

Oak Bluffs Planning Board
Meeting Minutes

September 22, 2016 at 4:30 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, Ewell Hopkins

Members absent: none

Staff in attendance: MacGregor Anderson (Clerical Assistant)

Chairman Packish opened the meeting at 4:30 p.m.

Preserve at the Woodlands request for release from covenants

Geoghan Coogan brought the Members' attention to the utility sign-offs saying that they represented all the requirements of the covenant. He noted that there was conflicting information on as-built plans, with the original engineer thinking he'd filed them years earlier with the Town. Eversource had provided their as-builts. He added that the Town had hired John Lolley recently to take another look at things.

Chairman Packish explained to the Board that the covenants in front of them were what they were reviewing for release. Item six was the as-built requirement. He explained that there had been a performance bond years ago that was released, and some information may have been provided then. The County Engineer was the representative on the project at that time. The applicant had spoken with him recently and he said there was some paperwork that may or may not exist that he had submitted. Therefore, Chairman Packish had asked the applicant to make their best effort on getting as much verification as possible. There was a letter saying municipal water was available, but utilities had to be in and tested before it would be in. Comcast and Eversource had also provided similar verification. John Lolley had reviewed the drainage and provided a letter saying everything was in place including a couple pieces that were not on the plan. There were a couple areas that needed to be slightly re-graded but there was ongoing work that was more aesthetic than required for sign-off. Periodic maintenance was recommended.

Chairman Packish asked the applicant if they had anything in their covenants covering catch basin maintenance and if Mr. Lolley had suggestions for them. Mr. Lolley said all he'd seen was a plot plan, but somewhere there was a subsurface plan that he could use to write up recommendations. Mr. Anderson said he had the original plans. Chairman Packish said it seemed as though a pretty valiant effort had been made to certify the utilities and things of that nature. He asked the Board for any questions.

Member Hopkins asked if there was anything on the covenants list that was still in dispute besides the as-builts. Chairman Packish said not that he was aware of, and reviewed the list to confirm. Mr. Coogan noted that Town Counsel had approved the homeowner covenants which Mr. Anderson confirmed. Chairman Packish said it seemed as if they had everything there. Mr. Anderson presented a draft motion from Town Counsel that would allow the Board to ask for security if they felt it was needed. If

they were ready for a full release, Town Counsel had approved the document Mr. Coogan had presented. Member Hopkins made a motion to release the covenant. Member McCarthy seconded. The board voted 5-0 to release the covenant. They signed two copies of the release.

Housing Production Plan discussion post community workshop

Chairman Packish said the HPP group was meeting the 23rd to discuss the community meeting on the 21st. They were hoping to move the next community meeting to 6pm to accommodate different work schedules.

Member Fehl said the individual sitting next to him at the workshop said he was disappointed in the attendance. Member Fehl agreed as it was a high percentage of public officials, which was not community involvement. He had heard that Edgartown had a very good turnout. He did like the process.

Chairman Packish agreed with Member Fehl and said they had promoted this heavily in social and traditional media. He said he hoped there would be a wide enough cross section throughout the 18 Island-wide meetings. Aquinnah had a high turnout relative to population of 30, where Oak Bluffs looked to be in the 50s with a much larger population. The most interesting slide of the night was that 80% of attendees owned homes. He'd have preferred to have seen people looking in the past few years for housing as the crisis had magnified considerably.

Member Fehl said the statistic that stuck with him was that there were 4654 units in Oak Bluffs and 40% were occupied year round, and 78% of those were occupied by owners, leaving just 22% of 40% as rental units.

Renee Balter felt the workshop was very positive, but she was disappointed to see the same usual faces like herself as opposed to those who were in the most need. She agreed working people were mostly working at the 4pm start time or getting ready to feed families. She wondered if the consultants could do a Town-wide mailing for those that couldn't attend so they could at least provide needed information. Chairman Packish liked the idea but was concerned that the mailing list would come from the tax list, which were people who already had homes. They needed to reach those in need. Ms. Balter suggested registered voters. Chairman Packish said that could work but it was only residents, and he wanted to reach the people stuck in Chilmark who couldn't find housing here. They both thought an online survey could reach people.

Chairman Packish said there was one attendee with two kids who had nowhere to go. He knew lots of people like that but this was the first time many attendees had met someone in that position. It was eye opening for them, and they now wanted to be more involved. Ms. Balter agreed the attendees were people who really wanted to help but felt the core information needed to come from those struggling with housing. Chairman Packish agreed that they had to do something more to reach out. He also noted that there was a misperception by some that if we build affordable housing, large numbers of people from the cape would move in. The need was massive here on Island.

Ms. Balter felt they needed to think outside the box and consider apartments and other ideas.

Member Hopkins said he felt the specific project being discussed by the Affordable Housing Committee was distracting people from the larger conversation. He wished the HPP had been created before Bellevue Ave was proposed. He wanted to hear from the Selectmen on where they stood with that project. If it was a priority for them, he had four areas of concern that impacted housing in general, and he wanted the project put in that context. He found several attendees who had trouble embracing a planning process because they were very concerned about this specific project.

Member Hopkins said he wanted to know where the donut hole swap, the 56 acres in dispute on County Road, and the State owned land behind the police barracks stood. He also was interested in the proposed High School area charrette as it would impact this issue. Chairman Packish said Member Hopkins was the Board's representative on the first two points so he was free to ask those questions. The Board had not discussed the land behind the police. He asked Mr. Anderson for an update on the proposed charrette. Mr. Anderson said he'd spoken with Bill Veno at the MVC who was in discussions with Member McCarthy about a draft letter to the various participants. Chairman Packish asked that they follow up ahead of the next meeting where it would be an agenda item.

Chairman Packish said he felt the proposed project on Bellevue was very much in line with what they heard at the HPP workshop where table after table called for rental housing and increased density. He felt it was unfortunate that misinformation was being used to generate fear in the community of that project. He said he'd been called multiple times about supposed plans to clear-cut the road from Barnes and County to Bellevue, which was simply a bold-faced lie. He was excited about the project and disappointed in the leadership that was disparaging it. Last he knew it was headed to a feasibility study, and he noted Peter Martell was in attendance who had worked on it. He asked Mr. Martell if anything had changed.

Mr. Martell said the Selectmen had provided money for title searches on some lots. He felt the Southern Woodlands piece was clear title, but should not be used for affordable housing. The 300 acres had been intended to be developed into a municipal golf course, business park, assisted living housing, and medical facilities. That got killed at Town Meeting years ago. He felt the Town had to start generating money with \$30 million in projects coming including sewer. The cost of septic systems were preventing them from moving ahead in some cases on affordable housing, and with the proposal for a new well in the Southern Woodlands area, zone II would expand. Chairman Packish said it wasn't \$30 million it was closer to \$100 million. \$30 million covered wastewater and with a new town hall, a water tower, and a well at \$10 million each.

Member Hopkins said his goal was to get official feedback on where these things stood from the Board of Selectmen because they were the ones with spending authority. If they were looking at a project between the land fill and Tower Ridge, and there are possibly 100 disputed acres in the Town, he

wanted to know where they stood formally on the 57 acres by Southern Woodlands, 37 acres behind the hockey rink and 4 acres behind the State Police barracks.

Chairman Packish said the 40B 10% number left the Town 70 plus units short, and that didn't represent the actual need for 300 units. Every property Member Hopkins had mentioned would need 30 or 40 units to come close to the numbers. Four or five projects would be needed to approach that smaller requirement and to reach the higher numbers it would be ten projects. There are only four potential sites.

Mr. Martell said the land behind the State Police barracks belonged to the Department of Mental Health, with some Community Services participation. He said further, Affordable Housing brings new students, and the Town had one of the highest costs per student in the State. Member Hopkins disagreed that affordable housing brings students in. Chairman Packish agreed with Member Hopkins. Mr. Martell said Sunset Road was affordable housing originally and residents there all had kids in school. Chairman Packish said the question was if those kids already lived in the community in some way. He said documentation from the Superintendent's office dating back to 1959 disputed the link between affordable housing and student population growth. Further, statewide data proves this is not the case. Mr. Martell disagreed saying the kids would filter in. Chairman Packish said Oak Bluffs invested the least per student on the Island. Mr. Martell said all towns funded the same. Chairman Packish used the 2006/2007 Morgan Woods example with 100s of bedrooms coming online, and a net gain of 32 students. Within a few years school enrollment declined to a level below 2006/2007. He said additional Island data supported this. Mr. Martell said his student costs came from the Superintendent. Chairman Packish clarified that the enrollment numbers did not increase with increased affordable housing.

Minutes review and approval: 9/15/16

Mr. Anderson did not have the previous week's minutes completed but said he would have them for the next meeting.

Master Plan update

Chairman Packish said Mr. Anderson had sent an e-mail inviting the proposed members to join the Master Plan financing committee. Terry Appenzeller responded saying she could not participate as she could not address funding unless the scope, timeline and resources needed were defined. Chairman Packish said this was an interesting perspective because it was valid on some level, but when RFPs were developed like Streetscape they were quite broad. As an example, after interviews with consultants for Streetscape, there were several rounds of negotiations with a change of approximately \$13,000 after the last meeting with the Town Administrator. None of that was possible without starting with a certain amount of money. When they went to the Selectmen for money from a community block grant they went with a number and a basic stated purpose. He was disappointed she would not participate but they would just keep pushing on.

Member McCarthy said he and Member Fehl attended the CPTC Master Plan seminar over the weekend and felt they were now well informed. He found it eye opening in terms of timeline and cost. Chairman

Packish said he felt that would be helpful going forward. He said it was never about desirability but rather the community's willingness to fund the cost of a master plan. Member Fehl said he couldn't quote the facilitator word for word but he thought she said there was no municipality in the State that has successfully developed a master plan internally. Member McCarthy corrected him, saying there was one, but they had a full time planner on staff. Chairman Packish said that was what they'd heard at every meeting with every consultant and at all the CPTC Holy Cross conferences. Member Fehl said \$150,000 was not abnormal.

Member Hopkins asked if there was any discussion at the workshop about the value derived such as increased funding from having an up to date master plan. Member Fehl said he felt they didn't need to justify it in that way. Although he understood the point, he felt the requirement to have a plan was enough. Member Hopkins said he thought it would be easier to get funding for a plan if you could demonstrate that sort of value. Member McCarthy said they had been told that depending on the administration in power, emphasis on various components of master plans was reinforced with financial incentives.

Ms. Balter said she had just received information from Ms. Appenzeller stating that Manchester by the Sea was doing their own master planning, although they did have a town planner. Ms. Balter said she wasn't saying a master plan wouldn't cost some money. But an important town had taken on the jobs themselves, and Oak Bluffs had in 1998. Perhaps funding was needed for a Town employee to work on this. She said Ms. Appenzeller was creative, talented and smart. She could give a lot as a volunteer. Ms. Balter said she had asked Ms. Appenzeller to not give up because of her potential value to the Committee.

Chairman Packish said Manchester by the Sea was paying a planner annually to do this work. They were not doing this with outside help because they had professional internal help. Ms. Balter suggested there might be someone here who would do this work for less than \$40,000 or \$50,000 and asked the Board not to close the door on that. Chairman Packish said they had closed the door on that, but had opened the door on a process that was a hybrid of the two approaches. They recognized that they had tremendous assets in the community that were willing to help, and along with Mr. Anderson's help, combined with the recent open space plan, upcoming housing plan, and streetscape plans, it shouldn't cost at the high end of the range. The work of compiling those documents along with the public process still demanded more resources than they had. Meanwhile ConCom was applying for a full beach management plan. Everybody in town was funded for outside consultants and facilitation, but at the master plan level, the top document, there was a movement in Town saying it could be done without help. That didn't make sense.

Chairman Packish said he felt it was important to include both Ms. Balter and Ms. Appenzeller in the Committee because they had participated in the process so far and attended meetings, and he felt they were both valuable assets. He said Ms. Appenzeller had actually sent an e-mail earlier promoting a master plan process that required between \$50,000 and \$75,000. Now they were being told that a town was doing this without help, even though they had a professional planner. The Board had to reel

this in or it would not ever happen. Therefore, they created this group to try to fund the master plan. The hope was that they could find a reasonable amount of funding with the help of the Town Administrator, and if they did get approval at Town Meeting, then they would generate an RFP. Mr. Whritenour said this was correct, although going into Town Meeting they needed to know what it was they were trying to accomplish and where the support was needed. The RFP could then refine the scope. He hoped the e-mails would stop flying around and people would meet face to face to work on this. Chairman Packish said he was disappointed Ms. Appenzeller had decided not to participate and hoped she would change her mind, and agreed that face to face meetings would be beneficial.

Board Member Updates

Member Fehl said CPC was having their first meeting the following week. Community Preservation qualification review would happen on the 30th. Applications were due on October 28. Deliberations would occur after that.

The following documents were used in this meeting:

Agenda

Sign-In Sheet

Release of Lots from Performance Covenant

Covenant bk 1048 pg 569 Dukes County Registry of Deeds

E-mail entitled Adamson – The Preserve dated August 11, 2016 from Dan Perry

Letters from Comcast, OB Water District, Eversource demonstrating utilities for Preserve at Woodlands
Field Check of Ducharme & Dillis “As-Built” Drawing of “The Preserve” Subdivision by John Lolley

A joint meeting with the Board of Selectmen to discuss the town owned building report followed this meeting. Those minutes were prepared by the administrative assistant to the Board of Selectmen and will be filed separately.