

Oak Bluffs Planning Board
Meeting Minutes

November 10, 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 p.m. Public Hearing on proposed zoning amendment:

To see if the Town will vote to amend the "Oak Bluffs Zoning Map" as defined in 2.3 of the Oak Bluffs Zoning Bylaws, by altering the boundaries of the B-1 Zoning District to include the property known as 3 Uncas Avenue (Assessors Map 11, Parcel 156) within the surrounding B-1 Zoning District, or take any other action relative thereto.

Chairman Packish began by reading the hearing notice aloud. He then disclosed that he owned property in the business district although he was not an abutter. Members McCarthy and Albert made the same disclosure. Chairman Packish then explained the hearing procedures.

Robert Sawyer said they'd acquired 3 Uncas with a view to hopefully changing it to commercial. It is on Circuit Avenue and abuts the parking lot to the Barn Bowl and Bistro. He said it was totally surrounded by B1 property. They'd been late to get this on the Warrant in April of 2016, and there was no special Town Meeting scheduled. They hoped to get this on the April 2017 Warrant. There was currently a very old house in a rather bad state of disrepair. It made no sense to invest in residential at this site given its location, and it should logically be commercial.

Chairman Packish asked Mr. Sawyer to read aloud the e-mail exchange with the Town Administrator in order to shed further information on the zoning change request. Mr. Sawyer did so.

George Sourati brought the Board's attention to the zoning map showing the business and residential zoning of the neighborhood by lot.

Chairman Packish asked for those to speak who were in favor of the proposal. Kim Nye as the abutter across the street at 8 Uncas was in total favor of 3 Uncas being converted to B1 zoning. She was B1 zoning and has been very supportive of Barn Bowl and Bistro. She was happy to see this end of Circuit to be more conducive to business. She looked forward to more productivity on Circuit and onto Uncas.

Chairman Packish asked for anybody in opposition to speak. Byron Barnett of 12 Hiawatha, an abutter to the bowling alley and right around the corner from 3 Uncas, opposed the zoning change. He disputed Mr. Sawyer's claim that 3 Uncas was surrounded by commercial property. The bowling alley, which Mr. Sawyer owned, was surrounded by residential property even though the area is zoned business for

unknown reasons. The neighborhood character has changed since the bowling alley came in. People are parking in front of homes even when there are spaces in the lot. People stand around afterwards smoking and leaving cigarette butts. Mr. Barnett continued noting that Mr. Sawyer said he wanted to be saved from maintaining an old house in a bad state of disrepair. Mr. Barnett said his house had been old and in disrepair and he fixed it up into a nice house in good repair. It was a quiet neighborhood right across from a park but that was changing. This zoning change would impact the neighborhood negatively.

Peggy Barmore of 10B Hiawatha Avenue condominiums opposed the zoning change. She said she was also speaking for Diane Street, her next door neighbor. She was concerned about how the property would be used, knowing Mr. Sawyer did not need to tell anybody ahead of time. Use was her concern over zoning. She felt that Hiawatha was the last frontier of residential in the area. They had learned that what the bowling alley said they would do and what they did do were not the same. They have had noise, vibration, rodents and skunks. The bowling alley wants to expand hours which would mean people who loiter at 1130 at night would loiter at 1230. That's just the existing problem. Depending on the new business, there could be more problems. Something like the Barn would add more commotion. She wondered if there was an opportunity to plan for the Hiawatha Uncas area before changing zoning. Parking was a big issue in the summer, with people not using the lot and parking on their street and using the walkthrough. The past summer she had two people running from that direction through the pass-through. They ran right up onto her porch and were fighting. Police responded quickly. A detective showed up the next day to do a search. She'd never had to worry about locking her doors, but with the new business this had changed. Businesses that had come into the area in the past didn't have parking lots and draw large crowds. The bowling alley was different and she wondered if they were drawing unruly elements up from downtown into the area. She wanted a vision and felt as homeowners there was no rush to build at 3 Uncas. Public safety issues could be addressed first. A holistic look made more sense than changing zoning project by project.

Chairman Packish asked if there were others in opposition. There were none. Steve Auerbach thought there was some sense to making it commercial given the other zoning in the area. However, there were the concerns of the residential neighbors who were quite close to 3 Uncas. He thought it would be relevant to ask Mr. Sawyer what his plans were for the property. Chairman Packish asked the applicant if they would like to respond to any of the questions or opposition. Mr. Sawyer said he would.

Mr. Sawyer said he had three points. First, the Barn Bowl and Bistro had never had a police complaint. Second, they couldn't control a public street but they offered more parking than any business in Oak Bluffs. More to the point, he continued, if he were in opposition he'd ask the same question: what were they going to do with the property. Mr. Sawyer said they really didn't know. He asked what kind of business Ms. Barmore would object to. Ms. Barmore said it wasn't what kind of business she would object to but it was what it would attract in terms of noise and parking. Mr. Sawyer said if zoning was changed he would commit to meeting with neighbors to brainstorm uses before applying for permits, and expected that they would think alike. He said they frankly would not want to do the kind of uses there that Ms. Barmore was concerned with. As long as the abutters acknowledge that it was

commercial, they would make them part of the process in deciding what kind of use. Ms. Barmore asked if that would be answered by them or zoning.

Chairman Packish said he wanted to explain the process. This was a potential zoning change. The Board was holding a hearing to determine if they were in favor or opposed to the change. They would make a recommendation to Town Meeting which would go to the Selectmen to go on the Warrant. There would be a vote at Town Meeting that would determine if the zoning changed to B1. If it changed Mr. Sawyer would determine what he wanted to do with the property and that would ultimately end up back at the Planning Board for a site plan review. That would cover lighting, parking, noise, garbage, accessibility among other things. Chairman Packish said when the bowling alley came through there was a very different Board with a different view of planning. He had seen all of the complaints Ms. Barmore was speaking about. Right now the Selectmen were considering things like expansion of hours in light of the issues. He suggested she continue to work with them. He noted that to the naked eye, the map looked all commercial, but in fact it was primarily residential. When site plan review came again, he would need to look at it in a different way from the bowling alley because of the problems. It was an asset to the community and was a great winter spot, so there are a lot of positives to consider as well. They wouldn't be having a lot of discussion of that at this hearing today, but he did appreciate the input.

Mr. Barnett asked to reiterate that while the map showed commercial the bowling alley was surrounded by residential homes. Also, in the larger context with the amplified music and extended hours, everything had been agreed two years prior but now the bowling alley owners wanted to expand again. He wondered when this would stop. This was all agreed to and had become bait and switch. It had changed the character of the neighborhood. He understood the Board wasn't looking at those issues here but he wanted to make the points. Chairman Packish said he agreed with most of the points having witnessed them. This was not the conversation today. They were asking if 3 Uncas should be changed to B1. All he could say was the Board would be extremely mindful of these issues when and if 3 Uncas came for a site plan review. He noted that even if the Board voted against recommending this at the hearing it was still going to Town Meeting. Chairman Packish closed public comment and asked for questions from the Board.

Member Fehl asked how old the house was. Mr. Sawyer said about 100 years old. Chairman Packish said that could create a process in the future with the MVC and others for demolition. He noted the water company has great records to help determine the age of the building.

Ms. Nye asked to speak again. Chairman Packish reopened public comment. Ms. Nye said the bowling alley was not completely surrounded by residential. She was the major abutter to the bowling alley and was not residential. She was in favor of the corner being commercial, and invested in her property for that reason. She'd been exposed to the delinquent properties in the past and was looking forward to changes. She thought the bowling alley was doing great and could do better with that exposure on the corner. There was only so much space left to do business and this was Circuit Ave. There was always conflict at boundaries as there was when the brewery was built. She felt 3 Uncas was an island, and it would be a wonderful impact to her business and the bowling alley.

Chairman Packish asked if there were any letters. Mr. Anderson said there were no direct letters but they'd been copied on e-mails sent to the Selectmen thanking them for not increasing bowling alley hours. Chairman Packish again closed the public hearing.

Member Hopkins asked Mr. Anderson about the history of lots 145 and 145.1 and if they had ever been residential and why they were switched. Former Chairman John Bradford offered to explain. Chairman Packish reopened the public hearing. Mr. Bradford said the history was that all of this was commercial except a few lots. Someone decided they wanted to see it all changed to residential. They petitioned the owners and tried to get them to rezone. Some said yes but most said no. When it went to Town Meeting it created a lot of landlocked residentials in a commercial zone. They never intended to use the lots as commercial but rezoning to residential would have made them unable to build because of setbacks. Chairman Packish closed the public input and went back to Board deliberation.

Member Hopkins repeated Mr. Bradford's explanation of the history of zoning changes in the neighborhood. He said as he looked at 3 Uncas, he saw it performing a significant transitional role from commercial to residential as you leave town. He agreed it would significantly change the character of the neighborhood if rezoned, but he wanted to hear from other Board members to see if they thought it would be positive or negative. He also noted that he didn't look at the applicant's intent but the full potential for change in a zoning amendment.

Member Fehl said he had a slightly different view of the lot in question. He felt the transition happened after that based on the surrounding commercial properties. He didn't want to see a bar or flashing neon sign go in there either, and he'd love to have a vision as well. He did have a vision of what he'd like to see there. But it made sense to him to rezone to B1.

Member Albert said he was mostly in agreement with Member Fehl. The lots on the end that wouldn't be buildable without commercial, for instance the condo. He lives next to commercial property, and understood that it had been decrepit as well, but he also understood that when you live next to commercial property you live next to commercial property. He would like to see the applicant work a little better with the neighbors for instance helping with parking, but that was just him. Some of the problems were solvable or could be softened. He was leaning in favor of it being commercial.

Member McCarthy said he grew up in the B1 district and could speak to the malleable nature of plans for commercial property, how things could transition from intent to realization. He appreciated other members input, and from his perspective, it would be in character of the surrounding lots to be B1. He was sensitive to neighborhood concerns and felt working closely with the developer and Selectmen to keep a firm hand on the direction would be important. He had worked with the Selectmen to address noise by the harbor by getting other businesses to sign a letter which led to a change in the by-law. He found the Selectmen very responsive to residential owners in B1. He would lean towards changing it back to B1.

Chairman Packish said he'd struggled with this for some time and he was in the area a lot. From a bird's eye view, it sure looked commercial. 3 Uncas has interesting development issues even if it were B1. Corner Lot and Sight Lines by-laws apply to this which wouldn't to the other lots. He could assure the neighbors that site plan review would be very different this time around. He was 50/50 on it but felt making it B1 was really the right choice for the district. He was conflicted because of the impact from Barn and Bistro. It brought positivity to a lot of people's lives but a lot of negativity to the neighborhood.

Member Hopkins said he felt it was important they were cognizant of the transition from commercial to residential, and he liked a transition versus an abrupt change. He went back to the point that there was an effort to convert to residential probably for quality of life reasons. There had been significant commercial activity there with gas stations, auto repair shops, potential laundromats. They had to be very careful converting 3 Uncas and consider the full potential of what it could become rather than considering what they heard now. There were greater protections in residential zoning that they would be giving up. They should consider unforeseen impacts. If Mr. Bradford hadn't attended he would not have known about the push to make this residential and he didn't know what else he didn't know. He did know when he came out of town transitioning to that house brought him to a different state of mind. Coming the other way you had to turn the corner to get into commercial and the bank was low impact. It was the gateway coming into town.

Chairman Packish said it was important to remember that the Planning Board did not have the power to vote this in or out. They would be voting on a recommendation to Town Meeting, which he understood carried a very heavy weight. But it would take a two thirds vote at Town Meeting, and both the applicant and the neighborhood had the ability to represent their interests there. Two thirds can be a tough one to get. He agreed with all of Member Hopkins points and felt everyone there had very valid points.

Member Fehl moved to recommend the zoning amendment to change 3 Uncas to B1. Member Albert seconded. The Board voted 4-1 in favor with Member Hopkins casting the dissenting vote. Mr. Anderson said he'd write the recommendation and add it to the next agenda for review.

Member Fehl noted that it wasn't the zoning but the use. Chairman Packish told Mr. Sawyer that hopefully if things worked out at Town Meeting, he'd be taking more of these issues into account. The quantity of people spilling from the lot onto Hiawatha was an issue, and replacing the split rail fence might be worth considering to avoid people ending up on neighbors porches. He made it clear he was just throwing this idea out there and it wasn't related to the hearing. Mr. Sawyer said he would honor his commitment that if they were successful with the zoning change they would reach out to the neighbors and brainstorm with them. He was guardedly optimistic they would come up with a development plan that everybody would embrace. Chairman Packish said he was optimistic as well, and if they ended up before the Board for a site plan review, all the neighbors would be there, and he hoped they would be giving him a shining endorsement.

Off Street Parking By-Law collection update with Zoning Enforcement Officer Mark Barbadoro

Mr. Anderson said Mr. Barbadoro had planned on having a letter for people who were behind in paying mitigation fees. It was unclear if this was expected on the 10th or 15th, but it was clear the Board wanted accurate amounts on those letters. He and Mr. Barbadoro had been looking for the special permits as they were not recorded and had found a few. They would continue to look for permits and Mr. Anderson asked if there was any input for Mr. Barbadoro. Chairman Packish said they didn't want it to stall as he'd been asking about this for 3.5 years. He'd been relentless and they hadn't gotten anywhere. Member Hopkins said one of his concerns was that the fee was assigned to the then current owner not to the property. He wondered if Mr. Barbadoro had worked on that. Mr. Anderson wasn't sure where that stood but wanted to look at the special permits as they likely ran with the land. Member Hopkins clarified that this was an issue Mr. Barbadoro brought up with him. Chairman Packish said he wanted the issue put to rest even if no money was recovered. People came in and the Board offered mitigation, they had been discussing a park and ride, and funding, and yet nobody was responsibly collecting the money the Town was owed. It had been passed around from Town Administrator to Assessor to Planning Board and Building Department. He was happy to hear Mr. Barbadoro was addressing it. It wasn't fair for property owners to have this looming over their head and it wasn't fair to taxpayers. Mr. Anderson said he'd ramp up his contribution as this wasn't his project before. Chairman Packish agreed that made sense.

Update by Bill Veno of the MVC ahead of the November 17 Edgartown Vineyard Haven Road corridor planning session

Bill Veno announced that the letter to major property owners and users had gone out several weeks earlier and they had heard from one. He suggested sending out a reminder or making phone calls. Mr. Anderson agreed to make calls. If they couldn't get information ahead of time perhaps they could bring basic info to the meeting. Chairman Packish said he understood the full Board of Selectmen planned to attend and Fin Com planned to attend as well. He had also heard the GM of the rink was attending. He said they'd done the outreach to stakeholders and if the first session turned out to be just the government officials responsible for the area that was the way it would happen. But they'd like more participation. Member Fehl said he read the Oak Bluffs column regularly and suggested putting it in to Megan Alley.

Mr. Veno presented the map with overlays of the area including the proposed donut hole swap area. He'd pulled acreage and units from all the properties with frontage on edgvh. Conservation land was included as well to show how it limited development. He listed uses and residential units. This represented a starting point, what was here now. Chairman Packish said this would be a big discussion with so many plans for the district. There have been long ongoing discussions about what zoning should be there, and that's complicated by many who don't fully understand what can and can't go there. Just one property went on the market numerous people called wanting to move in mattress stores and medical...it was endless. Mr. Vail had even wondered at a Selectmen's meeting why anybody would want to buy residential in there. It was hard to know what was doing. Mr. Veno said it could even be a place for high density residential. Chairman Packish agreed that could be another use.

Member Hopkins asked for an explanation on how the donut-hole swap was represented. He'd never seen a layout of how it would look. Mr. Veno said this represented the decision, although he wasn't so sure how concrete it was. There could be some fluidity. Member Hopkins said it concerned him that the western portion didn't overlap Town owned property. That seemed strange, and could be problematic, although it could be worked around. Mr. Veno said he'd have an answer by Thursday on whether this was a fixed location.

Mr. Vail said unfortunately he couldn't attend the upcoming meeting and wondered if more were scheduled. Chairman Packish said he anticipated a series of conversations and he would hope it was the first of several. Mr. Vail said he thought it would be a great discussion and he looked forward to being a part of it going forward. He asked if the intent was to come out of this with a zoning article. Chairman Packish said the Board didn't plan that way. They would have the discussion and see what the people told them. He felt it was safe to say it wasn't likely for April 2017.

Member Hopkins asked Mr. Veno to provide official materials to Mr. Anderson for promotion. Mr. Anderson said he'd promoted the HPP the week prior where the goal was to draw a lot of community members. He had not promoted this widely because the original hope was to narrow the discussion to the corridor. It was a public meeting and anybody was welcome to attend, but focus on stakeholders was important. Member Hopkins considered this and agreed that this was a good approach. Mr. Anderson said he'd contacted as many people as possible via e-mail, but had also done a custom abutters list and mailed the invite to those people. He'd made a few phone calls where he could. He'd coordinate with Mr. Veno on Monday for another round of calls.

Proposed new town hall discussion: site plan review and building committee

Chairman Packish began by showing a stack of minutes that covered the town hall discussion over the past year. He had been reviewing the minutes, the Board's positions and votes. There were a lot of moving parts in the discussion, and he couldn't possibly bring everybody up to speed as it was 100 pages. He said most of it was arguing with Mr. Vail over who would do what. The first meeting was on December 9, 2015 when Mr. Vail and Mike Santoro visited. It began with a site plan review request for a new town hall. The architects were there, and the Board had been happy to hear a presentation but site plan review was for very defined projects. Even the site was in question at that point.

Chairman Packish then read numerous excerpts from the minutes and said they showed a few clear points. He said Mr. Vail had consistently pushed for a building committee to be appointed and was against the survey. He said Mr. Santoro had agreed not to put this on the April Warrant if the planning board didn't support it, so the Board voted 4-1 in January to ask that it not go to Town Meeting. He stated that the Board had been consistent in not wanting a member on the building committee at this stage and consistent in wanting public outreach and a process that respected the taxpayer. They had been systematically stonewalled in these attempts, even waiting nine months to get a town buildings condition report. . It had been a long uphill battle with very little public process or engagement, and there had been endless meetings where the Board advocated for that. At last week's joint meeting it was clear the Selectmen wanted to push forward with a building committee regardless of the Planning

Board's position. There was supposed to be a presentation by the architects but they arrived without paperwork or presentation. There was no presentation and instead a push to move forward with the committee.

As an individual Board member Chairman Packish felt they had stated their position for the need for public transparency, public engagement and respect for the taxpayer. He felt confident that hadn't happened to date, which was discouraging. When we talked about Town Hall we led with the condition of the building and need but with little respect for the people who would pay for it. They had talked a lot about where the line was between a planning process and a building committee process. They have consistently said they hadn't gotten there yet. For sixteen meetings they'd advocated for that and none of it happened. Now they were being asked if they were ready. They would talk about that but he felt it was important to think about where they would lend the voice and integrity of the Planning Board to this process. He asked to hear from everybody so they could put this to bed once and for all.

Member McCarthy said he had been unaware of the history between the two boards on this issue. He said he saw a massive disconnect between them, and as a natural problem solver he wanted to find a solution. He didn't see a clear roadmap at the meeting for that given the conflicting goals. He said he'd like to hear from other Board members on why they would or would not like to see a member on the building committee once they did feel it was time for the committee. He felt given the process hadn't been met yet, he couldn't see the Board recommending a building committee yet. However, he would like the Board to clearly outline for the Selectmen what steps the Board would like to see taken to get to that point.

Member Fehl said he thought he understood the Board of Selectmen's decision to form a building committee. However, he thought it was premature. He didn't think they had to sell the Town on the location, need, number of rooms, what it looks like. What was important was to sell the Town on what it would take out of their pockets, and let them vote on whether they wanted to go ahead with it. Once there was approval, then they could put together a building committee and begin the process.

Chairman Packish said he attended the Capital Improvement Committee meeting which Member Fehl attended as Board representative. They heard about \$20 million in sewer and it was imperative it begin tomorrow. They saw gaps in the Capital Improvement plan, with no line item for planning. There was nothing for the park department. That had been taken away from the Town and despite taxes going up considerably services had gone down. The bare bones Capital Improvement Plan that says they could afford a Town Hall may not be accurate given these and other missing items. There was a new well and water tower coming, and although it wasn't on the tax bill, ultimately the person paying that bill was a taxpayer who could expect a significant increase in water bills. He wasn't sure they were painting an accurate picture of what people could expect to see in their taxes. The aging task force clearly showed this was an aging town on a fixed income. He didn't know if this was a reason to not have a new town hall, he wasn't advocating for that. Having worked in town hall he felt a new one would be really great for the Town. The question was if this was the time or if townspeople had other priorities. The current leadership wasn't willing to stop and ask those questions.

Member Albert said the other members had pretty much covered everything. He noted the sewer usage bill would also go up. Member Hopkins said he wanted to start by responding to Member McCarthy. He was very keen on advocating for the planning process, and he believed it was something the Town had done a horrible job of supporting. It was an uphill battle and people didn't seem to appreciate the importance of planning. To him, that meant a clean piece of paper and an open mind to all possibilities as opposed to the advancement of a preconceived notion. To the casual observer, there was an implied endorsement when you put someone on the building committee. He had no problem with the Selectmen going forward with due diligence, but he did not want it to be perceived as the Planning Board's endorsement of the planning that had taken place. He was happy to get out of the way of town hall, as people ultimately had to take the information they had and make a decision. If he were a Selectman he would exercise that right, but he wasn't one, he was an advocate for the planning process. He did not believe they had completed the planning process and didn't want the planning process to be coopted for promotional purposes. Member Hopkins said at the last meeting, he'd asked the Selectmen and Planning Board members what they thought were viable options. Three Selectmen had answered although Santoro and Barmakian had not. He thought people were through with planning and didn't want to do anymore. That meant his job was done and his next job was as a regulator at site plan review. He felt the Board could offer value in planning but if that wasn't wanted it was time to wish them well.

Chairman Packish asked if Member Hopkins was implying the Planning Board had been in the way in the process. Member Hopkins said no, they had been advocating for planning. By "get out of the way" he meant the Board was in the way if you wanted to stop planning. But we were saying there was more to be done. Chairman Packish said the primary group in the way of planning was the Selectmen in his opinion. The Planning Board had bent over backwards to facilitate process and the Selectmen had not been willing to embrace process. Chairman Packish also said Member Hopkins had implied that if people were done planning and ready to move forward...Chairman Packish said he felt pretty strongly that since December 9th when this was turned over to the Board for planning, other than the survey none had been done. Member Hopkins agreed the survey was the only tangible example of planning and outreach so far. Chairman Packish said he wanted to be sure because Member Hopkins' comments could be misconstrued to say the Planning Board had been in the way and some form of planning had occurred. He felt it was the polar opposite.

Chairman Packish said Member Hopkins had a great quote in the minutes that answered Member McCarthy's question of why a Board member shouldn't be on the building committee. This went back to Dec 9 when there was a disingenuous attempt to manipulate the Planning Board's site plan approval to make it an approval of a project the Board didn't approve of. At that point the Board said they wouldn't do a site plan review because they weren't asking the right planning questions. This led to the question of adding a "token" Board member to the committee. It would suggest to the public that planning had occurred. It wasn't something they were willing to lend their integrity to the project. Member Hopkins said he hoped Member McCarthy said he hoped he heard the same thing from him except that his remarks were void of any characterizations of other parties. Chairman Packish said other

than his characterization of other parties, was there anything in his other comments that others disagreed with. Member Hopkins said no. Member McCarthy said he didn't disagree but had another question. Had proper outreach and planning been done, would the Board view putting a Board member on the committee change? It almost sounded like it should be precluded because the project would come before the Board in site plan review. Member Hopkins said it was hard to review your own work, but the argument was that understanding the criteria can bring a great deal of value to a group putting something together. He felt personally that he was most concerned that every step had to passionately advocate for planning, and he saw nobody else in the community doing that. They had been steamrolled by the fire house. There was a hole in the ground and instead of getting their six months they got six days. It was the right thing for the Town but it was the worst thing for planning and he'd been apologizing to abutters ever since. Chairman Packish said they put modest conditions on the plan, and despite Mr. Vail saying it was finished last November, it was only just finishing a year later. There had been a systematic lack of respect for the process. Member Hopkins said that concerned him because they were going into this and everyone was going to have an agenda and a point of view, and they had the issue with Featherstone that went fairly smoothly but they were very strict on what they were looking for. They went through the Preserve at the Woodlands where they had to accept some legacy factors, where residents had spoken to change by-laws since the original approval, and although they could have demanded the applicant reapply and be exposed to \$1.2mm in affordable housing fees, they had been flexible. He was proud of that flexibility but they shouldn't compromise planning, and if planning isn't valued by any applicant, then they would see them at site plan review. Planning is a tough one, just looking at the budget of the Town. Member Fehl said from the rebirth of the Board they had all agreed that planning was critical. They had learned a big lesson and had vocalized it. They wouldn't let a fire house happen again, and that had been promoted in every decision they made.

Chairman Packish said it seemed clear to him that the Board did not feel an adequate planning process had occurred, and also that the Board felt the formation of a building committee was extremely premature. They had come to the point where it was demonstrated clearly there wasn't much concern for planning, and that started at the top with the Board of Selectmen. He felt they were at a juncture where they needed to put together a letter where it was easy to misconstrue their statements in the name of political smear. There had been a clear letter for the Water District and their well, and that was the only thing that changed the conversation, the only thing that even made it conversation. Member Hopkins said they needed that letter because their position had been misconstrued to the District to the point that the Niantic Park project was told they didn't get water because of the Board. The letter had been a godsend as it was dated prior to those comments. Member Fehl agreed it was critical they document the conversation.

Chairman Packish clarified the two points where there was, he felt, clear consensus on the Board. Item one was proper planning in regard to town hall has not occurred. Secondly, the forming of a building committee is premature due to the fact of item one. Until that proper planning happens, the Board cannot support moving forward on any level with this project or the appointing of a member to the building committee. With that said, the Board of Selectmen can still chose to say thank you very much, we appreciate your concerns, and make a go at it. Member Hopkins said that had been his point. Mr.

Anderson read the points back and clarified the point of moving forward. Chairman Packish asked to add that the public understand that none of these representations mean the Board is for or against building a town hall. They just hadn't been able to have that conversation. Member Hopkins said he was prepared to make a motion.

An unidentified member of the audience said he had a suggestion for the letter. Chairman Packish said they were not taking public comment. Member Hopkins made a motion to write a letter incorporating Chairman Packish's points to the Selectmen to be submitted formally at the next Board of Selectmen's meeting. Member Fehl seconded. The vote was 5-0 in favor of writing the letter. Chairman Packish said he'd like to work with Mr. Anderson to ensure the letter reflects his points. He would then like all Board members to see the letter before it was sent. All Board members would sign the letter. The Board agreed.

Chairman Packish said as this item wrapped up, he couldn't be more disappointed because he used the building every day and it was very clear the building wasn't a town hall. It would move forward however it moved forward but at least at this point it was officially off of their plate.

Steve Auerbach asked why they weren't allowing public comment. Chairman Packish said he could make comment now, but this was an internal discussion about a letter being drafted by the Board. They had taken public comment on this all day every day and they were exhausted. Mr. Auerbach said it was an ongoing issue and this was a public meeting so why should there not be public comment made. Chairman Packish said he could make public comment on this section but the letter is an internal letter being written by the Board. Member Hopkins had submitted Mr. Auerbach's email with his comments to the entire Board. Mr. Anderson asked to comment on open meeting law. He said a public meeting gives the public a right to observe while a public hearing gives the public a right to comment. The Chairman was not preventing anybody from exercising their meeting rights. Chairman Packish said they had been exhausted, inundated, and wasted so many resources in trying to properly plan a town hall. It had been ridiculous, and noted Mr. Auerbach had been there for all of it. Mr. Auerbach said he had a different perspective from the Chairman. Chairman Packish said he knew that and they had heard it, he'd spoken at every meeting, and it wasn't going to change his opinion after eleven months. Mr. Auerbach said the Chairman had been complaining about the process and wanted a survey so a survey was taken. Quite clearly there were strong opinions in favor of either renovating or building a new town hall. Then they wanted survey of Town buildings as part of the process. Which buildings are in better or worse shape to help determine what our priorities should be? Mr. Barbadoro conducted the survey and made it quite clear this was the building in the worst shape. Mr. Auerbach said he didn't understand what other process steps were required. A plan was made several years ago and there had been ample opportunity to change aspects of the plan, and nobody was against doing that. What process was lacking? Also regarding money and capital planning, the Wastewater Department has no idea how much money they need and when they will need it or what sources are available. It was very hard to put an exact number on it and you couldn't just put \$20 million dollars on it. Nobody knows. Ms. Barmakian doesn't have any definite plans. Further, in the draft that Mr. Whritenour and Bill McGrath have shown, there was a significant placeholder for wastewater. There were not a lot of projects as

Chairman Packish suggested that were not largely accounted for. In regards to Member Fehl's comment that it was premature to have a building committee before deciding on going ahead with the project, how could there be a vote at Town Meeting without some kind of concrete plan in place? Nobody could make an intelligent vote without public information.

Chairman Packish said there were definitely millions of dollars in unaccounted for future spending. Mr. Auerbach agreed. So one could split hairs, but Ms. Barmakian had used the \$20 million figure at a previous meeting several times. Mr. Auerbach agreed but said there was no definite wastewater decision on timing or what exactly the money would be spent on. Chairman Packish said they had heard from Ms. Barmakian that there is an increased sense of urgency and a need. They'd heard that throughout the community from housing, where they had just turned down their own affordable housing project, ponds were at an all-time low quality. If the science is to be believed and wastewater is a solution to that, then it is probably coming on us a lot sooner than is recognized. Regarding next steps, they tried tirelessly to have that discussion and every time they asked what they heard was Town Hall is in such bad shape stop talking about it and give it back to the Selectmen and move away. Mr. Auerbach asked what the steps were they would want taken. Chairman Packish said it was impossible to outline that because they didn't have a chance to have that conversation. Chairman Packish said he'd gone to the Board of Selectmen to present the survey and was told no. It had been presented at a Planning Board meeting, and Mr. Vail, to his credit, suggested it be presented to the Selectmen. But they said no. Chairman Packish said he was as disappointed as Mr. Auerbach was in where this had gone. When they'd gone to the MVC over North Bluff they'd been told you guys need to figure it out and do better. When they had the Fire Station, it took two years; they'd advocated for site plan review but didn't get it until a hole was dug. At the end of the day none of this was the best thing for all of them, but the lack of planning had to be addressed, and the Board had to keep taking a solid stance that an ounce of prevention was a pound of cure.

Bill Vrooman said he was confused because the Board kept talking about steps that needed to be done and hadn't been done, but Chairman Packish had just said he didn't what they were. Chairman Packish said they had a sense but they didn't have a vote on them. One example would be at the last Selectmen's meeting they all agreed they didn't really remember what the project looked like and they needed to be brought up to speed. Both Mike Santoro and Greg Coogan made that statement. They agreed on a full presentation by the architect at the next joint meeting. It was scheduled but the architect arrived with no paperwork and never made a presentation. Did that give a sense of what they were working with? Mr. Vrooman said it would strengthen the letter if they gave some of those steps they would like to see. Mr. Auerbach said he missed the beginning of the joint meeting with the architects but the entire plan from three years ago, Bill McGrath's Town Meeting presentation; all of the notes have been on the website all this time. What difference did it make if K+K had to rehash all of that despite its being in the public domain and widely available to anybody ahead of that meeting? Member Hopkins said as elected officials at the prior meeting they had all voted that it was important for them to do so and that was what was going to be done. It didn't take place. Chairman Packish said that had happened at every turn with every effort they'd made. They had gone from the Planning Board would manage outreach as agreed by the Chair of the Selectmen at that time Mike Santoro, to where they said

ok we'll do a survey, they'd publicly present that, they'd begin a discussion of next steps, and then they got stonewalled across the board. The Planning Board went back and suggested the two boards sit down together and have joint meetings since you are so worried about us doing this on our own. That conversation started, and since then, Mr. Fehl, Chairman Packish, Mr. Vail and Ms. Barmakian had been voted by both boards to be the working group of four to facilitate moving the process forward. For seven months, Chairman Packish said he'd asked for the building assessments and he was systematically told no. It took an hour or arguing with one Selectmen to make that happen. They went straight to the building inspector and they had it 60 days later. Chairman Packish said he felt his frustration as he shared it.

Mr. Auerbach said it had become a process of the Planning Board waking up and becoming more assertive over the past several years since Chairman Packish had taken on the Chair, and power was not shared readily by those who are in power. He thought he was doing a fine job in opening the process to greater scrutiny and more people but it had to be a shared and you had to understand other points of view and perspectives on making this go forward. He said he didn't see how it could pass at the ballot without more people working together. Member Hopkins said the thing that was critical to understand was that the only thing the Board was holding onto was the planning process. If someone wanted to go around that to advance an idea or a thought, the Board was doing nothing to get in the way of that. The Board was not saying don't do this, or this is bad, or we recommend against or it is a bad idea. They were saying if you wanted to put planning by the wayside, do that, but you aren't going to use the Planning Board to promote something you already decided you want to do. It was that simple. Mr. Auerbach said he wanted to see concrete steps that the Board felt were part of the planning process that had not been done. This was not a new town where you could make a plan for every aspect because you were building from scratch. Member Hopkins said if they were going to spend eight million dollars they were going to plan. Mr. Auerbach said he wanted to hear those concrete steps. Member Hopkins said he'd already shared what he believed had not happened with Mr. Auerbach off record.

Chairman Packish said he didn't have any interest in power, what he had was a respect for the tax payer. That's what it always came back to. It had nothing to do with power. Fifty people out of 400 shouldn't make these decisions, the inner circle, because a lot of people don't feel heard. There was just an election that shocked the world because people don't feel heard. Regardless if the information is on the website or out there, the onus was on the Board to get that information out, not on them to find it.

Member Fehl said every member of the Board had stated they weren't about town hall they were about the process. He'd said earlier he didn't think it was time to form a building committee. They hadn't discussed any of this as a Board, but he would like to see the backing of the Town in a vote that we should proceed with a process to build a new town hall. They were spinning their wheels until they did that.

Member Albert noted the huge turnout at the recent election in reference to Chairman Packish's comments. They had an engaged electorate.

Mr. Auerbach departed. Chairman Packish said he'd wished he had a chance to say this while Mr. Auerbach was here. It was getting old talking about the "new" Planning Board. At some point you had to talk about "the" Planning Board. Same thing about the dollars and sense, hearing at every Town Meeting how they'd been saved from the depths of despair like it was yesterday. That was five years ago. What have you done for me lately?

Potential Planning Board sponsored zoning amendments including 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 this was on the agenda because the next steps were for Members McCarthy, Albert and himself to file a disclosure with the Town Clerk. Mr. Anderson said it was his recollection that this began with a call to the State Ethics Commission, which would lead to a call to Town Counsel, and then you filed the form with the Clerk. Chairman Packish said he'd like to get that done before Thanksgiving break. He said he'd make a call into the Ethics Commission and then get that process moving forward. The Commission would advise him as Chair if the members needed to call individually and he'd let them know if they did. Mr. Anderson said he'd coordinate with the Chairman on that when he next came in. Chairman Packish hoped they would be able to start working on language at the December 8 meeting. He said Chuck Sullivan had called along with a couple other people wanting to be part of the process. He told them to hold off until December 8 as he wanted their passion and dedication and didn't want them to be discouraged by going through a whole lot of stuff like this. There was a lot of free time so the goal was to get these ready for the next Town Meeting.

Chairman Packish asked John Bradford about the one third lot coverage and whether it had been applied to B1 in the past. Mr. Bradford said in most cases it was adhered to but he didn't remember the building official actually enforcing it until now. Chairman Packish said when you look at the B1 everything was lot line to lot line. Member Hopkins said they had to increase density. Chairman Packish said it was interesting and as Mr. Bradford had the history on this, he'd probably lean on him going forward for that information.

Minutes review and approval 10/13/16 and 10/27/16

Mr. Anderson said the 10/27/16 were not ready. Member Hopkins made a motion to accept the minutes as presented. Member Fehl said that at the last meeting he was just recovering from a medical procedure so he was glad he had the minutes to help remember the details. Chairman Packish gave Member Fehl credit for his dedication in coming to the last meeting right under the circumstances. Member McCarthy seconded the motion. The vote was 5-0 in favor of accepting the minutes. Chairman Packish thanked Mr. Anderson for the clear picture his minutes provided. He realized it was a lot of work but it had been helpful in reviewing the town hall discussions. In forty years these would serve somebody well. Member Fehl agreed.

Board Member Updates

Member Fehl said he had asked Bob at the Capital Improvement Program Committee why there wasn't a planning line. He wasn't sure and also didn't know if he'd sent out a request for info to the Board or not. Chairman Packish asked Mr. Anderson if he'd seen it, which he hadn't. Chairman Packish said he'd spoken with Wendy Brough and was told there were contract negotiations leaving FinCom's hands full until that shook out, and a lot questions about money as well.

Member Fehl said Community Preservation had received all of their inputs and they were reviewing for eligibility. They would start having applicants come in to explain what they wanted and why. Chairman Packish said he was glad Member Fehl was there as it was an important discussion. Member Fehl said he was trying to move things out of ConCom's realm and more into Parks Department. Chairman Packish said he liked the strengthening of the Parks Department.

Barry Stringfellow said regarding town hall, there had been a survey and then the inventory of buildings, and he asked for an example more specific than process of something Chairman Packish wanted to see happen that didn't happen. Chairman Packish said Member Fehl had outlined one thing, and more than anything it was a moving target rather than a concrete item list. What they knew was they went out and did the survey. There was an expectation that there would be some series of public hearings. At one point they had talked about the public presentation of the plans, which they had attempted the prior week, but the architects arrived without paperwork. Chairman Packish apologized that he'd have to take a broad stroke at this, but they had attempted to have a discussion with the Selectmen and other parties involved about how to properly have process for the town hall. There was a standing room only audience lobbying against the survey. Every meeting and discussion about town hall after that had no more than two or three people in the room. So as the Board attempted to move forward to talk about next steps, for instance scheduling a hearing...it costs money to have the architects come, so he'd like to have the Selectmen or Town Manager say they'd like to have a public hearing where the professionals show up. One of the items was that John Lolley had extensive site plans. Let's start by bringing those out and run through the various sites and why they don't work. Since they'd overwhelming heard there was a desire for a campus from the survey, were they positioned correctly today knowing that? A lot of people felt no, as this building was in the middle of any building envelope that is left. So it was harder to get to straight up concrete steps because he felt everybody should play a role in what those were. More than anything, after the survey, the Selectmen refused to hold a public presentation. They had expected a series of public presentations and hearings. They tried to work with the Selectmen and he had been optimistic, but then the architects showed without paperwork.

They had been told they didn't need any. If you looked at it objectively, the Planning Board had bent over triple backward attempting to facilitate dialog and process and they couldn't get it.

Mr. Stringfellow said that outside of the architects there was a disagreement with the Selectmen. He noted that they were professionals. Chairman Packish asked if he was paid to go to the MV Times for a presentation and he showed up without materials would Mr. Stringfellow continue to retain his services? Mr. Stringfellow said that wasn't his point. Chairman Packish said he understood how big an advocate Mr. Stringfellow was for a new town hall. Mr. Stringfellow said it wasn't about that, he was just trying to be clear so he could explain when Chairman Packish said certain things didn't happen. He was hearing about process, but wanted to explain what didn't happen other than that.

Member Fehl said they had advocated a number of times to discuss process with the Selectmen to identify the steps they all thought would be necessary to move ahead. Mr. Stringfellow asked if the survey and the building inventory were part of that. Member Fehl said they actually preceded it.

Mr. Anderson said he'd worked on all these minutes, and it had been very frustrating to see; The Chairmen of the Selectmen and Planning Board had asked numerous times for a breakdown on how much it would cost to simply fix the must-dos, the ADA list. It wasn't that they necessarily believed that this was what they should do, but because they had been asked by so many taxpayers. They had not been able to get that answer. The defensiveness blew his mind when the architects had been asked that question. The rehab they would discuss was making the building like new, which forced the answer to a new town hall. He felt the Chairs just wanted to be able to have that discussion. What would it cost to put in a ramp, an elevator, a handicap bathroom? They have never been able to get that answer. That was a concrete item. Chairman Packish agreed that was one concrete answer.

Member Hopkins said he didn't want them to be cherry-picked and just do that. Chairman Packish said at this stage of the game if he said there should be one public hearing and fifteen minutes of this, you'll find that met in the smallest of ways. The process of open engagement, transparency and a full discussion...back to square one doesn't mean you throw the plans away. It just means you start talking about it at square one. Chairman Packish said he respected Mr. Auerbach greatly, but you just heard him say all the plans were on the website and ask why you needed to talk about them. Was that responsible public outreach? Chairman Packish said his answer was no, but somebody else's answer might be yes. Apparently at the Board of Selectmen the answer was yes. When we don't bring people to the table at the beginning we don't find success. Look at Streetscape. One of the most controversial discussions was what

happens downtown. There was a meeting with fifty something people there, standing room only. When they got done discussing four concepts, the entire crowd raised their hand for one concept. Literally not one hand went up until it got to concept three. That was powerful and it was planning. They had spent money on that process and worked hard on that process, and part of the reason it happened was his push for change. He was so disappointed in the master planning process of downtown that wasn't happening in the planning entity, he had to quote Mass General Law, hold five separate meetings...it took relentless arguments and discussions, pleading begging and lobbying. When they embraced process, they had the only item that had consistently found consensus by all comers in the Town. When done properly, they would get a better town hall than anybody dreamed and people would be happy to pay for it. He was disappointed they couldn't get there. It wasn't about him, and it wasn't about whether he wanted a town hall or not. You had to take a stance.

The meeting adjourned at 7:31

Documents used in this meeting:

Agenda

Sign-in Sheet

E-mail from Dukes Academy to OBPB entitled: Re: Town Meeting Warrant Article 3 Uncas Avenue dated 10/12/16

E-mail from Dukes Academy to OBPB entitled: Re: scheduling zoning amendment hearing dated 10/24/16

Map of neighborhood surrounding 3 Uncas with zoning

Map of Edgartown Vineyard Haven Road corridor

October 13, 2016 draft minutes