

## Oak Bluffs Planning Board

### Meeting Minutes

June 9, 2016 at 6:00 p.m. in the Oak Bluffs Town Hall Lower Level Meeting Room

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

Members absent: none, four member Board at this time

Staff in attendance: MacGregor Anderson (Clerical Assistant)

Chairman Brian Packish called the meeting to order at 6:05 p.m.

#### **Minutes Review and Approval 1/21/16, 1/28/16 and 5/26/16\***

Mr. Anderson noted that although he had sent the Members the 5/26/16 minutes he had put 5/12/16 on the agenda. Member Hopkins made a motion to approve 1/21 and 1/28 and hold approval of the 5/26/16 minutes to the end of the meeting so he could more carefully review them. Member Albert seconded and the vote was 4-0 in favor of the motion to approve.

#### **Master Plan update**

Chairman Packish said Christine Flynn of the MVC had updated the list of planning documents originally prepared in 2014 for the Board. Member Fehl asked if she had possession of all the documents. She said they had most of them and offered to create a database of them.

Chairman Packish said he hoped to create a space on the Town website for the master plan with links to these documents. He said they had heard from some people that a master plan could be done quickly with all these documents available, but thought the volume of data would show otherwise. Member Fehl asked if the town had a dropbox where these could be stored. Bill McGrath said the website could store them. Several members of the audience asked for digital and paper copies of the report.

Gail Barmakian asked what use these documents would be to a master plan. It was her understanding that a master plan was different because of the process and input from the community. Chairman Packish said the Board was assembling documents with potential relevance. Ms. Flynn said these were purely for reference but that they were a great resource. Chairman Packish said whenever they met with consultants on big projects the first question was "do you have any documents that can help us." He said everyone asked where the progress was, himself included, and this moved the process along.

#### **All Island Planning Board next agenda item**

Chairman Packish asked Christine Flynn if West Tisbury was also starting a master plan. She said they had completed a survey of town residents. Chairman Packish confirmed Vineyard Haven was doing their visioning process, which Ms. Flynn described as a step in the process. Chairman Packish said it could make sense to discuss master plans at the next AIPB meeting on June 20. Member Hopkins suggested discussing zoning reform and S 2144. Mr. Anderson said Edgartown had already proposed the topic. The Board agreed to suggest the agenda item.

#### **Planning Board vacancy appointment discussion**

Chairman Packish said he had invited the applicants so they would not miss any discussion on the process. He explained that there would be a joint Selectmen and Planning Board meeting with the participants, questions would be asked and then there would be a roll call vote.

Ms. Barmakian asked about dates. After some discussion and analysis of availability and conflicts, the Board decided with Ms. Barmakian and Mike Santoro to hold the meeting on June 23<sup>rd</sup> at 4:30 p.m. ahead of the 6 p.m. public hearing and public meeting of the Planning Board. The Board and Selectmen's representatives also agreed to discuss next steps in the town hall process at that meeting.

Member Hopkins asked if they would be discussing applicants and asking questions during the present meeting. Chairman Packish said the statute was clear it would be a roll call vote of the two boards, so the discussion should also be held jointly. Mr. Santoro asked if the application process was closed. Chairman Packish said there had been a June 2<sup>nd</sup> deadline but to his mindset anybody interested in applying should apply. Ms. Barmakian suggested nobody discuss this outside of the June 23 meeting. Member Hopkins agreed given the new information on the process.

Member Hopkins said he had asked Mr. Anderson that afternoon to research associate members and suggested he update the Board. Mr. Anderson said this had come up a few weeks earlier and had in fact been on his radar since starting. He had told the Board last time he thought it would be part of the rules and regulation of the planning board, which did not yet exist for this board, but upon further research and discussion with the Town Administrator, he found it was addressed in 40a sec 9. It would require a town meeting vote, and was unclear as to whether it was zoning by-laws or town ordinances. Member Hopkins said he felt the Board should talk more about this, as it was a good way to introduce interested people to the work. While they couldn't do it now, he did ask that Mr. Anderson work with the Town Administrator on the subject.

Ms. Barmakian told the Board she would discuss associate members with the Town Administrator, but warned that unless they were provided for by statute, it would not be possible. Mr. Anderson assured her they were, but said it would be an involved process involving Town Counsel to make the change at Town Meeting.

### **Town Hall next steps**

Chairman Packish said the discussion had been postponed in part from the prior meeting so the Mr. Fehl, who created the survey, could participate. Member Fehl said he had little to add beyond what he presented when the results were released.

Mr. McGrath asked to make several comments. He said it would sound critical but was not intended maliciously. As a statistician and teacher of statistics, he felt there were several assumptions that were misleading. He said the statement about sample size and accuracy was not valid as it assumed a normal distribution and this was certainly not normal. He felt parametric measures such as mean and median were meaningless with the choices in the survey.

He said the best way to summarize question five responses would be "67% are somewhat to very familiar with the structure." Question six: "sixty six percent are somewhat to very familiar with the ADA requirements." Question eight, a mark all that apply question, made it hard to draw any conclusions.

Question nine, where sixty eight percent were not familiar with the plans, was reversed from positive to negative relative to other questions. He said that confused people, especially those that don't read

quickly or well. If it was positive earlier they expect it to be positive again. Chairman Packish asked if Mr. McGrath was suggesting people answered this without reading the question. Mr. McGrath said not necessarily, but it can be a confounding factor worth being aware of.

His interpretation of Question 10: "fifty seven percent might look at the data." Question 11: "92% say fix the problem." Chairman Packish said the Board drew the same conclusion on Question 11.

Mike Santoro asked if the Board had considered including the cost of renovation in the survey question. Chairman Packish said they only had the cost of upgrading the building to brand new status. Mr. McGrath said the renovation cost was in the plans. Chairman Packish said that although he didn't support the idea, lots of people wanted to know the lowest cost solution to fixing non-compliance. Further, he thought asking the architects for an estimate of the lowest cost solution might not have yielded the most accurate response.

Ms. Barmakian thought rather than just interpreting the survey questions, it was important to find out why the project failed with voters. Chairman Packish felt the survey was a way to get the conversation started and to glean some information. It was not intended to provide all the answers or lead to a recommendation. Chairman Packish said Question 11 clearly showed something had to be done, which was encouraging. Question 20 showed they were evenly split on voting for it now. That meant the same people who said something needed to happen were not ready to vote for it today. This suggested that working more with the people could lead to a positive result.

Bill Vrooman said question 20 gave people two options, while the final decision would offer one option, making it possible some of those who said no would say yes in the future. Chairman Packish said if they really went out and tried to find these people and engage with them, then they probably would find something people could work and live with. Mr. Vrooman said the survey brought attention to the issue, making people more educated, so it was nothing but positive.

Member Fehl said the discussion they were having was the result of the survey. The analysis was not looking at statistics but how they were interpreted. The survey achieved its intended purpose according to Mr. Fehl.

Mr. McGrath said he was discouraged by how few people looked at the plans, how undereducated the voters were on the project, despite the efforts of the Selectmen and Planning Board. Ms. Barmakian said this might be showing disrespect to the voters. This was a money question. They might agree a new town hall was needed but they might not want to pay for it. There were lots of other large dollar projects coming down the pipe.

Member Hopkins reiterated his concerns from the previous meeting for Member Fehl's benefit. He was uncomfortable that the Board hadn't clearly articulated the delineation of the process, what additional steps would be taken, and where authority ended, so it could be handed off, and eventually returned for site plan review.

Chairman Packish said site plan review would typically take place after a town meeting vote when a building permit application was filed. He did not want to rule ahead of town meeting to provide an approved project to town meeting because it didn't honor the people concerned about money. The Selectmen originally came in for a site plan review but the Planning Board wanted more outreach and discussion first.

Chairman Packish said as they moved forward it was clear that more people than just the Planning Board needed to be involved. The next steps would be joint meetings with the Selectmen or Building Committee. A shortage of staffing made this especially necessary given the scale of the project. However, the completion of the survey did not mean the Planning Board's outreach was complete.

Member Hopkins said he supported the Chairman's position. He felt they could eliminate a lot of frustration for others if they outlined next steps. Member Fehl concurred.

Maura McGroarty said people had to acknowledge the history behind the project. She felt it was unfortunate there was no survey five years earlier. She noted that the Fire Station barely passed and town hall failed, and she felt the Fire Station had been a disappointment to many people, despite claims of being on time and on budget. She thought it had been a mistake to try two projects at once. She felt further outreach was needed as confidence was low based on past experience.

Chairman Packish said he felt people worked very hard on the Fire Station and he didn't want to diminish the work, but residents in general were not very happy with it. He wondered how to make this a new discussion so that it didn't feel like an old conversation was being force fed to them. They were ready to work with the Selectmen at this stage to get their input on next steps. He felt there was a misconception that the Planning Board wanted to keep this process to itself when history demonstrated that this was the polar opposite of how the Board operated.

Ms. Barmakian asked that people not assume voters are uneducated as they all moved forward. Mr. Santoro agreed it was time to find out what voters wanted. Ms. Barmakian then said it was also important to figure out the Building Committee's role as next steps were decided.

Jordan Wallace said he felt the voters appreciated the survey, and were savvy and aware they were going to be spending a lot of money on a new town hall.

Mr. Santoro said he felt the building committee had done a lot of work and held lots of public meetings first time around. If voters were irritated by the Fire Station this was the opportunity to engage them.

Chairman Packish said he hoped going forward that the Selectmen and the Building Committee would work with the Planning Board and the survey respondents. He was disappointed that it was standing room only to lobby against the survey and only a few people attended the release of the results. He said they'd had great success engaging the tax payers, but struggled engaging the other Town leaders. They would have an opportunity to talk about it at the June 23 joint meeting.

Member Fehl said there were so many unanswered questions. They needed to develop a plan of action, and milestones. He didn't want delay. The first step would be to determine what the town wants to do, and the second step would be to define that more clearly as to what it should include. Chairman Packish agreed and said he thought they needed to work backwards from 2017 Town Meeting.

### **Water District conservation discussion Board Member updates**

Chairman Packish recapped that Amy Billings had been to the Water Commissioners trying to irrigate Niantic Park. She was told no, in part because of the Planning Board letter. He had since met with the Water Superintendent, and their position was that they were trying to conserve water, and based on their numbers, the Town was the largest water user. They are making a list of top users and contacting

them directly to reduce usage. They had advertisements coming out in the papers to create awareness of water bans as well as congratulatory ads to the Summer Camp, the Wesley and another hotel for conserving water. Chairman Packish felt this was a great idea and provided some free publicity to businesses that conserve. He felt it was important the Board acknowledge these efforts.

Chairman Packish said that since the initial denial of water to Niantic Park, the Commissioners had decided to provide water but not allow irrigation. They would look at usage at the end of the season and decide then about future supply. Chairman Packish said he was not surprised the Town was the largest water user. Ms. McGroarty wondered if the high school had been included or the Oak Bluffs School as they were huge users. Chairman Packish said he didn't split hairs in his meeting. He was encouraged by the Water District's mindfulness of conservation, but also heard the same concerns about supply and need for a new well.

Chairman Packish said the Water District had suffered from some misinformation as their thoughts on the Board's view on a new well was not accurate. Member Hopkins said this has happened in the past and the Board needed to be aware of it. Advocating for planning was not advocating for a cause. If it was perceived the Board was pro or anti a well or town hall they weren't doing their job. This was why he kept asking to define the process with town hall. The Board's water district letter was clear. Best practices were education, conservation and then after exhausting those you increase capacity. Further, there should be no new zone II without the public being fully aware of the impact. The letter did not say they were anti new well.

Chairman Packish said the Board didn't have a vote, there was no statute. He explained to the Commissioners that this was a new chapter of planning that started a few years ago. They were going to look at things comprehensively. You can't talk about water without talking about wastewater or housing. Just because you can't get a new wastewater plant tomorrow or you aren't building affordable housing doesn't mean you can't move forward with a new well. But you need to discuss those items and bring all the others to the table, so the new well is planned in accordance with the expectations of the other boards. He asked to be put on the next Water District meeting agenda so he could clarify the Board's position in an attempt to reset the conversation. They could then invite the Commissioners to another Planning Board meeting.

Chairman Packish said zone II was the only negative of a new well, but that it hurt the tax base, the Town's ability to house people and in a variety of other ways, and it had never been taken into consideration in the past. The Water District made the point that the proposed well was in R3 so they would not end up with one bedroom lots but rather three bedroom lots. Further, it was in a sensitive area of the Lagoon and Sengekontacket watersheds and rather than creating a new nitrogen by-law you could regulate nitrogen that way. Chairman Packish thought they were great points that hadn't been part of the original conversation.

Mr. Santoro asked what the Water District's next step was. Chairman Packish said it was a seven year process to plan a well and he imagined they would need to come to the taxpayer, although he didn't know the legal process as they were the District not the Town. Mr. Santoro reminded the Board that the District had a "quasi-town meeting" before the Town Meeting and wanted to be sure people knew what was going on for that. Chairman Packish said the Land Bank dispute over title was still an issue, although Kevin Johnson said if the Town wouldn't clear the title and didn't want to spend the money on legal, the Town should give the Commissioners permission to take it by eminent domain. The Board responded collectively in disapproval at this suggestion.

Member Fehl said the last thing the Planning Board had told them was to review their options. Member Hopkins said there had been six proposals and several had not been exhausted, including Goodale's. Chairman Packish said the State Forest option also avoided the zone II issue and hadn't been fully researched, and there had been encouraging conversations with Senator Wolf's office. He also mentioned that the solar project had been scaled back to 1.4 mw but was moving forward.

Mr. Santoro said it would be worth having a joint meeting with the Selectmen, Planning Board, and Water Commissioners. Chairman Packish said he was going to suggest that at the next Water District meeting. He noted that the joint meeting with Affordable Housing and Selectmen resulted in fifteen people at the table and most of the time they did not talk over each other, which he considered pretty good.

### **Minutes review and approval continued for 5/26**

Chairman Packish confirmed that Member Hopkins had a chance to further review 5/26 to his satisfaction. He had, and he made a motion to approve the 5/26/16 minutes. Member Albert seconded. Member Fehl abstained from the vote as he did not attend. The vote was 3-0 to approve the minutes.

Member Hopkins thanked Mr. Anderson saying there was some important stuff in the minutes that had been covered accurately. Chairman Packish said Mr. Anderson had been doing a great job, that anybody who comes along and gets those minutes will have a clear understanding of what was discussed. Member Fehl agreed.

### **Board Member updates**

Chairman Packish asked Mr. Santoro about Roads and Byways. He was told several items were coming up in the next month. Chairman Packish said people seemed to be receiving the new sidewalk on Dukes County well. He said the neighborhood planned a get together at Gallerie Josephine after the sidewalk was done.

Chairman Packish said there had been a lot of pressure regarding the AstroTurf with people requesting a discretionary referral to the MVC. He said he didn't think that was going to happen.

Member Hopkins confirmed Lagoon Ridge was coming soon. Mr. Anderson said the written decision was due on the 16<sup>th</sup>, but it could take time before it got to them. Chairman Packish asked Mr. Anderson to create a timeline to ensure meeting deadlines. Mr. Anderson noted there was no formal special permit application showing this plan, that a letter had requested a special permit a few years earlier, and he would review more recent documents to be sure, but as of now it was only a definitive plan. He said he had advised Mr. Danielson of this but there had been no reaction. Mr. Anderson was surprised that the MVC had looked at the special permit conditions for flexible development based on a definitive plan application. He said he felt Town Counsel needed to be further involved in the process.

The meeting was adjourned at 7:20.

### **Documents used in this meeting:**

Agenda

Sign In Sheet  
Town Hall Survey Results  
Proposed AIPB Agenda Items for June 20 Meeting  
Minutes from 1/21/16, 1/28/16, 5/26/16