

Oak Bluffs Planning Board
Meeting Minutes

October 27, 2016 at 5:00 p.m. in the Oak Bluffs Town Hall Lower Level Meeting Room

Members in attendance: Brian Packish (Chairman), Robert Fehl (Vice Chairman), Erik Albert, Jeremiah McCarthy, Ewell Hopkins

Members absent: none

Staff in attendance: MacGregor Anderson (Administrative Assistant)

Chairman Packish opened the meeting at 5:05 p.m.

5:00 FEATHERSTONE CENTER FOR THE ARTS SPECIAL PERMIT and SITE PLAN REVIEW APPLICATION

In accordance with the provisions of Chapter 40A, Section 11, M.G.L., the Planning Board will hold a public hearing on Thursday October 27, 2016 at 5:00 p.m. in the Town Hall Lower Level Meeting Room, 56 School Street, Oak Bluffs on the application of Featherstone Center for the Arts of 30 Featherstone Way, Oak Bluffs, assessor's map and parcel 41-6, zoned R-4 and Southern Woodlands DCPC overlay, for a special permit and site plan review under Section XIII.1.F. of Section 9 and sections 10.3 and 10.4 of the Oak Bluffs Zoning By-Laws, to raze/remove existing caretaker cottage and Art Barn and replace with modular/wood frame Pottery Studio and Art Barn. Art Barn is to include offices, gallery, classrooms, conference rooms and teaching kitchen.

Chairman Packish read the hearing notice and rules of the hearing aloud. He opened the public hearing and asked Sean Murphy representing Featherstone to present the application. Mr. Murphy showed the plans, and noted the MVC approval which all Board members had in front of them. He said Featherstone provided various arts-based classes including pottery. The present structures are in disrepair or too small. Although they hold events in the summer season none of these buildings would be used for the events. Mr. Murphy said the small buildings by Barnes road were all staying intact (pebble 800 sq feet, studio 1000 sq ft and farm house 800sq ft). He noted that Featherstone's earlier master plan had been altered and these plans represented the new master plan. Because of a large donation, instead of a phased plan over three to five years, everything was being done at once. Any additional work would be repair to existing buildings.

Mr. Murphy said the current 2100 sq ft art barn was estimated at 80 years old based on 1942 first utility bills and dimensional lumber types available in the 1930s. It was beyond repair. This would be replaced with a 6200 sq ft modular building with offices, classrooms, a gallery, and a small commercial learning kitchen. The kitchen is purely for teaching. He went back to showing the 50 foot special way buffer. He showed asphalt, which would be removed, was nearly on the special way. The caretaker's cottage had not been used in a long time, was full of mold, and was being taken down. He also identified the parking area. During the evolution of this plan everything was shifted out of the special way buffer zone.

Mr. Murphy said the 800 square foot pottery studio would be repurposed while a new 2400 square foot pottery studio would be built. They did not expect an increase in use but rather a better experience for users. He then turned to the 180 square foot chapel, which would become open space.

Mr. Murphy said they had gone through an extensive planning process with the Martha's Vineyard Commission in order to minimize disruption to the property. There were 14 trees which were being removed, some of which were diseased. They would be replaced by 14 new trees after construction. The main parking lot would have two handicap spots installed with impervious surfaces. Existing parking was 45 spaces. The plan would create 43 plus 4 handicap spots. However, there were acres of potential overflow parking on level grass. The 45 spots have been sufficient for day to day needs.

Mr. Murphy summarized by saying they were here for a site plan review under general site plan review and a special permit under the Southern Woodlands DCPC. He expected the Board to review storm water management which he was prepared to speak to and preservation of archeological sites. He said they had PAL at the site doing an intensive locational dig. They discovered essentially no artifacts other than a couple where the water line may go. The report summary stated it was unlikely they would find intact artifacts in the project area and PAL recommended no additional archeological assessments. They did recommend an archeologist be on hand during work on the water line. Mr. Murphy said they had been coordinating with the Tribe in Aquinnah and they hoped the Board would allow a representative from there rather than paying \$4000 for someone from PAL to observe trenching.

Mr. Murphy said the next issue was preservation of special ways. He said they had improved the situation by removing the asphalt in the buffer zone. The fire chief had asked for a hydrant in the buffer zone, however.

The next item was the preservation of woodland and habitat. They would be removing 14 trees and replacing with the same number. As for landscape and topography, they had prepared a basic landscape plan but it was all natural and was staying as it was. He then asked Chris Alley to speak to nitrogen requirements and also storm water management.

Mr. Alley said nitrogen was the top priority for the MVC. There were two existing septic systems on the property. A title V system served the studio, pebble and farmhouse. The existing art barn and apartment are served by a second system. The buildings being replaced share a system. They would be replacing the current system with a denitrifying system. The MVC based their limits on the higher of your land area and location or your current output. In Featherstone, their existing conditions were determined by water use and were two thirds of MVC limits. Featherstone would submit their water usage readings yearly to the MVC, and originally proposed to upgrade the second system when they hit the threshold. Instead, the MVC asked them to limit themselves to current output, essentially imposing a no net new nitrogen limit. This was the first time he was aware of this stricter limit being used. If that level is breached, they will install a second denitrifying system.

Mr. Alley said they had submitted a title five design to the Board of Health. The BOH wanted additional soil testing, and that was waiting on the archaeology testing. It is well drained soil throughout the site with typical subsurface disposal, and there is grade to work with. The only unusual element is that the pottery barn uses a holding tank for clay collection during washing.

Chairman Packish asked Mr. Anderson for any correspondence. Only the site plan committee letter had come in. Chairman Packish read the letter aloud. Chairman Packish asked if anybody wanted to speak in favor. There were none. He asked if anybody wished to speak in opposition. There were none. He asked for anybody with questions. There were none. Chairman Packish asked the Board if they had questions for the applicant.

Member Hopkins asked Mr. Murphy if they had a list of abutters. Mr. Murphy went over the abutters list. The Board reviewed and discussed the list, noting the rural nature and Land Bank properties.

Member McCarthy asked what material was being used for the handicap parking access within the buffer of the special way. Mr. Murphy said it would be dirt. The Board reviewed the parking area plans with the engineers.

Member Albert asked if the trees would be native. Mr. Murphy said yes. Chairman Packish asked if the species had been specified. Harrold Mitchell said the MVC had been concerned about this and it was part of the condition. The Board reviewed the MVC conditions and confirmed the requirement for a landscape plan. Mr. Mitchell said that was in progress.

Member Fehl asked if plans had changed since their first submission. Mr. Murphy said structures were essentially the same but had been moved on account of the special ways. Bill Potter of Squash Meadow said everything had gone through the typical changes on a project. General square footage was the same but rooflines had been tweaked. The Board reviewed the artist's most recent renderings of the buildings with the assistance of Squash Meadow.

Member Hopkins noted the affordable housing mitigation condition from the MVC. Chairman Packish said they would review the decision later. Chairman Packish asked Mr. Alley to give more detail on the lower septic system. He explained it was a standard title V that was installed about five years earlier. It had no denitrification system. At this point, the back septic was being replaced with a denitrifying system. The plan was to not increase use. If water use stays consistent then denitrifying half the system would yield a net reduction of nitrogen. It would allow some growth under the MVC conditions. Mr. Murphy said that once everything including pottery moved up to the new buildings, the load on the lower system would drop greatly and most use would be on the denitrifying system. That justified not denitrifying the lower system. Mr. Alley noted the water service was being split into two meters to track the two systems. Chairman Packish said he didn't see a need for denitrification at the lower septic now given no increased use and the shift in intensity to the denitrified system, but as they grew in the future his expectation would be that they'd need to install one there. As they continued with Master Planning, he suggested they give that consideration.

Chairman Packish asked Mr. Alley if the clay outwash was simply a holding tank. Mr. Alley said it was. People can hose off wheels and tubs with a garden hose as it is clay. The problem is if they clean it in a sink it will kill the septic system. The 1500 gallon tank will need to be cleaned out when it gets too full. Chairman Packish noted it had no leaching so it would fill regularly. Clark Myers said there were separation traps on every sink so lots of clay would be caught earlier. Chairman Packish noted that it would fill with water long before it filled with clay. Mr. Alley said the water could be pumped out and the clay would be shoveled. The alternative was to replace the septic frequently. Chairman Packish said he understood.

Chairman Packish asked about the progress with the Tribe representative. Mr. Murphy said rather than waiting to ask the Board for a waiver they had engaged PAL right away to complete the archeological assessment. Where the water line exists, they found a couple artifacts that could potentially be there if you dug deeper or out from that line. The plan was to use the same trench and take the water line out and put it back in. They suggested a representative be on site for that. They hoped to have someone from the Tribe do that rather than paying a company from Rhode Island another \$4000. Chairman Packish asked Mr. Murphy to read the first two paragraphs from the report aloud because it described process and some findings. He did so. Chairman Packish said he wanted this entered into the record to maintain consistency on future projects. He felt having respect for everyone's history in archaeologically sensitive areas was important and thanked them for going to the trouble of having the report done and working with the Tribe.

Chairman Packish asked about the location of the proposed fire hydrant. Mr. Murphy demonstrated it on the plan which showed it in the buffer area. He said they needed a level area for the trucks to park. Chairman Packish asked if there was a previously proposed location that Chief Rose objected to. Mr. Murphy said this was his preferred location and was required for the safety of firefighters. Mr. Anderson noted that the Chief had discussed the danger in winter and other slippery conditions if this were located on the slope.

Member Fehl asked if the health department would know what a "training kitchen" was. Mr. Murphy said probably not. From a zoning perspective it wasn't a commercial kitchen in that no food was being produced to be sold. As far as the BOH was concerned, it would have to meet required commercial health codes. Member Fehl asked if this included a commercial dishwasher and similar. The applicants confirmed it did. Mr. Murphy clarified on the use front that a caterer could not use it to produce muffins, as it was dedicated to teaching. Mr. Mitchell said Squash Meadow had done a commercial kitchen at MVCS and worked with the BOH on that one, and that could serve as a prototype. Member Fehl asked if it would be inspected annually. Mr. Mitchell said yes. Mr. Alley said title V has a residential kitchen and everything beyond that is treated as commercial.

Chairman Packish said he'd asked about parking at the site plan meeting and requested they bring in the overflow plan. He said applicants always felt they had plenty of parking. He asked everyone to define that with actual spaces defined. Mr. Murphy showed the 47 spaces on the plan, and said the entire level

ground behind the buildings was available for parking. Chairman Packish said that was consistent with the site plan presentation but he'd ask for a count on overflow on the plan. It wasn't the end of the world but he'd like the information for their records. Mr. Murphy estimated 200 cars. An engineer offered to draw spots on the plans and give them to the Board the next day. Chairman Packish said he would like that so everyone can be held to the same standards. Mr. Murphy agreed.

As there were no further questions Chairman Packish closed the public hearing to allow deliberation by the Board. He asked that the Board review the MVC decision and conditions which they did. Mr. Anderson noted many had read this previously and that the bulk of the document was attached plans. Chairman Packish said he wanted to be sure that they reviewed the conditions.

Chairman Packish began with wastewater/nitrogen and said it was consistent with Southern Woodlands limits they had recently approved. For landscaping, there were standard fertilizer controls, and the applicant still had to provide a landscape plan to the LUPC. Affordable Housing mitigation fee was \$8200. Member Hopkins said he thought non-profits were waived. Mr. Murphy said it was municipalities only that were exempt. Member Hopkins asked if they could specify the Town Municipal Trust? Member Fehl said yes. Chairman Packish said when they got to the Board's conditions they could revisit that. He read through the archaeology, modular construction, special ways, caretaker demolition and Town permitting. The Board was in agreement.

Chairman Packish said he had one point worthy of re-opening the public hearing. He listed the section 10.3 special permit criteria and then noted traffic was among them. He said summer events frequently caused backups. He supported musical Mondays and considered them great community events. He didn't feel it was a lack of parking, but a problem with getting people in fast enough. He didn't want to burden them with a detail officer but asked if they had given thought to this. He said somehow it had to get figured out because they were increasing intensity with square footage and building a spectacular facility that more people would want to use. Mr. Murphy said the buildings would have no impact on traffic as these events did not use the structures, even using porta-potties for waste. The buildings were limited to teaching. Even if the project didn't move on, the events were fully permitted by the Town and would continue. However, Director Ann Smith has been in constant contact with Chief Blake and he said when it goes to the level where they needed a detail he would deal work out a plan with them. Board Member Posie Haeger said they were aware and had tried to increase volunteers and staff at the base by Barnes Road. Traditionally people were up the hill but now people moved down the hill and communicated with walkie-talkies. They were turning people away at Johnny Hoy when they hit capacity and did not want people parked on Barnes. Chairman Packish said he was glad to hear they were trying to get ahead of it and closed the public hearing.

Chairman Packish then had Mr. Anderson read the purpose of the Southern Woodland's DCPC regulations. Chairman Packish said the Board should think of those criteria along with the criteria for Special Permits and Site Plan Review while considering conditions.

Chairman Packish suggested not ironing down the location of the hydrant but providing relief so that Chief Rose could work with engineers on that. Chairman Packish noted that Member Hopkins wanted to direct the affordable housing contribution to the Municipal Housing Trust. He also noted the applicant's request to have a Tribe representative observe the water line dig.

Member Hopkins said he'd seen the abutters list but wanted to be sure they had been notified. Mr. Anderson said he had send notice to the abutters as required and had documentation of that in the file. Mr. Anderson said he'd recommended considering the by right and special permit criteria, though it might be considered optional. He brought the Board's attention to the special permit triggers which they reviewed. Mr. Murphy said he'd been directed by the building inspector to file under expansion of a non-conforming use.

Chairman Packish summarized the conditions as just discussed: The fire hydrant, the housing trust, and allowing the Tribal Officer to be on site. He said he didn't feel any more conditions needed to be added and that the project was a spectacular one. This was what the community needed and the applicant had worked this out as thoroughly as possible. He would only add on record that he would like the parking plan be sent to the Board. He said the MVC had vetted this pretty well. He'd had the luxury of communicating with the director of the MVC as the project went through there.

Member Fehl made a motion to approve the special permit and site plan review subject to the outlined conditions. Member Albert seconded. Mr. Murphy said he had no problem with those conditions. The items were clarified as:

Item 1: To allow relief within the ancient way buffer zone for fire hydrant placement to be defined by Chief Rose

Item 2: The affordable housing contribution of \$8200 to be directed to the Oak Bluffs Municipal Housing Trust.

Item 3: To grant relief to allow the Tribal Officer to observe the water line dig.

Item 4: The applicant will provide the parking space overlay for the Board's records.

Mr. Anderson asked if the conditions were to be applied to the Special Permit. Mr. Murphy said the site plan review was wrapped in to the special permit.

Member Fehl amended his motion to include the four conditions items 1-4. Member Hopkins seconded. The Board voted 5-0 to approve the special permit and site plan review.

Christine Flynn Affordable Housing Definitions

Christine Flynn said that the MVC published an affordable housing zoning analysis after the Island Plan and 2013 Housing Needs Assessment. One thing that needed to be addressed was affordable housing

definitions. They identified the terms with the towns, and she provided that analysis at the previous meeting on the subject. She read the definitions of affordable and community housing based on under 80% of AMI and 81%-150%. Although permanent deed restrictions were not required by the State, that was added in order to preserve town assets. They also reaffirmed State and Federal processes with the affirmative fair housing marketing plan and resident selection guide. Ms. Flynn she had met with all the Island planning boards and received their support as well as the support of four affordable housing committees. In Oak Bluffs the Affordable Housing Committee deferred to the Planning Board. Chilmark Affordable Housing hadn't yet met, but they liked the concept. Ms. Flynn's goal was to schedule hearings so that the zoning amendments would be ready for April 2017 town meetings.

Chairman Packish asked if there were any changes since her last visit, or if she was here to relay the support she had received. She had made no changes, and while she'd had support, she didn't want to mislead as no formal votes had occurred. Mr. Anderson said he thought Edgartown had already held a hearing on this. Ms. Flynn said they'd held a public hearing but continued it as one Selectman present had some concerns with the terms and definitions. He requested Edgartown Planning Board refer it to Town Counsel, something Ms. Flynn supported. She planned to ask Edgartown to share the result of Town Counsel's review. Chairman Packish confirmed that Edgartown planned to hold another hearing. Ms. Flynn agreed saying they hadn't yet decided on a recommendation for a warrant article. Chairman Packish said it sounded like they were just waiting for Town Counsel to give feedback, as we shared counsel with Edgartown.

Chairman Packish asked Ms. Flynn how she created the definitions. She said AMI was from HUD. Affordable Housing was in line with State and Federal statutes for income levels. There were no formal definitions so they picked the three criteria for income, permanent restrictions, and to be sure all projects were consistent with affirmative care marketing and selection processes. Community Housing was not defined but they used the 150% threshold as it had been used in the Island Plan.

Chairman Packish said they often got feedback that people made too much money to qualify but don't make enough to pay free market rates. Ms. Flynn said the State addressed this with income thresholds up to 150% which allowed towns to create programs for these people. The State and Federal programs, however, are capped at 80% of AMI. CPA allows affordable housing projects to go up to 100%. Beyond that only Nantucket and Dukes counties were allowed to 150%. Beyond that, you are in fair market units. Although this was beyond the affordable housing dialog it would be useful to discuss this during the HPP process. Chairman Packish said the problem was unless it was 80% or below it didn't count towards the 10% requirements. Member Fehl agreed saying although you were helping people it didn't count as helping people. Member Hopkins said the beauty was that they could deed restrict to 150% here as others as in Massachusetts couldn't do that. Housing advocates could help a broader group of people. He felt spelling out AMI was important and he felt the definitions were tight. He was prepared to move forward on this.

Ms. Flynn said workforce housing along with homeless, elder and senior housing would be subsets and defined next. They would be predicated on income threshold. When HUD defines workforce housing

they use a range of 50% to 120%, so it falls under both affordable and community housing. Member Hopkins noted that Habitat for Humanity limited their help to those earning under 80%. Ms. Flynn said Habitat had done a great job addressing incomes at 60% and lower. Ms. Flynn said they'd address these other definitions next year on the same timeline as these. However, she was recommending that affordable housing committees adopt these additional definitions as part of their internal policy guidelines as HPPs would be done and the committees would have their marching orders to move forward.

Chairman Packish said he felt the work that was done was great but a big piece was missing in those other definitions. It would show when big projects were conceived and units didn't fit the two categories. Ms. Flynn said applicants would fit into the two income levels or be fair market. They didn't want to confuse workforce housing with affordable. Chairman Packish and Member Hopkins agreed that in this case there wasn't a need for a workforce definition. Chairman Packish said he didn't want to see workforce affordable or workforce community next year, and thought they should save themselves the work with subsets. Member Hopkins said the definitions were allowing restrictions and limiting income, but the rest were marketing terms. They didn't need that in their by-laws. Ms. Flynn said it would only be for the housing committees not in by-laws.

Chairman Packish said he wanted to wait to hear from Counsel rather than moving forward. Member Hopkins said he was willing to wait for that but didn't want to delay the hearing process. Chairman Packish said there was six months on this so the Board could afford to wait and tax dollars would be saved using Edgartown's determination. Once that was done they would hold a hearing in conjunction with one of the many upcoming hearings.

Evaluation of zoning by-laws 4.2.5, One Third Lot Coverage, and 7.2, Conversion of Existing Building to Apartment Units, and discussion of potential amendments to allow for more housing units

Chairman Packish said he was interested in where the Board stood on these issues, but didn't want to get into the specifics. He summarized that there were a number of top of the shop projects downtown and elsewhere, some of which had been derailed. There had been discussion of changing these by-laws in the context of affordable housing. He had met with Town Counsel along with Mr. Anderson and Member Hopkins to discuss briefly the process for changing these by-laws and to address his concerns that three Board Members had property in the B-1. Counsel said that none of the Board Members were abutters to the two major projects on Circuit Ave which was the most important test. They would need to make a call to the ethics commission, and it would probably come down to filing disclosures with the Town Clerk. Given the size of the B-1 and its likely impact on more than 10% of the population that threshold could well be met. With that said, he wanted Board input on amending these articles. Work load was heavy, but Streetscape had one public forum left, and town hall continued to move forward, so it seemed feasible that they could do the necessary work on the zoning by-laws. Public input might turn out against this, but they could start the process.

Member Fehl and Hopkins felt it was imperative to move forward on this. Chairman Packish asked Mr. Anderson to put in on upcoming agendas.

6:45 Previously proposed town hall project presentation with architects Keenan and Kenny

Town Administrator Robert Whritenour acknowledged the leadership of the Board of Selectmen and thanked the Planning Board for their outreach. He said in 2011 and 2012 the BOS reappointed the Capital Program Committee in order to create the first comprehensive capital program in many years. This was done in a backdrop of massive deficits over a million dollars. Repeated failed overrides had left the Town dangerously underfunded. Under-investment in Town buildings, equipment and other infrastructure was evident. The leadership of Rich Combra and other officials was critical. The first step was a detailed analysis of Town buildings. The results showed a great deal of deferred maintenance across the board, leading to an emergency short term bond issue in November 2012 of \$250,000 to catch up on maintenance. There were eight projects in five buildings, all just aimed at critical repairs.

Mr. Whritenour said the analysis also showed two buildings with a combination of poor condition and more importantly lack of space and poor layout, failing to provide their intended purposes. The town approved a feasibility study on the Fire Station and Town Hall in late 2012, leading to a competitive process in 2013 in order to select architects for their professional opinions. The Fire Station was eventually replaced by a modern building that will meet needs well into the future. Now it was time to turn their attention back to Town Hall. He felt it was important to acknowledge the work of the Building Committee, The Board of Selectmen, The Planning Board, the Capital Program Committee and the Finance Committee. It was important all officials remained involved in the process. With that he turned it over to architects John Keenan and Antonia Kenny, who began in 2013 on this project.

John Keenan said they had begun the project with a completely open mind with no preconceptions. They would draw from the people in Town, people in the building, and the people leading them, which were the Board of Selectmen and Building Committee at that time. They looked at lots of previous feasibility studies and reviewed all the potential sites. They focused on budget, timeline and needs, with top priority given to budget. They brought that approach to the Fire Station which they were pleased with.

Ms. Kenny said they were working off a 2012 feasibility study done by their predecessors, but had re-interviewed all employees and departments to determine space needs. They reviewed the layouts from the earlier study and spent several months refining it. It could be necessary to do this again after several years since the public and department heads had since studied these plans. If they were moving forward, they should interview again as this drove the program: Square footage, adjacencies, where the public comes in...

Mr. Keenan said each step was checked against the budget. Their first proposed building was too big and the estimate steered them to a smaller building. They did estimates at every stage. For those wondering why it was sited on this lot, if you put it anywhere else you were ripping up parking, sewer and pump systems, water systems, drainage. It adds to the cost of the project. They had compared renovation to a tear down and it was more money. Additionally, unforeseen conditions could drive costs up more. Contingency on a new building might be 10% where a renovation contingency could be

20%. That's a million dollars on a five million dollar building. Back to scaling down the building, they had worked with the Building Committee to scale down some departments and meeting rooms. They had heard a need for a nicer entrance off Pacific, so that you created a scaled neighborhood next to the Library and Catholic Church building. They were pleased everyone had looked it over carefully and they were prepared to start over if needed. He didn't know if they wanted to spend more money.

Michael Santoro asked the cost of the current proposed building. Mr. Kennan said originally about \$5,100,000 and that it had gone up another half a million or so. Inflation was creeping up, and they'd heard from a builder at the airport that steel prices were rising 40% in the next six months. Ms. Kenny said the building cost in 2014 was estimated at \$5.3mm but you also had to consider project cost, which was \$6.8mm according Mr. Whritenour. Mr. Keenan said that included engineering, fees, soil testing, trailer rentals etc.

Walter Vail said he thought they should address in more detail why the land behind the Catholic Church hadn't been selected as the site. Mr. Keenan said this building was connected to infrastructure with water, power, and sewer. It was another million dollars to duplicate that across the street. Paving and drainage would be an issue as well whereas here the parking didn't get touched. Ms. Kenny said the benefit on this site was the lower level walkout. You lose a story. You would have a traditional building with a basement and two floors. You could have a three story building on a slab. There was also an issue with the septic system from the Church.

Chairman Packish said he thought they'd heard overwhelmingly from the survey that this site was the best choice. There were over 500 surveys and 90% felt that way. He felt Mr. Vail's question was still a good one, and they had to show they were starting from square one and were doing their review process. Those from the large survey who were against seemed to not have needs met by the current plan, for example a new police station on the campus.

Chairman Packish said he wanted to qualify his statements saying he was completely respectful of all the people and hard work done on the project so far. This was about fully vetting the process for the people. Ms. Barmakian said the other consideration was it didn't pass. Part of the reason for the questionnaire was to find out why it didn't pass. Chairman Packish said if it had passed, they wouldn't be there today. They were trying to move into a period where when projects like this passed they did it by a large ratio.

Chairman Packish also said when he asked about renovation vs. new vs. simple repairs, it wasn't because he was advocating for any of those. It was an important part of the process and part of their job. He said he'd reviewed the materials in the past and again recently. The renovation question was always about making the building like new. People in the community couldn't understand how it could cost \$4mm to fix the twelve things on the list. Isn't there a stopgap that addresses the Building Inspector's list and what does that cost? A lot of people feel as though they haven't been given a full or complete proposal on that. He asked Keenan and Kenny to address that, as it was the first point in the cost conversation.

Ms. Kenny confirmed that Mr. Barbadoro issues were code issues like thermal insulation, new windows, the existing foundation. John Lolley said three quarters of the foundation would have to be replaced and you'd have to shore up the building while you were tearing the guts out. There was a lot of money involved in that. When they had the estimator going through a couple years ago they were complete. Chairman Packish said he wasn't saying it was incomplete but that the public perception has been it hasn't been presented clearly. You constantly heard "why can't we spend a million bucks and throw an elevator in, a couple windows, fix the ceiling tiles and the lip?" What do we say when asked this? Would it get you five or eight years or ten? Gail Barmakian said she was asked that three times today. When she was looking at her house, her foundation was going but it was going to last another five years so she'd focus on something else this year and be prepared for five years later.

Mr. Keenan said besides the standard things like doors, roofing, shingles, and paint the critical thing was you had to bring the whole building up to new code. The building does not meet seismic or wind load code at all. Ms. Barmakian asked what triggered that requirement. Mr. Keenan said once you touch a residential building, once it went over 30% or 50% that you had to meet new code. It is even worse on commercial. Ms. Barmakian said some people do things incrementally and over years. That's the question. Can some of these things be done incrementally, because if you have to meet code you are going to have to build a new building anyway.

Mr. Keenan said you'd have to put in two new stairs and an elevator and several new restrooms to make the building accessible. Then heat and cooling would be another code issue. It was hard to know what you'd do first. Would you rip down the walls and then repair the finishes? It seemed impossible. Ms. Kenny said when they did their program there wasn't enough square footage which was why they'd develop the lower level. Elevations were different so ramps would be more money. When you did things incrementally you'd see one thing lead to another and it was all built on a not good foundation. Mr. Keenan said it would cost more money in the long run if done incrementally.

Chairman Packish said they hadn't done a good job getting that to the public because the questions kept coming. It didn't mean anybody was malicious. If they were going to attempt to be ready for a favorable outcome in April, and all the information was available in the various materials on the project planning, they needed to somehow figure out how to reconcile the information so that the average guy understands it. If he isn't convinced then he is one of the guys voting no. So much due diligence has been done but it couldn't pass, and it was bigger than just trying to build two buildings. Mr. Keenan said they had done two designs, one for renovation and one new, and they came with cost estimates. The renovation was higher. Add the double contingency and it's even more. Chairman Packish asked how to take all this information and get it to the public so they understand it. Mr. Keenan asked what the six or seven or twelve issues were that people thought could be repaired. Would they put on a new roof? New windows? If you narrow it down and itemize it with priorities on entrance, elevator stairs, accessibility, restrooms, and structure. Ms. Kenny said that wouldn't leave enough room given the current separation of levels. She thought perhaps they needed to do a better job of documenting what was there and how it would need to be changed.

Walter Vail said he thought it was about getting people to pay attention to what they'd done. He reminded people they did have public hearings before Town Meeting, and Town Meeting overwhelmingly approved a new town hall. What was missing was that the rest of the public that came to the polls didn't see Bill McGrath's presentation at Town Meeting. Somehow they need to get that message as to why they did what they did out to those people. This was all documented in the building committee meetings and could be pulled back out. There may be some people who still don't like the design and maybe that could be addressed.

Mr. Keenan asked if you were going to renovate, what was the list of things they wanted to do? Roofing, siding, windows, doors, and plumbing. Mr. Vail said that one thing would lead to another. Mr. Keenan continued that you could put a number on that. It could be a million this year a million next year and by ten years expect it to be ten million. Ms. Barmakian said she thought that would be very helpful. The Boards' job wasn't to market this, it was to see what the public thought through a questionnaire, and from those answers, try to address concerns. Mr. Keenan said he guessed 75% of people who would vote for this have had the same dilemma with their own homes, repair vs rebuild.

Greg Coogan confirmed that Mr. Keenan had stated renovating was more expensive than building new. He was worried about people's tax dollars, and that made it a no brainer. Understanding the renovation started from the foundation and then you started opening it up. There was no way to do it simply was what he was hearing. Renovation was more expensive, more difficult and a lot more disruptive to people in the building. It made no sense. Business needs to be carried on here. It wasn't a house. He also felt marketing was the key feature to this. When everything was explained carefully, voters got it. He would support small tweaks to get a project they wanted but he didn't want to waste time debating renovation vs new.

Chairman Packish said that he wasn't saying they should debate renovation. He was asking how they could get the information to the people. Mr. Coogan said you have a number for renovation and one for new. Mike Santoro said he thought the point was that they could take this to Town Meeting and pass it but people who don't pay attention could defeat it at the ballot. Chairman Packish said he preferred the term education over marketing. As an example, the Streetscape meeting the night prior ended with everyone's hand up saying don't make Circuit half parallel, make the whole thing parallel. Who would have thought that could happen? Somehow they needed to figure out a way to present this and maybe people will move in the direction of new. As Mr. Santoro has said, they spent a lot of money to get here, and it sounds like all the information has been collected. They just fell a little short getting that out to people so they would be comfortable with approval. They had discussed a process where they would be presenting this information from now until April in a different way. If you just tell people to read it many won't and many won't understand it. Chairman Packish said in his own work he reads plans for a living but often needs to consult with an architect on points. People who don't read plans are lost. Again, his point wasn't to debate renovation but that they needed to figure out how to present this.

Mr. Coogan said they needed to get going on public forums with the architects present. They could discuss costs and describe disruption there. He thought they were being fiscally responsible but people didn't understand the borrowing. He supported going to people in the building in the very near future for changes. Chairman Packish didn't know that it needed to be a nine month process. It just needed to be in a digestible document. Mr. Keenan said they didn't pull this out a hat, it was what people wanted. You could address it in this way.

Mark Barbadoro said he felt Ms. Barmakian's point about deferring expenses by staging repairs was valid, but you couldn't change fundamental structural problems that way. The layout wasn't going to change. There was a guy yelling at the health inspector and the accountants all had to stop working across the hall. Renovation stem to stern is twice the price. You would hit a threshold where an elevator was required, and then that would require the entire building come up to code. Keep it simple. It was chasing ghosts to ask how much this would cost vs that. As an example they were working on a woman's house renovating from a shell, and it was clear she could have knocked it down and put up a new one for half the price. It is simple to sell. Don't complicate it.

Steve Auerbach said he agreed it would have to pass at the ballot, and the average person wasn't going to go through a lot of documents. The survey showed 90% of people felt the building should be replaced or renovated. A detailed list including elevators, foundation, etc. showing the cost was higher to renovate would be some simple people could look at. The question was how you get enough people to look at that.

Peter Goodale suggested including code triggered deficiencies and replacements in the list like floors, so people would get the real cost better.

John Lebica introduced himself as the clerk for the Fire Station project. His purpose tonight was to represent his company, but also to make himself more aware of the town hall situation. He noted that meetings like this were valuable and didn't happen everywhere. He said when he thought about the upcoming election and ballot questions, there was a clear description of what you were voting for. In this case depending on rules, you have three choices: renovate for \$10mm, build new for \$7mm, or don't do anything. The 15% who didn't want a building would do nothing. Those in support had the information they needed.

Chairman Packish said he felt they had spiraled down into the weeds. They were here to discuss the process they frame the discussion in and how they would bring it to the people. They had to start the framing at the beginning. They might move fast or could get tripped up. Details like room counts were building committee work. Their job was to frame a process to bring this to the people through the fall and possibly very early next year. He didn't know who you would hire to do this, it was up to the Selectmen. The first piece of information that needed to be gleaned was renovation costs and to explain why it costs a lot more. This wasn't to advocate for renovation but to educate until eventually, within two or three efforts, you'd be ready to move on. The two questions he heard most were "why

can't we just fix it, when I get a broken window in my house I don't build a new house" and "are we really going to spend \$10mm on a new town hall."

Member Hopkins said he liked Mr. Lebica's ballot initiative idea as people were trained on it. Further, they could write a voter's guide and promote the initiative.

Mr. Keenan asked if there was a builders association on Island. Chairman Packish said there was, although it was new. If you had a forum with the builders and contractors discussing renovation, you'd get local input from people they believe.

Mr. Santoro asked for a copy of the timeline. Mr. Anderson provided him one. Mr. Vail said the timeline called for creating the building committee around November 1st. Chairman Packish said the timeline was a guideline not the Ten Commandments. Mr. Vail said it was carefully created in order to get to a vote in April, and there was a lot of work to be done. He thought the Planning Board had been very helpful over the past ten months, but his question to the Board was, what would it take to get them to begin the site plan review? The building committee will answer the questions on how they would get this to the public as they'd already done it. They would explain how they would hold public hearings. That wouldn't be answered tonight, but he agreed they needed to get those answers out there. The Planning Board's job was site plan review, which was the timeline he was interested in. The Selectmen's job was to appoint a building committee and make sure they did the outreach.

Chairman Packish said the Planning Board had been asked ten months earlier to hold the public process, which they fought for tooth and nail, yet they were still discussing tonight. They had to break that cycle of going back to this question. With that said, there were multiple members of the Planning Board there who were more than capable of answering that question. Ms. Barmakian said they'd also been talking about tweaking design which would be the building committee also. The timeline offered a couple months still.

Mr. Whritenour said they needed the Planning Board and the Board of Selectmen engaged on this every minute from now through April and even after April. There was a lot of precise information on a renovation and he agreed it hadn't been put together in a way that was accessible to everyone. That was one issue. There were five or six more issues that would likely come up over coming months. They could build a FAQ on the website and develop an electronic pamphlet. Adequate space would need to be addressed as just one example. He hoped the group could continue to work together, identify those items, and task the professionals in addressing those items in an accessible way through multiple outreach sessions. At the same time, they needed time to look at scope and site plan. The building committee would consider these issues and provide feedback for outreach efforts. They needed to stop looking at this as a competition or a linear process. The outreach items need to go out now and not stop. Mr. Whritenour added that Town Meeting would decide these issues. At the ballot, voters would decide on excluding this from prop 2.5. That was a big question to ask and you had to gear towards that as well as Town Meeting. Chairman Packish said he thought Mr. Whritenour was 100% right in this. However, if they were already running ads for the building committee it was news to him. The Planning

Board had OBDowntown with 3000 followers and had been left out. They could have promoted it to drive new people to the committee. Mr. Santoro said that Chairman Packish had asked to just do the site plan review. Chairman Packish said the Planning Board was working on outreach and would have assisted.

Mr. Coogan said he'd like to hear from everybody to know what they each thought the most important next step was. He started by saying he thought they needed to decide on the people who would choose the nuts and bolts of this. They needed to put together a building committee. Anything else was spinning their wheels. Kathy Burton said she thought Chairman Packish and Ms. Barmakian were right, that in addition to a building committee they needed simple documents that explained the renovation costs to people. She had lots of experience doing renovations and it made no sense here to put millions of dollars into this building. They needed to find a way to communicate it clearly. She also liked the idea of the architects simultaneously asking questions about what they might change. Mr. Vail asked if that should be a function of the building committee. Ms. Burton said she didn't know.

Ms. Barmakian questioned where they now stood. They'd already gone out looking for a building committee. Would they spend another week doing that? They needed to define the responsibilities and purview of that committee. They needed to determine if there would be a separate outreach or would that be under the building committee.

Chairman Packish said Mr. Coogan had asked a specific question and Ms. Barmakian had asked four back. He said he felt they had to continue the discussion simultaneously, running ads and beginning to attempt to facilitate the forming of a building committee. He did not advocate at this juncture moving the 10 people here outside that discussion over one appointee. He felt they needed to simultaneously work on the building committee, while directing the design professionals to glean information and bring it up to date. They needed to increase their presence in social media and newspapers. They then needed to decide either tonight or the next Selectmen's meeting what they were going to present next. He felt they should present renovation cost, new building cost, here's where we are at and here is why in a very public way.

Mr. Vail said he didn't disagree with what Chairman Packish said, but wasn't that the job of the building committee? They had agreed a couple weeks ago that at this meeting all Selectmen and all Planning Board members would speak and they would get going on the building committee. Then the Planning Board would get going on site plan review. It wasn't the Planning Board's job to determine if the building committee was on social media. They would do that, and they would make regular reports as they did with the Fire Station. This was not going to be done in secret. The Selectmen had the advantage of being in front of television cameras at their meetings and they would take advantage of that. The Planning Board didn't need to do that. He'd rather the Board put its energy into the site plan review.

Mr. Santoro asked if the Board had voted for a member to join the building committee. Chairman Packish said no, they didn't feel comfortable as a board yet where they felt they should have representation.

Mr. Coogan asked other Planning Board members to say their next best steps. Member Hopkins said Mr. Whritenour's clarification helped him define the sequence of events between Town Meeting and the ballot. He felt they should define the buckets they were working in and articulate that to the public as soon as possible. Narrow the discussion here, and give the building committee some guidance. He'd heard several options presented and hoped they could narrow them. He'd like to then form a building committee soon.

Mr. Santoro asked Chairman Packish if he heard correctly that the Planning Board was not going to appoint a representative to the building committee. Member Hopkins said no he didn't say that. Chairman Packish said they hadn't appointed one yet because they had consistently felt that if the project came for a site plan review now it would be conditioned so far that it wouldn't be viable. Mr. Santoro asked why that stopped the Board from appointing a Member to the building committee. Chairman Packish said that unless the conversation went back to square one, which could happen very rapidly, as square one before you still had to compile the information whereas square one now you had the information. Chairman Packish said Mr. Vail had made his point very clear: the Planning Board's role was to do a site plan review. He said he had no issue with the Planning Board stepping back from the process and the Selectmen coming back in a timely manner for a site plan review. But he wanted to be clear up front that in its current form it wouldn't make it to where they want it to be.

Mr. Coogan suggested they hear from other Board members. Member McCarthy said he was new and the process was new to him. He felt community outreach was important, and you had to reach not just the 450 people that regularly came to Town Meeting but those at home who didn't participate. It was important to start the process and continuously funnel out information. He saw a disconnect between the two boards, and didn't know the best next step, but it was most important to try to get the process moving forward. Mr. Coogan asked if forming a building committee was an important next step. Member McCarthy said he thought so, and he'd suggest deciding who would be appointed from the Planning Board be on their next agenda. Mr. Coogan said he assumed working on a building committee would be on the next Selectmen's agenda as well, although he didn't want to put words in anybody's mouth.

Member Fehl said television wasn't considered social media because it was one way. Outreach was the most important thing both boards had to ensure happened. Without it there wouldn't be the needed support at the ballot box. That outreach couldn't happen without social media. He noted the 3000 people on the Board's Facebook site. That got the word out quickly. He felt it was important to establish a building committee, but he had reservations about putting a member of the Planning Board on that committee. He was concerned that the appointee's input could be seen as the entire Board's input. Then, when the project came back to the Planning Board, they could be told they had already agreed to details of the plan that only the appointee had agreed to. That was his fear, but he did think it

was important to establish a building committee, identify next steps. How would they handle outreach? They needed people who knew how to do that help them. Mr. Coogan said he lived in total fear that one member of the Board of Selectmen would represent all of them, but there is an efficiency to getting the job done, and there is no other way to get the job done. Although he was speaking tongue in cheek he noted the building committee would likely be 10 or 12 people.

Ms. Barmakian said she understood Member Fehl's concerns but a site plan was going to be one of the last things done, and she wanted Planning Board participation to tailor the building so it was more likely to pass site plan review. She didn't know the solution, and Member Fehl agreed. He said it was a problem with other committees as well. They were on half a dozen or more other committees but they didn't say the Planning Board hereby approves this...it wasn't the way it worked.

Ms. Barmakian asked if a majority of the Planning Board present was saying they weren't going to have a member on the building committee. Member Fehl said that wasn't what he was saying and he didn't think that was what any were saying. He was just expressing a personal fear. The Board had not discussed it as a Board. Ms. Barmakian clarified then that the Board would decide if they were going to appoint a member and if they did appoint it would be with the understanding that that member didn't represent the entire Board.

Member Hopkins said he thought regardless of how the committee took form, he felt this body should very quickly define the conversation. He knew this might be too aggressive for some, but if they could narrow the options down quickly the more effective the communication could be. Member Fehl agreed. Member Hopkins had heard a lot of people say they couldn't get behind renovation. He felt they should consider eliminating that option. They were elected to have an opinion, so they should form one. Member Fehl again agreed.

Maura McGroarty asked how many hearings were held for the presentation of the two plans? She remembered one in the Library with both plans represented. Mr. Vail said he thought there were two. They were late in the process, around March, so people would not forget. Ms. McGroarty asked if there were interim plans. She said when she built a house, there were five different plans over the course of eight months. She noted in March 2014 there were 3655 people eligible to vote. At Town Meeting there were 282 voters. 188 were required for approval. It was declared approved on a voice vote. How did they know it was approved? Mr. Vail said if it hadn't been overwhelming it wouldn't have passed on a voice vote. The debt exclusion two days later it was 389 for vs 466 against with 61 people not voting. On the Fire Station it was 421 for vs 415 against with 7 people not voting. These were very close and showed how few people controlled the decision. Lots more people came out afterwards and offered their support or opposition. She was concerned about the number of meeting rooms personally. She felt when you looked at how many people could have been involved it demonstrated that nobody was happy. Mr. Vail said he disagreed. She said the point was nobody knew about the project. She got involved in most everything and she didn't know about it. She couldn't imagine how many others were in that position.

Ms. Barmakian asked if the building committee would be in charge of outreach. Member Fehl said they needed help with it. After overlapping discussion Ms. Barmakian said it sounded like the building committee would handle it and ask for assistance.

Chairman Packish said he was hearing a pretty strong consensus for moving the Planning Board outside of the process and adding one member back into the discussion. Time was of the essence and they all needed to prepare themselves for a lot of “we already talked about that”. No matter how hard the Planning Board tried over the past ten months to advocate for proper outreach and discussion, there was not enough support from the rest of the leadership for that. With that said, move it along to a building committee and when you are ready for a site plan review bring it to the Planning Board. Mr. Vail asked at what point the Board would be ready to do the site plan review. Chairman Packish said that would happen when you had a completely designed project with every site and building plan, lighting, traffic and all of those things. It is pretty much the last step when you apply for your building permit. He told Mr. Vail that they really didn’t need the Planning Board until they’d been through Town Meeting and were ready to apply for a building permit.

Mr. Lebica said he didn’t understand Chairman Packish’s last statement. He’d summarize the evening as having a decision to move ahead to form a building committee, and he’d heard that a member of the Planning Board could be appointed to that committee. He’d also heard that they wanted the Planning Board to have an opportunity to discuss that themselves as a Board. Once that decision was made you’d notify the Selectmen. The process would continue full speed ahead. Chairman Packish said that was exactly what he’d said. Mr. Lebica said he would contradict that, because he’d heard other Planning Board members saying they wanted to discuss the committee appointment. That meant there were still decisions to be made. Chairman Packish said that was exactly what he’d said. There were two processes. A site plan review and the building committee. The site plan review wouldn’t happen until there was a building permit application. The building committee would be discussed at the next Planning Board meeting.

Mr. Coogan said he wanted the Planning Board to know they had the opportunity to help on this project in reaching out to the public. They all clearly hadn’t done a good enough job last time around and they all needed to work to get all the information to the public. He hoped the Planning Board wouldn’t turn their backs on the Selectmen. He did hope they would appoint a member to the committee providing eyes and ears to the process. The Selectmen would only have one or two members. He was concerned if they didn’t work together that it would potentially fail. Member Hopkins said he’d like these two bodies to make a statement to the public saying what they think the options are. Mr. Coogan suggested Mr. Vail and Member Hopkins discuss that.

The meeting adjourned at 8:13 pm

Documents used in this meeting:

Agenda

Sign-In sheet

Featherstone worksheet for Planning Board beginning with "History" 2 pages
Featherstone Site Plan Revised August 25, 2016 Schofield, Barbini, Hoehn
Featherstone Special Permit Application and documents
Site Plan Committee letter from Mark Barbadoro
PAL letter re Featherstone archaeological findings
Martha's Vineyard Commission Featherstone Decision
Town Zoning By-Laws
Town Hall Project Timeline