

Oak Bluffs Planning Board
Meeting Minutes
April 28, 2016 at 5:00 p.m. at the Oak Bluffs Council on Aging

Members in attendance: Brian Packish (Chairman), Erik Albert, Kris Chvatal, Ewell Hopkins (remote due to geographic distance)

Members absent: Robert Fehl (Vice Chair),

Staff in attendance: MacGregor Anderson (Clerical Assistant)

Chairman Brian Packish called the meeting to order at 5:17 p.m.

Master Plan with Adam Turner of the MVC

Chairman Packish announced the May 12 conversation had moved to this date to accommodate Renee Balter's schedule. He wanted this on the agenda to coordinate efforts as resources were scarce and it appeared people were running in various directions covering ground that had already been covered. He felt the biggest question in the room was to what level the MVC was able to contribute. The Board had covered this in the past but it was important to get everyone on the same page.

Adam Turner said the first part of the process was to set the background with data and mapping. The MVC had lots of this. He noted that Oak Bluffs had many different important districts, with downtown, coastal, and historic among them. The next step is visioning, and he felt that was where outside help would probably be needed. Normally a facilitator takes the public and the boards in towns through this process which can take up to a few months.

Mr. Turner said there were different types of plans. The Town currently had a policy plan, which is reactive, if something comes up, you have already discussed it. But you can also create an action plan, which is directional, for towns facing growth and change. It could include plans for wastewater, and considerations of what that would bring, with policies to address that.

Member Chvatal asked if both types of plans had to fit into the statute. Mr. Turner said Massachusetts didn't really have mandatory planning but that he could see either kind fitting from what he'd read of the statute, although it could use further research. Member Chvatal pointed out that MGL said a Planning Board must create a plan. Mr. Turner agreed but said it was unlike Connecticut which just passed a law requiring it, and banning towns from money if they didn't complete a plan every ten years. Member Chvatal noted there was no "stick" in the MGL.

Mr. Turner said many communities neglected to consider the fiscal impact of these plans. For instance, you might want to do a big multi-family project but sewer could cost a million dollars. Although he didn't mention it when discussing the first steps, you need to evaluate infrastructure, because a lot of land use decisions will be based on that.

Mr. Turner said after visioning, the policy and plan was developed and presented to the Planning Board. The Board holds hearings on that, it comes back for changes, there is a second round of changes and then it is adopted. Normally, zoning would then be changed to comply with the plan. Some states require zoning to be in compliance with the plan, but not Massachusetts.

The MVC was willing to get the Town started on the first step with data and mapping. They could do some drafting if needed, but that was the one place where the MVC had bias, and it would be better if the Town directed someone on that. He noted that he came not as an MVC guy but as the Town's planner. They would do as much as they could he said.

Chairman Packish said he appreciated the help and saw Mr. Turner and his staff as valuable assets in the discussion. The Board had discussed this informally but extensively. They hadn't gotten to the point where they were collecting public input yet. While interviewing Streetscape consultants they had asked the various consultants what was involved in creating a master plan for a town like Oak Bluffs. They consistently heard costs of \$100,000 to \$150,000 and the process was similar to Streetscape's. It was clear to the Board that they would need to fund this.

Chairman Packish recapped that at the last meeting with Member Chvatal, they had agreed that Member Chvatal would be contacting some consultants in an effort to bring them in for a preliminary presentation. There had been some light conversation with FinCom regarding money but they were a long way off from that.

Chairman Packish explained that Mr. Turner had been in a number of times to discuss master planning and especially zoning. He asked Mr. Turner how close they were to updating the DRI checklist. Mr. Turner said a few weeks, noting that the towns could complete a development plan including a special permit process and gain more autonomy. Chairman Packish asked how long that process would take. Mr. Turner said he felt if the Town used the downtown master development plan as a template for a regulatory framework, you would be there. The criteria for necessary findings in a special permit existed in Streetscape. So that area was ready for the next step.

Chairman Packish said that as he and Member Chvatal had agreed, the plan wouldn't be done piece by piece. However, they had to look at the eight pieces and determine what work was mostly accomplished. The open space plan for instance had just been completed a year earlier.

Member Chvatal said he had collected about a dozen local comprehensive plans over the past three years, mostly from the Cape. He had looked for similar towns. There were many approaches, and no town paid an outside firm to do all of it. One town had a planner and did it all themselves. Others took advantage of skills at hand, perhaps a strong writer on staff, or a citizen volunteer with planning skills. Nobody spent over \$50,000. Despite being on the Cape, they didn't necessarily leverage the Cape Cod Commission. He also looked at small beach towns on Long Island, and at Nantucket, and again saw there were many approaches.

Mr. Turner reiterated that he thought a facilitator for public discussion in the visioning process would be the best choice. Chairman Packish said they did not want to end up with a worthless document like so many others. Then you had the Selectmen doing their own visioning process to reprioritize rather than pulling from the master plan. They needed a plan that was up to date that people would honor. Chairman Packish suggested looking at the Housing Production Plan. Despite its being a much smaller focused process, the MVC was bringing in a consultant to lead the visioning. That grant was \$15,000-\$20,000.

Chairman Packish said that a consultant had completed the survey for Streetscape and was reconciling it against the plan. That alone was costing \$25,000-\$30,000. They had been told the MVC had a lot of information that would reduce that cost, but in fact there wasn't enough up to date info to impact that cost. That wasn't a negative reflection on the MVC, but it was important to be realistic, and it wasn't going to happen for \$20,000. Streetscape is one portion of a master plan, and the first round was \$100,000 and the next \$110,000.

Member Chvatal said he'd be embarrassed if they weren't as clever as some other towns that made it work. Chairman Packish said he expected those other towns had fully staffed planning boards, fully staffed administration, and openly supported planning. That wasn't the case here.

Gail Barmakian said they needed to decide if this was going to be an action or policy plan. She preferred a policy plan based just on public input. Streetscape was an action plan. Chairman Packish said they had a master plan now that nobody had ever honored. Ms. Barmakian said that was the fault of boards and committees. She didn't feel Streetscape had referred to the master plan. Chairman Packish said they had considered it and that was why he was so familiar with it.

Member Chvatal said that the 1998 master plan called for the Edgartown Vineyard Haven corridor to be used for recreational and non-profit purposes, and that was exactly what happened. That was not ignored. Chairman Packish said it called for 18 things and one got done.

Renee Balter said she was thrilled to be part of the original 1998 master plan group and found it an exciting and creative experience. It was conducted by the MVC, the Planning Board, and members of the community with relevant expertise. The Town had honored the master plan by keeping the business community buttoned up downtown. Chairman Packish countered that Ms. Balter had complained of businesses overrunning her neighborhood and asked for an industrial zone. Ms. Balter said they had never expanded the B1. Chairman Packish said they hadn't legally done that.

Ms. Balter said they had a mess, where hard working people had businesses that didn't fit into B1 or residential. They tried to fix it with the home business by-law for members of the trades. This was one of several large issues that were not part of the 1998 plan that needed to be addressed. She felt they should get a committee from the MVC, the Planning Board, and members of the community with expertise, review the 1998 plan, and map out steps for moving forward. Go piece by piece asking did we do it, how did we do it, and use it as a springboard. They had built a new fire station and now were

considering a new town hall. What about affordable housing? That wasn't looked at in the 1998 plan. Before jumping into new projects they needed to find out what the people want for the future and if we can afford it. The master plan needed to come first. The entire process from 1998 was available, including the surveys.

Chairman Packish asked Ms. Balter why she thought the old plan wasn't honored. She said she didn't say it hadn't been honored. Chairman Packish gave the example of parking with paid parking, a park and ride, etc. Those hadn't happened. They were now the top of Streetscape priority list. He could do it with the other goals in the 1998 plan. It wasn't just about cutting up the old master plan, it was important to create a process that made people believe in it so Town leaders would honor it. Ms. Balter said they had researched several parking options but money wasn't there. Further, sewerage was on the 1998 plan and they got a sewer system.

Christine Todd said she had participated on a master plan sixteen years ago in Littleton. It is what led her into local politics. Economic timing impacts when you can implement plans. The economy had been strong in 1998 and then faltered. If you looked at the pieces, a lot of elements had been tackled including downtown, open space, and recreation. Housing had been discussed at length. The Town was well along the way to having pieces of the plan done and that could be backed out of the \$100,000 expense. There were other areas that were vague, like light industrial and affordable housing. She thought they could come up with a pretty decent master plan without spending a boatload of money.

Chairman Packish said that was where they disagreed. She asked why. He said he agreed that they had done work on an HPP and open space. But when you looked at Streetscape, it wasn't about reinventing the wheel; it was about getting public consensus. And when you looked at all the different elements of a master plan, you still had to get the public consensus on all of it including open space and housing. Ms. Todd said you didn't start from square one. You could present the studies that had been done. You could put your money on what hadn't been addressed. Chairman Packish said that was exactly what was happening with the HPP. They were reconciling the information that was already collected and presenting it to the public. That took a lot of work. Sending out mailings and a few people sitting around in a room wouldn't generate a master plan. Ms. Todd said it was ridiculous that there hadn't been a plan since 1998. Chairman Packish agreed. She said she'd never lived in a community with a plan older than 15 years. Chairman Packish asked if she wanted another plan that just sits on the shelf, because they could just change the date on the one they had. Ms. Todd said no, but there has been community involvement in the updated portions. To create a comprehensive plan from that is acceptable and reasonable.

Peter Goodale asked if the 1998 plan covered construction businesses like his. Chairman Packish said no, he would be business growth outside the downtown. He wondered where businesses like his would fit in to the next master plan. Chairman Packish said that would cover three meetings. Ms. Todd said it would be part of the economic development section.

Ms. Barmakian said implementation of a plan was a function of the integrity of boards and committees and not a reflection on the quality of a plan. Chairman Packish said it was also part of the quality of the process. Mr. Goodale said he would rather his business be part of the master plan than subject to each new election.

Chairman Packish said light industrial and home business would be one of the largest discussions in the new plan. Housing would be massive, as the All Island Planning Board had come to consensus that it would take large scale multi-family units to begin to address the issue whether it was affordable, market rate, or dormitory. The Affordable Housing Committee had voted to do 32 units but really leaned towards single family. They'd find out where the Selectmen stood on the topic. That subject alone, to get it fully vetted and have it representative of the public, so elected leaders would follow it was going to take a lot of work. It was ludicrous to think a committee sitting in a room, sending out letters with the MVC helping where they could, would create a situation that was any different from today. That was his personal opinion on the subject.

Member Albert said he had been on the Board for eleven years and they had been talking about it the whole time, and it wasn't done. He saw a dynamic town, and spending \$50,000 to \$100,000 on this didn't seem outrageous. If this is a priority for the Town, they should pay for it and get it done, rather than just talking about it.

Member Hopkins said he was interested in Member Chvatal's research on other towns, but his priority was not in the document itself but the process. He was keen on expert facilitation bringing the community together and providing momentum. He was afraid an opportunity would be lost if they did something else and checked the box off as having completed a master plan. All of the topics were controversial and it would take a lot of people committed to success going on record. Housing, Light Industrial, increased water usage, increased use of infrastructure for parking would all require a lot of people saying these were priorities that they owned. A facilitated master plan process would bring that out. Streetscape has demonstrated that. He didn't want to slow down the process, so he has supported sub-committees on the various topics to keep things moving along.

Member Chvatal said this put the Board at a standstill for at least a year. He disagreed with this approach.

Richard Toole said he felt there were too many people in Town that weren't involved, so when it came to a vote, things wouldn't pass. It would be worth it if they could get somebody to increase involvement. They had been at this for years without solving the big problems. He was at a meeting the other day where people were surprised to hear they needed affordable housing. Chairman Packish said he couldn't agree more, and that Member Hopkins had explained correctly that it was about the process. This meant the work was done ahead of time so the Board of Selectmen could get projects done. The Town had demonstrated clearly how not to do that. Member Albert mentioned the Planning Board had social media outreach, which was unique on the Island. Mr. Toole said they hadn't had a Planning Board that would grab the bull by the horns until recently and he appreciated it.

Ms. Todd said she thought it would take a while to build momentum. She thought the Planning Board had done an incredible job making their presence known. She said she was involved in a number of groups all over the Island and she was seeing a grassroots acknowledgment that problems stem from other problems like affordable housing. All of the pieces fit together, and people want to be involved. It was critical to get community buy-in.

Walter Vail said the Selectmen had put a revised master plan on their strategic plan, and he was glad to see it as a priority. He wasn't sure the Board had to rewrite the whole plan from 1998. A lot of things had been done. Bringing someone in to help would just mean they would get together with the Board and make you do the plan. There were enough people around to go through it, take it piece by piece, and update it. He questioned needing to spend \$50,000-\$100,000. Ms. Todd said they needed community buy-in. Mr. Vail said the old master plan went to Town Meeting, and that master plans had to be approved there. You had to tell people what you were doing and not doing and bring them in to listen beforehand.

Mr. Vail said he didn't agree with the characterization of the fire station and town hall. The town hall had been on the drawing board since 2000. It was out of compliance, and they could be thrown out before a master plan was completed. The fire station had been out of compliance. You had to keep moving on these projects. Chairman Packish said he thought town hall would be on the next Town Meeting warrant.

Mr. Vail said he and Member Hopkins had discussed affordable and workforce housing for a long time, but it had never been brought to Town Meeting for a discussion.

Ms. Balter said they were all under pressure to make decisions on big projects. Affordable housing was huge, and did you want it scattered or clustered? Where do you want light industrial as a young man can no longer conduct business out of his garage? What was happening with the dump or parking? She was on the parking committee for 12 years trying to get something done, and it wasn't because they didn't have meetings or participation that nothing got done. They couldn't give up, they had to have a plan, and they had to include everybody in the community. She was willing to work on it, and others were. You could take one or two people from the Planning Board, the MVC, and maybe a Selectman or two, and just sit down and analyze what had been done from the last plan and what hadn't and why, and decide next steps, be it surveys or social media. She questioned what they had to lose, as they wouldn't be getting \$150,000 next week.

Mr. Turner had another meeting to attend, and finished by saying the MVC was there to do what the Planning Board asked of them. He said the Island Plan was a great plan, but nobody used it, not even the MVC. You had to get buy-in. The MVC reacted to beach armoring but didn't know what the community of Oak Bluffs wanted. Coastal mitigation should be addressed. He said agreed with Ms. Barmakian in that he'd rather know where the people in the community stood on issues before the MVC got it, where they then had to make a decision without guidance. Both sides are unhappy with that kind of a decision. The process needed to be done correctly, as this was a dynamic time, but if the Board

decided to do something different, the MVC would be on board with that as well as he respected what Ms. Balter was saying.

Chairman Packish said they would need the MVC's help, and Ms. Balter's, but what he didn't want to do was create another committee with eight people sitting around creating a discussion in a closed door room while pretending like they took public input. That's what any process other than full scale visioning on all topics would be.

Mr. Goodale said as ideas came out of committees, he'd like them presented to the community right away so as to speed the process.

Chairman Packish said he was of the same opinion now as when they first asked Member Chvatal to gather information. They were going to gather information, look at other master plans, have discussions similar to this one, and reach out to consultants. He said Member Chvatal had not yet brought back what had been asked. Member Chvatal objected strongly, saying he had brought plans back two years earlier. Chairman Packish said he had been asked six months ago. Member Chvatal said this could not be blamed for this not moving.

Mr. Goodale asked Member Chvatal if he'd seen a plan he thought was a good one. Member Chvatal said he had, and he had brought it to the Planning Board.

Chairman Packish said they should reestablish the decision of six months earlier, where Member Chvatal was going to gather information, because he'd received a phone call saying somebody else was doing this who hadn't been discussed by the Board. It bothered him and other members. He also felt there needed to be a process to position them to make a presentation in April to ask for funding. If the Town said no on funding they could go back to trying to piece this thing together.

Chairman Packish suggested that Member Chvatal was not willing to do the legwork as he'd asked Ms. Balter to do it. Member Chvatal again strongly objected. He confirmed with Mr. Vail that they had met over two years ago on the subject. He acknowledged there had been another conversation six months earlier. Chairman Packish asked member Chvatal to characterize that conversation. Member Chvatal told Chairman Packish he did not work for him, and Chairman Packish said he didn't work for Member Chvatal.

Chairman Packish again asked if Member Chvatal was not willing to bring this information to the Board. Member Chvatal said he thought the Board was not going to do anything for a long time, because they were not going to get the money. As far as he could see it, consensus was that the Board needed \$150,000. Chairman Packish said that wasn't consensus because they hadn't had the input on funding yet. Chairman Packish said he would ask Mr. Anderson to bring the tape of the conversation from the last meeting because he felt he was the only one who remembered.

Member Hopkins said there could be a problem with definitions. Master planning meant different things to different people and they had to reach consensus on what it meant to them. The planning was moving along, but they needed to focus on facilitation to bring people into the process. Master planning provides the forum to do that. Short of that happening, they would still move forward with major issues of need that require planning. Agreeing with Mr. Vail, he said there were things that were too important to wait for a comprehensive view. However, he didn't want to do less and call it a comprehensive view. In the agenda for this meeting, there were examples of important issues from the private sector that wouldn't wait for a master plan.

Mr. Goodale said he couldn't make every meeting and asked that the Board provide updates online. Chairman Packish said there would be a full process but the last vote had fallen by the wayside and it was time to re-align. He said Mr. Anderson could provide the vote. Member Chvatal said that wasn't possible as there were no minutes for two and a half years. Chairman Packish said everyone had been working hard to change that, and that at the end of the day Mr. Chvatal could continue to talk about the roadblocks or start to talk about moving forward.

Member Hopkins said he felt bringing consultants in to explain the process and what could be accomplished was what he had voted for and it was still important to him. He didn't just want to look at master plans, he wanted expertise. Chairman Packish agreed that was the last decision, and it hadn't occurred. He asked Member Chvatal if he was still willing to do that. Member Chvatal said he was not. Chairman Packish said they then needed to decide who was going to do the work. Member Hopkins volunteered. Ms. Barmakian also offered to do the work. Member Hopkins said he would work with her.

Ms. Barmakian asked that the Board decide ahead of time what type of plan they wanted in order to guide the consultants. Chairman Packish said he expected Member Hopkins would provide updates over time to the Board so they could make some decisions and move the process along. Ms. Barmakian said there was community block grant funding, and it might be possible to tailor the plan to be compliant with that grant. Chairman Packish said in speaking with other planners at CTC, he heard there was lots of money available from a variety of sources.

Mr. Goodale suggested a map of all the businesses operating in non-business districts ahead of zoning change discussions. He also suggested gathering NIMBY representatives from each neighborhood so they could argue it out. Chairman Packish said when he was trying to get a home business license in 2001, he did a map and found 113 unlicensed home businesses within a 2 mile radius of his property. The Selectmen didn't want to talk about it. There was now a home business by-law that went unenforced. Chairman Packish thanked Mr. Goodale for his tireless dedication to the process and knew his frustration when nothing new happened.

T-Mobile site plan review of their proposal to modify their wireless facility at the water tower at 96 Alpine Ave, map and parcel 22-6.

Chairman Packish read the description of the project from the agenda to the room, and Marty Cohen as a consultant to T-Mobile further described the project. He explained that new spectrum from old television broadcast frequencies were being used to increase coverage. This was being done for that reason. They hoped to get this done ahead of the summer season. This was one of a thousand sites being upgraded in the area.

Chairman Packish asked if it had been reviewed by the MVC. Mr. Anderson said no.

Member Hopkins said he was concerned about emergency communications and wondered if Mr. Cohen had spoken with the fire department, as they had wanted to use the water tower for expanded communications and were denied. He also said the Dukes County Sherriff was facing new communication requirements from the state and wondered if T-Mobile had coordinated with them.

Mr. Cohen asked if the concern was interference. Member Hopkins said it was one concern but didn't know enough on the subject to know if it was the only concern. Mr. Cohen said interference wouldn't be a problem because of the different spectrums. Mr. Anderson noted that the plans were sent to Chief Rose and Chief Blake.

Chairman Packish read section 9.1 of the DRI Checklist noting that this was a mandatory referral. He confirmed that this had not already been sent. Mr. Anderson said it was his understanding that per Town Counsel, federal regulations only allowed for an administrative review. This would ordinarily require a special permit, but not in this case given overriding federal law, again based on what he knew of the discussions between the Zoning Enforcement Officer and Town Counsel. Mr. Cohen said he thought the reconstruction in 9.1 referred to the tower itself and not the antenna attached to it. Member Hopkins said he wanted to be sure that the Sherriff was at least aware of the project. He didn't want to delay the process but asked Mr. Anderson to send it to Mike McCormack. Chairman Packish asked Mr. Anderson to refer it to Paul Foley at the MVC as well. He said he agreed with Mr. Cohen that it seemed very straightforward but based on prior experience they needed to send it. Ms. Barmakian clarified that three additional antennas were being installed and there was a net gain of equipment on the ground as well. Mr. Cohen offered to have a preconstruction meeting and include all agencies with antennas.

Chairman Packish said when they were working on the Fire Station he got a call saying that antenna should have been referred as a DRI. Further, when they tried to put up an antenna on the water tower they were given a flat out no, there was no room. Now they were looking at three new antennas. He wanted input from the MVC, and Member Hopkins wanted information on interference. He wondered if

the Water District had any input. Mr. Anderson said they had responded to the plan submission and had no issues with it. Chairman Packish asked Mr. Anderson to follow up with Fire and Police. Chairman Packish asked Mr. Anderson to put this on the May 12 agenda. He asked the applicant his timeframe. They were hoping to be up by Memorial Day and the work itself would take a few days. He felt the DRI issue was the biggest issue. Mr. Anderson noted the timeline was tight, that the plans had been submitted March 16 and they had 60 days to make a decision.

Martha's Vineyard Vision Fellowship's Food Waste Study and composting presentation with Sophie Abrams

Member Hopkins said he had requested this conversation as it was an exciting example of private-public partnership. He was pleased to hear about the project early, so that the Board would have an opportunity to assist if it was needed.

Richard Toole said he was on a planning committee that was studying organic waste. They hired Sophie Abrams to manage the yearlong Vision Fellowship organics feasibility study. Ms. Abrams said they would be working to quantify the amount of Island organic waste, and then identify solutions for dealing with that waste. The goal was to see if it made sense to process this waste on Island, and produce something of value. They hoped to do a hands-on pilot project this summer diverting restaurant food waste. The impetus for this was the State's 2014 requirement that producers of over one ton of food waste per week had to divert from landfills. There were multiple entities on Island that created those levels of waste, but it was unenforced so far.

Member Hopkins said they had talked to Peter Goodale about large scale composting. It was great for the private sector to conceptualize this, but it would quickly come down to where you could do it and what was the appetite for it in the community. He hoped the Board would facilitate these discussions. It might not be appropriate in Oak Bluffs, or it might be quite appropriate.

Chairman Packish said he thought Mr. Goodale had some composting going on already. Mr. Goodale said it was on hold. Walter Vail suggested Ms. Abrams work with Highway Superintendent Combra as he would likely support the project given the reduction in waste going off Island. Ms. Barmakian asked if this was purely private or if it was expected that the Town would fund a facility. Mr. Toole said that hadn't been decided yet. Ms. Barmakian asked that he consider the Town's interest in whether this saved or cost money. Mr. Toole said he thought this was a win-win for everyone as they would be shipping less and it would create a product with value. Mr. Vail said he'd seen a piece on Chronicle on a town where it had greatly reduced expensive shipped waste. He was all for further study. Ms. Abrams said the study would include the cost of shipping off island vs. processing on Island. Chairman Packish noted the freight boats were at maximum capacity. He said he was then buying truckloads of compost that were shipping right back onto the Island. He said he felt Ms. Barmakian was probably right, that to sell it to the masses you had to show it was break even or better.

Mr. Goodale said sewage waste was compostable, although it meant a whole different set of regulations. Chairman Packish as an end user said they found that with more pharmaceuticals and

metals, they couldn't use it on edibles. Mr. Goodale said it could help reduce nitrogen loading in the ponds.

Member Hopkins said past environmental projects had sometimes faced last minute delays when the Town was brought in late. He hoped to avoid that here, and coordinate along the way with the Conservation Commission, Selectmen and Planning Board. He wanted to be sure their work was informed by Town priorities, so that they didn't get a conceptual report that wasn't workable within the Town.

Member Chvatal asked Mr. Goodale what had happened with his composting as he thought the ZBA had approved it. Mr. Goodale said approval from the Department of Agriculture was a lot more complicated than anticipated.

Mr. Toole said food waste at restaurants was a big problem. Ms. Abrams said food recovery would be a big part of the project. Member Chvatal asked if they were behind the pails at the high school. Ms. Abrams said that was a separate effort, and they would be building a website to coordinate with Island Grown Schools and others.

Proposed Town Well Siting in vicinity of Map and Parcels: 42-1-0; 43-53-0; 43-54-1 on County Road in the Southern Woodlands neighborhood

Chairman Packish said that although Member Hopkins had been the lead on this, he had spoken with the Town Administrator that day. He was told that while the Land Bank was adamant that they owned the land, there were still questions and the Town felt it still had an interest. The water company was saying they needed to build a well right away. Chairman Packish said this needed to be broken into two separate issues, as the legal challenge would last a long time. He felt the Board needed to make a clear statement to the water company that the land was not available because of this, and that they should be investigating the last potential option of the State Forest. Mr. Vail and Ms. Barmakian agreed that this was an accurate representation of the status of the land in question.

Mr. Toole said at the Water District's Town Meeting they had decided to buy a piece of property in the Preserve at the Woodlands.

Member Hopkins said he had become involved in this for two reasons. He was interested in the proposed camp ground on this land, although the only buyer needed to do more research, giving them a year. He noted that it wasn't for the Planning Board to decide who owned the land. The other reason he became involved was the proposed well site and its impact on Zone II. He also felt that the Board needed to emphasize to the water authority that based on all the feedback he got, you needed to max out conservation and education before building new capacity. It was the cheapest money you could spend. Member Hopkins felt they were doing nothing to be happy about in terms comprehensive conservation and planning and education. It could be taxes and levies on sprinkler systems, or whatever, but behavioral modification should be attempted first.

Member Chvatal said the southern portion of Town was in trouble and had been for some time. Water pressure fell below what was considered safe by the State. Water in this area was not run in loops but one-way. The ends were left open and so the water returns to the ground. He was told by "Big Russ" that at one time there had been money to loop the streets and eliminate the problem. While he agreed education was important, infrastructure at least in the southern portion of Town was a big issue. Member Hopkins agreed and said the two were not mutually exclusive. Member Chvatal said he wanted to see the fastest solution, which could be the State Forest. Chairman Packish said that after the next well the District was planning another water tower in that end of town.

Chairman Packish said that he and Member Hopkins had talked to Seth Roburn and Senator Wolf to discuss the State Forest. Chairman Packish recommended issuing a statement saying the proposed land was not available as ownership was in question, and the only other viable option they had seen was to pursue the State Forest. It should also address conservation. The District was going to keep asking the Planning Board when they would support them. This seemed to be the only thing left.

Ms. Barmakian said the Selectmen would be sending a letter and she didn't think there should be two. That letter was going to put them on notice that the Town wasn't conceding ownership of the land. They had asked for a title report, and were trying to get a response. The ownership could be a Selectmen's issue while zone II a Planning Board issue.

Chairman Packish said it was two issues, and the Planning Board was just involved in the ownership issue because they were involved in the result. The Planning Board was much more involved in the water itself. They had been very clear in saying no new zone II.

Member Hopkins said he was surprised at the Water District's Town Meeting when they were going ahead with plans to buy more land in the Southern Woodlands as if the disputed land was resolved. He felt they were confident they could put the new well where it was represented on the plans before the Board sent by Jack Collins that day. Member Hopkins wondered who was going to tell them they don't own the land, or it was in question. The map also clearly demonstrated that zone II was expanding dramatically.

Member Chvatal asked what the effect was of zone II on higher density housing. Ms. Barmakian said you were limited in bedrooms so it did have an impact. This would also cost the Town more money in wastewater. They couldn't tailor expansion of sewer to zone II. Chairman Packish said they might disagree on end numbers but he agreed it cost tremendous amounts of money. If you force them to address the wastewater issue it spreads it over the entire town. It becomes part of the water bill. If you instead create new zone II, the cost impacted only those in the zone. Then again, they'd heard you didn't need houses if you didn't have water.

Member Hopkins said the southern infrastructure issue had to be a priority. The frontage on County Road was very important from a planning perspective for the Town, and he wondered if it could be included in plans. Chairman Packish thought that question would remain unanswered in the short term.

Ms. Barmakian said the Town could write a letter not conceding. She suggested the Planning Board and/or the Selectmen request a meeting with the Water Commissioners. Not Kevin Johnson and not Jack Collins. That would be the most effective and immediate solution as the letters were going nowhere.

Chairman Packish said he agreed with Robert Whritenour that the land discussion be broken off and left to the Selectmen, knowing it would take time. Then the pressure issue and a water tower and a well and conservation could be considered. The Planning Board would make their suggestions on those subjects. Then those two pieces of information could be brought to the Commissioners.

Ms. Barmakian said the District knew these issues but was still going forward. Chairman Packish said the District hadn't received anything in writing from them. Member Hopkins made a motion to state the zone II policy to the water authority. Member Albert seconded. Chairman Packish agreed that was part of the position but if anything else needed to be added it should be done now. Should we encourage the State Forest option, as it would be better for the pressure problem? Where did conservation fall?

Member Chvatal asked for clarification on the location of the State Forest. Chairman Packish said there was no specific site, but it seemed possible to push zone II into that conservation land by locating there. The Water District didn't seem convinced it was an option. The conversations with Senator Wolf suggested it would be viable if all local interests were in agreement. When they presented that to the Water District, they still decided to select the Southern Woodlands area location.

Member Chvatal said he was still confused and wondered if Jack Collins didn't understand the title issues. Member Hopkins said they were choosing to ignore them. Member Chvatal wondered what kind of counsel that was, and if title insurance would cover it. Ms. Barmakian said they did not have or need title insurance because there was no mortgage. She also said the Town would not be going to court to get an injunction.

Member Hopkins said the Land Bank was facilitating the process by just playing dumb. They had not responded to his e-mail of four days earlier despite knowing it was on the agenda tonight.

Chairman Packish said he thought the letter should include full vetting of the State Forest option, conservation, and a request for a joint meeting with the Selectmen and the Water Commissioners.

Member Hopkins modified his motion to include the Zone II policy, Conservation, and the State Forest request. Mr. Anderson would send the letter to each member for input, and when it was deemed ready Chairman Packish would sign it. The vote was 4-0 in favor of the motion to write the letter.

Preliminary Report on the Feasibility of Providing Freight Service between New Bedford and Martha's Vineyard

Member Hopkins said the Steamship Authority was asking for input on a 37 page preliminary report regarding the feasibility of freight service from New Bedford. It tied into the topic of waste disposal and the vision fellowship. He asked the Board to read the report and have it go on the agenda for May 12. Chairman Packish agreed.

Board member updates

Member Albert said that the last Copeland meeting addressed a house behind Seaview and fencing by offshore. He said there were legal issues to address so it was pushed to the next agenda.

Member Chvatal said the ZBA was taking a very hard line on the White Lynch use by the dump. Some of the operation had been shut down, although segregating some lots didn't make sense. The other issue was the P.A. and Millers Landscape. The P.A. club withdrew their application to overturn a zoning enforcement decision blocking light manufacturing and operation of a landscape business. Chairman Packish said they employed more people than could fit in the meeting room. There were also a lot of questions about a large firewood operation that the zoning enforcement officer could address.

Chairman Packish said Mr. Anderson had sent the letter inviting the Selectmen and Affordable Housing to a joint meeting. This would help avoid three active players moving in different directions. The Selectmen agreed to have the discussion at their last meeting. They were now coordinating with the Town Administrator and would be coordinating dates with a goal of getting a quorum of all three boards. He proposed a draft agenda of HPP, Affordable vs. Market rate, Rental vs. Ownership, and where to from here.

The meeting was adjourned at 7:35

Documents used in this meeting:

Agenda

Sign In Sheet

T-Mobile Application for Site Plan Review dated March 16, 2016

Initial Construction Control Document T-Mobile Date 12/3/15

E-mail from Lisa Merritt Re T Mobil Site Plan Review

Preliminary Report from the Steamship Authority dated April 21, 2016

Map of proposed well site