

## Oak Bluffs Planning Board

### Meeting Minutes

July 14, 2016 at 6:00 p.m. in the Oak Bluffs Town Hall Lower Level Meeting Room

Members in attendance: Brian Packish (Chairman), Ewell Hopkins, Erik Albert, Jeremiah McCarthy

Members absent: Robert Fehl (Vice Chairman)

Staff in attendance: MacGregor Anderson (Clerical Assistant)

Chairman Brian Packish called the meeting to order at 6:03 p.m.

The Chairman began the meeting by welcoming newly appointed member Jeremiah McCarthy.

#### **6:00 HABITAT FOR HUMANITY OF MARTHA'S VINEYARD SPECIAL PERMIT APPLICATION - Continuation**

Chairman Packish read an e-mail from Habitat requesting an extension while they went before the ZBA. Mr. Anderson, who had spoken with Town Counsel, said it was important to give exact time, date and location in the motion to continue, that being September 8 at 6 p.m. in the Town Hall Lower Level Meeting Room. Further, he said it needed to be clear that the hearing was being continued because the Planning Board required critical information before making their decision on the special permit application. That information would be the result of Habitat's variance application to the ZBA for frontage and setback. Member Hopkins made a motion to continue as stated. He also reminded the Board that he was Chairman of Habitat for Humanity but had recused himself from all discussions at Habitat on this issue so that he could deliberate with the Planning Board. Erik Albert seconded the motion. The vote was 3-0 in favor of continuing to September 8 at 6pm in the lower level meeting room of Town Hall. Mr. McCarthy did not vote, as he was not on the Board during the first hearing.

#### **Chuck Sullivan Phillips Hardware Pre-Application Comment Period**

Peter Gearhart, architect with Sullivan and Associates, presented a set of permit plans for Phillips Hardware located at 30 Circuit Avenue. He explained that the project would involve demolition of the current building and replacing it. The Board reviewed the plans with Mr. Gearhart in detail. Chairman Packish asked Mr. Barbadoro to join in, as these plans were new to everyone. Mr. Gearhart explained that he believed they needed to be referred to the MVC, and Chairman Packish agreed that multiple DRI checklist items were triggered.

Mr. Gearhart said this was an historic building from 1870. He said the old Oakwood Hotel had been part of the site. They had reviewed the 1978 historic survey, and the Oakwood consisted of the building, a courtyard and an annex. In 1930 it was filled in and the brickwork was done in 1978. They found photos and postcards to help guide them in duplicating historic design features. The project would provide Phillips with storage in the basement, and there would be a couple floors of residential above it. The existing building including the second and third floors totaled about 8,000 square feet, and the project was planned for 17,000 square feet.

Member Albert asked if they were looking for a recommendation to the MVC. Mr. Gearhart said yes. Chairman Packish asked Mr. Barbadoro if he had a preference for how to proceed, knowing the project was clearly going to the MVC. Mr. Barbadoro said he was fine with the Planning Board sending it, and he could then provide commentary to the MVC on zoning. He said alternatively they could apply for a building permit to him and he would refer it.

Mr. Gearhart said local zoning allowed three units of residential based on the lot size, and they were 10 square feet short of four units on the lot. He said that although the plan only showed three housing units they were actively looking for ways to do more, even up to eight units. They were allowed twelve bedrooms based on sewer calculations so that was in the current plan. Mr. Barbadoro asked if the residential units were allowed in a new building or only an existing building. Mr. Gearhart said it was their understanding they could do this in a new building under zoning.

Chairman Packish said current zoning, as it had been interpreted lately, mandated it be a conversion of an existing structure. You needed a building that predated the zoning and then you converted. Chairman Packish said that in conversations with Mr. Sullivan, he'd mentioned the possibility of a friendly 40B which might get you past that. Chairman Packish said this clearly hit the DRI checklist at 3.1 and on and on.

Member Albert made a motion to refer the project to the MVC. Member McCarthy seconded. Chairman Packish said it was hitting on 3.1 primarily, which was the core of the downtown district. It was also the demolition of a building over 100 years old. There were likely other reasons but that was a great place to start, and the MVC could get into the others. Member Albert amended his motion to refer the project under 3.1 and demolition of a building over 100 years old. The vote was 4-0 to refer the project to the MVC.

**Form A, Approval Not Required application from Jonathan and Sara Chapman, 5 Webster Avenue, Oak Bluffs, map 3-174, plan to create two additional unbuildable (by themselves) lots of 1291 and 1298 square feet, to be conveyed to William R. and Helen S. Bryan of 40 Munroe Avenue, map 3-175.**

Ken Abbott presented the plans to the Board explaining that two small parcels were being created so that they could be conveyed to the abutting property owner Bryan. That owner then planned to divide his lot into two. Two parcels rather than one were created to simplify that later division. Mr. Anderson explained that because the plans had a legend stating these were unbuildable lots being created, the Board did not need to test for frontage.

Chairman Packish said he felt Mr. Bryan would need to return to the Board for an ANR to divide his land. Mr. Abbott said these parcels were comprised of smaller lots from the Highlands plan, and those would be conveyed. Chairman Packish said they'd been held in continuous ownership since zoning making them combined. Mr. Abbott said he felt this could be done without an ANR because the Highlands plan predated zoning. Mr. Barbadoro said his understanding was that contiguous lots commonly held created a zoning merger. He said it was possible they could be sold but they wouldn't be buildable. Mr. Abbott agreed that you could convey them but perhaps not build on them. Chairman Packish said he

felt to separate the lots they would need an ANR and meet frontage requirements. Mr. Abbott said that was entirely possible. Mr. Albert said he would still handle this stage of the plan the same way. Chairman Packish said it didn't seem to change anything but it was important to note going forward, as issues like this which had been overlooked in the past were not now. He said this plan, though, seemed straightforward. Member Albert made a motion to endorse the plan as Approval Not Required. Member Hopkins seconded. The vote was 4-0 to endorse the plan as ANR.

### **Discussion of Martha's Vineyard Community Services reported plan for new campus and proposed school employee housing**

Member Albert announced that he was president of the MV Skate Park which abutted MVCS. Executive Director of MVCS Julie Fay introduced Chairman of the Board George Davis and Director of Human Resources Amy Houghton. She explained that their board had been taking a hard look in the past year at their 35 year old campus at the High School which was on a 99 year lease. The buildings were dated and had flooding issues. They had outgrown the space eight years earlier and now had two to three people in an office.

The Board was entertaining a capital campaign and considering building in place or at a new location. It would be difficult to do in place because of the 45 child daycare center on site. They were considering six acres to the west owned by the High School as an alternative location. If they could lease that land, they could build their campus there with enough space, and then in conjunction with the High School, take care of some of the more pressing needs for the High School. One example would be universal pre-K for the Island and the other would be more special education. There would also be room for a new superintendent's office, and while they would keep the new and excellent Island Wide Youth Collaborative building, they would demolish the other three buildings to put in 25 to 35 transitional and affordable housing units.

The transitional housing would be for Community Services, the Hospital and the school system. They knew from their own experience that regulatory and insurance requirements for licensed staff required a tremendous amount of recruiting each year. Those hires would be excited to get on Island but after a long winter in a 10 month rental down a dirt road, they would feel isolated. When they ended up with no summer housing they would leave, and the MVCS would lose the license while the case load turned over once again. It created a revolving door, and was the same story with the Hospital and school system.

Transitional housing for the three groups would form a nice community, and new hires could get to know their jobs and the Island. The YMCA and the daycare center along with the bus line all added to the appeal. Ms. Fay said she sensed that this was a pie in the sky idea at this stage. They had made a presentation to the school's Land Use Committee requesting conditional approval from the School Board, something that would provide enough confidence to begin a feasibility study, which would be their first expenditure on the project. The study would answer wastewater, zoning, density and all the other questions that would surface.

Chairman Packish asked what the timeline was with the High School. She said they had been before the Land Use Committee who needed to get them in front of the School Committee. She estimated that meeting would occur in the fall of 2016. They hoped to start the feasibility study in the fall as well.

Chairman Packish said the Town was 75 units short of meeting the 10% affordable housing targets with the State and that the criteria were strict to meet those thresholds including 80% of median income. He said Oak Bluffs has so many organizations like this in Town and they needed to figure out how to start taking the edge off. It was difficult to build scaled out projects in residential areas. He was concerned many of the licensed professionals earned above 80% median.

Ms. Houghton explained that people who graduated with a master's degree in this field needed to work in excess of 2000 hours before licensing. During that time, some would probably meet that 80% of median income threshold. Chairman Packish said having some affordable units would be looked at favorably.

Chairman Packish said at the All Island Planning Board there had been a lot of conversation about regional projects. There was agreement that a large scale project had a regional benefit and so the burden had to be shared regionally. The Town could no longer pick up the tab across the board. He said Bill Veno, who was speaking next, would show how the Board was looking at the whole area from Goodale's to Mahoney's, considering zoning and the roadside district. Eventually this would all fall under the master plan, although that timeline might not be relevant to this project. It was important to note that a lot was happening in the area.

Member Hopkins thanked MVCS for bringing board representation and professional staff. This demonstrated the importance of ongoing communication between organizations. There was risk to taking newspaper articles as gospel. In reading the Times article, he had seven factors he wanted considered, and said Mr. Anderson would take these down and send them in a letter at a later date.

Member Hopkins pointed to a map and described the recently approved Southern Woodlands subdivision. He showed the "donut hole" and explained that while there were questions of title, there was an agreement in principle with the Town to swap that for land behind the hockey rink. That would allow development there. He showed the three lots totaling 56 acres along County Road where title was in dispute between the Town and the Land Bank, and explained that the Water District was showing interest in placing a well there, creating more Zone II and limiting development to the town line in Edgartown and up towards the High School.

Member Hopkins first point he wanted addressed involved understanding MVCS's aspirations for growth. He said those had been eloquently outlined earlier.

Second, abutter Island Elderly Housing had expressed informal interest in expanding their housing by 30 to 40 units. He wanted their aspirations to inform MVCS's and vice versa.

Third, he wanted to be sure MVCS was cognizant of the water authority's plans including well site expansion. He encouraged conversations between the two parties.

Fourth, as the YMCA and the Hockey Rink had announced plans to expand the current footprint of the rink and develop behind the rink, he wanted that to be part of the process.

Fifth, the High School had already announced a need for a \$22 million investment in their current facility before they looked at additional expansion. How do their expansion plans play in and will they have enough room for temporary shelter if they tear the High School down?

Sixth, with the Town looking at several options for the "donut-hole", would MVCS development there be feasible? He reiterated that this was all brainstorming, with no preconceived opinion.

Seventh, the Town's Affordable Housing Committee was considering a project at the old landfill. How would that impact MVCS's plan? Member Hopkins said that if you added that plan, Island Elderly Housing's potential expansion, and MVCS's plan, you got over 130 additional units of housing that were not being coordinated.

Member Hopkins said he did not see how MVCS could do a feasibility study without considering those seven points. He said this was his expectation for proper planning, and it was also his expectation that the Town would work with MVCS proactively so as not to delay their timing. He felt they could not have all seven of these interests working independently in one area of town.

Member McCarthy said he was encouraged by the idea of MVCS's expansion but was concerned as the Town seemed to take the brunt of regional projects like these. He agreed that coordinated efforts for creating affordable housing units were important.

Member Albert agreed with Member Hopkins comments and wanted other towns to contribute to the costs associated with the project.

Mr. Davis said all of the comments go to his question about regional buy-in of expansion of non-taxable use in the Town. Obviously, that was not something MVCS could control, but could it threaten to hijack the project if others didn't buy in? Chairman Packish said hijack was a strong word, but yes, it would be problematic to a project of this scale combined with the other projects, they'd reached the tipping point. Offsetting affordable housing numbers would be of benefit to the Town and an offset. The Selectmen had a strong position and they dealt with money a lot more than the Planning Board. FinCom would have an interest. Mr. Davis presumed there was no timeline for figuring that out. Chairman Packish said eventually MVCS would need permits from the Town and they would likely find conditions on their special permit that would be impactful to any type of project.

Mr. Davis said he got the impression that the Board was weighing the benefits that were tough to quantify with the expenses. Chairman Packish said it was difficult to quantify but if they were to take 20

units off the 70 affordable housing units that needed to be built, they'd have to consider it as a plus. At the end of the day nobody wanted to stop the MVCS use, but again, Hospital, Rink, Y, High School, Community Services, and probably more, made Oak Bluffs the heart of Martha's Vineyard. If you need great mental health care, extra services, assistance with your child care, or you want to ice skate indoors, if you get cut or have a baby, you are in OB. At the end of the day it all happens in OB and Town residents were footing the bill for massive portions of that. He said his mindset was to help the project be successful but he also had to be respectful of the people who were paying the bill.

Mr. Davis asked who was having the regional contribution discussion. Chairman Packish explained it was the All Island Planning Board. For example they had discussed a large affordable housing project. It wasn't as simple as splitting it six ways, as the ongoing costs were often the greatest costs. To summarize, this was something to be mindful of, and it was something they had heard at the Selectmen's meeting the other night, and likely would be something they would hear from FinCom as they struggled to get a budget through Town Meeting. Every town needed to recognize that Oak Bluffs was carrying the torch and figure out ways to offset that.

Gail Barmakian said that this would be an enormous cost to the Town and it wasn't located in the center of town where it would bring in business to restaurants and hotels. It would cost in water capacity, wastewater capacity, police coverage, nitrogen loading and roads. The Town received no tax dollars for this. She said MVCS really needed to consider these points, and it should be considered as part of the feasibility study. Whoever does the study will likely not know these unique Island issues, and that could be a step backwards.

Mr. Davis said Member Hopkins provided a comprehensive list of considerations and asked if Ms. Barmakian had additions to that list. He said the seven point list sounded more like collaboration than financial planning. Member Hopkins agreed his didn't speak to the finances, he wanted coordination.

Chairman Packish said you had all the wastewater connections to the Y, the High School and the Hospital. They use roughly 30% of the capacity without paying any tax dollars. Mr. Davis asked if they paid fees. Ms. Barmakian said they paid user fees which did nothing. Chairman Packish said the other 4500 residents footed that bill but then were told extra capacity was not available to them because 30% went to the non-profits. It would be hard to convince residents that an additional \$20 or \$30 million in expected wastewater spending was needed when you had given away the percentage they had already paid for and that was why you needed more. Water is the same situation, with Ocean and Niantic Parks forced to slow use, a new \$20 million dollar well was needed as was a new water tower...there's \$70 million that isn't being paid for by nonprofits. If you detached the non-profits from wastewater and forced them to meet the very strict nitrogen requirements on their own, Town taxpayers would have that much more capacity. The Town did choose to do the right thing by sewerage the Y, the Hospital, Community Services, but these were all examples of costs.

Chairman Packish said it was great if you lived in Edgartown and had these services and you weren't footing the bill, you paid twelve bucks to skate, you paid the same fee in the emergency room as

someone from Oak Bluffs who was also paying for the wastewater, water, roads, police. Mr. Davis said that was a Town issue and he understood why officials had it as a priority, and he expected it to be an interactive discussion and they would work together to get from here to there. Chairman Packish agreed. Mr. Davis said it wasn't an issue that would have come immediately to their minds despite it being an obvious issue. Chairman Packish said that was why the Board felt it was important to get them in as early as possible so as not to disrupt plans later. Mr. Davis felt that made sense.

Ms. Barmakian asked if transitional housing would qualify for affordable housing with the two year limit. Mr. Davis said they had not gotten that far along. Ms. Barmakian said she thought the Town would want it to qualify. Member Hopkins agreed.

Ms. Barmakian asked how open MVCS was to altering their plans before the feasibility study to meet some of the needs of the Town. Member Hopkins asked her for examples. Ms. Barmakian said perhaps if the Affordable Housing Committee requested five units set aside for the Town. With some thought she could come up with other examples. Her point was that it was important to know specifics before the study to avoid having to go backwards after. Mr. Davis said they would be happy to factor that in.

Ms. Barmakian asked that they consider nitrogen load and wastewater capacity in their study. Mr. Davis said they would take any input from the Town and include it as best they could in the plan. Chairman Packish said it sounded very workable and thought as much information as possible up front was needed.

Member Hopkins said that as he had been appointed as the Board's representative to Southern Woodlands and the "donut hole" he would offer to be the Board's contact for MVCS in order to encourage proactive communication. The Board agreed.

### **Discussion of proposed High School Planning Charrette coordinated by the Martha's Vineyard Commission**

Bill Veno said he felt this was just a continuation of the previous discussion. The points that Member Hopkins made may have seemed odd at first to a land owner, and this is why it was important to gather all the stakeholders. Does the school recognize the finite level of infrastructure available and could these projects jeopardize their own future plans for example? The charrette in 2006 focused on how the Y fit in, not on capacity, but it demonstrated the process. He said the first question was how big an area they were considering.

Chairman Packish said the outline so far had been helpful. Ultimately this would all melt back into the master plan. He asked Mr. Veno's anticipated timeframe, as it was important to not change the playing field for MVCS later on. Mr. Veno suggested starting with just a single session in September with all stakeholders which could be done in short order. They could discuss critical issues like space needs, wastewater and water.

Chairman Packish said the Board had discussed Mahoney's to Goodale's to the Southern Woodlands. Member Hopkins felt they should limit themselves to Lagoon Ridge, Featherstone, IEH, MVCS, the Y, the "donut hole", Southern Woodlands, the proposed well site. Chairman Packish felt they should start wide and focus as they went on. He felt it was important to include Goodale's with the composting and a new business park. Member Hopkins felt crossing the roundabout could make the charrette unwieldy as it was almost its own area of concern. Chairman Packish said there were a number of areas of interest and those could be broken out later.

Ms. Barmakian asked for an aerial photo from the MVC with resource uses and structures ideally. Mr. Barbadoro said he was surprised to see a cell tower on school property behind the rink, as well as tour buses and a professional baseball team. He saw a lot of things that did not look non-profit. He wondered what the tax implications were of this as the Town appeared to give an exemption to this enormous parcel of the High School which only made up maybe 20% of the use. There were nonprofits renting to for profits to fund themselves. Ms. Barmakian said it was a question for the assessor. Chairman Packish said the label of "educational" gets attached any time it can be, which was what you saw with the film festival. He's had people say they want to put in a store in a residential area saying they'd give away some kids books and call themselves educational to avoid zoning.

Mr. Barbadoro said he sympathized with the large non-profits who needed housing as he paid a lot for his own, but it seemed like the Hospital could afford to rent on behalf of their staff. Chairman Packish said they did about \$1.4 million in rentals already.

Member Hopkins again strongly encouraged bounding the charrette in September at the roundabout. He felt the issues were so huge beyond the roundabout that it would double the magnitude of the discussion. Chairman Packish said he felt it was important to include Goodale's as Mr. Goodale had participated extensively for two years asking to be heard. Residents in that area had also been the most engaged. They couldn't hold this without including them in his mind. He understood why Member Hopkins felt as he did and recognized they would have to manage scope, possibly from the outset. If other Board members felt differently he was fine with that but he couldn't see not having them at the table.

Member Albert agreed with the Chairman and suggested slicing that piece of the pie out during the charrette. Member Hopkins said he thought Streetscape was so successful because of the hard demarcation lines. Chairman Packish said those were driven by a different conversation and predated the Board's involvement. He felt streetscape would have included Inkwell and the harbor if the Planning Board had made that decision. Member Hopkins agreed that was a good point and said he would go along with the feelings of the Board.

Ms. Houghton asked to confirm the names on her list as Featherstone, the Y, the High School, Island Elderly Housing, and the Town itself for the "donut hole." Mr. Anderson said he would be able to provide a recording or notes as they needed. Chairman Packish said the Board would facilitate the interaction, by asking all the players to look at similar questions and bring them to the table. Mr. Veno

agreed and said this was the point of the first meeting, so everyone didn't have to do this on their own. It would not be a charrette yet, but would provide first impressions of all the different pieces and provide a chance to see how they fit or didn't fit. Perhaps Goodale's would be a totally different animal and spun off to another discussion. This would be a chance to hear plans and limitations. The Town could then decide to focus on one or two things first.

Chairman Packish said when he worked on his projects it was very easy to be hyper focused on his parcel. This would allow everybody to see everything that was planned and understand how they fit in.

Mr. Veno emphasized that the financial end for the Town would become clearer, and stakeholder Board members might need to lean on their town officials to participate. He said he felt the MVC would work with the Planning Board to start contacting the various stakeholders with his staff. Chairman Packish said that would be appreciated as they were the regional planners and these were regional plans. Member Hopkins agreed to work with Mr. Veno as a point of contact.

### **Accessory Apartment Affordable Housing by-law discussion**

Chairman Packish explained that he put this on the agenda because of the current discussions on affordable housing and larger projects. He spent a Sunday afternoon with the NORA association which represented the neighborhoods surrounding the proposed apartment project. He had explained to the group that the Town needed to create 70 affordable units, and it was difficult to get there. There were endless numbers of illegal apartments which created a large burden on the Health Inspector and Building Inspector. These included unsafe apartments in basements without egress. He understood why owners did this given high rents and mortgages and it was lucrative.

Chairman Packish said West Tisbury has an accessory apartment by-law based on affordability that was included in the packet. He encouraged members to read it after the meeting in case the Board wanted to discuss it at the next meeting. They could consider a new by-law and consider an amnesty program for current illegal apartments. This could incentivize people to get the apartments into compliance and help meet affordable housing targets. West Tisbury was in compliance building 8 to 10 units a year using only private money.

Christine Flynn said the West Tisbury units were deed restricted with about half for family members or certified income restricted at the county housing authority. However, they did not count towards West Tisbury's subsidized housing inventory as they were not part of the subsidized program. The units were monitored on an annual basis and not part of an ongoing project so the state wouldn't recognize them.

Mr. Barbadoro said even if they didn't count towards affordability there was a need for moderate income housing. Chairman Packish agreed and said the Town couldn't keep writing checks to supply housing. He estimated there were a couple hundred illegal apartments in Town.

Ms. Barmakian said the Town was supposed to inventory those apartments five or ten years earlier. It could be helpful as they were rented to people who met the affordable criteria. The premise of getting

them on the role and getting them official could be beneficial. However, she hoped this drive would not cost homeowners. If they see it costing \$50,000 to get into compliance then they are unlikely to participate. Chairman Packish said it was either comply or the apartment goes. That was where the Town was now. If you pulled a building permit for a deck the Health Inspector wanted to count bedrooms.

Ms. Barmakian said they needed to understand that there may be some flexibility or discretion. Chairman Packish asked if that meant operating outside the confines of the law. Ms. Barmakian said flexibility and discretion for when a by-law did not meet the purpose or was not practical. She didn't want to see that coming as there were a lot of people who counted on those incomes. She was not saying she wanted people to be unsafe but there should be some discretion because it was a tradition in Oak Bluffs. Chairman Packish said it was a tradition that was rapidly coming to an end.

Ms. Flynn said this was a good way to go as it would help the Town as it incentivized building in a regulated manner that met demand for rentals and it was at no cost to the Town. She said Tisbury did an amnesty program to allow homeowners to bring apartments up to code. Nobody came forward because of the cost of improvements. Without subsidies it was unlikely amnesty would work. Chairman Packish said the Town Administrator had a great idea on how to do that but he would all him to present that at a later date.

Mr. Barbadoro said the number one problem wasn't building code but was Lagoon Pond DCPC and Zone II restrictions, making it impossible to bring apartments into compliance. Chairman Packish said he was hearing that when the Board of Health was siting illegal apartments, the owners were saying there were three on either side of them, and wondered why they were being singled out. Perhaps they shouldn't have gone for a new deck. Recently a homeowner would not allow the Board of Health in to his main house as work was being done on the garage.

Ms. Barmakian said she was a nitrogen person, but there was a human side to this. The people are crying because it was so hard to keep up their homes with new codes that cost a lot more money and now hurricane regulations and sea-level rise. They keep getting whacked, and there may be a middle ground. If the Board went forward, she asked that they at least keep that in consideration. For instance, perhaps they could provide some type of funding to help get people into compliance.

Chairman Packish said the purpose was not to stop these apartments or prevent the owners from having that income. Some would be impacted that way, while others would be able to create apartments they otherwise wouldn't. The question was how do you create the by-law that gives the inspectors something to fall back on, and the homeowner finds some safety, and the guy living in the basement at risk of burning up and dying because he can't get out...how does that happen? Mr. Packish said this was the first time he had seen attorney Barmakian advocate working outside the law. Ms. Barmakian said this was not working outside the law. There is something called unintended impact. You need to assess the impact knowing your town, knowing how these things work. West Tisbury may not have thought they needed to provide funding or they wouldn't get any volunteers. It takes a lot of thought and

expertise. If you have an unintended impact all it will do is hurt more people. Chairman Packish said this was not a small item and he did not want to hurt anyone. Ms. Barmakian reiterated that it was not easy for a homeowner.

Member Hopkins said the Falmouth Planning Board was holding a public discussion on accessory apartments on July 27 and August 3. Member Hopkins said he'd sent the Board a draft of Falmouth's proposed by-law and encouraged other Board members to attend.

Mr. Veno suggested grace periods as an option for zoning changes. Mr. Barbadoro reiterated that zoning wasn't the primary problem, that this was the result of Zone II and wastewater. It meant you were asking the health inspector to enforce all nitrogen regulations in the town, and then on the other hand you are telling him you're really being too hard on people. You need to stop sending mixed messages. Do you care about nitrogen or do you not care? Those are your options.

Chairman Packish said he was shopping for houses a few years ago and three had torn out apartments with missing sheetrock and hanging wires because the Board of Health told them the bedrooms had to go. That was out of seven houses. None of the three had an egress window. The biggest issue is nitrogen but when it comes down to the unit and safety it comes back to the building department. He said this was a complex issue and they were a long ways from deciding it. He had spoken to Robert Whritenour, and although he didn't want to go into detail, Chairman Packish believed Falmouth had used CPC funds for this issue. There was a lot of red tape involved.

Mr. Veno said about twenty years ago in Edgartown, the Board of Health went to Town Meeting requesting the right to do inspections after a fire in one of these buildings, and it went nowhere. Member Hopkins noted that the assessors visited homes and counted bedrooms. Chairman Packish said yes but only after a building permit. Mr. Anderson said they were not there looking for violations. Ms. Barmakian said homeowners were not obligated to allow them to enter. Member Hopkins confirmed then that if the assessors counted an extra bedroom they would not go to the Board of Health to let them know.

### **Town Hall update**

Chairman Packish said he had met with Member Fehl, Ms. Barmakian, Walter Vail to discuss timelines and ways to move the process forward. They decided that Mr. Vail and Chairman Packish would meet with Mr. Barbadoro. Mr. Barbadoro was now going to assess safety and access in all the Town buildings, similar to his report on Town Hall. He would aim to complete this by late August. They would try to create a public forum mid-September to discuss the condition report and try to identify next best steps. This would be a joint meeting with the Selectmen and they would invite all the other players including Capital Improvements.

### **Master Plan update**

Chairman Packish noted Mr. Veno's e-mail announcing the CPTC master plan seminar on September 17<sup>th</sup>, which was requested by Chilmark. Mr. Veno said he'd asked CPTC to include Planning with Public

Support in the agenda. Member Hopkins suggested asking new member McCarthy to be the point person on master planning. Mr. McCarthy and the Board agreed. Mr. Anderson announced that he had been collaborating with Jane Rossi of West Tisbury on the topic. Chairman Packish said the AIPB master planning agenda item they had proposed sparked a lot of interest in the subject in other towns.

Member Hopkins reminded the Board of his interest in having an associate member as West Tisbury has done. He recognized this required Town Meeting but he'd love to discuss the mechanics of how to be more inclusive. This was a way for someone to get more involved, possibly leading to a run for a Board seat. He thought there could be value in a training session on board dynamics, interaction with professional staff at the MVC and others, and how to introduce an associate member.

Chairman Packish asked about a similar presentation in Edgartown. Member Hopkins explained that Nis Kildegaard did a program for all elected boards there explaining their responsibilities and delineation of authority. It led to a greater appreciation between boards. Mr. Veno said it was called Edgartown 101. Chairman Packish said that sounded really encouraging because there was a huge problem with that in Oak Bluffs. Member Hopkins said he wasn't looking for that but thought bringing in an unbiased professional to explain best practices of a Planning Board and how to take advantage of the associate member opportunity. Ms. Flynn noted CPTC had done best practices for zoning and managing growth.

#### **Minutes review and approval: 3/10/16, 3/24/16, 6/23/16**

The Board voted 4-0 to approve the 3/10/16, 3/24/16, 6/23/16 minutes.

#### **Board Member Updates**

Member Albert noted Niantic was open and he had a video on OB Downtown. He said Boardwalk video had 18,000 views, over 200 shares, and reached 40,000 people. Chairman Packish and Member Hopkins noted that was a huge number for Oak Bluffs where outreach like this was limited. Member Albert said when you got to the end of the Boardwalk in the video, it motivated him more to put in a little plaza park there. Chairman Packish said they had discussed that at Streetscape. The triangle was worthless with parking nearly impossible. Member Hopkins was complimentary of the branding of OB Downtown noting the logo was readily identifiable.

Member Hopkins encouraged the Board again to go to Falmouth on July 27. He said the Board had done a good job working with towns on Island but he saw value in looking at Falmouth.

The meeting was adjourned at 7:50 pm

#### Documents used in this meeting:

Agenda

Sign In Sheet

Habitat Draft Timeline

Form A, and a Plan of Land in Oak Bluffs, MA for Jonathan and Sara Chapman dated July 14, 2016 by Schofield, Barbini and Hoehn

E-mail from Brian Packish to Oak Bluffs Planning Board dated July 13, 2016 FWD Moving forward with the H.S. area

High School Area Community Planning Session notes and report on results

West Tisbury Zoning By-Law pages 4-21

Draft Minutes March 10, March 24, June 23