



## OAK BLUFFS PLANNING BOARD

### Meeting Minutes

THURSDAY, JANUARY 27, 2022

5:00 p.m. | Virtual Zoom Meeting

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**Members in Attendance:** Ewell Hopkins, Bill Cleary, JoJo Lambert, Erik Albert, Mark Crossland

**Members Absent:**

**Staff in Attendance:** Kim Leaird

**Attendees:** Llewellyn Rogers, Lee Van Allen, Peter Gearhart, Chuck Sullivan, Patricia Ingalls, Jonathan Holter, Scott Slarsky, Jeffrey DuBard

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*Chair Hopkins opened the meeting at 5:03 p.m. A full quorum was present (Member Albert left the meeting at 5:33 p.m.)*

#### **Planning Board Associate Member warrant article - Discussion & vote to send to Select Board**

Member Crossland made a motion to approve and send the draft warrant article to the Select Board that allows a Planning Board Associate Member to be appointed as set out in M.G.L. Member Cleary seconded the motion.

Discussion and concern on how the role would contribute. There are only a few instances in which an associate member could vote on a special permit, including being present at every hearing. Whoever is appointed will be vetted by both the Planning and Select boards. A roll call vote was taken and motion passed unanimously 5-0.

Kim will inform the Select Board and the Planning Board will schedule a public hearing in advance of Annual Town Meeting.

#### **Zoning Reform Subcommittee Update — Presentation of warrant article draft re zoning history**

Upon recommendation of town counsel, they decided to table the warrant article re zoning history for now. The subcommittee did conclude its work on **3.4—Accessory or Guest Apartments; 4.4—Accessory Structures in the R1, R2, R3 and R4; and 11.0 Definitions** and voted to send that language to town counsel for review. Nothing will be going to town meeting this year.

Member Crossland said they are going to work on **4.2 – Special Dimensional Regulations** next. Chair Hopkins asked the subcommittee to start working now on other issues as well and should be using this time to advance them instead of waiting until after Town Meeting. He said he'd like to attend the next zoning meeting and feels they are under-represented outside of residential zoning.

Member Crossland said they would like to have a meeting with the full planning board in one month after they get through 4.2.

### Shearer Cottage Discussion with Applicant re: Site Plan Review

Member Erik Albert recused himself from discussion. Present for the application: Chuck Sullivan, Peter Gearhart and Lee Van Allen.

Chair Hopkins said this application is unique in the town in that a special permit is required from one board (the ZBA) and a site plan review is required from the Planning Board. The ZBA and PB chairs had sent a joint letter to the Commission with their concerns. He said he would like a land engineer to survey the road and submit to Fire Chief for compliancy with CMR and thereby address the outstanding questions coming out of the hearings with the Commission.

Chuck Sullivan asked what role does the applicant have in hiring a surveyor? Chair Hopkins said the town will bill the applicant for this effort and thinks it important that they have some input. Chuck said that Sourati has done the surveying of Shearer to date and it had taken a lot of time and money to do so – there are a lot of irregular roads there. He also said that when they first spoke with the Fire Chief, they were told it would satisfy his requirements.

Chair Hopkins said surveying may not be appropriate word — they need to have the roads staked out in compliance with the CMR. Once that occurs the plan can be submitted to the Fire Chief. They are not asking for the roads be enhanced, just staked out so they can tell the ZBA: *Here are the road implications of being compliant with fire code requirements.* An engineer may not need to survey in order to determine ownership, but does need to look at width, depth and envelope and what the implications of that work is and then submit that to the Fire Chief to sign off on before the Planning Board completes its work.

The ZBA will then have to take [information about] the road, parking and other issues that will be fleshed out in the Site Plan Review. Using Sourati Engineering for this makes a lot of sense.

Member Cleary said he lives in the neighborhood and as an abutter believes he can be impartial. He said that although this request makes a lot of sense in other areas, from his experience with his own lot, information is incomplete and the roads don't match the original subdivision plan in this neighborhood. Trying to stake it out will be opening up a can of worms – stakes will cross some people's yards and houses. While he understands the safety issue, he said he thought it would be more prudent to have the Fire Chief walk and drive through as it exists and make his suggestions, similar to what the Planning Board did with Community Services and Village Rd.

Chair Hopkins said he agreed but was outlining the technical steps to accomplish that. He said he had [already] met with the Fire Chief who ultimately has the obligation to sign off on compliance for access to this application. The Fire Chief said if the improvements to the road are clearly understood by all parties (he does not feel any obligation to require those changes initially) but [first], we need to understand what compliancy constitutes and the best way is to stake the access to and from the proposed location, so that, most importantly, the ZBA can understand what the those implications are.

Chuck said the problem is that in order to stake the road you need to create a survey to locate the stakes and in that area there is so much undefined and incorrect overlapping gray area, and agrees that can't possibly happen in 60 days. The original survey done by Sourati took nearly six months.

Chair Hopkins said the board would be comfortable with a mutually-agree-upon extension and asked Chuck if he had another suggestion to achieve this. He said they can schedule a working session and reconvene the full board in order to discuss these issues and check that box.

Chuck said the applicant is willing to take as much as time necessary in order to get proper approvals.

Chair Hopkins said Kim will draft a blank extension form and said we should schedule a working session to figure out what options are available to us so that work is not repetitive.

Mark asked if we could invite the fire chief and assistant fire chief to this process. Yes.

Chuck said, for clarification, that the joint letter sent to MVC references Zone 2 and they've received confirmation from Conservation that they are well out of that area. Peter Gearhart said they did look at the water supply and they do have main in front. He said he would draft a letter to the Planning Board with questions under CMR 527.

Chair Hopkins said does not believe that this will take longer than 60 days, and he is interested in doing things expeditiously. Scott Slarsky asked in the chat with regard to the site design that could potentially occur, he would be interested in understanding a few issues. Chair Hopkins asked that they be captured in the record and shared with applicant.

### **Board Updates**

Bill Cleary: The Climate Action committee had its first steering committee meeting and he will catch up on those meeting notes as he was on vacation. Re Green Community, they met with the state a few days ago via zoom who had questions about their Energy Reduction Plan. They are working on answering them.

Mark Crossland: The 8 acres is moving forward, developers met with the MVC regarding potential wastewater issues today and he will update board next time.

Ewell Hopkins: He asked board if anyone had clarification questions about what was in packet. Member Cleary asked if there is a plan in place for the new well the Water Dept. wants to install. Chair Hopkins said they do have plans for new well off County and a new standpipe in the southern tier near state forest. He attended a water committee meeting where they had discussed both. The letter in packet was responding to high school application. Bill asked if there is a timeline? Chair said anticipates six years in getting all signatures, etc.

### **Public Comment**

Chair Hopkins asked ZBA Chair Lou Rogers about the **Goodales'** hearing. Lou said they opened the hearing and heard from applicant and some public comment but continued it. They also did a site visit.

Chair Hopkins asked for clarification on what the appeal was about. Chair Rogers said it was a compliancy appeal made by abutters based on what the Building Official gave Goodales permission to do after a complaint was made about all of the activity in the yard. He was renting space to people for storage for equipment and materials but allowed a landscaper to stay, and the neighbors appealed that because they felt that the landscaper should not be there either. That's why they had the site visit to see what's going on.

Pat Ingalls, an abutter, said she'd like to know who was present at the site visit and also what day it took place. Chair Hopkins said Kim would work with Robert to get that information for her.

### **Adjourn**

Member Cleary made a motion to adjourn. Member Lambert seconded. All were in favor.

Meeting was adjourned at 5:52 p.m.

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*Minutes approved February 10, 2022*

Documents on File: *Agenda; Board packet; zoom video*