



OAK BLUFFS PLANNING BOARD

Meeting Minutes

THURSDAY, February 9, 2023
5:00 p.m. / Virtual Zoom Meeting

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

Members Absent: Erik Albert

Staff in Attendance: Jessica Downey

Attendees: Phil Cordella, Brian Lane, Gretchen Mayher, Joseph Moujabber, Bryan Collins, Eunki Seonwoo, Vineyard Preservation Trust, Richard Toole, Richard Combra Jr., George Sourati

Chair Hopkins opened the meeting at 5:04 p.m. A quorum was present.

Approval of Minutes

Minutes from both the January 12 and January 26, 2023 Meetings of the Planning Board will be approved at the next scheduled meeting on February 23, 2023.

Public Hearing: Special Permit – 10 Oak Bluffs Ave./Joseph Moujabber

The Chair read the following into the record:

In accordance with the provisions of M.G.L Chapter 40A, Sections 9 and 11, and Oak Bluffs Zoning Bylaw 10.3, the Planning Board will hold a remote public hearing on Thursday, February 9, 2023 at 5:00 pm on the application of Joseph Moujabber, 10 Oak Bluffs Avenue, Map 9 Parcel 34. Applicant seeks a special permit under Oak Bluffs Zoning Bylaw Section 7.2 – Conversion of an Existing Building to Mixed Use (Commercial with Apartment Units) for construction of a mixed-use building with a retail/food shop on the first floor and a one-bedroom apartment on the second floor in the B1 district. The application, plans and all currently available relevant documents are online. See:

<https://www.oakbluffsma.gov/497/10-Oak-Bluffs-Ave>. Please forward comments to Planning Board Administrator, PO Box 1327, Oak Bluffs, MA 02557 or via email: planningboard@oakbluffsma.gov

George Sourati, appearing on behalf of Applicant Joseph Moujabber, confirmed that he is the engineer of record for this project. The Chair stated that it is generally the policy of the Planning Board not to deliberate and vote in the same night, but added that he would poll the Board to determine whether they felt they should adhere to this policy, or complete the voting process in the same evening as deliberation. Member Crossland expressed concern regarding the timeline, and the potential impact of delaying a vote on the completion date of the project. The Chair stated that a continuance would extend no further than two weeks. Member Cleary stated that unless there was something unknown, or a large volume of public comment, he would be prepared to vote in the same evening. Member Lambert indicated that she would be willing to vote this evening in order to avoid holding up the project. The Chair concurred.

George Sourati confirmed that he and Bryan Collins would be speaking on the Applicant's behalf.

Mr. Sourati introduced the locus map and gave a brief history of the subject property. He indicated that the project was already approved by Wastewater, the Conservation Commission, and Cottage City. He pointed out that the previous structure was encroaching on Kennebeck Avenue, but that the redesigned structure would be contained on the property with no encroachment. He stated that the Applicant sought a Special Permit from the Zoning Board of Appeals, and that it was approved. Therefore, from a zoning perspective, the project is ready to go. He indicated that the 1,243 square foot first floor of the structure is currently slated to operate as a bakery but that the use may ultimately change. However, it will remain a commercial space. There is also a 489 square foot apartment planned for the second floor. A discussion followed regarding the layout of the interior space on both the first and second floors, including the plan to include one bedroom and a small kitchen open to the living area in the apartment. A discussion of the various elevations ensued, and Mr. Sourati pointed out that the plans include detailed woodwork and a gazebo-like structure intended to echo the architecture of the previously existing building. The new building will have a height of slightly more than 26 feet above grade. Mr. Sourati presented additional details regarding pedestrian access and exterior features. He indicated that the new structure would be smaller than the previously existing building by about ninety square feet.

The Chair encouraged the Applicant's representatives to walk through the project's compliance with the conditions and standards of applicable zoning bylaws. An outline of the presentation follows below:

7.2.5 Mixed Use /Apartments in B-1 District 7.2.5.1 Conditions:

In any conversion, reconstruction, restoration or alteration of and to an existing building of two stories or more in the B-1 District under this section, the ground floors of the buildings fronting streets, shall be reserved for nonresidential use.

The proposed retail / food shop will be located on the ground floor. The proposed one-bedroom apartment will be located on the second floor.

Circulation and access to and from dwelling units may be allowed on the ground floor level.

Separate access to and from the apartment will be via a set of stairs located at the southeast corner of the building. Please refer to the enclosed architectural plans for details.

Mr. Sourati further indicated that there will be two stairwells accessing the apartment on the second floor, in accordance with building code requirements.

7.2.5.2 Historic Buildings or structures that are listed or eligible for inclusion on the National Register of Historic Places and/or the Massachusetts Register of Historic Places or within a local historic district as established by M.G.L. Chapter 40C, shall be converted, constructed, reconstructed, restored or altered to maintain or promote the status of the building or structure on, or eligibility for inclusion on the State or National Register of Historic Places. The design of new construction shall otherwise be in harmony with the existing neighborhood.

The project was reviewed and approved by the Cottage City Historic District Commission. A copy of the CCHD meeting minutes is included in this application.

STANDARDS FOR MIXED-USE (MU) SPECIAL PERMIT

7.2.6.1 General Standards: To be eligible for consideration for a Special Permit under this Section, the proposed development shall meet the following standards (unless specifically waived by the Planning Board under Section 7.2.1.3):

The commercial structure to be converted, reconstructed, restored or altered shall have variation in its overall architectural design, and plans depicting building elevations, building setbacks and exterior details (roofing, siding, glazing), of the proposal, including abutting structures, shall be included in the applicant's construction documents in order to assure compatibility with existing development.

The architectural design of the building has been carefully addressed to provide for variation in the overall design as well as to fit within the character of the surrounding area. Please refer to the enclosed Site Plan and Architectural Plans for details.

Mr. Sourati indicated that the project's architecture has been reviewed by both Cottage City and the ZBA. Cottage City had some recommendations for revisions and as a result, the new building is now designed to duplicate the old building's roof structure.

No building shall exceed the height currently allowed in the existing district.

The height limit in the Bl district is 35'. The height of the proposed building is 25'-1"±.

Size of units - Units shall conform to the provisions of the State Sanitary Code, 105 CMR 410, any other state regulations as may be applicable, and with the rules and regulations of the Board of Health.

The project will be connected to town sewer and is in compliance with provisions of the State Sanitary Code and with the rules and regulations of the Board of Health.

Bathroom, kitchen and other facilities - Units are not required to contain facilities and may share toilet, kitchen, or other facilities. Toilet and shower facilities shall conform to the provisions of the State Sanitary Code, 105 CMR 410, any other state regulations as may be applicable and with the rules and regulations of the Board of Health.

The retail / food shop and apartment will each have their own facilities. All facilities of the proposed building (bathrooms, kitchens) are in compliance with provisions of the State Sanitary Code and with the rules and regulations of the Board of Health.

All roof mounted mechanical equipment must be enclosed to reduce the noise of operation and eliminate visibility of such equipment from the equivalent of an adjoining second floor level. In no case shall roof mounted equipment or the accompanying enclosures exceed a height of 6 feet above the roof deck, or occupy more than 30% of the area of the roof surface.

No roof mounted mechanical equipment is proposed.

Building orientation, layout, and configuration shall be designed to provide adequate light and air for the proposed and adjoining buildings.

The subject property is a corner lot with one neighboring building at the west property line. The building orientation, layout and configuration is designed to provide adequate light and air for the proposed building as well as the existing adjoining building to the west. Please refer to the Site Plan and Architectural Plans for details.

Mr. Sourati indicated that the only building that really abuts the property is the Flying Horses, and he does not believe there are any windows on that side.

7.2.6.2 Drainage and Stormwater Management: Development proposals under this section must have a surface water drainage system which shall be designed to

accommodate 100-year storm conditions. Drainage must be retained on-site and shall not be directed to or allowed to flow off-site.

The proposed building will have roof gutters and down spouts. Roof run-off from the new building will be discharged into a proposed on-site drainage system along the west side of the property as well as into the town drainage system. We spoke to Highway Superintendent Richard Combra Jr., he had no objections to allowing stormwater from the roof to discharge into the municipal drainage system located on Oak Bluffs Avenue and Kennebec Avenue. The proposed on-site drainage system is not designed to accommodate the 100-year storm conditions, a waiver from this requirement is being requested. Please refer to the Site Plan for details.

Mr. Sourati stated that they plan to include an eighteen inch crushed stone trench between the proposed building and the Flying Horses for drainage. He indicated that this is the only area available to install some kind of a drainage system. Historically, the old building did not have any kind of drainage system. There are two town catch basins, and this is how storm water has historically been addressed. Going forward, half of the roof lines would be handled by the catch basins, and half by the aforementioned stone trench. Mr. Sourati confirmed that the Applicant spoke to Richie Combra (Wastewater) and he did not have an issue with this plan.

7.2.6.3 Internal Roadways, Walkways, Paths and Parking Areas: These shall be designed where appropriate to provide for and promote safety; visual appeal; separation of vehicular, bicycle and pedestrian traffic; convenient connectivity within and without the MRD site; and maximum access to the various amenities and facilities on the site and to pathways on adjacent sites. All internal roadways, walkways, paths and parking areas shall be maintained by the owner or an association of unit owners, as applicable.

Not applicable. The entire property will be maintained by the owner.

7.2.6.4 Parking: The number of parking spaces required under Section 5 of the Zoning Bylaw may be reduced pursuant to the parking regulations found in section 5.1.5 of the Oak Bluffs Zoning Bylaws.

Due to the dimensional constraints of the subject lot (1,927± S.F. lot area), it is not feasible to provide parking on the property, however, the proposed commercial floor area in the new building (1,244± S.F.) will be 90± S.F. smaller than the commercial floor area of the old building (1,334± S.F.), and should not trigger the requirement for providing parking spaces:

Commercial floor area of old building:	1,334± S.F.
Commercial floor area of new building	1,244± S.F.
Reduction	90± S.F.

Mr. Sourati stated that the Applicant will seek a waiver with respect to parking requirements. They could provide one parking space, but it would require reconfiguring the town sidewalk and is not practical.

7.2.6.5 Service Access, Including Deliveries and Trash Removal: Provisions shall be made for service vehicles to access the site and building for delivery and other matters so as not to obstruct pedestrian and vehicular access by residents, commercial patrons, and emergency providers. All trash receptacles and areas to be used by service and delivery vehicles shall be visually and, to the extent reasonably practicable, acoustically buffered from adjoining residences by one or more of the following: berming, fencing, and/or planting.

The existing loading area at the corner of Kennebec Avenue and Lake Avenue will be used for deliveries. The trash receptacles will be located behind the new building at the south corner of the lot and will be enclosed by a fence and gate. Please refer to the Site Plan for details.

Mr. Sourati stated that just like other businesses in the area, the proposed bakery will use the parking area designated for commercial use near Giordano's. It is his belief that Richie Combra Jr. is satisfied with this plan.

7.2.6.6 Wastewater Management: All wastewater treatment and disposal facilities shall conform to the provisions of the State Sanitary Code, 310 CMR 15.00, any other state regulations as may be applicable and with the rules and regulations of the Board of Health.

Not applicable.

7.2.6.7 Utilities: All electric, gas, telephone and water distribution lines shall be placed underground.

All utilities (water, electric, sewer) will be placed underground.

The Chair opened the meeting to public comment at 5:41 p.m.

Richard Toole – speaking in favor of this project, Mr. Toole stated that Mr. Moujabber has a good track record with his other business. This building seems well-designed and the addition of an apartment upstairs is desperately needed. The only possible concern is potentially the amount of noise insulation in the wall(s) between the apartment and the carousel next door. He believes it will improve the downtown area and improve its appearance. He encouraged the Board to approve the project this evening to facilitate an early start date.

The Chair opened the discussion to Town Officials at 5:43 p.m.

Richard Combra Jr. – Mr. Combra offered to answer any questions from the Board. He stated that he believes the Applicant has resolved the drainage issues. The small amount that will be discharged into the town system will be the same as is occurring now. He stated that he believes the project will be a huge improvement, and that the loading zones closest to the project will be adequate.

The Chair once again opened the hearing to public comment beginning at 5:45.

Gretchen Mayher – Speaking in opposition to the proposed project, Ms. Mayher stated that her main objection relates to the second floor. She is uncertain that the ability to house one or two more people outweighs the impact that the height of the second floor will have to the spectacular views of the town when arriving at the Steamship dock. She expressed regret at not having gotten involved in the process sooner.

The Chair thanked the public for their engagement and inquired as to whether any other comments in support or opposition had been received by the Planning Board. Hearing that there were none, he once again asked if there were any remaining public comments or questions. There were none. Member Crossland made a motion to close the public hearing. The motion was seconded by Member Lambert. A roll call vote was taken and the motion passed 4-0. The hearing was subsequently closed to public comment at 5:49 p.m.

The Chair asked a question of Richard Combra, Jr. regarding whether there was a closer loading zone than the one across the street. Mr. Combra explained that there is no closer loading zone. The Chair further inquired as to whether it was Mr. Combra's understanding that the stormwater flow to the town drains would be over the surface of the sidewalk. Mr. Combra confirmed that it would. He indicated that this is currently the case, and that it is preferable to tearing up the sidewalk to install an alternative drainage system. He expressed that he would like to see the project start as soon as possible in the interest of having the sidewalk in place before the summer season.

The Chair gave the Board the opportunity to ask questions beginning at 6:03 p.m.

Member Crossland asked how deep the drainage ditch would be, and whether the surrounding brick would match the existing materials. Mr. Sourati responded that it would be an eighteen inch ditch extending along the length of the Flying Horses, and that the brick would match the material

currently in place, as he believes they saved all of the brick that was removed at the outset of the project.

Member Crossland then stated that the Applicant's parking mitigation obligation would include fees of approximately \$779.00 to be paid to the town, should such a condition be imposed.

Mr. Sourati stated that the Applicant would like to seek a waiver regarding parking. Member Crossland stated that he would like to keep Board actions regarding parking consistent, and that he is in favor of voting tonight. A discussion followed regarding potential completion times. Brian Lane, the contractor associated with the project, indicated that it would not be completed before Memorial Day, but that they would put a cap on it and place the bricks back for the town.

Member Cleary asked whether the apartment would be used for workforce housing or as an AirBnB. The Applicant stated that the apartment would be reserved for either his own use or the use of his manager.

Member Lambert asked questions regarding pedestrian traffic and seating in the potential bakery. Mr. Sourati said there might be one table and some chairs, and the Applicant confirmed.

Before deliberations, Mr. Sourati responded to the one comment in opposition saying that the height requirement for the neighborhood is 35 feet, and that this building is well beneath that number. The building is only a story and a half, and is, in fact, not maximizing what may have been allowed.

The Chair opened the meeting to deliberations. He suggested the Board vote on the parking and storm water waiver requests before the final vote on the application.

Member Crossland made a motion to grant the stormwater waiver request. Member Cleary seconded the motion. A roll call vote was taken and the motion to grant the stormwater waiver passed unanimously.

Member Cleary made a motion to deny the parking mitigation waiver request, and to apply the Bylaw as outlined in §5.1.3. Member Crossland seconded the motion. A roll call vote was taken and the motion to deny the parking mitigation waiver request passed unanimously. The Chair stated that the parking mitigation waiver request was denied, and that Bylaw §5.1.3 would be applied.

Member Crossland Made a motion to approve the overall special permit application with conditions including parking mitigation and the drainage waiver. Member Lambert seconded the motion. A roll call vote was taken and the motion passed unanimously.

The Chair closed the public hearing portion of the meeting at 6:08 p.m.

Subcommittee Updates

Member Crossland stated that the MVC approved the Southern Tier project. It goes to the ZBA in the next step of the process.

Member Crossland left the meeting at 6:10 p.m.

Member Cleary indicated that the Energy Committee is still deciding how best to spend the \$144,000.00 in grant money. Information sessions with the library are still being organized, and the first one will be held next month. The tree planting program to help mitigate climate impact is being investigated and worked on. A few Committee members met with the Fire Chief, some emergency personnel, and the Red Cross to discuss the status of volunteers at the two overnight shelters on the island. Member Cleary stated that there are not currently enough volunteers. A discussion followed regarding shelter usage relative to the number of volunteers, as well as the recent tragedy involving a citizen passing away in the extremely low temperatures.

Member Lambert provided an update on the Sign Committee and changes at the Hospital, as a result of the transition to Mass General signage. A discussion followed regarding the color and placement of new signs at the red house on hospital grounds, as well as other changes.

Chairperson Updates

The Chair stated that the Planning Board's Response to the MVRHSD's Motion for Partial Summary Judgment would be filed on time early next week.

The Chair then opened the floor to public comment at 6:16 p.m.

Richard Toole stated that he wanted to thank the Board for voting quickly on the special permit application, as well as Members Cleary and Crossland for their work on subcommittees. He also mentioned the importance of securing a shelter in light of the recent freezing temperatures.

Gretchen Mayher thanked the Board for the opportunity to attend the meeting, but stated that she still has reservations about the second floor of the project at 10 Oak Bluffs Avenue. She stated that she believes the second floor could have been avoided as it is slated to house only one to two people.

The Chair thanked the public for their participation and stated that there is a twenty day appeal period once the decision regarding the special permit is signed.

Adjourn

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

The meeting was adjourned at 6:21 p.m.

Minutes approved February 23, 2023

Documents on File:

Agenda; Board Packet; Zoom Video