

## Oak Bluffs Planning Board

### Meeting Minutes

May 12, 2016 at 5:00 p.m. in the Oak Bluffs Lower Level meeting room

Members in attendance: Brian Packish (Chairman), Robert Fehl (5:35 p.m. arrival), Erik Albert, Ewell Hopkins

Members absent: none (Member Chvatal resigned and no appointment had yet been made)

Staff in attendance: MacGregor Anderson (Clerical Assistant)

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

#### **5:00 PM Susan Klein Definitive Subdivision Application Hearing**

Chairman Packish opened the public hearing at 5:00 p.m. by reading the hearing notice and explaining the rules of the hearing. Susan Klein presented the plan showing the division of two lots and explained it was being proposed so that her niece and husband and family could stay on the Island. She purchased the property 35 years ago as a teacher.

Chairman Packish asked Mr. Anderson if any letters had been received. Clerical Assistant MacGregor Anderson read the Board of Health's conditional approval letter. Chairman Packish asked if there were any attendees who wished to speak in support of the project. There were none. He asked for those opposed. There were none. He asked for those with questions. There were none. Mr. Anderson advised the Board that this was a de novo hearing, and that previous hearing information could not be used. The Board then reviewed the plans in conjunction with the Rules and Regulations Governing the Subdivision of Land in Oak Bluffs. Member Hopkins made a motion to approve the subdivision proposal, Member Albert seconded. The Board voted 3-0 (Member Fehl had not yet arrived) to approve the subdivision.

#### **Chapter 91 Waterways License Application from The Meadow/East Chop Nominee Trust 349 East Chop Drive, map 1-1**

Clerical Assistant said the notice had arrived in the mail and that Mr. Sourati was not attending. The Board took notice of the application but determined no further action was needed.

#### **Cultural District Nomination with Dennis DaRosa, President, Oak Bluffs Association**

Dennis DaRosa explained the State cultural district process to the Board, noting that Tisbury had already completed the designation process and Aquinnah was working on it. He described it as a defined walkable geographical area with a concentration of cultural facilities and assets. He said the benefits were that it attracted artists and entrepreneurs and enhanced property values and brought in tourist dollars. There were no restrictions associated with it. The State promoted these districts on tourist websites. The State requires elected official support, eventually from the Selectmen, although Arts MV as a 503c along with the OBA would manage it. Chairman Packish said he had attended a CPTC

conference on cultural districts and he said it seemed to be as Mr. DaRosa presented it. He said the biggest concerns were regarding private property rights, but that it seemed like those were not really impacted. Member Hopkins made a motion to encourage the process of seeking cultural district designation and recommend that it move forward to the Selectmen and the Historical Commission. Member Albert seconded. The Board voted 3-0 in favor of the motion.

Member Fehl arrived at this point.

### **Proposed new Town Well Siting Update**

Chairman Packish confirmed that Member Fehl had read the letter approved at the last Board meeting (Member Fehl had been absent) and sent to the Water District. Member Fehl had. Chairman Packish said that got everyone caught up on the subject.

### **Jan 14, 2016 Minutes Review and Approval**

Chairman Packish confirmed that the entire Board had reviewed the minutes prior to the meeting. Mr. Anderson advised that his speed in preparing minutes had increased from 3 hours per hour of tape to just over an hour per hour. He apologized for their length but said it would take more time not less to make them shorter. Member Fehl said they were a great set of minutes. Chairman Packish said he had situations where people came in for minutes and it would be two sentences, giving an example of a woman whose financial life hung on the minutes and they were nothing but a statement saying a subject had been discussed. He said the topics from this three hour meeting of January 14 were important and he felt the length was appropriate. Member Fehl moved to approve the minutes as written, member Albert seconded. The Board voted 4-0 to approve the minutes.

Clerical Assistant Anderson told the Board he had been given five additional hours per week through June to work on minutes after which time his hours went up with the new fiscal year. He estimated that he had 20 hours of work to get caught up on minutes.

### **Acceptance of Kris Chvatal's Resignation**

Chairman Packish said the Board had received an e-mail from Kris Chvatal giving his resignation. Chairman Packish said he had notified the Selectmen and a formal letter would need to be sent within a month to them under MGL 41 sections 81a and 11. Mr. Anderson was asked to write that letter. An advertisement would be run for two weeks in the paper and the vacancy would be advertised on social media. Chairman Packish said he had already heard from a number of interested parties, which was encouraging as many boards had long lasting vacancies. Once applications were in the Board would review them in a joint meeting with the Selectmen and have a roll call vote.

Member Hopkins asked that Mr. Anderson research associate members. Mr. Anderson said he thought formal rules and regulations for the Planning Board were required first, said he would double check that, and said establishing those rules was a priority of his for the upcoming year.

Member Hopkins then asked that a letter be drafted thanking Mr. Chvatal. Chairman Packish said traditionally that letter was sent to the Selectmen. Member Hopkins made a motion to write that letter in conjunction with Mr. Anderson, member Fehl seconded, and the board voted 4-0 in favor.

### **Master Plan**

Member Hopkins as the new lead on the Master Plan updated the Board on his progress. He said he spoke with the USDA representative over funding options which were underutilized by most towns. He then spoke to the West Wareham representative who worked in the past with the Town on sewer projects. He said it wasn't a source for funding for a plan, but once a plan was established they were a good source. Member Hopkins then spoke with Horsley Witten, former consultants on Streetscape, and they were interested in sharing best practices and methodologies for gaining public buy-in. To clarify, he said they were at the stage of communicating what a master plan is with the public, a step before the actual plan. He said there would be a June presentation on what it takes to build consensus in a community for creating a master plan.

Chairman Packish thanked member Hopkins and said it had been the long term view of the Board that doing this properly would take a lot of outreach and more than five people in a dark room making a list. He said the goal before April was to exhaust all opportunities like those Member Hopkins presented as well as gathering all the work that had already been done in order to demonstrate due diligence to the Town.

Peter Goodale asked if there was work he could be doing prior to hiring the consultant. Member Packish said he thought they were much further ahead than a lot of people thought because of other projects like the HPP, Open Space, and similar. He said zoning would take some work along with the DRI checklist, and they were working with the MVC on that. He said the biggest thing to do now was to create awareness and gain engagement from the community in order to have a valuable plan. He thanked Mr. Goodale for the client surveys he had sent out and recognized that he was anxious to move along. Mr. Goodale asked if non-resident property owners could participate. The Board said yes.

Member Hopkins suggested Mr. Goodale reach out to the vision fellowship regarding food waste and composting. Mr. Goodale said he had already.

### **Susan White Trustee ANR/Form A: Eastville Ave. Map 7-159, Previously Endorsed, Mylar Plan Ready for Signatures**

Matt Viaggio presented the mylar version of the plan the Board had endorsed as ANR on February 11, 2016. The Board compared this to the paper plan they had signed, and endorsed the mylar version.

### **6:00 PM Island Inn Special Permit Hearing**

Chairman Packish opened the public hearing at 6:08 p.m. by reading the hearing notice and explaining the rules of the hearing. He then advised that Erik Albert had a disclosure to make. Member Albert said he had spoken with the State ethics board to discuss potential conflict of interest as he owns a hotel. He

said he would be able to make an impartial decision and having filed a disclosure with the Town Clerk, was free to vote on the matter.

Mr. Anderson said Town Counsel had recommended filing the 23b3 disclosure and also announcing that although no direct financial interest was evident, should there be one, the rule of necessity would need to be invoked. The special permit required four votes, and with Kris Chvatal's resignation, the Board would be unable to render a decision without Member Albert's vote. Chairman Packish confirmed with Charlie Malo representing the Island Inn that he was willing to have Member Albert vote.

Mr. Malo presented the plan to the board. He said there was no increase in footprint or number of occupants. He said there was no separation for the sexes. By adding a kitchen and bathroom, and separating the floors, privacy would be provided for the staff that was housed in this manager's cottage.

Chairman Packish asked for any letters or input from other boards. Mr. Anderson read building inspector Mark Barbadoro's letter of April 25 detailing shortfalls in the application.

Chairman Packish asked for attendees to speak in favor of the project. There were none. He asked if anybody present wished to speak against it. There were none. He asked if any present had questions. There were none.

Mr. Malo explained that the submitted plans had addressed Mr. Barbadoro's concerns of April 25. The Board examined the plans with an extended discussion on the additional egress and found them satisfactory.

Chairman Packish closed the public hearing. He then read the definition of hotel/motel from the zoning bylaws, demonstrated with Appendix A that the R3 zoning of the property required a special permit from the Planning Board. He read the approval criteria required for issuance of a special permit from section 10.3 to the Board.

Member Fehl asked to confirm that this was for seasonal use and Chairman Packish said the by-law definitions for hotel/motel made that so.

Member Hopkins made a motion to grant the special permit. The Board voted 4-0 to grant the special permit.

Member Fehl left the meeting to gather materials for the Town Hall Survey.

**Planning Board Certification of Street Under Zoning By-laws Chapter 11 (definitions), Michael A. Capen, 6 Checama Path, Map 51-1-3**

Woody Mitchell presented plans for the property along with photographs of the roads and a letter from Fire Chief Rose stating that Checama was passable at this time by emergency vehicles. Mr. Mitchell was before the board asking for a letter stating that the two ways met the zoning definition of a street being suitable as to width, grade and construction. Chairman Packish noted this was a modular home coming

in on a trailer, and that he was familiar with the roads and they were adequate. The Board reviewed the letter Mr. Anderson had prepared for signatures, and Member Albert made a motion to make the certification and sign the letter. Member Hopkins seconded. The Board voted 3-0 to certify the ways and then signed the letter.

### **Member Updates**

Member Hopkins asked Mr. Anderson to invite Tom Zinno, the Planning Board's appointee to the Land Bank advisory board, in order to update the Board. Chairman Packish asked to formalize the appointment as he hadn't seen that happen in his three years. He asked Mr. Anderson to invite Tom in.

Chairman Packish said he attended a wastewater meeting where many people felt it was the number one infrastructure issue, in front of Town Hall or any other projects, requiring \$20 million in capital. Without water and wastewater you can't build. It takes 6 years to plan and 6 years to get a new plant built. He said there had never been a presentation in his three years to the Planning Board and thought it was important to hold a discussion. Mr. Anderson had been asked to send a letter of invitation to them.

Member Albert said he spoke with the North Bluff builders and was told best estimates were the fishing pier would be back in two weeks and the boardwalk would be ready by mid-June.

### **Town Hall Survey Presentation**

Member Fehl released the results of the Town Hall survey with a PowerPoint presentation. He then asked for observations from the Board and audience.

Chairman Packish noted ages 18-30 was completely disengaged with 15 respondents despite the use of social media. Bill Vrooman countered that one needed to know what proportion of the population they made up. Steve Auerbach wondered how many were property owners, if most in the younger age group didn't have skin in the game. Chairman Packish reminded them that decisions made today would be paid for until this demographic was of retirement age. Others noted that Facebook was more popular with older people these days, something the Board acknowledged. Chairman Packish said he felt they got a pretty good response from the oldest age group.

Walter Vail was discouraged that so many people who answered the survey did not attend Town Meeting and may not have known of the Town Meeting vote when they were at the ballot box. Chairman Packish said he felt people were aware of who was watching in Town Meeting and that the ballot box was where people were comfortable expressing their thoughts.

Chairman Packish was pleased that two thirds of the population was aware of safety and accessibility defects, showing that the outreach and work Mr. Vail and others had done was valuable. It also showed more work was needed.

Chairman Packish felt the responses explaining why people voted against were extremely powerful. Although two projects at once was a top response, it was only by a small factor, and there were lots of

other reasons. To the question of refurbish vs build new, Chairman Packish noted they were very close, but felt the true definition of refurbish needed to be considered. It had been presented as a full rebuild to modern standards. He felt it was important to get estimates on addressing compliance issues only. Mr. Vail said they had not done those numbers originally.

Mr. Vail felt the do nothing responses were not a possibility for the Town and it was important to let people know something needs to be done. The Board agreed.

Mr. Vail suggested the Board present the survey results to the Selectmen. Chairman Packish asked Mr. Anderson to make that offer.

Member Hopkins noted there were 3000 views and 96 likes on Member Albert's Facebook post regarding a new railing at the beach, many of which came from younger people. Member Hopkins was disappointed in the lack of engagement on the survey. He said he was hearing people who did participate were saying they wanted to do something but also wanted to be fiscally conservative.

Warren Gosson suggested that people who were willing to vote for a new town hall might not have voted for refurbishment, and adding the two groups together you had real support for action. If the cost were \$2.5 million to refurbish, why wouldn't those who wanted a new town hall support a refurbishment? A member of the audience suggested educating the Fire Department as part of outreach as they were able to get the Fire Station built.

Chairman Packish said the 87% overwhelming response for keeping the current site meant there was no need to discuss other sites.

Member Fehl said there were quite a few people asking why we can't use the Library meeting rooms. They didn't want to duplicate facilities. Mr. Anderson said he usually couldn't book those rooms as they were used for community events.

Member Hopkins noted that there was a daycare shortage and suggested addressing those in new municipal buildings as many other towns have done.

Chairman Packish said despite 68% of people wanting a campus, it was very clear based on outreach with the seniors that they didn't want to be moved from the COA. Member Fehl concurred. Another issue they picked up was that seniors couldn't go to Town Meeting at night and suggested they consider a Saturday meeting in Oak Bluffs.

The discussion of renovation vs. refurbishment resurfaced. Mr. Vail noted the very poor foundation of the building. Chairman Packish said they still needed to create a list of fixes to Town Hall including bathrooms, elevator, and ramp broken out by costs. Mr. Auerbach asked if that would include a new foundation making the building good for fifty years. He said that since people overall were in favor of moving ahead, widening the conversation to include such options would lead to something getting done.

In summary, Chairman Packish said he considered the survey a success. It has proven the current location is the right location. It has shown gaps in age groups that needed to be targeted on all issues.

It shows there is a consensus that something needs to be done even if it isn't clear what exactly needs to be done. He asked what's next.

Chairman Packish noted his disappointment that only Walter Vail attended from the Selectmen. He said four of them came to ask for the Planning Board's help in pushing this through, and that it had been an important meeting they should have attended. He thanked the Mr. Vrooman, Ms. Burke and Mr. Vail for attending and the clerical assistant for his hours.

*The meeting was adjourned at 7:40.*

Documents used in this meeting:

Sign In Sheet

Agenda

Plan of Land in Oak Bluffs prepared for Susan Klein by Schofield, Barbini and Hoehn, March 11, 2016

Form C from Susan Klein

Island Inn Condominium Trust Special Permit Application

Letter from Mark Barbadoro to Charles Malo discussing shortfalls

Oak Bluffs Zoning Bylaws: Definitions of Lot and Street

Letter dated April 20, 2016 from John Rose re Checama Path and photos of Chemaca from Woody Mitchell

Letter dated May 12, 2016 from Board certifying Checama and Watcha

Chapter 91 Notice dated May 4

Rules and Regulations Governing the Subdivision of Land, Town of Oak Bluffs, MA

Preliminary Plan of Land surveyed for Eastville Nominee Trust by Vineyard Land Surveying, Oct 22, 2015

January 14 draft Planning Board minutes

Arts Martha's Vineyard Cultural District Presentation dated Feb 17, 2016

Form 23 b 3 Albert

Appendix A and Ch 11 of Oak Bluffs zoning by-laws