



OAK BLUFFS PLANNING BOARD

Meeting Minutes

WEDNESDAY, April 27, 2023

5:00 p.m. | Virtual Zoom Meeting

Members in Attendance: Ewell Hopkins, JoJo Lambert, Mark Crossland, Sean DeBettencourt, Erik Albert

Members Absent: None

Staff in Attendance: Jessica Downey

Attendees: Frank Hess, John Albanese, Gina Albanese, Andrew Hakala, Susan Desmarais, Gino Mazzaferro, Peter Gearhart, Rita Bartolomeu, Liz Marshall, Thomas Hallahan, Laura Silber, Chuck Sullivan, Bill Veno, Tom Juster, Martha's Vineyard Times, Kris Chvatal, Carol Koury, Rich Weiss, Shelley Christianson, Patricia Ingalls, Harry Marshall, David Hannon, Maura McGroarty

Chair Hopkins opened the meeting at 5:08 p.m. A quorum was present.

Approval of Minutes

Member Crossland made a motion to approve the minutes from the January 12, 2023 Meeting of the Planning Board. Member Hopkins seconded the motion. A roll call vote was taken and the motion passed 3-0.¹

Member Albert made a motion to approve the minutes from the January 26, 2023 meeting of the Planning Board. Member Hopkins seconded the motion. A roll call vote was taken and the motion provisionally passed 2-0.²

Member Lambert made a motion to approve the minutes from the April 12, 2023 meeting. Member Hopkins seconded the motion. A roll call vote was taken and the motion passed 3-0.

¹ The three voting members (Crossland, Albert and Hopkins) were those present at the January 12, 2023 meeting.

² The two voting members (Albert and Hopkins) were those present at the January 26, 2023 meeting. Former Member Cleary was also present at that meeting, but is no longer a member of the Board.

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Four Sisters Inn

Peter Gearhart and Chuck Sullivan of Sullivan and Associates Architects represented the Applicants, Harry and Elizabeth Marshall, in their application for a Special Permit and Site Plan Review.

The Chair read the public hearing notice into the record. Member Albert recused himself from this matter. The Chair explained the order of proceedings to those in attendance, and the Applicant's representatives confirmed that the Board would be hearing both the Special Permit application and considering the Site Plan Review in the course of this meeting. Mr. Sullivan further confirmed the voting requirements with respect to each.

Mr. Gearhart explained that there is a requirement for one parking space per bedroom according to the formula set out in the zoning bylaw. The Applicants have a five bedroom inn with one parking space, and are seeking approval for parking mitigation with respect to four parking spaces. Mr. Gearhart stated that there was a site visit and that the site has since been staked. A discussion followed regarding the building site and the slope and grading of the lot. Mr. Gearhart further stated that the project has gone through the MVC, and that there are some conditions regarding drainage associated with that review. As such, there will be a drainage plan, a landscaping plan, and a lighting plan. Sourati Land Surveying is working on the drainage plan but it is not yet complete. Mr. Gearhart added that there were other conditions related to sound barriers for the HVAC equipment as a result of the MVC review.

Mr. Gearhart stated that the building is set back five feet on both Narragansett and Waban, and other than that there are no dimensional requirements in the B1 District. The height of the building is 32', 4.5" so it is under the 35 foot limit. Total square footage is about 3,000 square feet above grade. The previous building that was torn down in 2004 was about the same size. Mr. Gearhart further stated that they considered the height of the building in comparison to those in the neighborhood and it is smaller than others. They are not seeking any dimensional relief. Mr. Gearhart identified the service end of the building as being at the rear portion of the lot, identifying the one parking space in that area. He stated that the inn will not have food service or events, and is required to tie into Town Sewer. They received approval in 2022. The inn will be all electric, and potentially solar (depending on a Cottage City determination). Drainage is intended to be kept on site. Lighting will be building code required lighting, and there is ambient light from a street lamp. The inn will also have a bike rack and provide bus passes to reduce the number of patrons expecting to park. Patrons will be encouraged not to bring a car, and those who do will be asked to park on Seaview.

The Chair asked whether there were any members of boards or committees who would like to be recognized. Seeing none, he proceeded to public comment.

Rita Bartolomeu identified herself as the abutter next door, at number 16. She expressed concern about potential parking issues on Narragansett, as it is already very tight. She stated that although patrons would be encouraged to use bus passes, there would be no guarantee that they would use them. She further expressed that parking on Seaview is tight because of the beaches and other bed and breakfasts in the area. Patrons would also be inclined to park closer in order to unload luggage, etc. Children and people in wheelchairs are also a concern.

Shelley Christiansen stated that she is not entirely opposed to the project, and would therefore reserve her comment for the latter part of the public comment portion.

John and Gina Albanese identified themselves as neighbors at number 20. Gina Albanese expressed that neighbors on Narragansett witness a lot of parking issues. She stated that neighbors could confirm that there are cars all over, and that she's sure some of them come from Pequot. She further indicated that the project looks beautiful, but that it is a little too tall. Although there are houses on Seaview that are taller, they are located a block from Seaview, and she has questions about whether the houses on their street are that tall. Ms. Albanese stated that she has concerns about the effectiveness of discouraging people from parking on the neighborhood streets. She expressed support of the requirement that inns have one parking spot per bedroom, and concern about employee parking and the tightness of currently available parking spaces. She stated that she would be in support of a single family residence.

Rita Bartolomeu seconded the support of a single family home, and expressed concern about 4-5 additional cars in the neighborhood.

The Chair opened the floor to general comments.

Shelley Christiansen thanked the Applicants for making tweaks to their application along the way, but stated that parking remains her lingering concern. She pointed out that she and other neighbors on the street do not have driveways, and are at the mercy of street parking. She raised the possibility of restricting spaces to resident parking only. Gina Bartolomeu inquired as to which board would handle that request. The Chair thanked her for her comments, but indicated that this portion of the meeting is for comment only, and that any discussion relevant to recommendations to the Town would be reserved for the deliberation portion of the hearing.

The Chair inquired as to whether there was any correspondence received relating to the this matter. There was not. He then closed the public comment portion of the hearing, and proceeded to clarifying questions from the Board to the Applicant.

Member Lambert indicated that inquiries regarding resident parking should be directed to Roads and Byways.

Member DeBettencourt had some questions regarding the type of bike rack and whether it would be covered. The Applicant responded that there are no specifications at this time. Member DeBettencourt further inquired as to the sound mitigation for the HVAC units. Mr. Gearhart stated that there is a sound blanket on the house side that would drop it to about 20 decibels, which should equate to background noise.

Member Crossland did not have any questions at this time.

Chuck Sullivan identified himself, stating that he lost his connection and that he would like to respond to issues regarding parking. The Chair stated that he had already closed the public comment portion of the hearing, but asked Mr. Sullivan whether he had any clarifications regarding misconstructions or concerns that had been expressed thus far. Mr. Sullivan reiterated that this project went through the MVC. He pointed out that although there would be differences if this were being used as a single family home, it should be noted that if it were an Air BnB, there would be no control over the number of cars that would be allowed, and the Applicants have agreed to discourage the use of cars. Additionally, the project is within walking distance from the ferry and the Applicants will be offering bike racks and bus passes, which is not something that would happen if it were a single family home open for weekly rental.

The Chair polled the Board as to whether a vote should be taken at the meeting or set for a later date after deliberation. The Board responded as follows:

MEMBER	VOTE AT MEETING	VOTE AFTER DELIBERATION
Mark Crossland	X	
Sean DeBettencourt	X	
JoJo Lambert	X	
Ewell Hopkins, Chair	X	

The Chair then proceeded to call a vote regarding benefits and detriments with respect to bylaw 10.3.2. The results were as follows:

10.3.2

(1): Social, economic, or community needs which are served by the proposal

MEMBER	BENEFIT	DETRIMENT	NEUTRAL
Mark Crossland	X		

Sean DeBettencourt	X		
Jojo Lambert	X		
Ewell Hopkins, Chair	X		

(2): Traffic flow and safety, including parking and loading

MEMBER	BENEFIT	DETRIMENT	NEUTRAL
Mark Crossland			X
Sean DeBettencourt		X (MINOR)	
Jojo Lambert			X
Ewell Hopkins, Chair	X		

(3): Adequacy of utilities and other public services

MEMBER	BENEFIT	DETRIMENT	NEUTRAL
Mark Crossland	X		
Sean DeBettencourt	X		
Jojo Lambert	X		
Ewell Hopkins, Chair	X		

(4): Neighborhood character and social structures

MEMBER	BENEFIT	DETRIMENT	NEUTRAL
Mark Crossland	X		
Sean DeBettencourt	X		
Jojo Lambert	X		
Ewell Hopkins, Chair	X		

(5): Impacts on the Natural Environment

MEMBER	BENEFIT	DETRIMENT	NEUTRAL
Mark Crossland			X
Sean DeBettencourt	X		
Jojo Lambert			X
Ewell Hopkins, Chair	X		

(6): Potential fiscal impact, including impact on town services, tax base, and employment

MEMBER	BENEFIT	DETRIMENT	NEUTRAL
Mark Crossland	X		
Sean DeBettencourt	X		
JoJo Lambert	X		
Ewell Hopkins, Chair	X		

The Chair then proceeded to a vote on bylaw 10.4.8 - site plan approval. The results were as follows:

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	BENEFIT	DETRIMENT	NEUTRAL
Mark Crossland	X		
Sean DeBettencourt	X		
JoJo Lambert	X		
Ewell Hopkins, Chair	X		

(2): Maximize pedestrian and vehicular safety both on the site and egress from it

MEMBER	BENEFIT	DETRIMENT	NEUTRAL
Mark Crossland			X
Sean DeBettencourt			X
JoJo Lambert			X
Ewell Hopkins, Chair			X

(3): Minimize obstruction of scenic views from publicly accessible locations

MEMBER	BENEFIT	DETRIMENT	NEUTRAL
Mark Crossland	X		
Sean DeBettencourt	X		
JoJo Lambert	X		
Ewell Hopkins, Chair	X		

(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

MEMBER	BENEFIT	DETRIMENT	NEUTRAL
Mark Crossland	X		
Sean DeBettencourt	X		
JoJo Lambert	X		
Ewell Hopkins, Chair	X		

(5): Minimize glare from headlights and lighting intrusion

MEMBER	BENEFIT	DETRIMENT	NEUTRAL
Mark Crossland			X
Sean DeBettencourt	X		
JoJo Lambert	X		
Ewell Hopkins, Chair	X		

(6): Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places

MEMBER	BENEFIT	DETRIMENT	NEUTRAL
Mark Crossland	X		
Sean DeBettencourt	X		
JoJo Lambert	X		
Ewell Hopkins, Chair	X		

(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

MEMBER	BENEFIT	DETRIMENT	NEUTRAL
Mark Crossland	X		
Sean DeBettencourt	X		
JoJo Lambert	X		
Ewell Hopkins, Chair	X		

(8): Ensure compliance with the provisions of this Zoning By-Law, including parking, signage, landscaping, and environmental performance standards

MEMBER	BENEFIT	DETRIMENT	NEUTRAL
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Mark Crossland	X		
Sean DeBettencourt	X		
JoJo Lambert	X		
Ewell Hopkins, Chair	X		

The Chair then opened the floor to any conditions the Board would like to include, and he began by proposing a condition that approval would be based on compliance with the parking mitigation as stated in Section 5.1.5 of the Oak Bluffs Zoning By-Laws.

A discussion followed regarding the applicability of parking mitigation bylaws relating to inns, hotels and guesthouses. No other conditions were stated.

Member Crossland made a motion to approve the special permit and the site plan review with the condition previously stated. Member Lambert seconded the motion. A roll call vote was taken and the motion passed 4-0.

Short Term Rental/Timeshare/Fractional Ownership Update

Laura Silber of the MVC presented the Board with updates regarding currently pending bylaw amendments and a proposed Scope of Work for an island-wide short term rental study.

Ms. Silber began by inviting everyone to join the Martha's Vineyard Commission for the launch of an island-wide housing action task force, via Zoom on Thursday, May 11th at 6:30 p.m. The link is easily accessible on the MVC website. She encouraged all island Planning Boards to attend and post as a meeting if a quorum was present.

Ms. Silber indicated that Tisbury passed a fractional ownership/interval use/time share bylaw recently, and that Edgartown recently held a hearing regarding amending their timeshare bylaw to add fractional ownership. She mentioned that other towns are considering doing the same. Ms. Silber then drew a distinction between timeshares and fractional ownership structures vs. short term rentals, with short term rentals not *required* to be designated a commercial use in the State of Massachusetts (although *can* be designated as such if boards so choose). A draft Scope of Work was previously provided to the Board, and comments were requested. The Department of Housing and Community Development for the State has expressed interest in providing funding for study, as they do consider short term rentals to be under the housing issue. The funding cannot be secured, however, until the MVC gets the Scope of Work to them.

The Chair expressed concern over the economic impact of restricting short-term rentals, as it they are critical to many people who rely on the ability to rent out their homes for moderate periods of time. He stated that the Board is very concerned about resident

exemptions, language, and how we distinguish what is the normal course of living in Oak Bluffs vs. the phenomena of corporate investment. The Chair expressed a desire to avoid putting additional restrictions on residents of Oak Bluffs who have put economic models in place that allow them to stay on the island.

Member Lambert expressed that short term rentals are critical to the island economy and that many property owners would have something to say about this issue, and that engaging the community – seasonal and year-round residents - would likely render the necessary answers.

Member DeBettencourt expressed that residents should be allowed to maintain the economic scenario they've already established for themselves, but that the scope of this work is very important. He expressed concern about the corporatization of short term rentals and the impact that that could have on our island.

Member Crossland expressed the importance of following up on the issue, and **Member Albert** recused himself from the discussion.

Ms. Silber clarified that the study price of \$52,000.00 includes all six towns and the data collection will take about three to four months. Developing ordinances is not part of the scope – that will be left to the towns. The study is expected to give everyone all the information they need in order to have constructive conversations with their community, and figure out the best way to proceed.

A discussion followed regarding communities that are experiencing similar phenomena as a result of a proliferation of short term rentals, and the measures that have been taken to address concerns. Another discussion regarding revenue and health and safety inspections (as well as the fact that the State Building code may soon require inspections of all short term rentals, with a burden on every town to have a building inspector available to inspect every short term rental in that town) ensued. Ms. Silber confirmed that the scope of this work is data collection and gathering based around the questions the Board submitted and not formulation of opinion on the part of the Commission. Moreover, the Commission would be responsible for pulling the funds together for the study.

With respect to fractional ownership and time shares, Ms. Silber indicated that it is a good time for towns to consider bylaws, as it gives towns an opportunity to self determine rather than reacting to what the market forces are doing. Edgartown will be taking their bylaw amendment to special Town Meeting in the fall. Both the proposed bylaw amendment from Edgartown and the new Tisbury bylaw were provided to the Board for review.

Ms. Silber then explained that fractional ownership is private, and it targets private residences. It uses private residences to divide into fractional shares that are then sold on the open market to unrelated purchasers via usually a digital platform. There is an LLC created by a host company and there is an agreement that's created whereby the home is professionally managed. It essentially becomes a resort accommodation that functions just like a commercial time share, but it's in a residential neighborhood, and the appealing part of this model for investors is that you're actually building equity in the property. A discussion followed regarding the proliferation of this model on the eastern seaboard, Nantucket, and with respect to one house in Aquinnah. Details regarding other communities in the West, and their approach to fractional ownership were included in the discussion.

Committee Assignments

The Chair asked that if members of the Board or the public are interested in subcommittee assignments that they submit their names to the Planning Board Administrator for consideration. Board members already assigned to a committee were asked to confirm whether they would like to continue serving on that committee.

The Chair also asked that any members of the community who are interested in becoming a Planning Board Associate Member submit their names to the Planning Board Administrator for consideration. The roles and responsibilities of the Associate Member were announced.

The Chair opened the floor to questions from the public.

Kris Chvatal inquired as to where minutes from the Zoning Reform Subcommittee could be found (from previous meetings). The Administrator stated that an effort would be made to find those minutes and have future minutes posted on the Planning Board website.

The Chair then welcomed new Member Sean DeBettencourt to the Board.

Member Lambert made a motion to adjourn. Member Albert seconded, and the motion passed 5-0.

The meeting was adjourned at 6:48 p.m.

Minutes approved May 11, 2023

Documents on File:

Agenda; Board Packet; Zoom Video

