



OAK BLUFFS PLANNING BOARD

Meeting Minutes

THURSDAY, January 26, 2023

5:00 p.m. | Virtual Zoom Meeting

Members in Attendance: Ewell Hopkins, Bill Cleary, Erik Albert

Members Absent: Mark Crossland, JoJo Lambert

Staff in Attendance: Jessica Downey

Attendees: Richard Toole

Chair Hopkins opened the meeting at 5:02 p.m. A quorum was present.

Approval of Minutes

Member Cleary made a motion to approve the minutes from the December 8, 2022 meeting. Member Albert seconded. A roll call vote was taken and the motion passed 3-0.

Minutes from the January 12, 2023 Meeting of the Planning Board will be approved at the next scheduled meeting on February 9, 2023.

Update of Floodplain Bylaw

Member Cleary explained that in order to meet the current requirements, there is some language that needs to be changed in the existing bylaws relating to the floodplain. Shannon Hulst, the Barnstable County Floodplain Specialist, reviewed the relevant bylaws and provided the Board with comprehensive notes. Member Cleary suggested that one possible route would be to take the proposed changes to Town Counsel to be sure all of the language is correct. He pointed to the 2020 version of the model bylaw from the State, and suggested it may be possible to simply use the State's template with a few changes, in the interest of saving the Town money in revisiting the old bylaws.

The Chair suggested that the Board go through the changes proposed by Ms. Hulst, capturing the notes and presenting questions to Town Counsel, as it was his impression that the model bylaw was intended for use by towns that do not yet have floodplain bylaws in place. Either way, a warrant article has to be brought to town meeting this year. The Board agreed to tackle the notes page by page. The result was as follows:

- 8.1.2: Ms. Hulst's note states that the portion of the bylaw that refers to map panels can be removed. The Chair questioned whether removing this provision would limit the ability to make boundary adjustments as needed in the future.

Changing the 100 year base flood elevation to 1% was believed not to be an issue.

- 8.1.4 A discussion ensued regarding the last two bullets addressing existing foundations and structures. Member Cleary pointed out that the highlighted provisions do not address “by right”. The Chair agreed, and added that “as of right” would not exclude the need for a permit, so this would not present a problem.

Member Cleary and Chair Hopkins expressed that they were both comfortable with the subsequent provision regarding repair of existing structures.

- 8.1.5.1 Member Cleary and Chair Hopkins indicated that they were comfortable with Ms. Hulst’s note that the activities listed in this subsection of the bylaw would require a floodplain permit, and that most towns consider their conservation permitting system sufficient.

With respect to construction of water dependent structures, and Ms. Hulst’s assumption that this provision only applies to docks and not walled structures (she suggests that if it does apply to walled structures, she would add a reference to FEMA’s “functionally dependent” definition, as well), Chair Hopkins indicated that he was unsure of the answer to the functionally dependent question, so that may be an issue to pursue with counsel.

- 8.1.6.2 Ms. Hulst’s note was that there are some good higher standards in this provision.

- 8.1.7 Ms. Hulst posed a question as to whether applicants ever use private appraisals (for purposes of proving substantial improvement or damage) and if so, whether it is allowed. A discussion followed and it was determined that the Board should confirm with the Assessor or Town Counsel whether this is a phenomenon that needs to be addressed.

- 8.1.12 Ms. Hulst’s note questioned whether the provision relating to Special Flood Hazard was redundant with respect to the Special Flood Hazard Area Definition. The Chair concluded that the Board would need to determine whether redundancy is a problem.

There were no objections to the notes regarding deletion of the “Flood Boundary and Floodway Map”, “Flood Hazard Boundary Map”, or “One Hundred Year Flood” provisions.

With respect to the note that FEMA has a different definition for a “functionally-dependent use,” the Chair had a question as to whether the bylaw should reflect water dependent vs. functionally dependent use. He noted that this would be a question for Town Counsel.

The Chair notes that coordination between state, local, and federal language is critical to ensure that people will not be caught in a situation where they don’t qualify for federal assistance in the case of a flood.

A discussion followed as to whether the Community-Based or Countywide bylaw text contained within the State’s model bylaw should be utilized by the Town. Member Cleary indicated that the differences in the Island towns’ floodplain bylaws

can cause confusion to architects, builders, and the like. He suggested it would be a relevant topic for the next All-Island Planning Board meeting, in hopes of getting these bylaws to match. The Chair stated that the “Countywide” option would seemingly make that task easier to accomplish. He noted the importance of bringing this issue to town meeting so that citizens would not run in to issues regarding federal qualification. He expressed the intention to have Town Counsel review the Board’s thoughts with the ultimate goal of proposing a warrant article.

Public Comment: Richard Toole felt it would be important that the new bylaw prevent people from building in the wrong places. The Chair agreed and added that any such bylaw would have the intended effect of preventing people who build outside the guidelines from being compensated for flood-related losses.

Subcommittee Updates

CAP Community Coordinating Committee – Member Cleary stated that the Climate Action Plan was developed and put into action earlier this year, and this is an update regarding the progress that has been made since the plan was implemented within five areas:

- Land use, natural resources and biodiversity;
- Transportation, infrastructure and waste;
- Public health and safety;
- Food security; and
- Economic resilience

Member Cleary referred the Board to the slides provided for more information on each subject, and opened the discussion to questions.

Chair Hopkins inquired as to whether the industrial scale composting project the Town is pursuing falls under this group’s purview. Member Cleary stated that the composting project would certainly be considered a facet of the CAP’s goals being met, and indicated that he fully supports it as does the Highway Department and, it would appear, the Select Board. Chair Hopkins stated that he expected they would have one hundred percent funding for the grant this month.

Public Comment: Richard Toole stated that he thought the Select Board put together a great committee to examine this issue. He has been working on the Food Waste Committee for five to six years, and it’s clear we need to reduce the amount of trash we’re paying to get off the island and re-using some organic matter would be great.

Member Cleary stated that it may even turn into a potential income stream for the Town, depending on how much mulch is produced.

The Chair stated that he would be sure people would be able to track the discussion about containerized control rooms, odor management, sources, etc.

Board Updates

Member Cleary- The Energy Committee has received the Green Community grant funds of \$144,000.00, and the next step is to finalize all original audits. The Energy Committee will come up with a list that Member Cleary will present to the Select Board for approval.

Peter Meleney (committee member) is working on two projects. The first is to come up with a monthly public outreach session, working in conjunction with the library on all things energy and green-related. The second is a tree-planting program, which is aimed at mitigating climate change.

For his presentation to the Select Board, Member Cleary will choose two or three topics to discuss, and intends to inquire as to which direction the Board would like the Committee to take, because he would like to ensure they're using their time on issues the Select Board will support.

Public Information Forum – There will be a forum for an exchange of information on February 8 between 4:00 and 6:00 pm. Topics will include the importance of public service, the process of running for town office, etc.

Chairperson Updates

The mylar for the “Doughnut Hole Swap” is available for signature. Roger Wey’s vision has been realized, and each Board member is encouraged to sign before the mylar is returned to the Land Bank.

Public Comment: Richard Toole stated that in reading the meeting notice for the public forum, it is not clear what that forum is going to discuss, so if anyone has influence over how that can be made more clear, it would be great for the public.

Mr. Toole also raised concerns regarding the cutting of trees at the Farm Neck Golf Course. He inquired as to whether there was any regulation relating to permitting the cutting of trees. Chair Hopkins stated that there is a Tree Warden who oversees tree maintenance, and it would be best to bring it to that person’s attention. A discussion followed regarding the percentage and volume of trees being cut.

Adjourn

Member Cleary made a motion to adjourn. Member Albert seconded. A roll call vote was taken and the motion passed 3-0.

The meeting was adjourned at 5:40 p.m.

Minutes approved April 27, 2023

Documents on File:

Agenda; Board Packet; Zoom Video