



OAK BLUFFS PLANNING BOARD

Meeting Minutes

THURSDAY, MARCH 10, 2022

5:00 p.m. / Virtual Zoom Meeting

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

Members Absent: (*Erik Albert left meeting at 5:30pm*)

Staff in Attendance: Kim Leaird

Attendees: Ryan Dillon, Abby Dillon, Robert Moriarty, Lee Van Allen, Chuck Sullivan, Kris Horiuchi, Peter Gearhart, Candace Nichols, Alison Shaw, Val Francis, Matthew Viaggio, Sue Dawson, Holly Alaimo, Catherine Gargiulo, Leah Brown, Dana Hughes, Jocelyn Walton, Alexa Thorne, Emma Green-Beach, Richard Toole, Gail Barmakian, Scott Slarsky

Chair Hopkins opened the meeting at 5:00 p.m. A full quorum was present

Approval of Minutes

Member Cleary made a motion to approve the February 10, 2022, meeting minutes as written. Member Albert seconded the motion. All were in favor, motion passed 5-0.

Site Plan Review: 112 Dukes County Ave., Ryan Dillon, D.C. Studios LLC (continued from Feb. 24)

Plans to construct new 2-story mixed-use building. First floor commercial, second floor residential. Applications and plans can be viewed online at www.oakbluffsma.gov/478/112-Dukes-County-Ave

The Planning Board will conduct a site plan review under 10.4, specifically 10.4.8. The applicant is not required to adhere to the special permit criteria under 7.0. Once completed, the decision will be submitted to the Building department. They have determined applicant will need a special permit under 3.5.5 with the Board of Appeals

Attorney for applicant, Rob Moriarty, asked for confirmation they will not need to come back here under 7.0 / 7.2. Chair Hopkins confirmed that was correct.

Abby Dillon apologized for not bringing community support to the last meeting. She thought there was more cohesion between the Martha's Vineyard Commission process and the town boards and assumed the letters of support received by the MVC would have been considered here.

She said that for future applicants it would be very beneficial for there to be a non-elected person help applicants navigate these systems. It has been [a very difficult] process. They have been paying a lawyer for a year and a half, to get through this and this should not be the process. While they appreciate their elected officials, they are hopeful they will now move into more of a seamless process.

Chair Hopkins thanked them for their comments and said he takes them to heart. He closed the public hearing process and confirmed that all letters received have been posted.

Letters of support include ones from Judith Schubert, Leah Brown, Valerie Francis, Sue Dawson, Alison Shaw, Martha Adleman, Michael Blanchard, Holly Alaimo, Chris Dacunto, Dana Mylott, Mark Ellis, Will DeBettencourt, Kathryn Townes, Julie Gaffey, Sandra Carney, Todd DeBettencourt, Alan Schweikert, Rose Ryley, Lisa Lucier, Lesley Heidt, David Diriwachter, Guinevere Cramer, Jeremy Coles, JB Blau, and Matt Viaggio.

Letter of opposition from Candance Nichols.

Chair Hopkins then walked through Oak Bluffs Zoning Bylaw 10.4-Site Plan Review and the criteria under which the board was to review the site plan.

10.4.8 Approval. *Site Plan approval shall be granted upon determination by the Planning Board that the plan meets the following [eight] objectives. The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and storm drainage consistent with the functional requirements of the Planning Board's Subdivision water Rules and Regulations. New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development...*

In granting the approval the Board considered the following sections of the Zoning By-Law and felt that the applicant had satisfactorily addressed them:

10.4.8.1 Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of storm water flow increase from the site, soil erosion, and threat of air and water pollution.

- Member Crossland asked about the dry wells. Chuck said they reach 500 gallons and they spoke about a tree in the front at the site visit. The dry well can be placed a little north or down Arch Avenue or wherever best location might be. Reid is drafting a letter with details.
- Member Cleary said Reid is a professional engineer and he had confidence they could figure out capacity.
- No other board member had questions.

10.4.8.2. Maximize pedestrian and vehicular safety both on the site and egress from it.

- No board member had questions around this point.

10.4.8.3. Minimize obstruction of scenic views from publicly accessible locations.

- Site visit showed it was in accordance with the surrounding properties, some were higher and some lower. Chair Hopkins said he did not see any obstruction issues.
- No other board members had a question.

10.4.8.4. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned.

- Chair Hopkins said they saw the two parking spots and felt the one on side was clear but does not understand the back parking spot.
- Member Cleary said there were lingering questions about the width and length and if those questions were addressed. Chair Hopkins said they were on the side but would like to speak to dimensions of the space in the back.
- No other board members had questions.

10.4.8.5. Minimize glare from headlights and lighting intrusion.

- Chair Hopkins said he did not see any supplemental lighting.
- There was a requirement by the Commission they be dark sky compliant.
- Chuck said there is one parking light, 3 path lights and 4 lights on the building themselves.
- No other board members had questions.

10.4.8.6. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.

- Chair Hopkins said this was main purpose of site visit from his perspective and he had no more questions.
- No other board members had questions.

10.4.8.7. Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances.

- There is runoff from the main road adjacent to the building but does not feel this is responsibility of the applicant.
- No other board members had questions.

10.4.8.8. Ensure compliance with the provisions of this Zoning By-Law, including parking, signage, landscaping and environmental performance standards.

- Member Crossland asked if there is a landscape plan yet. Chuck said part of the MVC decision is that they come back to them with a landscape plan.
- Member Cleary asked what the material would be for the parking and thought there did not seem to be enough parking for two apartments plus commercial space. Chuck answered that there is no requirement in the bylaws for the residential apartments. The plan is that the people living in building will also be working downstairs. Materials would be semi permeable with wrap hardener and pea stone over it.
- Member Lambert said as far as parking, everyone can park on Dukes County Ave. Tenants can park on street.
- No other board members had questions.

Member Albert dropped off the zoom call at 5:30pm

Conditions

Chair Hopkins said he'd like to propose the drywells be 500 gallons capacity or more unless there's an associated stormwater plan that demonstrates capacity be dropped.

Member Cleary said it would be better to say we respect Reid Silva's recommendations. Chair Hopkins agreed and proposed the condition read: **Certified and stamped stormwater management plan with the appropriate capacity.** Members Cleary and Lambert agreed.

Chair Hopkins also proposed a condition that the **parking material surface be a semi-permeable surface** already agreed upon.

Member Crossland says his only concern is the dry well in the front corner where tree is. If Reid says a minimum of 500 gallons is required that will affect the roots of that tree and thinks it should be considered.

Chair Hopkins suggested a condition that states: **The preservation or replacement of tree in front based on excavation requirements, based on stormwater management plans and design.** Member Crossland suggested if the tree must be replaced it be a minimum 4-inch caliber tree if it needs to be replaced.

Vote

Member Lambert said all her questions were answered after the site visit and she made a motion to approve the site plan review with the conditions as stated. Member Crossland seconded the motion. A roll call vote was taken, and the votes were as follows: Bill Cleary: aye. JoJo Lambert: aye. Mark Crossland: aye, Ewell Hopkins: aye. Motion passed 4-0.

--The meeting adjourned at 5:39pm and reconvened at 6:30pm. --

Site Plan Review: Shearer Cottage: 4&5 Morgan Ave., 7 Highland Ave. – Lee Van Allen

Plans to expand and reconstruct existing structure and expand existing parking lot. New landscaping and clearing in process of re-grading for new dwellings and septic system and handicapped accessibility. Applications and plans can be viewed online at www.oakbluffssma.gov/473/Shearer-Cottage

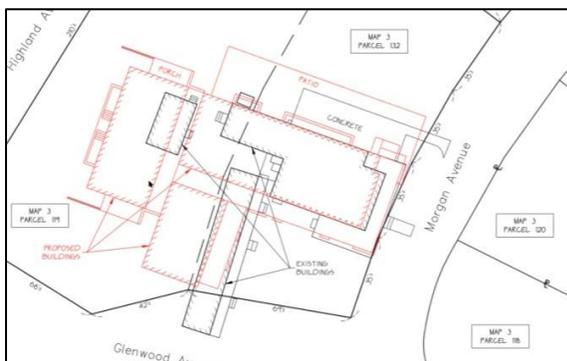
For applicant, Chuck Sullivan. Lee Van Allen, Peter Gearhart and Kris Horiuchi also present.

Chair Hopkins said due to time constraints to act on a site plan review, the planning board would need to plow through tonight and vote unless the applicant agrees to a continuation.

Chuck Sullivan said they would certainly consider a continuance if that were what's needed.

Applicant Presentation

Chuck Sullivan began with general overview and shared his screen. Locus is on East Chop just north of New York Avenue. There are three lots which comprise Shearer Cottage and the center one is highlighted. They've been granted approval by the MV Commission. To the east is the parking area (the current area), larger lot is where inn sits.



Chuck said the black outlines are the current building and the red is the expansion. Currently there is a main two-story building with a wraparound porch and a patio off to north. The parking area is to the east. There is also a one-story long skinny building and another one story in the back. Proposal is to remove the long skinny unit and that one in back to create three stories (one is the bottom ground floor). In back is the garden level, half subterranean.

There will be a handicapped parking spot and it is designed so that people park in a more organized manner. There will also be a new septic to handle the number of bedrooms, a tank and a pump chamber to handle the bedrooms and there are dry wells to handle the lower bedrooms and rain runoff including a grading plan.

Kris Horiuchi shared her screen and plan a more well-defined area with parking area, handicapped accessibility, two additional spaces. There is a terrace and lawn area, also some development to accommodate lower level walk out condition. Screening designed to be sensitive to neighbors. Also tried to preserve as many existing trees as possible. There will be new infrastructure – upgraded septic, maintain native vegetation. New storage and trash enclosures.

Chuck shared the lighting plan with three different styles of lights: tall lamppost lights, pathway 20” lighting and wall-mounted lighting. All are dark sky compliant.

Public Comment, Support

Jocelyn Walton: We are very close to the property and have been since 1940. We are support of this project and do not see any issues with them going ahead with this process.

Scott Slarsky: Spoke in support, feels architecture is very sensitive and will lead to a stronger legacy for what is a really important building in Oak Bluffs.

Public Comment, Opposition

Lee Gillian: Feels this project is overwhelming for the neighborhood, looks like we will have a major inn/hotel. Has been on Rosemont Ave for 22 years and while there is always change, Elmwood Ave. is a major shortcut for all the houses in East Chop and he’s worried for neighbors and the quaintness of the Highlands and East Chop.

Dana Hughes: Also feels it is overwhelming to neighborhood and is concerned with traffic.

Public Comment, Questions

Richard Toole: Thinks it’s tough – great team involved (Chuck and Kris) but worries about setting a precedent for others coming to the PB or MVC or ZBA with similar scale. He is concerned with the scale. However, this is such a wonderful, unique historic project that is very important tot the town of Oak Bluffs.

Gail Barmakian: Many fond memories there and wondering if any way to retain the original part of the structure because it has such significance in our community. Hoping they can retain an original part of the building. Chuck said they are planning to save the main portion of the historic part of original building.

Scott Slarsky said considering Gail’s question would it be possible in any way so that when you looked at the building you can tell which is the original and which is the new. Chuck said that’s hard to do that with today’s building and energy codes. This will be difficult other than a plaque on the wall that indicates the original building built in 1903. Lee said the main inn was 1912.

Gail Barmakian said in Copeland they struggle with this issue-- once you rebuild you need to meet code and then it doesn’t resemble original at all. She said with historic building [like Shearer] there is an opportunity to request variances from the code. Chuck said for a variance through the state, they will typically not sacrifice safety for novelty or aesthetics and it is a difficult proposition to convince them we should leave part of the structure exposed and potentially put guests and first responders at risk. There may be portions that could happen without a variance so it’s something we can investigate.

Further applicant response: Chuck addressed comment about traffic and congestion it might cause. It is a seasonal inn and they do not imagine a huge amount of traffic. Each room will be limited to one car only. There were a lot of letters on the MVC website that express how much this means to the neighborhood. Chair Hopkins closed the public input portion of the review.

Board Questions

JoJo Lambert: Asked about solar panels and timing of installation as well as charging stations. Chuck said it's a budget consideration and being able to afford the whole project. The infrastructure will be there. Over next 10 years it will be there for one spot. Five years on solar panels is money driven.

Bill Cleary: Stated for the record that he is an abutter and has filed all proper disclosure paperwork and believes he can be impartial. Three questions – how will deliveries work and the traffic flow over Glenwood? Concerns about parking spaces and getting fire emergency vehicles in there. Chuck said street will be repaired and widened once the one building that goes over property line is removed. The intent is for traffic to come in and out of Morgan Ave.

Peter Gearhart said they had a meeting in the fall with Chief Wirtz along with Eric Van Allen, Alex Elvin from the MVC, and Deputy Chief Foster. They looked at the site and thought the best route for them would be to bring a truck up and see what the first due truck would handle up there. And they had full confidence that it would. He said he explained to the chief that the building will be sprinkled and that there would be a knock box required by code. And [the chief] threw out that the 20-foot requirement he could kind of waive because there was adequate room in front of the cottage. We left it that he would bring a truck up and we were going to follow up with him. The chief wanted to know if there was adequate water, so we contacted the water district and found that there is adequate water. A 4-inch main up the street and a 6-inch main on the hydrant at Wendell and Church Ave/ that would provide adequate flow for both hydrants and sprinkler system.

Member Cleary said the number of parking spaces is of concern. There are 12 units, one car per room, but where will employees, managers park? There is no off-street, off-site parking. Chuck said an employee could use one of the delivery spots. The Van Allen's have agreed to provide housing for employees and that would be walkable to the Shearer Cottage. The two spots at service entrance and the use of one would still enable a delivery truck to get in and out.

Member Crossland said his main concern is also around emergency vehicle access. He asked if a planting plan has been created. Kris said one of the conditions of the MVC is to see a planting plan but it's preliminary right now.

Chair Hopkins asked if they have any plans to make any road improvements to Church St., Rose Ave., Glenwood Ave., Morgan Ave. and Highland Ave.? Chuck said Glenwood would be cleaned up and widened with the removal of the one -story building. The Van Allens have agreed to maintain the roads around the cottage (as ordered by Commission). With the fire chief, creating that 20-foot-wide road between the front door and the parking area is what has been discussed.

Chuck said all the roads in question are private roads. The Van Allens technically own to the center of the road they abut. They do not necessarily have the right to enlarge a road down the street that's not their road. If it's something the fire chief requires, they will need to go through process of notifying abutters or dealing with the highway department.

Member Cleary said the Commission decision says *the applicant will maintain unpaved portions of Morgan, Church and Glenwood Ave. around the property as required by the town* is what the commission requires. Chair Hopkins said he's looking to strengthen that.

Chair Hopkins asked again if it was their intent to do any work beyond their property line and what is now Glenwood. Chuck said that from the property line to the enclosure around the service parking spots, they have agreed to a criterion for safety.

Chair Hopkins said that the fire chief will evaluate this plan and whether or not it complies with fire code, based on the CMR -- it's not going to be an issue of trying to make it work, it's going to be are the roads compliant or not and then we will provide that information to the ZBA. They will make the determination if a non-compliant road is acceptable or not.

Chuck said they will be moving the building back a couple of feet off the property line. They are hoping that the 20 feet fire chief talked about can happen on one side of Morgan.

Chair Hopkins asked if they are anticipating any leveling of the parking lot to improve grade. Kris Horiuchi said no because they are trying to preserve trees and avoid excessive regrading, retaining walls and adding structure to the parking area. Asked if there is a plan for additional shading of the accessible parking spot. It is ADA-compliant as well as the pathway to the cottage. All will be done to building code. As far as any additional screening, Kris said there are tight conditions including a utility pole.

Site Plan Review under 10.4.8

Chair Hopkins opened discussion about the criteria for approval of the site plan.

10.4.8.1 Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of storm water flow increase from the site, soil erosion, and threat of air and water pollution.

- Chair Hopkins believes the excavation in the back (almost 6 feet) is significant. Thinks 3-story building in back has a detrimental effect on the architecture and topology of the property.
- Member Crossland said he is not concerned about the excavation.
- No other board member had questions or concern.

10.4.8.2. Maximize pedestrian and vehicular safety both on the site and egress from it.

- Chair Hopkins said he has spoken with fire chief about vital access CMR code that is issued by the state for subdivision access. Has received a letter from applicant's attorney that it's only for new subdivisions and he agrees. However, this is a very tested standard for public and emergency access to a property. What is being proposed is a very significant modification to what's currently there, so he suggested to the board they impose the standards issued by the state for vital access and egress as a requirement for roads leading to and surrounding this property.
- Member Lambert asked if the fire chief will come and take truck through. Chair Hopkins said no, what they're doing is making recommendations and potential conditions to the ZBA. Then the chief can review roads and if it's found they are compliant or not compliant [the ZBA] would have that information to decide whether or not it is detrimental or not detrimental.
- Member Cleary said he would be more comfortable with the fire chief signing off on whether he gets there safely or not. It sounds like chair is looking at more stringent [language]. Chair Hopkins said he is trying to avoid a point of negotiation with our fire and access individuals and simply apply a tested standard from which to evaluate. Chief can simply apply law on books then it's the role of ZBA to determine the implications of his findings. Member Cleary said his concern is that three-quarters of [all] roads in Oak Bluffs would not meet this standard. Chair Hopkins said that while that may be true, we applied this standard to Prospect Ave.

10.4.8.3. Minimize obstruction of scenic views from publicly accessible locations.

- No board members had concerns.

10.4.8.4. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned.

- Chair Hopkins said like to propose a condition on improving the grade of the parking lot, as he does not believe that it's an acceptable grade for commercial parking lot. He also said he would suggest a requirement that all deliveries would come from Morgan Ave and turn right on to Glenwood.
- Member Cleary said he does not think there are enough spaces for an operation like this. In that particular neighborhood there is no room for any off-site backup.

10.4.8.5. Minimize glare from headlights and lighting intrusion.

- Chair Hopkins has concern that parking lot shading proposed also include some type of fencing to minimize glare of lights to neighbors.

10.4.8.6. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.

- Chair Hopkins said it's a significant increase of scale but has no potential conditions.

10.4.8.7. Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances.

- No board members had comment.

10.4.8.8. Ensure compliance with the provisions of this Zoning By-Law, including parking, signage, landscaping and environmental performance standards.

- No board members had comment

Member Crossland said he'd like to have another site visit. Chair Hopkins said first let's see if we can capture conditions. Chuck Sullivan said before they do that he'd like to return to Point 2 because [the board] is trying to apply standards that don't apply to this project because they are meant for new subdivisions. He said these are private, established roads and while he understands that the chair wants to make them safe, the applicant can't necessarily change them.

Chair Hopkins said again – they are not trying to impose a standard, but instead applying a standard of safety to our recommendation. We are not applying the CMR, we're using it as a guidance of standards.

Chuck said but you're applying a standard that the applicant can't agree to because the applicant can't adjust roads he doesn't own.

Chair Hopkins said they would go through potential conditions and the ZBA can impose the obligation.

Conditions - Vote

1. Chair Hopkins said he would like to propose a maximum of four feet of excavation in terms of scale and scoping impact to the project is that motion cannot motion be second.

Motion failed

2. Chair Hopkins made a motion that vital access standards will require road improvements on the following roads: Glenwood Ave., Highland Ave., Morgan Ave., Church St., in accordance with the following standards and criterion of Chapter 18 527 CMR 1.

Motion failed.

3. Member Crossland made a motion that this is up to the fire chief and his expertise, whether or not emergency vehicles can get in and out of there. He would like to have it in writing [from the fire chief] and send that to the zoning board of appeals.

Member Lambert said this is why Member Crossland wants another site visit. She said that she too would like to see. She asked why the fire chief had not yet gone up there and Chair Hopkins said because he had been emailing the chief [instead].

Member Cleary said personally he'd like to see a truck access the site and turn around. Although he understands he does not want to put this all on the fire chief, the current establishment does not meet the CMR

Chair Hopkins said he wants to give something to the ZBA they can work from. Member Lambert asked why the fire chief had not yet gone over there. Chair Hopkins said because he has been emailing him. Member Lambert said that's his job.

Member Crossland again said he'd like to do another site visit to get a better sense of the roads. He would like to read the code and know is it pruning, is it widening the street, or is it bringing bringing in sand hardener and wrap, 20 feet wide 30 feet wide, etc.

Chair Hopkins said the applicant needs to agree to a continuance for a site visit. Chuck Sullivan said they could do that. Date chosen was March 31, 2022. A site visit would be scheduled.

Adjourn

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

Meeting was adjourned at 8:30 p.m.

Minutes approved March 31, 2022

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