

Oak Bluffs Planning Board

Meeting Minutes

January 14, 2016 at 5:00 p.m. in the Oak Bluffs Lower Level meeting room

Members in attendance: Brian Packish (Chairman), Robert Fehl, Erik Albert, Kris Chvatal, Ewell Hopkins

Members absent: none

Staff in attendance: MacGregor Anderson (Clerical Assistant), Mark Barbadoro (Building Inspector)

Chairman Brian Packish called the meeting to order at 5:00 p.m.

Study of Potential New Town Hall

Chairman Packish said this meeting followed a letter to all Town boards and the town administrator inviting them to participate in a discussion of building a new town hall including suggestions for survey questions to the public.

Walter Vail, Selectmen and Chair of the building committee for the fire station and town hall said that a design development study was complete and funding for a feasibility study was in place. He said the committee had reviewed all potential sites including the building across the street, and that Waterfield had done a study of the campus approach. The committee compared a renovation to a tear down and rebuild and the renovation didn't make sense cost wise. Mr. Vail then said he felt a survey, though possibly useful to the Planning Board, would not be useful to the people who voted for the project at Town Meeting. Mr. Vail asked the Board to skip the survey and focus on educating the public instead so that the debt exclusion could be brought again to the April election.

Building Inspector Mark Barbadoro as the ADA accessibility coordinator spoke on the Town's legally mandated two year plan for full accessibility. It was supposed to be complete in 1995, with full accessibility by 1997. A complaint made in 1997 was investigated by the Massachusetts Office on Disability. They recommended not using the lower level meeting room or any other rooms that aren't accessible. Dick Mavro wrote a letter in response saying the Town had spoken with a plumber, planned to put in an elevator, and had bought lever hardware. Mr. Barbadoro said it never got done, and as the coordinator, he now had to come up with recommendations and reasonable accommodations. He said if no new town hall was built they had to address the issue right away. The one inch threshold on the door to the meeting room was one of "ten thousand examples" that lead to an F rating on accessibility. He asked that if a survey was created, to make it clear that money had to be spent on modifications if no new town hall was built.

Chairman Packish noted that Mr. Barbadoro was expected to survey all Town buildings for accessibility. He felt that information was needed in order to have a comprehensive discussion. He asked for a timeline from Mr. Barbadoro.

Mr. Barbadoro said the employment accommodation issue drove his inspection of Town Hall. He felt the Fire Station and Library were fully accessible, but couldn't speak to the other buildings, and could not yet offer a timeline for review.

Amy Billings asked why go to the expense of moving everyone temporarily into trailers instead of building a new building even in the parking lot. Mr. Barbadoro suggested hiring an ADA consultant to make changes immediately if that approach was taken.

Steve Auerbach said alternate locations were studied at great length and that the old church across the street would not work. According to John Lolley, costs would far exceed those of the current location.

Chairman Packish asked John Lolley about the gap between the library and proposed new town hall. Mr. Lolley said it was planned that way to keep costs down. He estimated an extra expense in excess of \$300,000. Mr. Vail said the budget for temporary quarters in the plan was \$130,000. Chairman Packish noted that the \$130k would offset that \$300k and let people work more comfortably in than in trailers.

Amy Billings asked how it could be a campus with a police station and senior center without parking.

Gail Barmakian said a campus was not necessarily part of the plan. The concentration was on a new town hall.

Greg Coogan said the campus talk was based on other possible properties available in the past. Mr. Coogan said that the lack of ADA compliance means the Town needs to do what it can now, and that any survey should be done quickly and not delay the process. He also said borrowing could be done without disrupting the tax rate now.

Chairman Packish said he had no desire to drag the process out. He felt the fire station was allowed to fall out of compliance and the response was reactive, a finger in the dyke. He didn't think it was the best use of resources to do the same with Town Hall. He noted the up vote in Town Meeting was followed by a down vote in ballot box, and the Board didn't know why. The survey is intended to answer those questions. He understood April was coming soon, but asking people to go back to the ballot box after they crushed it without more outreach made no sense.

Mr. Coogan disagreed with the finger in the dyke analogy saying the Fire Station was a good plan. He agreed that money could be why Town Hall failed at the ballot and agreed outreach and education was key. He again asked that it be timely. Chairman Packish clarified that he meant only that the fire station was reactive, and he was not criticizing anybody's work on it.

Skip Finley suggested that town officials be more proactive, building town hall first in a modular fashion, knowing that the aging population will need more support and it could be built on the site. He encouraged education as people didn't understand the cost of fixing versus building. He felt they shouldn't be expected to know, and that's why government had to be proactive.

John Lolley asked Mr. Barbadoro if elevators had to be put in. Mr. Barbadoro said it had to be done 20 years ago. Ms. Barmakian asked about a chair lift like at the courthouse. Mr. Barbadoro said the wheelchairs weighed 300 pounds, people had to get into and out of them. Ms. Barmakian said she wondered if voters felt other capital projects were more important. She agreed that the Planning Board should find out why they voted no.

Amy Billings asked if there was anywhere to find the numbers for the proposed plan. Bill McGrath said all the numbers were on the Town website. He also suggested listening to his one hour talk at Town

Meeting on YouTube available on MVTV where he spoke on the Fire Station and Town Hall. He said lots of people who weren't at Town Meeting voted at the ballot box. He said people should be educated first then answer the survey.

Chairman Packish asked for additional comments. Mr. Vail noted the failing heating system which could cause a carbon monoxide problem and an exposed electrical box that was a danger. He said they went through two hearings in 2014 and had a series of questions they asked the public before Town Meeting. He said it was originally going to cost \$5.2mm and was likely up a few hundred thousand since then. He said interest rates were low and that the town manager had structured borrowing well with very low interest rates. He reiterated that this was a good project that shouldn't be put off.

Chairman Packish said that they serve at the will of the people, and should not be selling something, but rather asking what the people want. He said if that was done in an effective manner, they would get a new Town Hall.

Maura McGroarty said she thought a new Town Hall was needed but didn't vote for it because the plans had lots of extraneous areas like the two story atrium.

Moira Fitzgerald asked about how the square footage was calculated. John Lolley answered that architects used standard formulas and that there was not a lot of extra square footage in the plan.

Chairman Packish asked the Board how best to proceed. Member Fehl said he liked the idea of a survey but was leery of doing it overnight. He felt someone educated in the process should develop the questions in an objective way. He said he thought selling was a bad idea, and bubble up process a better approach.

Member Albert wished there had been more outreach in the beginning, and felt conflicted with the time constraint. Member Chvatal said he had no input.

Member Hopkins said he felt timing was important and sooner preferable to later. He felt it was critical to embrace Mr. McGrath's focus on education. He acknowledged the tremendous amount of work done by the building committee. He agreed that Town official opinions should be stated up front, and education should come before the survey, believing that this could be completed in time for Town Meeting.

Chairman Packish summarized that he was hearing a lot of support for an educational forum. Member Albert offered to assist with outreach and education including using the Facebook page.

Member Hopkins suggested locking down the educational component within a week, complete by the end of the month, and recommended committing to a drop dead date. Mr. McGrath agreed to put the information together. Member Hopkins suggested it be a pre-amble to the survey.

Chairman Packish suggested finishing the educational and media package in a week and run the survey for a month. Clerk Anderson pointed out that there was a February 19th deadline for ballot measures. Mr. Whritenour said the warrant wasn't approved before the second week in March, so a placeholder could be used and the 19th was not a drop dead date.

Member Hopkins made a motion to formulate a package including the educational component and the survey questions yet to be determined within a week, with a goal of completing the entire process by the

end of the fourth week in February. Member Fehl seconded. Member Albert agreed to work with Mr. McGrath. Member Fehl agreed to do the survey. Member Chvatal said the Board needed to be really careful with the preamble, that the information presented in the beginning of the survey would have a huge effect, that the survey should be written by someone who knew what they were doing, and that it couldn't be rushed. Chairman Packish said he felt it was rushed. The Board voted 4-1 with Chairman Packish opposed to approve Member Hopkins motion.

Bill Lockwood Site Plan Review continuation: Good Ship Lollipop, 61 Circuit Ave map 11-36

Member Albert recused himself as an abutter. Mr. Lockwood presented revised drawings and a construction timeline as requested by the Board at the previous review. Member Fehl motioned to approve the plans and Member Hopkins seconded. The board voted 4-0 to approve the plans.

Sean Murphy MV Hospital Site Plan Review: Admiral Benbow Inn change of use to administrative offices and employee housing, 81 New York Ave map 8-4

Member Hopkins asked to speak before the site plan review commenced, saying that he had asked the hospital for a master plan during Windermere Road discussions. He was told there was none.

Member Albert disclosed his ownership of an Inn, but said he could be impartial.

Mr. Murphy responded that this acquisition was planned after those discussions and that there was no 5 year plan or 10 year plan. The building inspector informed the hospital that the development department was operating against zoning laws so they needed to find offices and staff housing right away. Member Hopkins said he was satisfied with that explanation.

Mr. Murphy presented the site plan to the Board. He said it was presently an Inn with a manager's apartment on third floor. The hospital planned to leave second and third floor unchanged, using it for hospital employee housing rather than transient housing. The first floor would become offices. No interior changes were planned other than use on ground floor.

The Board discussed parking and signage, asking that discreet signage point people in the correct direction upon arrival. They Board was satisfied that the 10-12 spaces would meet the needs of six bedrooms and three offices even if everybody had a car, which was not typical of all the employees.

Mr. Barbadoro asked if signage would be large. Mr. Murphy said it would be discreet, and Chairman Packish said this would come before the sign committee.

Member Fehl asked if this became part of a new district. Mr. Barbadoro said the ZBA had determined that this was a pre-existing non-conforming use, which allowed for a change in use by special permit. Member Fehl asked if this would stay on the tax role. Mr. Murphy said yes as it was non-clinical.

There were no members of the public interested in speaking to the issue.

Member Hopkins made a motion to approve the plan with the condition that parking exhibit C be used. Member Fehl seconded. The Board voted 5-0 to approve the plan with conditional on parking exhibit C being implemented

Zoning Bylaws Proposed Changes

Chairman Packish introduced Eleni Roriz and Sean Murphy and explained their proposed change to Appendix A from the December 9 Planning Board meeting. Mr. Murphy reminded the Board that the light manufacturing use was included in zoning bylaw definitions but did not exist as a use in zoning. He continued to summarize the previous meeting, emphasizing the special permit component of the proposal.

Chairman Packish explained there were a couple zoning discussions to be had, that Member Chvatal had been working on shed bylaws and a Chapter 9 rewrite. Mr. Chvatal said those were ready to go. He said the building department did the Chapter 9 rewrite and the shed work took him fifteen minutes.

Chairman Packish said he would like to get those items moving along so the Board could start pulling some things in behind it. He said there were many zoning situations showing up recently, with the Appendix A issue, a project on Dukes County Ave impacted by zoning issues, and more.

Member Chvatal said there were questions on the home based business bylaw. Chairman Packish said additional staff was needed in the building department, something that was being worked on, for the home business bylaw and the Town should begin to enforce the bylaw in existence. Member Chvatal agreed the version on the books was pretty good. Chairman Packish thought that as it was enforced, feedback would be generated and issues identified. He suggested that holding hearings on the home business bylaw would attract people who didn't want it in their own backyard, and that people who had never faced enforcement wouldn't show up as it wouldn't seem to impact them.

Member Chvatal said the Selectmen didn't want to be the permit granting authority to home based businesses any longer. Mr. Barbadoro said it would be helpful to have this move to the ZBA who understood the process better than the Selectmen, and that his staff would work more efficiently with them. He said he also felt there was a disadvantage when elected officials had to tell their constituents whether or not they could do things with their property. He felt it was better for appointed people to handle that.

Chairman Packish felt that having been through the home based business hearing process he felt it was important that people with a working knowledge be in charge. Member Chvatal said it was a recent warrant article that disappeared a few years ago. Chairman Packish summarized that there were many pressing situations showing up, a project for housing on Main Street on top of an existing store that town counsel felt couldn't move forward with existing zoning, and many various projects involving housing that were being tripped up. He felt the Board needed to start prioritizing how to address this so that it could happen in a timely manner.

Chairman Packish asked how zoning issues can be attacked on a higher level. He noted in conversations with Mr. Barbadoro if you don't do it right it needs to stay with the ZBA.

Member Chvatal said he felt a new master plan was needed. Chairman Packish noted that some of the pieces of the master plan were moving forward and evolving and zoning was lagging behind. Member Chvatal asked how to even know without an index of a master plan. Chairman Packish noted based on the 1998 components, open space, downtown, affordable housing was moving along. Member Chvatal said working individually meant missing synergies when things are tackled as a whole. Chairman Packish noted that it would be \$100,000 to \$125,000. Member Chvatal called it money well spent, as did Chairman Packish. Members Fehl and Hopkins agreed. Member Chvatal said the approach to streetscape was exactly what was needed now. He said they weren't even called master plans any longer but local comprehensive plans. He said it would help solve the issue of being reactive. Chairman Packish again agreed and asked if they should vote to petition the selectmen for a warrant article.

Member Hopkins said they all knew from Holy Cross (cptc) what goes into a comprehensive plan. He said the term shouldn't be thrown around, and what he had heard was a watered down version. He wanted any motion to include a detailed description of the plan.

Member Chvatal said he had examples of plans that needed to be reviewed. Chairman Packish asked if Member Chvatal would be able to provide enough information by the 28th for the Board to make a recommendation. Member Chvatal said he could put something together for that. Chairman Packish said the process needed to define what they are asking for and then asking for it. Member Chvatal suggested bringing three consultants in to do informational sessions describing the types of plans available.

Peter Goodale said the 1998 plan had a wish list but few specifics. He hoped a new plan had specific solutions.

John Plano of 25 Barnes Road said he felt the plan should address the need for growth in the business district.

Chairman Packish reiterated that by the 28th Member Chvatal would put together information that would allow the Board to make a decision so that a warrant article would be possible by February 19th. Member Chvatal said he didn't see any problem with asking for \$150,000 this year.

Ms. Billings encouraged the idea of reaching out to consultants for preliminary presentations.

Chairman Packish said during Streetscape that they asked all the consultants for an estimate on a master plan and it was consistently \$100,000-\$125,000. He said he wanted to move on to a formal request to Selectmen to get the process moving.

Chairman Packish brought the discussion back to the manufacturing appendix change. He asked if Mr. Barbadoro was okay with moving incrementally and he said he was but cautioned on the huge impact of wording changes to the use table. He said he was in favor of this proposal because of the special permit component.

Chairman Packish noted that the Town relied on neighbors to complain about neighbors, and that the Town systematically did not enforce its zoning. Because of that there had been no defined need for change from the public. Mr. Barbadoro said enforcement could change, but if you change bylaws it is permanent. Chairman Packish questioned if that would happen.

Member Chvatal noted that there were a lot of complaints about home businesses for instance, but it was not about most businesses but the same ones again and again. He said that could be considered successful zoning. Chairman Packish disagreed saying instead of the onus being on the zoning enforcement officers it was on the public and that wasn't fair and reduced the complaints. Member Chvatal disagreed saying it was anecdotal evidence. Mr. Barbadoro said density was a major issue. He said he believed in changing the bylaws and in a master plan.

Member Hopkins asked Mr. Murphy to explain the School Street property again. Mr. Murphy explained this was a change to add manufacturing and light manufacturing in the appendix for B1 and B2 only under special permit from the planning board. It was not as of right. You have to meet the standards of the board. Right now, there was no option to do it. He said they were seeking the Planning Board's endorsement in order to proceed to the Selectmen. Mr. Barbadoro asked about scoping. Mr. Murphy said yes, all special permits had those requirements defined in the bylaws, such as environmental standards.

Member Hopkins said he felt very comfortable if the scoping and standards were acceptable to the Board.

Chairman Packish asked about procedures. Member Chvatal explained it was the same as the solar bylaw. Mr. Anderson assured the board he had been prepared for this process since July. Member Chvatal passed on taking responsibility for the zoning change. Mr. Murphy suggested he would work with Mr. Anderson and Mr. Barbadoro until the public hearing. The Board agreed to this proposal.

Peter Goodale provided the Board with surveys he had mailed to his customers.

Streetscape RFP Discussion and Vote

Chairman Packish explained that the Streetscape selection committee heard two presentations, one from Horsley and Witten of the first phase and one from the Waterfield Group. The two presentations were very different, and the committee voted 5-1 to select the Waterfield Group for phase two. He said he was bringing that recommendation back to the Planning Board for the vote.

Member Hopkins asked why the one dissenting vote voted that way. Mr. Packish said Mr. Vail had voted against and was the only member not of the original streetscape committee. Mr. Packish said the presentation from Waterfield was extremely strong in the grants and funding component, while they were also experienced in engineering and landscape design.

Member Chvatal said he really didn't need to be sold on the selection. Member Fehl made a motion to accept the recommendation, and Member Chvatal seconded. The Board voted 5-0 to accept the recommendation of the Waterfield Group.

Chairman Packish asked the Board to review the materials sent in by the Waterfield Group. He explained that phase two left a lot of room for discussion. The Waterfield Group offered two options to move forward. He said this was important as it would decide how the money would be spent and what the Board would receive.

Options One and Two were read to the Board. Chairman Packish said there were a number of offsets to potential costs with already completed work, but explained both options would create a full survey of the entire downtown. Option One says design the entire target area and bring it up to 30% design level. Option two says reconcile phase one and pick one or two areas and design those to 100% design level i.e. full construction ready plans. The consultant said the bulk of the money available doesn't require full construction plans, so either option makes the grants available. He said costs were similar with both options, \$80,000 with a few variables vs \$90,000. He said there was \$100,000 in the Town budget for this.

Member Chvatal asked what Mr. Packish recommended. He said the engineer felt Option One had the most value. The engineer offered Option Two at the request of the Town Administrator.

Member Fehl asked if this was being done in two phases. Chairman Packish said they had been flexible in the discussions and adapted to the towns needs, implying that it was one phase.

Member Chvatal made a motion to select Option One. Member Albert seconded. The Board voted 5-0 to select Option One.

Chairman Packish instructed Mr. Anderson to write a letter notifying the Waterfield Group of the decisions. He explained that the grant season began in September so the goal was to complete this by July. He also announced that all streetscape committee members wanted to return to phase two. Member Fehl hoped that the Planning Board would be more involved in this phase, and asked to see the contract with the consultants. Chairman Packish instructed Mr. Anderson to get that from the Town Manager and provide it to the board.

122 Letter Final Approval for Signature

Chairman Packish explained that Mr. Anderson was asked by the All Island Planning Board to consolidate the various versions of the S 122 letter and get signatures. Mr. Anderson explained that Joan Malkin had written the final version and that he would be sure that one version got around to all the towns for signatures.

Peter Bradford suggested that the All Island Planning Board investigate whether they were a voting body, as had come up in the last AIPB meeting. Chairman Packish agreed that more research was required. Mr. Bradford said other towns could vote one way with the entire Oak Bluffs Board voting otherwise, and a decision could be made not in favor of the Town. Mr. Anderson advised that he had spoken with the Attorney General and was told that posting as if it were a meeting of a public body would be best. Chairman Packish asked that all meetings of the AIPB be posted both as the All Island Planning Board and separately as an Oak Bluffs Planning Board public meeting. Mr. Anderson agreed to do this.

Public Comment

Ray Taylor of the Finance Committee spoke to the Master Plan financing. He said the Town was right up against levy capacity limits. He encouraged the Board to be cautious in discussing numbers like \$150,000, as it was a significant amount of money. Chairman Packish said the Board agreed completely but the Board had been unable to fund planning for many years. He said at the end of the day the Town had to prioritize planning. He said the Town was adding full time people in many other departments and yet he couldn't get a full time assistant. He described funding planning as an ounce of prevention.

Meeting adjourned at 8:00 p.m.

Documents used in this meeting:

Sign In Sheet

Agenda

Letter dated 1/8/16 from McCarron, Maruphy and Vukota LLP re 81 New York Ave Site Plan Review
Town of Oak Bluffs Streetscape Master Plan Design Project from Waterfield Design Group

Oak Bluffs Zoning Needs Surveys from Peter Goodale

E-mail between Davio Danielson and Marie Doubleday "Gift Lots from Lagoon Ridge"

Town of Oak Bluffs policies for renovation of downtown buildings

Revised Site Plan for Good Ship Lollipop

Site Plan for Admiral Benbow Inn

Minutes approved May 12, 2016