

Oak Bluffs Planning Board
Meeting Minutes

January 26, 2017 at 5:00 p.m. in the Oak Bluffs Town Hall Lower Level Meeting Room

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

Members absent: none

Staff in attendance: MacGregor Anderson (Administrative Assistant)

Chairman Packish opened the meeting at 5:05 p.m.

Proposed B1 district zoning changes with Chuck Sullivan

Chairman Packish announced that he had a conflict of interest in this item as a B1 property owner by ruling of the State Ethics Commission as well as Town Counsel. He therefore would not participate and would leave the room. Members McCarthy and Albert, both B1 property owners, also declined to participate due to conflict. The three left the room. Vice Chairman Fehl noted there was no quorum and that he and Member Hopkins would hold the meeting due to necessity. He said they would not vote or be making any decisions, but rather they would be presented with a possibility.

Chuck Sullivan said he'd had several discussions with the building inspector regarding projects he was working on and the conflicts with the B1 and apartment by-law. The only apartments allowed under appendix A were conversions of existing buildings and that was limited to 3 apartments maximum. That meant any building on Circuit with a 6000 square foot lot and several stories of apartments would have three and four bedroom units. That was assuming wastewater approved 12 bedrooms. Three units of four bedrooms each or two of six bedrooms didn't make as much sense as a combination of smaller units. From what they'd seen of other housing on Circuit where it was more like a boarding house it can become unsanitary, unhealthy and unsafe. Smaller units make a nicer place to live and are better for the street and the Town.

Mr. Sullivan said he had two proposed changes. He wanted to see changes to 7.1 which limited the lot size of conversions, and he wanted to address on a more general basis new construction. He was hoping to go to the Selectmen on February 14 to get it on the April Town Meeting Warrant.

Mr. Sullivan said he felt 4.2.5 lot coverage was written with the intent of covering the residential district, so he wanted to add those words. The literal interpretation of the by-law could be construed to mean you couldn't have a one story apartment on top of the corner store because of lot coverage, although his argument was the lot was already occupied. The amendment to appendix A added the wording for new construction in B1 and B2 with a special permit from ZBA. It would most likely require a Planning Board approval if square footage was increased and MVC approval if the use changed or you added over 1000 square feet.

Mr. Sullivan said housing in B1 had been a recent issue, and while the district was created for business, creative housing could happen there as a secondary use. This would provide a process for new construction, while being more restrictive in some cases and less restrictive in others. He said that he had wanted to review all of this with the Planning Board before going to the Selectmen.

Candace Nichols, a property owner in B1, said she saw this on the agenda and her radar went up. She had sent an e-mail to Mr. Anderson requesting a red-lined copy of the proposed amendments. She was told there wasn't anything in writing, and given there was talk of this going to April Town Meeting she was surprised there weren't even notes or anything in the minutes. Mr. Anderson said he just received Mr. Sullivan's draft 45 minutes earlier. Ms. Nichols said she wasn't sure if she would be in favor of the change or not but would get a copy of the proposal the next morning. She didn't want to say April was premature but it seemed like an awfully short window to review it. Member Fehl said he was glad her radar was up and he was glad she had attended the meeting.

Ms. Nichols said she was not aware of what board Mr. Sullivan was on or his title. She understood three Board members had a conflict on this, but wondered why Mr. Sullivan was presenting. Mr. Anderson said just about anybody could propose a zoning amendment. A petition with ten signatures for instance went to the Selectmen, who would forward it to the Planning Board within 14 days. The Planning Board then had 65 days to hold a hearing on the proposal, after which they would write a recommendation to Town Meeting and send it back to the Selectmen. There would be two weeks of advertising in the papers to provide notice of the hearing. Ms. Nichols asked if this was a member of the public that got 10 signatures. Mr. Anderson said he may be but the Selectmen could initiate this on their own, where ten signatures could essentially force them to include it.

Ms. Nichols asked if Mr. Sullivan was on any Town boards. Mr. Sullivan said no, that he was hired by Phillips Hardware to design a building for them. He was not being paid by Phillips to do this, it was something he was doing on his own. After being granted 12 bedrooms by wastewater, they reviewed the zoning and realized the only way they could get more than three units was to build a hotel. Right now the MVC's decision was based on this being a hotel. Nobody wanted a hotel there including the Phillips owners. He took this on because he thought the by-law was not well written and he'd dealt with the third lot size limit previously and didn't think it was ever intended to be part of the B1. Three units for twelve bedrooms seemed silly to him. Having been involved with affordable housing, he understood there were all sorts of ideas about what could happen, including worst case scenarios. But he felt affordable housing had to happen in multiple areas in Town, not just on Circuit or just at the airport or Chilmark. It had to be spread out. There was a need for workforce housing, and year-round in-Town housing would be a benefit.

Ms. Nichols asked why this was starting at the Planning Board if the process began with the Selectmen. Mr. Anderson explained it was common practice to start informally at the Planning Board because they would be making a recommendation on it eventually. Given a zoning change required a two thirds vote at Town Meeting, it was thought to be challenging to get approval without Planning Board support. People would sculpt their by-law proposals before formal submission in order to improve the odds of

Planning Board support. Member Fehl said he and Member Hopkins would be providing Mr. Sullivan with input at this meeting on how they felt about the proposal and what he needed to do with it, and then he could go to the Selectmen who would later send it back to Planning. Ms. Nichols said she hoped at that meeting that there would be an opportunity to thoroughly review the proposal. Mr. Anderson said the next steps were a little unclear because of the lack of a quorum, and he expected this to go to Town Counsel. Ms. Nichols asked if there were other questions to Town Counsel on how to handle this given the lack of quorum. Member Hopkins said that question was not outstanding at this point. Ms. Nichols asked if the Selectmen had to allow this through if there were 10 signatures. Member Hopkins said no. Mr. Anderson said he disagreed, he thought the Selectmen probably did have to allow it, but he noted Ms. Nichols was an attorney asking non-attorneys legal advice. Ms. Nichols said Mr. Anderson had been very specific earlier so that's why she was asking. Mr. Anderson said that was for the standard process, but that wasn't what we were dealing with here. Ms. Nichols said she was asking about the Selectmen. Can the Selectmen stop it, she asked. Mr. Anderson said he didn't think they could but he was Admin, and basing this all on a single eight page guide from DHCD. Member Fehl noted that they were learning as well as this was the first time this issue had come up.

Adam Cummings, one of the Lampost owners, said they'd been going through the MVC over the past few months to convert their top three floors from a nightclub to workforce housing. They operated under the parameters that they had the ability to do three units, each with a bedroom, a bathroom, and a kitchen. The by-laws were not wonderful. Currently the MVC approved each floor as an apartment with 24 bedrooms total. It worked but it was not ideal. It would make much more sense to not limit the number of apartments and have more functional units. They were trying to maximize rooms just like everyone else. There was too much grey area in the existing by-laws, forcing the building inspector to determine if 4.2 complied with 7.2.3. It didn't make sense to Mr. Cummings because there were no setbacks in B1. He understood that there was concern people would be throwing up three and four story buildings with housing everywhere. However, in their situation they had 455 people that could be on those floors and it was getting knocked down to 50. It would help with housing. Didn't it make sense to define it more clearly so people knew exactly what they could and couldn't build? For their purposes it works because this was for staff housing and they could share bathrooms, kitchens and living space. However, not everybody had the square footage to do this. It made sense to define this the way Mr. Sullivan laid it out. He noted the Lampost still had to face this as they'd only been to the MVC so far.

Richard Toole said we all knew there was a housing crisis on the Island, and you couldn't solve it by building houses in the woods. It was bad for the environment and created water issues. The place to house single people with jobs downtown was downtown. It was smart growth, and he felt what Phillips and the Lampost proposed were wonderful plans. He felt the current restrictions in zoning made no sense whatsoever.

Mike Santoro asked Mark Barbadoro if he interpreted these by-laws differently. Mr. Barbadoro said it was kind of nebulous where the limits were when the by-laws were written generally. The two by-laws, more than one dwelling on a lot and lot coverage, put together could be catastrophic to Mr. Cummings plans. Mr. Barbadoro said he'd like to see by-laws changed when they were interfering with positive

development in the Town. He didn't think it was right that the Lampost should have to create dormitory style housing when it was a great idea to provide housing for workers but sometimes having them converge into one place can bring noise and other disruption. It might be better to have them in separate apartments. If Mr. Cummings liked that idea Mr. Barbadoro thought he should be allowed to do what he'd like with his property. While Mr. Barbadoro didn't like standing in the way he had an obligation to the by-law, noting that every person in Town could give a different interpretation, which was why he just read them and enforced them the way he understood them.

Mr. Santoro asked Mr. Barbadoro why he thought the by-law was written as it was. Mr. Barbadoro said initially the Town was all residential, so the laws were designed to provide for people in single family dwellings. They needed space for their children; you didn't want to be too close to neighbors as you got into zoning wars with neighbors as density increased. People were coming in complaining all the time about those situations, but that was a different type of living arrangement from what could be done in the B1 if there were garden condo and apartment style buildings allowed.

Member Fehl asked if anyone had a differing opinion. Ms. Nichols said she was just listening and gathering information, but what she was hearing was 50 people living above the Lampost. This was in the center of Town with no parking and no park and ride yet. She felt small apartments could be better than a dorm but 50 people sounded like a lot with the parking issue. An unidentified audience member said 50 people were already approved. Ms. Nichols asked if sewer was already approved. Member Hopkins said they would not be discussing that and Member Fehl agreed saying they were not here to review those projects. Ms. Nichols said she was just asking if this was a good idea and that she wouldn't give a formal opinion on it yet. Member Hopkins said he didn't want to make any comments and felt they had completed their goal of allowing the presentation to be made. He told Mr. Sullivan they would have a formal response for him before the February 14 Selectmen's meeting.

Chairman Packish, Member Albert, and Member McCarthy returned to the room.

Discussion of permitting camping as a use by amending zoning by-law in relation to proposed Land Bank campground with Nick Catt

Mr. Anderson said he'd spoken with Nick Catt who had decided not to attend. Mr. Catt said he wanted to be clear he wasn't proposing this, that if the Town wanted it that was great, but he'd turned this over to the Land Bank to consider whether camping should be allowed in zoning.

Richard Toole said he felt he was representing himself rather than the Land Bank as he couldn't speak for the whole Advisory Board.

Tom Zinno said the Advisory Board hadn't voted officially on this besides the management plan that had been in place for ten years. This came about from the Southern Woodlands, when a great many people came to the hearings in support of a campground. He felt the Land Bank then was satisfying the desires of the Town by including it. Nothing progressed on it until an article in the newspaper highlighted this. The idea was a low impact, bicycles only campsite. People like Mr. Toole were very enthusiastic, so the

Land Bank asked for proposals. Mr. Catt was the only respondent despite this going out to many environmental groups. The Land Bank was under the impression that zoning allowed camping as outdoor recreation. There had been a campground that was allowed as outdoor recreation and camping wasn't specifically defined as it is now. This was a DCPC so everything would come to the Planning Board. In the Southern Woodlands plan, there were details of where the campground would be placed.

Chairman Packish asked Mr. Barbadoro to detail the challenges he saw as the conversation had moved to the next level. Mr. Barbadoro said the zoning by-law stated that if a use isn't in the use appendix then it isn't allowed. This was standard in zoning, as it allowed towns to add things to allowed uses. Camping was not an allowed use on the table so if you wanted it you should add it to the use table.

Chairman Packish said they were coming up on Town Meeting deadlines, and it was clear from this agenda that there was a lot for the Board to do including funding a Master Plan and addressing the Marijuana by-law. He noted that they had heard from a lot of people that they'd like to see a primitive campground, and it sounded like a great thing, but they'd have to get zoning language done, get it to the Selectmen, and get it back for a hearing.

Member Hopkins said as the liaison to the Land Bank, he wasn't as concerned about the zoning work to be done as he was about the fact that the Town was still in dispute with the Land Bank on ownership status of this land. As long as the Town was spending funds investigating that, he wouldn't want to proceed with planning for development of that land. Chairman Packish said he'd heard that there had been substantial progress in resolving the dispute. Member Hopkins agreed but said it wasn't fully resolved. There was a lower probability that the Town owned it than the Land Bank, but the title was cloudy. Chairman Packish said he didn't want to give people false hope regarding this land. He'd heard the probability was extremely low that the Town would end up with 58 acres. Member Hopkins agreed saying there he'd never said there was a high probability this was Town land.

Mr. Zinno said he'd found minutes from the meetings surrounding the land dispute. The Selectmen had come to the Land Bank after voting to spend money to clear the title to make this conservation land. The original deed was for conservation land granted to the Town. They had worked together to clear that. It appeared the Land Bank hadn't even realized this. Chairman Packish said this wouldn't be resolved here. Chairman Packish asked to hear from other Board members.

Member McCarthy said he supported the idea of having a campground in that area if it turned out the Land Bank owned the land. He'd seen the title work and it appeared to him, without being privy to all the details, that it favored the Land Bank. However, the Board had a very full agenda and he wasn't sure he'd support taking action on this now.

Member Albert said he liked the idea of primitive camping as well but felt the Board had a full plate. Member Fehl said he also thought it was a great idea and loved primitive camping but agreed with

Member Hopkins that they shouldn't invest in this while ownership of the land was unclear. He would recommend waiting until the land dispute was settled.

Mr. Toole asked what the zoning change would involve. Chairman Packish said it would be a change in the appendix use table as the definition already existed. Mr. Toole said he was concerned Mr. Catt would go away if they didn't make the change this spring. Chairman Packish said he was concerned that if the zoning was cleaned up he didn't see how they could issue a special permit while the land was in dispute.

Bill Veno noted that the Southern Woodlands DCPC regulations required a special permit for camping.

Mr. Zinno noted that the location had been changed. It was originally going to be at Webb's, which was more park-like with trails and views of the pond. But Barnes Road was dangerous for bicycles, which is why the location was moved. He said he'd been asked if the Land Bank Advisory Board would sponsor the zoning change, and he felt they should not unless requested to by the Planning Board. Chairman Packish said the Advisory Board didn't need their approval but he had heard from five people in favor of primitive camping. Member Hopkins said it wasn't five people as he hadn't spoken on primitive camping. He didn't have an opinion on it.

Chairman Packish said it sounded like the Board was not prepared to take action and that the Land Bank could decide to take it up. If this was the only parcel, then he didn't see how the Board could issue a special permit for a campground until title was resolved.

Member Hopkins asked if the Advisory Board had considered the woods at Tradewinds for a campsite while they were reviewing that management plan. Mr. Zinno said no. All they had done was hire someone to monitor Tradewinds. Member Hopkins asked if they would consider that location. Mr. Zinno said he didn't think the management plan would allow that.

Mr. Anderson said that when Mr. Catt had come in to meet with him and Mr. Barbadoro, they had advised him to look very closely at the Southern Woodlands DCPC regulations. It was a dense document. You could end up changing zoning to allow camping and then run into problems with those rules. Mr. Anderson had read through the regulations and it was a little unclear to him if it was allowed. If it was called commercial outdoor recreation, the outdoor recreation was allowed but it was possible the commercial aspect wasn't. You needed someone qualified to review that.

Edgartown Vineyard Haven Road Corridor review of land use regulations table and next steps for planning with Bill Veno

Bill Veno said he'd shared the various regulations and overlays at the last meeting. He handed out two additional overlays including the National Heritage endangered species habitat. It represented about half the area of interest. If you were in threatened habitat you had to go to the State. For example when the YMCA was approved it had to set aside about five acres as protected. All of the Town's affordable housing properties were in the habitat as was most of Goodale's west property.

Peter Goodale said he'd been told there had been some reduction in habitat areas, but it hadn't been approved yet.

Chairman Packish said it looked like there were only four properties that were clean if you considered these overlays and zone II. Mr. Veno said this didn't mean they couldn't be developed but that it was another level of restriction. He had also shown the water protection district, which didn't line up with zone II, something that Tisbury had pointed out recently.

Chairman Packish said he'd been speaking informally with Adam Turner about reconciling the DEP restrictions with our zoning restrictions in the WRPOD and what they would ultimately like to do in the area. Mr. Veno was aware of this, and felt it meant if you wanted affordable housing here you'd have to have sewer. The zone II seemed to affect non-residential activities like storage of materials and potential contaminants.

Chairman Packish advised Mr. Veno and the Board that he had been contacted by Martha's Vineyard Community Services, and they were no longer going to pursue additional housing. It was more about immediate needs for space. As they took down buildings, and replaced them, they could use septic and not further burden wastewater. Mr. Veno wondered if that was a result of a conversation with National Heritage.

Mr. Veno said of the 432 acres of the study area, you had 57 lots, and about 100 vacant acres on 14 parcels. Half of that was Goodale's west. That did not include partially undeveloped land. The next step would be to get a better sense of infrastructure capacities. Sewer, water, and transportation should be considered.

Chairman Packish said Mr. Turner would be speaking with Mr. Veno and Sheri Casseau to assist the Board in looking at the zone II use restrictions. Mr. Anderson asked Mr. Veno about his conversation along with Ms. Casseau with DEP earlier in the day. Mr. Veno said they had discussed the DEP process for approving well sites. He pointed to the WRPOD of 1987 on the map, which was based on the best studies at the time. He noted the zone II on the map was more current and larger in area. The regulations only required the Water District to protect these areas to the best of their abilities as they couldn't create zoning.

Chairman Packish asked what Mr. Veno's next steps were. Mr. Veno said his first priority was to complete the packet on land use regulations so it could be posted on the Town website. Next, he would quantify infrastructure capacity. He asked what else the Board thought they needed before they started to ask the public what they saw for the future of the area.

Chairman Packish said once they identified what they had now, with land use regulations and capacity, they could go to the public and say here is where we are. Do you want it to look the same, or do you

want changes? Mr. Veno agreed that understanding limitations would allow them to blue-sky and say ok if you want to do that we'll need to expand sewer capacity by this quantity for instance.

Member Hopkins said he'd like the packet for the website wrapped up as soon as possible. The first goal was to get something defining the current state out that people could sink their teeth into. He thought Mr. Veno had done a phenomenal job so far doing that. Mr. Veno confirmed that Member Hopkins and Member Fehl would write an introduction to the materials.

Chairman Packish asked if anybody from the public would like to comment. Mr. Zinno asked if they were considering changing the qualifications within zone II or defining them more. Mr. Veno said the existing WRPOD doesn't have as robust restrictions as current zone II. There were two issues. The existing WRPOD didn't cover all of zone II, and the WRPOD restrictions weren't as rigorous as the DEP rules.

Mr. Toole asked if the State would force them to upgrade. Mr. Veno said he didn't ask that as he preferred to talk to the Town about this.

Mr. Goodale suggested the Board consider what they wanted to allow in the corridor. One of the highest demand items was parking of commercial vehicles, followed by storage of bulk materials. Chairman Packish said they would get to that part of the conversation once they had determined the restrictions. He said Peter Martell felt there was an extremely strong need and that was the highest and best use for the land they may own behind the ice arena.

A member of the public asked for clarification of where zone II fell relative to the Y and the proposed affordable housing area. The Board reviewed the maps. Peter Bradford noted that if a parcel fell partially in zone II, and if the system could be placed outside zone II, then it could be treated as if it weren't zone II.

Cultural District Map review with CJ Rivard of the Camp Meeting Association and Christine Flynn of the MVC

Chairman Packish noted that Christine Todd would be replacing CJ Rivard for this presentation. Ms. Todd said the previous meeting had explained the cultural district and she was now here to discuss options for mapping the district. She presented three maps. One laid out the cultural assets in Town, including historic building, places where concerts were held, and galleries. The other two maps were potential boundaries for the Cottage City Cultural District.

Ms. Todd said one was more condensed as Selectmen had raised questions about the sprawl of the initial proposal. The condensed version covered the primary assets while the larger version extended beyond that but still within the existing Cottage City and Copeland districts. She felt the more inclusion the better. She would hate to not include Ocean Park which was a melting pot of cultural exchange with the bandstand and wind festival. She would like to include Inkwell Beach as it was part of the African American Heritage Trail. Both were large attractions. She reiterated that there were no permitting

restrictions, no constrictions on property owners. It was an opportunity to market Oak Bluffs through the Cultural Council of Massachusetts and the Chamber of Commerce. This would attract more cultural businesses and people interested in that type of attraction.

Chairman Packish asked what next steps were. Ms. Todd said the next step would be for the Planning Board to make a recommendation to the Selectmen. The Selectmen would fill out the application including the proposed district map. The Selectmen, in conjunction with the OBA would develop a partnership, as this was a collection of interested parties, which could include the Preservation Trust, a member of the Planning Board or Selectmen, the Campground, and the OBA. This group would oversee the implementation of the district.

Christine Flynn said the intent was to allow the Cultural Districts to be used as an economic development tool. This meant it was a public/private partnership, even though the Selectmen make the application following a public hearing. The MCC would evaluate the boundaries and applications. If they were in favor they would do a site visit and then vote on it. The partnership would then work together to promote events and evaluate economic impacts. It would not just be cultural businesses that would benefit.

Member Hopkins said he was active in the Aquinnah Circle planning process. There was a lot more planning for a defined area with the Tribe and the Town including development plans. The designation helped them secure a lot of funding, although State budget cuts had revoked that funding. Member Hopkins asked Ms. Flynn if a sprawling area would benefit the Town for funding, or did she think those days were behind them given the current administration. Member Fehl felt it was an important question.

Ms. Flynn said the cultural districts were created without providing any funding for the districts. The benefits were marketing and promotions with the MCC website and the Office of Travel and Tourism. There were over 32 cultural districts being actively promoted in the State. The Martha's Vineyard Chamber of Commerce was the local tourism council and also promoted these districts. Cultural tourism was a large and important category for the Commonwealth. While these benefits were indirect, Towns did have an advantage when applying for competitive grants if they had a cultural district.

Mike Santoro said the Selectmen were only concerned about expansion into residential areas. Chairman Packish said the Planning Board had already said they supported the concept and it sounded like it was mapping now. He thought everyone was on the same page, and felt Member Hopkins' question was a good one.

Ms. Todd said nothing on the maps was set in stone and they were open to amendment including eliminating some residential area. Member Hopkins said it was a different concept than Aquinnah's which was very defined and Vineyard Haven's harbor area whereas this was all of downtown. He acknowledged that Ms. Flynn and Ms. Todd knew more about what the State was looking for. Chairman

Packish said to him it was about what brought the greatest value to the community. He felt he didn't have enough information to make a definitive decision.

Ms. Flynn said the Town of Oak Bluffs had a wealth of cultural assets from historic buildings and architecture. She had worked extensively with the Vineyard Haven district and said the State wanted a walkable district to promote pedestrians. The Vineyard Haven harbor district actually was sprawling running from the library to MV Shipbuilding. Originally they were just going to promote Main Street up to the Library but because of the Williams Historic District, the Hebrew Center and the Museum the Town decided to include all of it from the Harbor to Franklin including the residential area.

Ms. Todd said the Oak Bluffs assets went beyond a reasonable walking distance. They really wanted to include the East Chop Lighthouse and the African American Trail through East Chop as properties there were featured in the African American Museum in Washington. Ideally she'd like to see the area expand, but she understood it was a priority to make it walkable.

Ms. Flynn said Vineyard Haven was probably one of the larger cultural districts approved by the State. They were usually much more compact. The MCC would have the final say in what they approved.

Chairman Packish said it sounded like Ms. Todd was advocating for the larger map number two. If you eliminated residential you'd eliminate the Camp Meeting. For instance you would eliminate Senator Booker's house and other places that were residential but had a lot of cultural value to residents and visitors. He asked Mr. Santoro to expand on the Selectmen's discussion of residential issues.

Mr. Santoro said Gail Barmakian brought the issue up asking how much the residents wanted people walking through their neighborhoods. On the other hand people built these Victorian homes so people could see them. Chairman Packish said he couldn't imagine having a cultural district that didn't include the Victorians around Ocean Park.

Mr. Zinno asked if there was any burden on the Town. Ms. Flynn said the Town would have to buy two signs. Member Hopkins said the goal was to create this district so the Town could make some money. Mr. Santoro confirmed with Ms. Flynn that there were no regulatory or permitting restrictions in these districts.

Mr. McCarthy asked if we were pushing the boundaries on size vs. what had been improved in the past, would it be a lengthy process to revise the district. Ms. Flynn said they had recommended in Gloucester and Hyannis that they took large districts and recommended several smaller districts. It didn't really prolong things as it was a rolling application with no deadlines.

Chairman Packish said the piece by Sunset Lake and the piece by Washington Park stood out to him. He recognized their cultural significance but they felt different from the rest. Ms. Todd said they were included as part of the Copeland District, although she agreed with Chairman Packish. The Chairman

said he didn't have a strong feeling either way. When he thought of Cultural Districts he thought of walking trails. He didn't see people making it out that far, but he had no desire to make changes.

Ms. Todd said she thought people would tend to go see the listed assets in the District and wondered how much wandering they might do. Chairman Packish said he would often pick a destination and end up wandering everywhere but his destination when he travelled.

Member Hopkins made a motion to recommend the expanded option two to the Selectmen. Member McCarthy seconded. Member Fehl said he felt option two made more sense and would be an advantage to the people who lived there. Their home was in a Cultural District, and it might not be significant but if you were selling your house it could benefit you.

Mr. Zinno said he thought the marketing was great, but a friend had a house in the Campground and had people walking into it all the time. Mr. Santoro asked if there would be a public hearing at the Selectmen's meeting. Ms. Todd said she was on the agenda for the 14th, although it was not a formal hearing.

Chairman Packish called for a vote. The vote was 5-0 in favor of recommending option two.

Affordable Housing Definitions zoning by-law discussion with Christine Flynn of the MVC

Ms. Flynn said she was asked by Chilmark and West Tisbury to determine how many times affordable housing was referred to in Island zoning by-laws. She presented the results in a table to the Board. All of the Towns except Tisbury would have to make internal changes to their existing zoning. Edgartown, Tisbury and West Tisbury had held public hearings on the zoning definitions and had voted to approve them. However, several Planning Boards had opted to hold off until next year so they could make the appropriate changes to their zoning and do it as a one step process. The Towns that approved this year will have to make those changes next year.

Ms. Flynn said she'd been asked earlier by Chairman Packish about Edgartown's Town Counsel recommendation regarding the definitions. Her understanding was that there was no written evaluation of the terms or definitions. He did say that if they were adopted internal changes would have to be made to the by-laws, validating what they already knew.

Chairman Packish asked if Ms. Flynn thought they should adopt the definitions this year or, because not all towns had adopted them, hold off and do it all in one step next year. Ms. Flynn recommended that because it required a two thirds vote in Town Meeting, she'd suggest doing it next year in one shot. There would be no rush, with plenty of time for hearings, and line changes available to the public. Chairman Packish said that was his feeling too.

Chairman Packish reiterated that they'd talked about the definitions in the past and were on board with them as it created uniformity. It sounded like it should be tabled until after Town Meeting. Mr. Toole

asked if zoning changes happened at special town meetings or if that was still avoided. Chairman Packish said he had seen them and voted on them in the past.

Ms. Flynn said she was happy to assist in the process of revising the by-laws. Chairman Packish said there would be a new Planning Board Chairman after April 13. They would be taking up that issue.

Tisbury Water Works request for expansion of WRPOD district and updated DEP compliant use restrictions in Oak Bluffs continued discussion including possible coordination with Edgartown and Tisbury by the MVC

Chairman Packish asked Mr. Anderson if this was time sensitive and if they needed to act before receiving the use restrictions from the MVC. Mr. Anderson said no, he felt this was a big project that the MVC had only had for a week. He suggested giving them time to complete that first. Chairman Packish suggested tabling it until the information arrived. Other Board members agreed. Chairman Packish joked that Mr. Turner had told him earlier in the week that the Board had very clearly used up the Town's \$140,000 contribution to the MVC.

Discussion of proposed Planning Board associate member by-law

Chairman Packish said that Member Hopkins and Mr. Anderson had done the work on this and turned it over to Member Hopkins to present. Member Hopkins explained that there was a provision for an Associate Planning Board member in Mass General Law. This could be a great opportunity to introduce new people and ideas to the Board.

Mr. Anderson said the issue cropped up when Board Members were sick, on vacation, or had a conflict of interest. MGL focused on associate members voting on special permits as they required a four fifths vote. However, as Mr. Anderson researched the topic, he found other towns around the State allowed associate members to vote on other things like site plan review. Ideally, the associate could vote on zoning matters in the B1 as this was where the Board had seen conflict of interest issues.

Mr. Anderson said it was much simpler to create an associate member position for acting only on special permits. Legal counsel would be required for the broader role, and the Town's legal budget was pretty much spent for the year. He'd researched as far as he could through a listserv group that allowed him to talk to other assistants around the State. He had some examples of other towns' by-laws.

Mr. Anderson said the first question before the Board was, should this be put in zoning or in general by-laws. The Planning Board was defined in the general by-laws with one line. A lot of towns had lengthy descriptions, including allowing for an associate member. General by-laws required a majority vote vs. two thirds for a zoning amendment. The process was also simpler as there was no Planning Board hearing. The next question was how much the Board wanted to invest in Town Counsel on this.

Member Hopkins said he saw this for special permits but also as an internship role. In West Tisbury the last few members started as associates. It was a way to reach out to the public and allow them to participate in the Board without the full responsibilities. Member Hopkins felt the abridged role made it

more attractive to candidates. If there was too much responsibility they might as well just run for the Board.

Chairman Packish said it was a valid point from Member Hopkins, but on a night like tonight, you could have had a quorum if they were allowed to participate in zoning. In four years there had only been a couple special permits issued which didn't give the associate much to do. Member Hopkins said they would be involved in everything but wouldn't have a vote on anything but special permits when needed. Chairman Packish said it was hard for him to envision people showing up all the time when they had no say unless it was a special permit without a supermajority. Member Hopkins said it was of value for someone who couldn't commit to every meeting but wanted to be involved. It would be like an intern position. They might get involved in research projects as well.

Member McCarthy asked if there was an option for this to be elected or appointed. Mr. Anderson said he'd only seen appointed so far. There were cases where the Selectmen made the appointment, the Planning Board, and both. Chairman Packish said he would not personally support someone who was only able to act on Special Permits as the true value would be nights like this one. Mr. Anderson noted that a special permit only associate made sense with the ZBA who held hearing after hearing, but perhaps less for the work of the Planning Board. Chairman Packish said he'd watched this at the ZBA, and they came into play only when a quorum couldn't be met. Member Fehl could see the value in an additional person's voice on any issue. Chairman Packish concurred, but said they could bring more value if a quorum was unattainable on any issue. They would operate as Member Hopkins suggested at other times, but could add more value if they could act on any issue without a quorum.

Mr. Anderson read some examples of different by-laws addressing associates. He said it was up to the Board which approach they wanted to take. It would be easier to write if it were just special permits but he could draft either style.

Member Hopkins said from an appearance perspective, he didn't want to give the public the impression that the Board was skirting the election process by hand-picking someone. He wanted to define it as a super intern role. While he felt the Chairman made good points, the appearance thing was important. Member Fehl asked if this meant Member Hopkins didn't want a backup in case a member couldn't make a meeting. Member Hopkins said yes that he didn't want to take the pressure off Board members to attend meetings.

Llewellyn Rogers said at the ZBA they had five members, and when one was out an alternate stepped in so they always had five. If the Planning Board only used the alternate when it went below three, you wouldn't have to worry about the associate voting often. Chairman Packish said he'd only seen one meeting that had been called off due to lack of quorum in four years and that was a long time ago. When there were special permits he had scrambled to be sure there were enough people for a supermajority. Chairman Packish said he had a year left on the Board and owned B1. Member McCarthy was running and if he were reelected he would have five years. Member Albert had four years left. There was a lot of B1 that would come down the pipe.

Member McCarthy said he understood Member Hopkins perspective, but he was leaning towards Chairman Packish's view. His only concern was if the process were delayed due to a lack of legal dollars. He thought it was important to move forward. Chairman Packish said you were likely talking a couple hours not days of legal. Member Albert said he liked the expanded role. Member Fehl said the intern concept bothered him, despite understanding the external perception issue. Member McCarthy noted that the Selectmen would have a say in the appointment. Member Hopkins said he was not frustrated by the other approach; it was just that he wanted to draw a clear line between being elected and appointed. Chairman Packish noted that there were three high quality candidates at the last appointment.

Member Hopkins made a motion to propose and recommend the more comprehensive role and that the Board follow up with the Town Manager in order to get it on the April warrant. Member Fehl seconded. The Board voted 5-0 in favor of the motion.

David Kolb said he didn't know if it was legally feasible, but if the concern was that the Board was appointing an associate that was favorable to the Board, they could appoint the person who received the next most votes at the election. This would allow the public to express their view. Chairman Packish said it was not legally feasible as MGL was explicit in how associate members were appointed. This came up after another member's contested position. Bill Vrooman was the next highest vote getter, so when there was an absence some people felt Mr. Vrooman should be immediately appointed. Instead the Board along with the Selectmen took a different path. Mr. Vrooman applied but instead Member McCarthy was appointed. Member McCarthy will now need to run for office at the next election.

Recreational Marijuana By-Law discussion and consideration of amending current medical marijuana zoning to include recreational retail

Chairman Packish said the Town Administrator felt this was an important issue to get in front of, and following several conversations asked the Board to consider prioritizing it and having something ready for April Town Meeting. Despite delays to the bill at the Legislature, there were concerns that if something got a foothold, by the time a by-law could be created there could be a problem. Based on MMA and other conferences, most towns in the State were choosing to get in front of it. Chairman Packish felt it important that the Board decide what would be on the Warrant and what direction they should take. This was a big item and they wouldn't be getting through it all tonight.

Member Hopkins said he thought that for April they should add recreational to the medical marijuana overlay district. He did not believe that was an acceptable planning effort longer term, as he had a hard time standing behind the current medical overlay. He recommended this approach despite the fact that it would allow retail in residential areas.

Member McCarthy wondered about the effect of Member Hopkins proposal. Member Hopkins said it meant the only place you could have a recreational outlet would be in those few parcels zoned for medical. Member McCarthy noted none of these parcels were zoned commercial. Member Hopkins

thought the overlay would allow it. Chairman Packish said the medicinal already faced that issue, while Member McCarthy noted they were non-profit. Chairman Packish noted the difference, and said there had originally been one B1 parcel but it was knocked down by Terry McCarthy at Town Meeting. Member Fehl said he didn't know if he was ready to decide on this. Mr. Anderson said a by-law proposal would be due by February 17. Member Fehl indicated he thought it wouldn't be hard to put together by then. Mr. Anderson said it depended what the by-law included.

Member Hopkins said if they were considering expanding that they didn't have a lot of time. Chairman Packish said they didn't have time to do that. Member Fehl said they knew they couldn't expand it based on their experience with medical. Chairman Packish said the new legislation had some different parameters than the medicinal. Chairman Packish said the question was if Member Hopkins proposal was the right stop-gap to get them ahead of the curve until the Legislature finished their work on the bill. Then they would know the exact parameters, so the Board could revisit it. Member Fehl said he'd like to revisit this at the next Board meeting.

Chairman Packish thought a good choice would be for Mr. Anderson to ask Town Counsel if Member Hopkins' proposal would be effective. Member McCarthy noted that the Act required that the Town allow recreational retail in the medical district. The question was if the Board was in compliance with the law by only allowing it in that district or if they needed to do more. Member Hopkins said there was nothing that clearly stated it had to be expanded.

Member Albert said that there were State regulations addressing proximity to schools and parks, and those regulations seemed fine. He saw no need to whittle them down. Member Hopkins asked if Member Albert was suggesting expanding the area for recreational. Member Albert said the State regulations took care of a lot of the zoning by themselves, and as someone who lives and has a business in the downtown area, he wouldn't have a problem with a dispensary there. There was a school bus that stopped by Member McCarthy's house, and the kids walk by Jim's and The Ritz and Tony's. They sell alcohol there. Further, as someone whose close family member was in need of medical marijuana, he saw this as a more compassionate approach. He thought it was shortsighted and until someone was on the other side of this, it was hard to make a good decision.

Jeff Rose said he was a resident of Oak Bluffs, the licensee for the medical marijuana dispensary, and a proponent of the safe responsible implementation of the legalization of marijuana for adult use. He said it was very important to note that he said "for adult use" and did not use the term "recreational." He felt it was an improper term that should not be used. When you use the term recreation, particularly in the minds of young adults and teenagers, their perception is that it is fun and acceptable. There was enough research to show it wasn't acceptable. Mr. Rose had spoken with a number of organizations on the Island and had stated very publicly that as a medical dispensary he had a responsibility to educate the patient and the community. Children and teenagers hear from their parents and teachers, but maybe hearing it from someone in the highly regulated medical world it will have more of an impact on them. He said he intended to be proactive in this regard as a medical dispensary.

Mr. Rose said Chairman Packish had spoken about the greatest value to the Town when discussing the Cultural District. Mr. Rose said he felt there needed to be more understanding of the positive economic impact an adult dispensary would have on the Town. He had been speaking with an organization in Aspen, CO. About 57% of the population in Colorado voted in favor of legalization, whereas 75% of Aspen voted in favor. He noted Aspen shared a lot of similarities to Oak Bluffs. In Massachusetts, about 54% of the state voted in favor, while in the Vineyard was almost 64%, with some towns over 70%. Aspen was proactive in creating a stakeholders group to implement the effort. Mr. Rose was asking what was the rush here? He understood the Town Manager wanted to get ahead of this. Why?

Member Hopkins and Chairman Packish both thought this was good input. Chairman Packish said he thought the Town Administrator felt it was a use that ultimately needed to be regulated as all uses were regulated in the community. If you wanted to run a liquor establishment, a restaurant or a lumber yard there were regulations associated with that. Currently, there would be no regulation beyond a business license, which involved a simple process where you pretty much pay your fee, get your signatures and move along. Chairman Packish said his position was not to say the regulations should be so heavy it doesn't happen, but every other use is regulated and this would be unregulated. If the Legislature had completely defined this, then there could be some real discussions about what the regulations would look like. Today, there was a concern because there was no regulation. Maybe it does end up on Main Street, but there is a public process for that to happen, and if someone got a foothold today, it could end up somewhere without allowing the public their right to that public process. He recognized that Mr. Rose was passionate on the subject as was Member Albert, but there were also people who were passionate on the other side of the issue. Chairman Packish felt 64% was a pretty substantial vote, and he always honored what the people voted. What they were talking about today was a stopgap solution until they knew what they were going to have. He felt it was right for a community to have an expectation of what's what. The entity would define it then the community would redefine it.

Chairman Packish said the Medical Dispensary By-Law was the first issue he faced when he joined the Planning Board. Town Meeting voted not to delay that one. There were tremendous amounts of public input with Mark Wallace and his son at every meeting. It was an exhaustive process, and the map changed numerous times including on Town Meeting floor. Chairman Packish asked if Mr. Rose was concerned it would never be allowed in Town.

Mr. Rose said no. He thought the environment now was very different from when the Medical was being decided. Member Fehl agreed.

Member Hopkins said he hoped the Board would see the parallels with the work he'd done on the Edgartown / Vineyard Haven Road corridor. When they started seeing things happening in the Corridor, his suggestion had been to define the as-is case. The goal was to decide what they envisioned for that end of Town independent of individual applicants driving the direction of Town. He wanted a collective vision to drive the development in Town. Now, non-medical marijuana was legal and it would be expanded in some capacity. He wanted the Town to direct what happens in Oak Bluffs, not individual applicants with self-interest. His proposal was to legally get ahead so they established a precedent that

was not any more legally restrictive than what they currently had, with the potential of expansion. Member Hopkins said he was very concerned having attended the forum at the Library. He did not like his Town being called "Smoke Bluffs." He did not like a significant number of people from outside Town having a forum discussing where medical and non-medical marijuana was going to go in the Town. He would like to define it now, and then ask the voters of Oak Bluffs, do you want medical and non-medical marijuana on Circuit Ave? He didn't want it to just happen because the Board didn't act.

Mike Santoro said he agreed with Member Hopkins. He also agreed to a point with Mr. Rose's perception of marijuana. He thought the view on use had changed but the sale of it and where it was located hadn't changed. Mr. Santoro felt the people spoke loud and clear on that during the medical process. He liked the idea of jumping ahead, keeping the two areas, and down the road if you wanted to change it you could.

Theresa Manning from the Youth Task Force said her group did substance abuse prevention for kids. They had been working hard on alcohol and abuse rates at the high school had dropped significantly. She was concerned, however, because marijuana use rates kept rising. They were seeing 35% regular users in that population based on surveys. The national average was about 22%. She liked the proposal Member Hopkins made as it sent a clear message that the Town would not be putting dispensaries or shops in highly populated areas where young people would go. She understood Member Albert's comments about kids walking by Jim's and other places and seeing signs, although the signage was somewhat limited in our community, which was a great measure taken by our liquor establishments. The group was working really hard to rein back the alcohol and tobacco numbers for young people. Although she had no strong position on adult use, legalizing another substance was a concern as it really did have a big impact on their brain development as Mr. Rose had said. The Youth Task Force was bringing a doctor to speak on the subject on the 23rd. It didn't make sense to the 50 members of her coalition to allow new retail outlets for the kids to navigate around. She felt it was a smart and responsible thing for the Town to restrict those to areas that were not so populated. She said she would never be anti-business or go against what voters wanted, but this was a responsible message to restrict the areas.

Erica Belle asked what the process would be for someone to open a marijuana establishment in the district beyond going to the Selectmen for the business license. Chairman Packish said it was a pretty significant process. An applicant had to go through the State process and then a special permit process locally, he thought at the ZBA. Then you would go through business licensing. There were several layers. Chairman Packish said if the Board were to add retail to the current medical overlay, and the Legislature was to finish its conversation and put forth a law, the Planning Board would then take those parameters and overlay them on maps and against other things. They would have conversations with the chief of police and all the different entities. There would be multiple public forums. He couldn't even estimate how many they had held for medical. Most were sparsely attended until they got to the last one and a fifth property was included. Then it was standing room only. That would go to Town Meeting, which would decide by a two thirds vote on the zoning overlay, and then there would be a

process associated with that overlay. Chairman Packish noted the Chief of Police had been very clear he didn't want to see this in the downtown district.

Ms. Belle said the medical properties were not currently commercially zoned. Chairman Packish confirmed this, but with a slight difference as it was an overlay district which would overlay a use on a particular area of the Town. He noted Member McCarthy's comment that the medical was currently non-profit. That had been a big argument in the previous conversation, adding these uses to properties that weren't zoned for business. The law also says that you can't zone it out, you cannot provide no location. It was very hard to apply the actual law to the Town because of baseball parks and schools and churches and all the other limitations. By the time they were done there were few lots available. The joke had been that you actually had to go through Vineyard Haven to get there, that Oak Bluffs had actually put it in Vineyard Haven.

Member Hopkins said prior to this meeting, before hearing from attorney McCarthy, he thought that at the end of the day their control was where it was going to be. Specifically, he had a real problem with edibles being a responsible use in a non-medical setting although that was another conversation. Member McCarthy had advised him that they had an option as a community to prohibit this outright. That wasn't the Planning Board, but as a Town they could decide against non-medical retail in Oak Bluffs. Chairman Packish said that demonstrated the number of moving parts and was why the Town Administrator and some Board members were saying they needed a stop-gap in the short term. Then they would really need to pull this apart and do the work.

Ms. Belle said she had just been curious as this was pretty much her house on the medical map as her property line was adjacent to the Brush Pond neighborhood.

Peter Bradford said he agreed with Member Albert, that the people of the Town already agreed they would like it to be treated as alcohol is treated. This would essentially zone it out. The Hospital and Goodale's had said they wouldn't use their properties for this. The lots in the tip of the triangle were already developed as houses. The reality was this zoned it out of the Town while people had voted that they wanted it. The Town had the option to allow or not allow consumption on the premise, they had an option to add a tax, and they had an option to create a zone and to create a reasonable number to be allowed in the Town. These were commercial entities, not non-profits, and really shouldn't be in a residential zone in his opinion. Chairman Packish said he would agree with all those argument on many levels, but they had other properties on there where property owners asked to have them removed. They were worried about being tormented by people calling and wanting to rent their properties. He felt all these points supported the argument for a stop-gap so they could have a full conversation. Chairman Packish said of the four things outlined they would be lucky to get through them in three hearings. There wasn't time for that this evening.

Mr. Rose said the law already defined where a retail establishment could be located. They could not be near a school or a place where children congregated. He also felt it should not be in the downtown area

either. His interest was as a medical dispensary. He wanted to be here as a stakeholder in the overall effort and as a resident. He wanted to work on building a coalition of stakeholders in Dukes County.

Chairman Packish said that all made sense and again it was advocating for a full process. That was what he heard everyone advocating for in some way. He hadn't heard anyone say we shouldn't have it or it shouldn't exist, or it was a bad idea. The will of the people had spoken and it was a use that we somehow want to take place. Just as he wanted to address everything Mr. Rose, Mr. Bradford and the Island-Wide Youth Collaborative had brought up, and the concerns of the Chief of Police, it would take a significant summit. This was actually what Chairman Packish said he loved about Town governance.

Mr. Rose said many of Chairman Packish's points were what he'd like to see on a County-wide basis. Chairman Packish said he felt everyone was on the same page except the Board was saying they needed something in place for this Town Meeting so the process could happen.

Member McCarthy said the law allowed reasonable safeguards but that they not be unreasonably impractical to business. That was defined as a standard business person thinking it would make it impossible for someone to run a business in that area. He didn't know if that included putting it in a non-commercial zone, as that was up to Town Counsel. Mr. Santoro asked if others hadn't just said the Town could completely restrict it. Member McCarthy said that could be done through the process of a vote but the Town Boards can't eliminate it through ordinances and by-laws. Mr. Santoro said he didn't think that was what was happening tonight.

Ms. Belle said that voters had spoken by voting in favor, but it made a big difference to the voters on how it rolled out in the community.

Chairman Packish said the next step appeared to be going to Town Counsel and asking the ramifications of simply adding retail to the current medical overlay. He wanted that information available for discussion at the next meeting. He noted Mr. Anderson had distributed the medical overlay by-law. At the next meeting they could discuss Town Counsel's response, the Board's questions and concerns with the current by-law and a direction forward.

Member Albert asked if they could also discuss just going with the State regulations. Chairman Packish said he just wanted Town Counsel's opinion on whether Member Hopkins' proposal was viable and he didn't want to waste the two weeks between meetings to wait for that. Then ultimately they could get to what it was they were going to propose. Mr. Santoro asked when the next meeting would occur. Mr. Anderson said February 9th, allowing time to get it to the Selectmen by the 14th ahead of the 17th warrant article deadline. The Board would hold hearings after that. He said recommendations were due March 9 just as FinComs were. This meant the Board didn't have much time to hold a hearing and produce a recommendation. Chairman Packish asked Mr. Anderson to let the Town Administrator know the Board wanted to take some action in time for Town Meeting, and to ask permission to speak with Town Counsel regarding Member Hopkins' proposal to add non-medical use to the medical use district

in place. Chairman Packish asked that Mr. Anderson emphasize to Town Counsel that time was of the essence.

Housing Production Plan follow up to joint meeting discussion

Chairman Packish said all the Board Members had attended the HPP discussion other than Member Albert. He said there had been a presentation of the draft plan from the consultants at the joint meeting with the Selectmen and Affordable Housing Committee. It was clear a lot of work had been done and he thought it was a good overall presentation. A discussion had followed at the joint meeting. Some felt they should not move forward with an HPP while others felt they should in some fashion.

According to Chairman Packish, it became very evident during that meeting that the Selectmen and Planning Board had signed on for an HPP process, a grant had been written and money expended through the MVC geared towards producing a plan. There had been a question if they could in fact not produce some form of an HPP. There had been 18 public hearings and probably 50 or 60 meetings along with a survey with 600 respondents. A large portion of the public had spoken, and at the end of the process, was the right answer to say thanks for coming but we really aren't going to value that input in any way and we aren't going to produce a housing production plan? He had spent four hours today speaking with people who were extremely concerned and others who were extremely angry. They wondered how Oak Bluffs' could do this. He expected to hear more opinions as they moved forward on the process.

Member Hopkins said he had agreed with Selectmen and the Planning Board to work on follow up and a recommendation for the February 14 meeting. He had spoken with Adam Turner who agreed the Planning Board should have a joint meeting with the Selectmen. Mr. Turner also agreed that he did not want to produce shelf-ware, and wanted to be sure there was political will behind this. They would discuss what in the consultant's recommendation would constitute an acceptable report to the State and to Oak Bluffs. Member Hopkins said his priority was to the Town first. Mr. Turner had advised basing the decision on Town needs and not let fear of the State guide decisions. Member Hopkins said he expected they would generate a report that all the Selectmen and Planning Board Members believed in, but that it would take a lot of work.

Chairman Packish said he was extremely uncomfortable with the planning process boiling down to what ten people thought as opposed to 600 people from the survey, 300 from Oak Bluffs, and attendees of the 3 hearings. It sounded like people were saying the Selectmen and Planning Board members could do a better job than those people who expressed their will. He said he'd advocated for public participation and the reason the public often didn't participate is because their opinion was later discounted. Further, when they started talking about any development of scale, be it 22 or 100 units, he felt it had to happen at Town Meeting and not be decided by a Planning Board decision. The last thing he wanted was for the people who filled out the survey or attended the hearings to say once again he had walked over their opinion because somehow our opinion was more important.

Member Hopkins said he appreciated the input and none of it was a surprise to him, and it pretty much matched how he felt, but at the end of the day the ten elected officials were obligated to send a letter to the State endorsing a plan. Member Hopkins believed that they could address all of Chairman Packish's concerns because he did not want to discount any public input in the plan. Specifically, so they were not talking conceptually, if they were to submit a plan that called for 70 new units over the next five years, he wanted to look at all nine members that signed the report and know that they would work diligently to generate that many units. If they couldn't agree on a production number, the question back to the State would be "is that a requirement?" Additionally, they would have to be able to say they were behind tying into wastewater, and redirecting funds and all the other public input components. If any of the ten public officials didn't want to commit to that, then they would have to publicly say that or it stays in the report. Member Hopkins said they had to stand up as leaders of the Town and sign something they really believed in. He was starting with Mr. Turner and Gail Barmakian and they would work their tails off over the next week and come back with something hopefully the rest of the two boards would appreciate.

Chairman Packish asked what the definition of that work would be. Member Hopkins said they would be going through all the components and ranking them as contentious or not or in the middle. They would return and say we see these six things as a struggle, or not. He felt he had a good feel for what others felt, and if they backed off certain things, what they would have a problem with. They wouldn't be making any decisions, but rather doing the work so they could have a productive meeting.

Chairman Packish said he took significant issue with the limitation of three people taking the HPP and deciding what was and was not contentious. Member Hopkins said they might need to add more people to the group. Chairman Packish said that wasn't public process. Mike Santoro said he agreed, they'd had the process and had a great outline with all the information. Why would they not take the public information and use it? Did that mean the others in the group of ten couldn't attend or give input?

Member Hopkins said he never implied that. Chairman Packish said he agreed with Mr. Santoro that the document had so much value, and for three people to take it and cherry pick what is and isn't contentious was introducing personal perspective. Member Hopkins agreed, and said they could do nothing until all ten met again to review the report, or a few of them could try to do some work and share that information with the larger group. Ultimately, the larger group would sign it, but the smaller group could do due diligence ahead of the meeting, or alternatively everyone could review it on their own. Member Hopkins said he was just trying to help and facilitate a conversation. He didn't believe there was anyone on the Board who would be easily swayed by his opinion.

Chairman Packish said he understood what Member Hopkins was advocating for, but he felt it should happen at a public forum, although maybe not at a Selectmen's meeting because it was a difficult agenda item. They could consider a working group of fifteen with Planning, Selectmen and Affordable Housing. They would start with item one and allow it to be a public opportunity for anybody who was interested in participating. That was public process. Member Hopkins agreed. Chairman Packish said this was too important for them to take a document created by the public and have three people cut it

up. Chairman Packish said, however, that he wasn't saying Member Hopkins, or Ms. Barmakian or Mr. Turner were going to try to get their own way.

Mr. Santoro said there would be things that were just impossible, and he thought Member Hopkins was suggesting taking those out of the framework. Chairman Packish said fourteen units a year was probably ridiculously ambitious. That's not to say they wouldn't get two this year and later have a larger scale project so it averaged out that way. But from this starting point, other than a million and a half in free cash the Town was broke. Mr. Santoro said he felt Mr. Turner's knowledge would be very valuable. Chairman Packish agreed and said they could make him number 16.

Member Hopkins said he would go back to Mr. Turner and suggest that these meetings be well publicized and held at the Stone Building with all ten people involved. He just didn't want to get together as the two boards and sit there and look at each other. He'd seen Ms. Barmakian's markups and there was no extra room there was so much written. There would be a whole meeting just listening to Ms. Barmakian's concerns. Chairman Packish said he wasn't willing to prioritize based on a marked up document. Member Hopkins said he was not prioritizing her concerns, just acknowledging that the Chair of the Board of Selectmen had very significant concerns. Chairman Packish said he couldn't wait for everyone to hear them.

Peter Bradford said it seemed very shortsighted to take the group that developed this whole process, the Affordable Housing Committee, and kick them to the side. He felt they needed another joint meeting with all three groups. Chairman Packish said he thought that's where they were now, at least the Planning Board was. Member Hopkins agreed but said at the end of the day the Affordable Housing Committee was an advisory board to the Selectmen. Ten people had to sign this report, not the Affordable Housing Committee.

Mr. Bradford said once it was developed it would be the Affordable Housing Committee's votes that would make the recommendation to the Selectmen on any projects. Chairman Packish said he had no intention of discounting the Affordable Housing Committee in the process, as he'd been the guy who stepped aside at the beginning to put Mr. Bradford in charge of this. He said at the end of the day he expected the three boards with Mr. Turner representing the MVC would meet with lots of notification for others who wanted to participate in a public process.

Dr. Kolb said he would support Chairman Packish's general approach as a lot of residents put in a lot of man-hours in this. While he doubted Member Hopkins or Chairman Barmakian would cherry-pick, there was inevitable spin and emphasis on things the individuals felt were important. That was just part of being human. Therefore, Dr. Kolb said he'd support the more open forum recommended by Chairman Packish.

Member McCarthy asked how firm the February 24th deadline was. Chairman Packish said there was no deadline, it was soft. Chairman Packish said the consultants would like to complete their work and get their last check, but that wasn't a priority for him.

Peter Bradford said the 63 affordable units and ten 80%-100% units was a big number, but at the meeting they made it very clear that the minimum required by the State was 55 units. Despite there being a large group in opposition to one of the Affordable Housing Committee's proposed projects, they had still come up with the higher target for units. Mr. Bradford said he felt the residents of the Town were asking them to step up to the plate and not say 14 units were too much. They weren't being asked to build 14 units a year as a Town, but they were being asked to facilitate others building those units. He felt it would be very shortsighted to lower the target when the people said they wanted more not less. Chairman Packish said he thought that was the value of having that conversation, so any individual could represent where they stood on that number, and so nobody would have the opportunity to operate in the shadows and not publicly express their opinion.

Member Hopkins said he wanted it clear that his suggestion to facilitate the discussion was not to make any decisions outside the public eye. His thought was with some detailed understanding, they would have a joint meeting where the decisions would be made. What he was hearing now was that all discussion and all planning would involve everyone. He was fine with that. He never proposed eliminating input from anyone or making any decisions. However, he knew if he had to make decisions and he had some people who were willing to go off, do some homework, and bring back a point of view, and he could see the raw material and the point of view, he could make a better decision. That's what he had been proposing. He got it that it was a different style, and he understood the value of the other approach, but he did think there was merit in what he had proposed.

Chairman Packish encouraged Member Hopkins to do the work as an individual, and encouraged the other Board members to do the same. He encouraged everybody to bring their own hardcore homework to the meeting. Chairman Packish said at no point was he suggesting anybody would delete something secretly, but somebody out there in the world that ultimately needed to support the plan, would not support it if it wasn't a public process. The perception was key. That's why the Planning Board had found success, because they always kept things in the public eye.

Member Hopkins said it sounded like they had five of the ten agreeing and he would go back to the Selectmen and report back. Chairman Packish said it sounded like Member Hopkins had the information to take back: for the Planning Board to be involved in the discussion it would include everybody in an open public forum. Chairman Packish was happy to do it any day, in between meetings or whenever they could schedule it. He suggested Member Hopkins coordinate that date, and also noted that this was likely to involve multiple sessions.

Chairman Packish said he had spoken with Mr. Turner who was happy to take this approach provided they didn't need to pay the consultants to come. Chairman Packish said he felt they were at the point where Oak Bluffs could work on this independently of the consultants.

An unidentified audience member said her group was not against affordable housing. She felt they needed it in Town, but they were against the proposed location. She said they were part of the 55 that

voted for more units. Chairman Packish said he valued her input, and there were moments when things got contentious, but he hoped that when people left the room they would remain friends and people could continue to communicate. This was one issue, and speaking for himself he dealt with fifty or a hundred issues a week, and at no point do I look at any issue as personal. He looked at the issue, put it through the process and moved along. Chairman Packish asked that she and her group keep participating, because it made decisions much easier when you had this level of input.

3 Uncas Zoning Change Recommendation to Town Meeting approval of language

Chairman Packish said he continued to play phone tag with Town Counsel and the State Ethics Commission to get a determination on whether the B1 owners on the Board could act. He asked Mr. Anderson if there was a deadline for this. Mr. Anderson said they had a March 9 deadline for written recommendations to Town Meeting. Chairman Packish asked to push this to the next agenda with apologies. Member McCarthy said he had spoken with a new attorney at the Ethics Commission, and had been told there shouldn't be a problem as long as they weren't direct abutters or had a financial interest. Chairman Packish said that was how it had been looking to him but he hadn't had confirmation. Member Hopkins asked if there was a possibility they would re-vote. Chairman Packish said no. Member Albert said Member Hopkins could rally his people and take it up at Town Meeting. Mr. Santoro asked for clarification, and it was explained that it had been 4-1 in favor of recommending 3 Uncas be rezoned as B1. Mr. Santoro thanked the Board and told them they had done a nice job with the meeting.

Minutes review and approval 1/12/17

Mr. Anderson apologized for not including the November 10 or December 8 minutes on the agenda. They had been completed for a long time, but absences had made it impossible to approve them so far, and he had accidentally left them off this agenda. He said he'd put them on the next agenda.

Member Hopkins made a motion to approve the January 12 minutes. Member McCarthy seconded. The vote was 3-0 in favor and Chairman Packish and Member Fehl had not been present on Jan 12.

Dr. Kolb identified himself as a member of a grassroots community group whose motives were questioned at the last meeting. He said that was fine, but he'd ask that the meeting minutes clearly define whether it was the decision of the entire Board or one individual. He said in the second paragraph of the HPP section, attribution was a little vague. Chairman Packish read the paragraph aloud. Member Hopkins said that was him speaking not the Board. Mr. Anderson explained that it was a stylistic choice he made, and that when dealing with attribution, he would have to say "so and so said" repetitively if not taking this approach. Chairman Packish said he understood the paragraph.

Dr. Kolb said he understood how challenging it was to do minutes from recordings and praised Mr. Anderson for his efforts. However, he felt a few years from now it would not be entirely clear who was speaking. Mr. Albert noted that most of the paragraphs started off with someone's name. Chairman Packish said he understood Dr. Kolb's position, but outside this one particular instance, he would maintain that the Planning Board under Mr. Anderson had the best minutes in Town. Member Fehl

concluded. Mr. Anderson said he accepted Dr. Kolb's point and regularly struggled with it, as it meant balancing speed and clarity and readability. He said he had to pound these minutes out with only the briefest of proofreading.

Member Hopkins said he wanted to address the comment itself. He had been referring to many of his neighbors in Tower Ridge. He had been president of the association for a decade, yet because he was an elected official, was not included in the beginning when there was concern over Bellevue Ave. They did not want him there. He did not name their names, but he had spoken with each of them and they were all about "not in my backyard." He said he was on the record and would stay on the record as saying they had had an impact on the HPP.

Dr. Kolb said that his group included the current president of Tower Ridge specifically so she would reach out to all their members. If that didn't happen, it went against the intent of his group. Member Hopkins said that was fine, but that person, Jacqueline Diggs, informed him that she did not include him by design. Dr. Kolb said that was news to him and he appreciated the input. Member Hopkins said Ms. Diggs had been president of the organization for two years vs. his ten and nobody cared about the community more than he did.

Dr. Kolb said he had heard Member Hopkins' comments that implied the group was excluding him at the early phases. He said that had not been the case, and later they had invited him to a meeting where he'd given a fantastic presentation. Dr. Kolb said they had responded to some of his criticisms about how they had promoted some of their ideas. They were trying to work with Member Hopkins, and it seemed to be working based on recent friendly exchanges. They had taken some of his suggestions and were looking at other potential locations, staying involved and staying through meetings. They were getting involved, and not just for affordable housing. Dr. Kolb said they were listening to the tapes and reading the minutes, and he had felt an obligation to respond. Member Hopkins said they appreciated that.

Board Member Updates

Chairman Packish suggested skipping the updates unless critical given the length of the meeting.

The meeting was adjourned at 8:10pm

Documents used in this meeting:

Agenda

Sign In Sheet

Appendix A re-write by Chuck Sullivan

Southern Woodlands Management Plan Dec 20, 2010

Regulations Controlling Land in the High School Corridor in Oak Bluffs MVC 1-26-17

Cultural District Maps options 1 and 2 and cultural assets map

High School Area and Edgartown Vineyard Haven Road Corridor Region Wellhead Protection map

High School Area and Edgartown Vineyard Haven Road Corridor Region Natural Habitat Protection

Affordable Housing Definitions MVC 1/19/17

WRPOD by-law

Tisbury Water Works letter Dec 12, 2016

Associate Member by-law proposals and Massplanners e-mails related to subject

Registered Marijuana Dispensary by-law

3 Uncas warrant article draft recommendation

1/12/17 draft minutes