's nearby. I think Mary Gallagher was subject to that along when the property was developed across the street a couple years ago. In any event, I think my primary two concerns are 1) the current condition of the road and 2) looking for some kind of assurance that with the equipment and the new building, and particularly if you're going to talk about a cut through on Panola, that there's some plan to maintain Prospect Avenue. There's a really deep gully that's been there for years that washes out really easily.

Another concern is that [some of these] maps show Prospect aligned slightly differently depending on which map I look at and the concern that we raised from the beginning is that it appears on the map as if you could cut through to Davis, which is the road that runs along the cemetery where the recent Zarba issues were raised. And we want to make sure that this wasn't going to result in an alignment of those streets and it wind up being a through street, all the way from the Towanticut to Pacific to School. Right now it's a sleepy quiet road.

Ewell Hopkins: Thank you. Are there other public comments?

Maura McGroarty pointed out that published map and parcel were incorrect. Prospect Ave. is Map 7 Parcel 221 (not 121).

Mary Gallagher: Thank you for the opportunity to speak. I wanted to echo Marilyn's remarks that the neighborhood is a quiet neighborhood and we would love to preserve the integrity of the neighborhood. It's a safe neighborhood for children and people walking. My concern is that it does become a cut through where people at this point, they can't fly up the street because it is in pretty poor condition, but I do want to echo Marilyn [about] when we are building new houses. The drainage was not taken into consideration at all and all the water does come down, pull into my driveway and my side yard. The water has actually built up and destroyed windows and driveway and so on and so forth. But having said that, I can fix those things. I'd prefer that problem, as opposed to it being a road that people are zipping up and cutting through.

My concern is that the neighbors — They're outside in their yards. They work really hard to keep the integrity of that neighborhood as a simple quiet neighborhood, and I'm very concerned that that may all change when you're connecting. So I hope that you take that into your minds as you're considering in and altering ... obviously we want everyone to be safe and have the capabilities of fire engine, so on and so forth. I have seen that they have gone down to Towanticut and taken a right up Linton without any difficulty. And I'm not sure where the cut through is up on Linton to the street that you're referring to, even though I've looked on the map. It seems to be very small street and I'm just as confused by the parcel

number. But I'm really here to talk about the integrity of the street, and I hope that that is maintained and taken into consideration when all the planning goes forward. Thank you.

Kim Leaird: Reading chat message from Rob Kaczynski. He says: “Everything our great neighbors have stated, we are very concerned with our street conditions. We were the first on Prospect on the north side. We are very concerned about drainage. Our street floods, we are concerned with neighborhood integrity and overall development. The town has a very poor record of taking care of the road.

Ewell Hopkins: [Shared screen to clarify a couple of questions]. This is the map on record. You can see Linton Park at the top and Linton Ave and Prospect running across. You can also see on the original map the vision for to cross streets.

On Prospect we're talking about the road — it pretty much ends right here. We are talking about extending the road to here and not connecting it to Davis. And we're talking about opening this up [Panola] and maybe including a gate so that when fire apparatus comes from Towanticut, they don't have to make a decision of rescue or firefighting because now if you come up Prospect with an ambulance, followed by a fire truck you can't get the ambulance out. We're looking at how to allow this loop so that you could either come in on Linton or come in on Prospect and loop around with apparatus. I believe a simple gate here or here or here with fire access only would eliminate that problem.

George Sourati: I would like to address a couple of points. The owners say they are in agreement after hearing you. That Panola should be opened for emergency vehicle [access] and they're willing to do that.

Ewell Hopkins: We have outlined the criteria for opening for the road and what the road layout would be. I would encourage you to go over those with your client, you can also look at the other end of Panola as well and see what was done and we can schedule another meeting, George, working up the language. So that we can start that process, obviously you want to get those two roads done so you can combine those lots. You need to do Prospect anyways, to get the frontage. We would have to figure out how to get in Prospect at the end of your client's property.

George Sourati: Yes, so there is no legal right to access from Prospect to Davis, there is a strip of land. But in addition, the town owns the first lot which is 40 feet wide. When we open Prospect, the opening of Prospect is going to end very far from Davis. You have a 40-foot strip that the town owns. Then there's another strip of land that's probably 40 feet wide, so there's at least 80 feet of wooded areas that will remain

Ewell Hopkins: I agree with you. I walked the property on Sunday, as well as Saturday, and I'm not worried at all about the risk to your point of Davis and Prospect ever connecting under any board authority in the town. So this is good. Let's schedule time with Kim, even tomorrow if you'd like. We'll figure out how to structure this and put everything we've discussed into writing.

I see a couple of hands raised.

Ruth McDermott-Levy: Hi, thank you. And thanks for inviting us. I'm neighbor on Prospect Avenue and it is a wonderful quiet [area]. First of all, if we want to get ambulance and emergency vehicles on our street, we need to improve the street —that really is key. But if we're going to open Panola and it's going to be a case to maintain that gate?

Ewell Hopkins: If there was a strong call for a gate that would be a neighborhood association issue. I don't believe you formally have one in place. Fire would have a key — I know their criteria for gates. There are gates in Meadowview, Tower Ridge, etc.

I'm going to make a suggestion to the planning board that we write a letter of recommendation to Roads and Byways to consider the status of this road in general and how it proceeds. The planning board does not have the authority to change the condition of the road, but the Roads and Byways could prioritize the town's schedule in terms of upgrading this road. I can't speak for them, all I could say is we would strongly encourage them to look at the entirety of Prospect. I think the grade at Towanticut is a question as well. I think you need at least some serious rap, if not hot top there. It will never survive storms as a dirt road with that kind of grade.

Ruth McDermott-Levy: Just so I'm clear — if we put a gate in then it becomes our responsibility.

Ewell Hopkins: Correct. And I'm not saying that the gate is the answer. You may collectively not want the gate if there was a strong outcry of displeasure. I had suggested that as a solution that has worked in other parts of town. It may not be appropriate here... but I don't live in the neighborhood, so I haven't watched it enough to really have an informed opinion.

But we'll figure that out. All of this will continue to be a public process. You'll never see earth-moving equipment showing up with no notification. George and I will discuss this and will come to some agreement. We will schedule another planning board meeting, it will be duly noted. And then I'll present it to the full board and the full board will have to approve what George and I work up. I'm only one of five votes as Chair I make a recommendation, but it's for the board to support that recommendation or not.

Mary Gallagher: You just spoke about the grading of the street... and this may be in the paperwork, which I did not see — will the street remain the same width because that's part of the integrity of the street and I would hate to see it made wider than it is right now. Could anyone speak to that?

Ewell Hopkins: From the authority of the Planning Board we would only be discussing the width of the road from where it currently ends on Prospect to its ultimate destination to create frontage for these two lots. So we would not be working backwards and this approval and Panola street would be a standard 40-foot width which is described in the criteria of my recommendations so proceeding back to Towanticut will not be in this hearing process or in our authority, just for the public to understand the reason why the Planning Board is involved in this at all is because it involves the combining of current lots into conforming lots for development. You've had other homes and lots developed on Prospect that have not involved the Planning Board because it was a conforming lot there was no need for a subdivision approval or review. So when the subdivision was first starting to be built there should have been, in my opinion, an evaluation of the road and a conformity of the road and a Form A, but we cannot find that in the files.

I can't speak to how all of the houses started to be built on that street in this situation, but it is what it is now. And I know there is at least one, if not two undeveloped lots currently on prospect, and if they were to be developed the Planning Board would not have authority over those either. So I think it's very important, ultimately, to engage Roads and Byways to look at the condition of the road and formulate some type of opinion. The other challenge that the neighbors on Prospect have is that it is currently classified as a private way. It is not a public way. So there is a process of taking that from private to public if that were to be the case that may not be what happens but it enhances the complexity because we are talking about a private way.

Mary Gallagher: That was my next point. I'm assuming that Marilyn and Ron, people will be speaking with them and keeping them abreast of every movement, the trucks and tree service and a variety of other things will be coming in because their property abuts that street. Am I correct in that thinking?

Ewell Hopkins: Once the Planning Board approves of the plan and the conditions for them to move forward, it would be the building department's authority to enforce the process of construction and permitting access to waterlines, or whatever... George Sourati is very well versed in working with the town and the permitting process and compliance. So the fact that they have a professional engineering firm involved in this process gives me a high degree of comfort that it will be done and at least the applicant knows how to do it correctly.

Kim Leaird: reading from chat from Rob Kaczynski: "Could approval be dependent on improvement of the road improvements. I don't know how fire apparatus can come up the street now given the narrow sides."

Ewell Hopkins: Absolutely. The sign off on the ANR will be based on the presence, the existence of the road improvements we're discussing; it will not be predicated on the condition of Prospect in its current state. We just don't have the authority to speak to the existing road layout. We can only make recommendations to Roads and Byways. Our authority will speak exclusively to the extension of Prospect, which is being proposed and Panola that we've discussed, but the remaining of Prospect is not within the scope of this conversation, unfortunately.

Chuck Gilstead: Thank you from Sean and Kathleen Malone, who have been the owners for over 50 years now.

Marilyn Miller: And I do welcome you to the neighborhood. I know we've met you, many years ago and we look forward to getting to know you better.

### **Public Hearing: Phillips Hardware — Conversion of An Existing Building to Mixed Use (Commercial with Apartment Units), Modifications to Special Permit granted by the Planning Board**

Ewell Hopkins: *In accordance with the provisions of Chapter 40A, Section 11 M.G.L., the Planning Board will hold a virtual public hearing on **Thursday, July 23, 2020**, at 5:00 p.m. via Zoom to consider modifications to the Special Permit granted July 2, 2018 to Phillips Hardware – Phillips Realty Trust of 30 Circuit Ave, Oak Bluffs, MA 02557 under Oak Bluffs zoning bylaws 7.2 Conversion of an Existing Building to Mixed Use (Commercial with Apartment Units). The granted Special Permit allowed applicant to demolish an existing 8,570 square feet building (currently a hardware store on the first floor; former hotel on second and third floors) and construct a new three-story 17,844 square foot mixed-use building on the same footprint. The Planning Board's decision was appealed and on June 22, 2020, the Commonwealth of Massachusetts Land Court, Department of the Trial Court remanded the matter to the Planning Board so that it may have the opportunity to consider modifications to the proposed project concerning the appearance and dimensions of the proposed building.*

Suffice it to say, we have approved this project. Our decision was then appealed and the parties involved in that appeal process have reached an agreement. It is now for the planning board which we've had an opportunity to review the documents to hear the applicant speak to the difference. And what we have proposed, and what they have now agreed to once we hear those differences, we will discuss as a board of what the implications of any those decisions have on our decision. So I'd like to ask at this point, who is representing the Philips application this evening?

Donna Leon: Peter Gearhart.

Ewell Hopkins: Would you walk us through. [documents representing changes were shared on screen]

Peter Gearhart: On the left side of the screen is the original plan as approved by the Planning Board and the one on the right is the result of a settlement on the appeal.

The difference is almost entirely at the roof level and with a slight modification to the third floor. I want to be clear that the basement, the footprint of the building in the basement for a second and even third floor are really not modified by this roof. The main roof ridge has been lowered about ten inches. The center portion of the building has been lowered between the two gables about 4 1/2 feet to produce really kind of a notch.

The taller building that we had originally planned had the mechanical equipment in the middle of, behind the ridge, and we've had to move that mechanical equipment to produce this kind of lowered center section.

The other thing you'll notice is that the third floor while the floor plans haven't really changed. There's a different window fenestration in the middle. And the roof pitches have changed slightly to accommodate a slightly lower height to the overall building.

[screen scrolled to roof plan] The drawing on the left has that center section of the roof. You can see a rectangle there – the mechanical deck kind of hidden on the roof. Now the mechanical is still on the roof, which was one of our conditions from the MVC, and it's now on the right side. And in doing that, we've added a bit of screening – the mechanical deck will be screened and kind of rearranged to [still] be as hidden as possible. The previous plan really had a more concealed mechanical, but we think this will screen the equipment and be adequate to achieve the same purpose. Those are the major changes.

Ewell Hopkins: Are there any questions from the public at this point and then I'll go to the board.

Lynn Vera: I live at 42 Kennebec and across the street from what would be the west-facing part of the building. So I'm just trying to place this mechanical deck-- is it over the alley between the existing Phillips Hardware and Basics? Or is it the other side.

Peter Gearhart: The other side.

Lynn Vera: Okay, and so I assume it's not out on Circuit Ave. So is it facing Kennebec?

Peter Gearhart: Yes. The previous mechanical deck was facing Kennebec also.

Lynn Vera: So I'm just curious what the sound protection is – we live now underneath the deck of Jimmy Seas and they have an outrageously loud air circulation system. Do you have any sense of the mechanicals on that?

Peter Gearhart: It is on the third floor. It's at the very top of the building to begin with. So it's a rooftop installation and we do have a sound wall that surrounds it so that the equipment will not be visible and they have those sound walls have been very effective in dampening any noise.

Ewell Hopkins: Let me move on to the board. In light of the fact that this is approved, then you've heard the differences do let me first ask, are there any questions about the differences and how they were presented to the board.

Hearing none. Are there any questions in general, from the board, based on what you've heard so far.

Hearing none, I would like to ask if anyone would like to make a motion as it pertains to the impact of the changes that were made to our standing decision if any.

I need a board member to make a motion.

Mark Crossland: To approve ... no conditions.

Ewell Hopkins: Can I help you with that motion? — that the changes do not constitute an impact or material change to the decision that's currently made by the Planning Board — is that what you're trying to say? Not to put words in your mouth.

Mark Crossland: So I make that motion.

Erik Albert: Seconded.

Ewell Hopkins: Is there any discussion of the motion that has been seconded on the floor. Hearing none, I'll do a roll call. All were in favor. Motion passed 5-0.

Ewell Hopkins: We will write up a letter to our attorney for the land court that these changes do not impact the decision of the Planning Board. I will send a letter to the Commission that we do not see this impacting our decision or triggering a review on their part, but it is their call to concur with that recommendation but I'll get that letter out within a matter of a couple of days.

Congratulations. It's been a long haul, Donna. I feel like we've been working on this since I've been on the planning board and I'm so happy for you guys. I hope you're able to break ground this fall if that's your plan.

Donna Leon: Thank you very much.

### **Streetscape subcommittee**

Ewell Hopkins: We have a Streetscape subcommittee in place and we have proposed names for the board to consider to round out the subcommittee. Erik Albert is already on representing the planning board, but we can have two. JoJo has raised her hand. You see Craig Lowe, Dick Cohen and Liz Durkee are rounding out the names for consideration to be appointed to the subcommittee of the Planning Board for the streetscape project. Is there a motion to accept the names as presented to the board?

Bill Cleary: I make a motion to accept the names as presented to the board for the Streetscape subcommittee.

Mark Crosland: I second.

Ewell Hopkins: Any discussion? It's an arbitrary list. There'll be a number of 11 people. One of the things that I will ask is what is the process for additional people to play a role if other members of the community want to engage, but that will be the responsibility of Erik and JoJo. So let's do roll call.

[Roll call vote was taken]. Motion passed 5-0.

Amy Billings: Luke DeBettencourt and myself were supposed to be on that committee. And I don't know if we're included in that.

Kim Leaird: Amy, you are definitely on again. And I understand Luke DeBettencourt was not part of the original nine members.

Ewell Hopkins: We're continuing the original subcommittee. And then we sent out a letter for additional names and we're capping it at 11 per the suggestion of the subcommittee so far. If once the subcommittee meets and they want to expand, I don't think there will be any objection from the Planning Board to do so. But the subcommittee has to start getting together and meeting and talking about this.

Amy Billings: And there will be public meetings, anyways.

Maura McGroarty: Is there a reason you don't vote, Ewell? You didn't vote on item 2 or even on the Streetscape committee and it just caught me off guard. Is that procedure for the Planning Board?

Ewell Hopkins: No but it is part of Robert's Rules that the chair's vote is required to break a tie, but it's only required in that case. So in most instances, I'll vote but it's not an obligation to vote if there is no contention on the board.

Maura McGroarty: Thank you, I didn't know that.

## **Board Updates**

Ewell Hopkins: Mark is the vice chair and he has some updates to give, but I would like to have him go last. Bill Cleary, do you have any updates to give?

Bill Cleary: We met with Wendy Brough, the assistant town manager, to discuss the application process of the green community designation and how to implement the Energy reduction plan, which is a large part of the application and she came up with a great suggestion — that we get on the next available Select Board agenda and update the select board as well on where we are with the green community designation as well as introduce them to the energy reduction plan to make sure we're all on the same page and get their support and continue moving forward.

I'm going to meet with Lisa Sullivan from the state some time next week to make sure that we're on right track. My impression is that we're in pretty good shape on each one of the criteria and we've gone as far as we can with the exception of the energy reduction plan. So I want to meet with her to make sure that nothing is missed or delayed.

This is one of the first big committees I've been involved with and it was complicated. There's a lot to it at every turn, whether it be Wendy involved from the town level or Margaret Song from Cape Light Compact or Lisa from the state — as well as all the energy committee members. It's just been a pleasure to work with everybody. It's been a big effort and everyone's been just awesome. And I just want to publicly thank them.

Ewell Hopkins: That's wonderful. Thank you.

JoJo Lambert: I don't have anything only that I'm on the new streetscape committee.

Erik Albert: Good job, Bill. Nice work, and welcome to the Streetscape committee, JoJo.

Mark Crossland: Regarding the feasibility study and most of you were at that first original meeting in November of 2019 between the Affordable Housing Committee, the Planning Board and the Selectmen and we all decided to do a feasibility study and had RKG Associates do it for us. So this has been about a

year and a half process going forward. And this is all related to the eight acres and the 30 and 24 acres up on Edgartown Vineyard Haven Road next to the Ice Arena. The town owns the eight acres and we're in the process of acquiring the other 24 acres.

So they did a feasibility study for housing needs for our town and for the island. And their final recommendations came in early February this year. They presented their final plans to the Planning Board.

[There are] three different phases. The first phase is what I want to talk about: the Affordable Housing Committee has already agreed that we want to go with phase one with the eight acres, which is 15 units with a Title Five system. This would have to go out to a developer. The infrastructure would have to go in [with] consideration for the [other] 24 acres that would go in initially, along with the 15 units. [The land] is just sitting there, and I would like to move on it. So I'm asking the planning board members to consider us doing an RFP for that and getting it to the selectmen in the next few weeks. The Affordable Housing Committee has already voted YES unanimously on phase one, which is the least expensive to start with along with a Title five system and then phase two would be a self-supporting treatment plant which comes on later on. So I want to get everyone's thoughts on that.

Ewell Hopkins: Mark and I meet very closely in between meetings now in his role as vice chair on the Planning Board. We've talked about this a lot. Because this is his update, what I'm looking for as Chair, is there any strong objection with he and I moving forward with the Select board and outlining the logistics to issue an RFP on this project at that scope. If there is any strong objection. I will schedule this as a meeting and we'll have a more thorough discussion. If we hear no objection, we're going to proceed with taking the findings of the feasibility study and outlining an RFP, which we will bring back to the full board — both the Select board and the Planning board — for a vote of ratification. So I guess the question is, is there a strong objection with Mark and I moving forward.

JoJo Lambert: I think you should go forward.

Bill Cleary: I don't have any objections. I just would like to understand better what the plan is beforehand.

Ewell Hopkins: Before anything is released, you will have studied it thoroughly because it will be coming from the planning board. And so I won't forward without your approval, all we're looking for tonight is an indication of should we start doing some work on this or would you rather we schedule a meeting before we do any work and deal with it.

Mark Crossland: Bill, a full report is on the Planning Board website Kim just updated a few days ago, but it goes to the different phases and all-around applications cost.

Ewell Hopkins: Erik, do you have any objection with us moving forward at this point.

Erik Albert: Albert, no objection.

Ewell Hopkins: Okay, great. I don't want to have any more discussion, Mark, because we did not post this as a topic, per se. So let's take the guidance that we've received and proceed. I have a meeting with Jason Balboni tomorrow, I'll include this in my conversation with him.

My update before we move on is, as I promised, in the last meeting I've sent each of you our attorney's opinion as it pertains to the impact on our authority for the high school project in light of the exemption clause that was invoked. So he has written up an opinion piece that he and I've discussed quite a bit. I've

made it available to you. I will include it as an agenda item and the next meeting. I did not want to include it in this meeting.

I want to give you thorough time to think about it, formulate your questions, etc. So it will be on the next meeting agenda. In addition, Kim and I have done some work on the website and I don't think that all my other correspondence are in the packet. That's probably the biggest update since the last meeting, plus the site visit that took place at 7 Prospect Ave. — that was a very thorough site visit. We have another ANR on New York at the Robinson property near the Bettencourt gas station and you will be seeing that in your next board packets and next meetings.

Let's turn the floor over to public comment before we go for adjournment.

Joe Sullivan: The document that you'll have for the following agenda regarding the track and field will be available prior to so that the actual applicant can review it prior to this discussion of the agenda?

Ewell Hopkins: Sure. Now that it's been distributed to the board members, it's no longer privileged and we will post it on the website, probably tonight and then we'll send a link to that effect.

Christine Flynn: I just wanted to sit in on the Streetscape, I'm very excited to see that move forward. And also, Bill, congrats on moving forward with the Green Community Designation. That's really exciting. I know that that's been a priority, with the Commission, so anything we can do to help advance those projects, moving forward, we're always here as a resource. So thank you.

Ewell Hopkins: Terry, I see you here as well. That's the only other name I haven't called on. Do you have any comments or questions for the board.

Terry Donahue: Just want to see what was going on. Just kind of quietly watch what's going on. Thank you very much.

### **Adjourn**

Member Cleary made a motion to adjourn. A roll call vote was taken and the meeting was adjourned at 6:17 p.m.

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*Minutes approved November 12, 2020*

Documents on File: Agenda; board packet