

Oak Bluffs Planning Board  
Meeting Minutes

August 25, 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 Chairman), Jeremiah McCarthy, Erik Albert

Members absent: Ewell Hopkins

Staff in attendance: MacGregor Anderson (Clerical Assistant)

Chairman Brian Packish called the meeting to order at 6:00 p.m.

**Draft Terms and Definitions for Affordable and Community Housing with Christine Flynn of the MVC**

Christine Flynn of the Martha's Vineyard Commission explained that the Joint Affordable Housing Group had completed an Island-wide housing needs assessment in 2013 and zoning analysis in 2014. There was a primary recommendation to clarify terms and definitions in the town zoning by-laws to include State and Federal guidelines. Ms. Flynn then outlined the JAHG Draft Terms and Definitions handout dated May 18 2016.

Ms. Flynn said they would be asking the towns to adopt the definitions on page one of the document at the April 2017 town meetings. Their goal was to clarify income thresholds, make sure all projects and programs were consistent with affirmative fair housing guidelines, and that all deed restrictions were permanent. The goal of the later was similar to open space, that any Town assets benefit the public permanently.

Affordable housing would be defined as year-round rental or ownership for those earning less than 80% of AMI. Although the State and Federal Government had no definitions for community housing, the JAHG was defining it as 81%-150% of AMI. That range was supported by a 2004 State legislative decision to allow Martha's Vineyard and Nantucket to restrict housing up to 150% of AMI. This was unique in the State.

Ms. Flynn pointed to her other handout which had AMI figures for the area. It also contained a timeline with goals and objectives.

Chairman Packish said after affordable housing, the terms "workforce" or "market rate" housing were next most common at meetings on the subject. Ms. Flynn pointed to page three of her handout and noted there were no consistent definitions of workforce housing, elder housing, assisted living, or homelessness. They were working with the town housing committees to clarify some of those definitions. Her research found that it was most common for workforce housing to cover a range of 50% to 120% of AMI. Therefore it falls into both affordable and community housing. The JAHG did not think those definitions needed to be part of a zoning change.

Chairman Packish said this made sense but even if it were not part of zoning it would be helpful to have guidelines to facilitate discussions including the upcoming HPP meetings. Ms. Flynn agreed. Chairman Packish said they really wanted to hear from the people who were not housed. They heard from those that were housed as they showed up angry. His experience as a landlord was that when he had an opening he'd get 50 applications in an hour.

Member Fehl asked when public hearings on the proposed zoning changes were likely. Ms. Flynn said that would happen in November or December. Three affordable housing committees supported this outright, three were supportive but wanted to hold a meeting before backing it. Edgartown and West Tisbury planning boards were supportive. Oak Bluffs was her third planning board stop. She didn't anticipate any edits, but that was up to the planning boards. Member Fehl said they might end up with five different versions. Ms. Flynn said if that happened they would have to regroup because the goal was to have the same definitions across the Island. Member Fehl told Ms. Flynn he thought this was wonderful work.

Chairman Packish said he attended the Affordable Housing Committee meeting where this topic was discussed. They did not have a lot of input on it, seemed supportive and passed it along to the Planning Board. He said his only concern was with the public hearings, and suggested that this be introduced at one of the HPP meetings when a lot of people would hear about it. You might even be able to combine the hearing with one of the HPP meetings.

Chairman Packish said he had been speaking with Peter Bradford about the affordable housing created from MVC decisions. These were not meeting the State requirements to be counted towards the Town's 10% affordable housing inventory targets. He wondered if there was a way to reap some benefit for the Town from these MVC decisions. Ms. Flynn said there was some ambiguity in the DRI reviews. They were obligated to weigh the benefits and detriments of a project's potential impact on low and moderate income housing. Many applicants were providing staff housing, which the MVC encouraged as it mitigated the impact. Financial mitigation was also allowed by the MVC, which was probably outdated. The MVC would be interested in hearing the Town's views on this.

Chairman Packish said that the Affordable Housing Committee and the Planning Board's input on affordable housing was taken into account by the MVC during DRI reviews. That being the case, there should be a long term benefit to the Town. Ms. Flynn said it should be clear that the MVC's policies were designed to mitigate impact, but not to go beyond that. Chairman Packish said he understood, but as the MVC was updating their policies he hoped they would consider this point. The public perception was that MVC approvals meant the affordable housing component was of value to the community when in most cases it was of value to the developer.

Maura McGroarty asked if because the bowling alley wasn't a Town sponsored project, the Town wouldn't get credit for it. Ms. Flynn said that was correct as it was not part of a subsidized program. However, it did meet the 80% AMI threshold, and the Housing Authority was vetting the applicants. Ms. Flynn said in this case the developers were provided with a wait list of eligible applicants. Chairman Packish said that was a plus, but it wasn't happening that way across the board. Ms. Flynn said the DRI criteria were never going to meet the 40B requirements. That was up to the towns working with the developers.

Chairman Packish said there were lots of these projects to increase housing in the commercial district on the horizon: Phillips Hardware, The Lampost, and several others that hadn't been announced. These projects were often received in a positive light as they provided affordable units, but within two or three years they became market rate units. He respected the concept of private money, private property, private rents, but it was a fine line to walk. He wanted to be sure the MVC was aware of the Board's interest in any modernization of their policies. Ms. Flynn said they encouraged that input. She also noted that many applicants recognized the housing impact of their projects and rather than offering one-time monetary mitigation, were building units.

Chairman Packish said they had been seeing a lot of commercial property conversions to residential. It was difficult to find commercial tenants, while potential residential tenants were standing in line and paying rent close to the same levels. For the most part, these would be hard to reverse back to commercial because of parking. Zoning did not promote the creation of multi-family housing units, so it was happening in the commercial district, creating a shortage there. As a result, the businesses were moving into the residential neighborhoods creating a burden for residents. Chairman Packish thanked Ms. Flynn for her presentation, and said this all looked good to him and he appreciated the work she'd done. Ms. Flynn said she'd like to have a follow up meeting in the fall, ideally with the Affordable Housing Committee as well, before the hearing. She would contact Mr. Anderson to arrange that.

### **All Island Planning Board agenda item proposal for September 26**

Mr. Anderson said he'd been asked to invite a member of the OB Fire Department to participate in a discussion on an evacuation due to a fire in the State Forest. Chairman Packish asked him to contact Chief Rose.

Chairman Packish suggested discussing the discretionary "between town" DRI referral process. He recalled that Chilmark had made a referral on the turf project, making negative comments about the Board, which were quickly recanted. They had not reached out to Oak Bluffs first to determine if it was going to be referred locally. He felt a discussion on protocols was in order. He knew the building inspector had every intention of referral on that project, as did the Board, and a phone call to Mr. Anderson or the building inspector could have alleviated their concerns and saved them time. The simple point was that there was no formal project yet presented. MVCS had approached the High School in a similar fashion, but it hadn't triggered a referral.

Member Fehl said he would like to emphasize the process, that every planning board on the Island was in the same position, and they all needed to follow it.

Ms. McGroarty noted the turf and the High School projects were occurring almost in tandem. Chairman Packish said the Board had teamed up with the MVC to do a planning charrette. In that part of town you had Goodale composting, the Water District's proposed solar array, Featherstone looking to increase to over 10,000 square feet of buildings, the ice rink replacing itself, MVCS doing a tear down and building new buildings, an expansion at the skate park, a new high school in some form, a proposed new water tower and well from the water company, an affordable housing proposal on Bellevue, another on the resident home site committee land behind the rink. This was one of the largest areas of undisturbed woodland sitting right on top of the aquifer, and to look at it one building at a time was reckless.

Ms. McGroarty said it had been looked at one by one in the past which created all that development. There were ten nonprofits paying no taxes on very valuable land. Chairman Packish said when MVCS had been before the Board, the Board had explained that the free ride was over. MVCS provided an amazing service, but it was a regional benefit that Oak Bluffs paid for. The Selectmen made the same statement. He noted the proposed \$20 or \$30 million dollar wastewater expenditure might not be necessary if the Town hadn't given away 30% of capacity to the High School, the YMCA, and the Hospital. These were important uses but they pay nothing other than user fees, as anyone would pay. Chairman Packish said it was fortunate they were now looking at the big picture. If MVCS wanted to tear down all their buildings and build new ones along with 30 units of housing, it would reset how the Town would be compensated.

Ms. McGroarty said she found it interesting that there was blowback in West Tisbury on the proposed film festival move, but in Oak Bluffs people celebrated this sort of project. She understood they were centrally located, but there had yet to be blowback in OB over use of prime land like the MVCS situation. She felt that area was so overloaded with non-profits. Chairman Packish said they agreed but would make it an agenda item for another meeting.

Chairman Packish said the Planning in the Coliseum article in the Times would be a good addition to the e-mail to the AIPB. He felt their analysis of the film festival being shot dead without any opportunity to evaluate the project was relevant to the proposed DRI referral agenda item.

### **Reschedule September 8 Meeting due to election conflict**

Mr. Anderson said they would have to reschedule the Habitat for Humanity hearing in addition to the regularly scheduled meeting due to primary elections on the 8th. He noted this was going to require re-advertising the hearing. Chairman Packish said they needed to have a meeting on the 15<sup>th</sup> as the report on Town buildings was coming out. He wanted outreach to the Selectmen, fincom, capital improvement. As this was going to be a big discussion, they should book the Library room, and book the hearing for 5pm, and the building assessment discussion for 6pm.

Chairman Packish explained that the building assessment meeting would allow the people to make a choice on continuing the proposed town hall conversation, or to consider a new police station, or discuss wastewater, etc. The Board felt it was most responsible to paint the whole picture rather than asking for just a town hall and coming back a year later asking for more money for another major project.

### **Minutes review and approval: 4/28/16, 8/11/16**

Mr. Anderson explained he had not quite completed the 8/11/16 minutes. Chairman Packish noted he was the only attendee present for the 4/28/16 meeting. Both would be placed on the next agenda.

### **Board Member Updates**

Member Fehl inquired as to why there was no stop sign at the top of School Street where it met Pacific. Chairman Packish asked that Mr. Anderson include that in his notes of the meeting.

Chairman Packish said Streetscape was getting ready to kick off again. He expected one more Streetscape Group meeting with the consultant before scheduling a public forum on phase II. He expected another meeting with the Group after the first public forum and a second public forum after that. Then they should be ready to start looking for funding.

Member Fehl asked about the moped discussion at the Selectmen's meeting. Chairman Packish said the meeting was pushed off to September 13<sup>th</sup> as the shop owner couldn't attend the scheduled meeting, but that the Streetscape survey showed clear encroachment on property lines. The Selectmen seemed very focused on giving the moped operator a chance to plead their case for the use of Town property. That seemed strange as they didn't have the ability to do that. Depending on the route they chose, it would have to go to Town Meeting, and likely Chapter 30 procurement. Two Selectmen were ready to vote on a policy prohibiting the use of Town land for personal gain. The other three were not ready to make a decision.

Chairman Packish said he'd discussed this all with the Town Administrator, asking if they should hold off on Streetscape until after the 13<sup>th</sup> since the plans were considering the use of the same land that might

still be available to the moped operator. The Town Administrator said not to wait but to move ahead on it.

Chairman Packish announced that the three HPP meetings had been scheduled. He said JB Blau had offered the Loft and was donating staff, tables, food and beverages. They might find another location but this was where it was planned for now. Mr. Blau had hosted an affordable housing meeting at Copper Wok two years earlier. It was a good partnership because Mr. Blau had an ability to promote with access to 5000 or 6000 people on social media as well as a texting program hitting ten or fifteen thousand. At the end of the day the Town had no budget for this.

Ms. McGroarty asked for clarification on the topic. Chairman Packish said they would be creating a document that would probably be used by the Planning Board as the housing component of the master plan. They would not need to hire a consultant for that. They had found a lot of holes in the housing needs assessment during the HPP process, and were correcting those. He expected to need a lot less money for the master plan than expected with this component already covered.

Mr. McCarthy said his boat was being pulled from the water shortly allowing him much more time for Planning Board activities.

Mr. Anderson announced that phase one Streetscape documents which had fallen off the OB Downtown website were now hosted on the MVC page and should be on the Town site as well soon.

Chairman Packish noted Laura Hairston had sat through the meeting and asked if she had any questions or input. She said she was running for Register of Deeds and was attending to see what was going on and how things were getting done. She said she was impressed that the Board could accomplish their work in addition to their regular jobs. The Board briefly discussed the fact that five candidates were running for this position. Ms. Hairston noted that streamlining the process at the Registry could positively impact affordable housing as an example.

The meeting was adjourned at 7:00 p.m.

The following documents were used in this meeting:

Agenda

Sign-In Sheet

JAHG Draft Terms & Definitions May 18, 2016

E-mail from Jane Rossi dated August 15, 2016 re AIPB meeting

Draft Minutes April 28, 2016