



# OAK BLUFFS PLANNING BOARD

## Meeting Minutes

THURSDAY, APRIL 28, 2022

5:00 p.m. / Virtual Zoom Meeting

**Members in Attendance:** Ewell Hopkins, Bill Cleary, JoJo Lambert, Erik Albert, Mark Crossland (*recused from High School project*)

**Members Absent:**

**Staff in Attendance:** Kim Leaird

**Attendees:**

Aidan Pollard ( <i>MV Gazette</i> )	Diane Huntress	John Zarba	Mollie Doyle
Alan Robillard	Dianne Woelke	Kate DeVane	Rebekah Thomson
Alex Rodolakis	Donald Herman	Kate Feiffer	Richard Toole
Andrew Patch	Doreen Schiff	Katie Cook	Richie Smith
Ashley Khattach	Doug Reece	(Eversource)	robert
Audrey Grossberg	Doug Ruskin	Kimberly Kirk	Robert Brennan
Ayesha Khan	Edie Lowe	Kris O'Brien	Robert Lionette
Barb Caseau	Eric Peters	Kristen Mello	Ronit Goldstein
Barbara Baskin	Freedom Cartwright	Louis Paciello	(Eversource)
Beka El-Deiry	George Brennan	Lynn Jacobsen	Ron's Lenovo
Betsy Dripps	Graham Stearns	Marie Kosegarten	Ryan Roy
Brian Patrick Hall	Jaime Honkawa	(Eversource)	Steve Auerbach
Chris Alley	Jeremy Houser	Marie Rudiman	Steven LaRosa
Christian Huntress	Joanne Sgroi	Mark McCarthy	(Weston & Sampson)
Dawn McKenna ( <i>MVCMA</i> )	Joe Mikos	Martha Werenfels	Susan Desmarais
Diana Conway	Joe Sullivan	Maureen R. McDonald	Walter Vail
	John Ventura	Mike Taus	
	(Eversource)		

*Chair Hopkins opened the meeting at 5:00 p.m. A quorum of Ewell Hopkins, Erik Albert, Mark Crossland, Bill Cleary, and JoJo Lambert was present.*

**Eversource: Martha's Vineyard Reliability Project and 91 Cable Replacement Project --**

Project has been in the paper and in front of Conservation Commission. Wanted to bring to the attention of full board and discuss referral to the MV Commission who says it triggers a couple of items on the checklist. Chair Hopkins asked board if we should do any due diligence at this point or wait until application is received before referring it.

Member Albert said that a project of this size should automatically go to the Commission. Member Lambert said she'd prefer to get the application. Member Crossland said he'd want to see the application before it goes to MVC. Member Cleary said he didn't think there was any input they could give before referring it.

Eversource engineer John Ventura said that when the cable reaches the site, there will be no poles. Ronit Goldstein introduced herself and others on the Eversource team: project manager Katie Cook and Marie

Kosegarten who is heading up the siting – she said they would be filing a site plan with the planning board [soon] and then for a special permit with the ZBA.

### **Tabernacle Discussion --**

An application for site plan review was received. Board discussed process for reviewing it moving forward and potential dates. Application has been shared with other town boards and committees – wastewater is an important one. There is a significant component to number of bathrooms being proposed. Board decided it would be better to allow Wastewater to review before bringing it to the Planning Board.

Member Cleary asked if we had heard anything from the Historic Commission. We have not.

Ashley Khattach from the [MVCMA] capital improvements task force said they did go to the Historic Commission and gave them a project notification form, but that they are a national historic landmark and there's a committee that has jurisdiction over it. This project has been in the making for nearly 20 years and this is the fifth and final phase. She said the timeline is critical so they can begin construction this fall. They are scheduled to be in front of Wastewater soon. They will build the building “ready to hook up” whether they get a permit or not and plan to move forward with the project one way or the other. She said ConCom has already reviewed and given their approval and the MVC decided not to concur and hopefully that would help speed up timeline. She said about 92% of people support the project and a small percentage have some disagreement about the specific nature of the accessory structure.

Chair Hopkins asked that they include this supplementary information. He said that if Wastewater is meeting fairly quickly, he is hopeful to include this at our first meeting in May.

### **Lagoon Ridge: Request for four (4) Foundation Permits --**

CapeBuilt request for four foundation permits. Representative Eric Peters said four of the prefab homes are waiting at the factory in Pennsylvania ready to be shipped here. They asked [Building Inspector] Matt Rossi whether there was a way to get a foundation permit because they need to finish clearing the site. The special permit pertaining to building permits is that we need to have the regulatory agreements completed.

Rob Brennan said that the regulatory agreement process with DHCD involves a marketing plan, locking in sales prices all of which is dependent on income, interest rates and typically done immediately in advance of going into construction and bringing houses to market. DHCD has been accommodating but this is a process that is not normally done until you are on verge of bringing [units] to market. Because of the way the special permit was structured, that approval by DHCD needs to come first and it's been an out of the ordinary approach for them. [CapeBuilt] has already received indications that they [will be] approving for inclusion on the SHI list -- we're at the doorstep but a lot earlier than is ordinary. This is what's fueling this request for the foundation permits.

Member Lambert asked did that mean the affordable units would not be built until later instead of first? Rob Brennan said they would come along with the total 17 units in Cluster C. They are faced with needing to fund the affordable housing themselves so need to get the market rate to sale as well in order to fund them. They will be sold for under \$300,000 -- the state indexes those prices.

Member Crossland asked what timeline was for getting paperwork from DHCD back. Eric Peters said he believes it would be back for select board next week.

Member Cleary said he has no issues. Working with the state can take some time. He said it appears everything is moving forward in the proper process.

Discussion about how and when affordable units would be marketed. Allowing these foundation permits will let them be able to move forward and market them. They will be added to the DHCD Shi list when they are built. Discussed how the “duplexes” will look like a single family but with a mirrored 2-bedroom home.

Chair Hopkins said he had spoken at length with town counsel and feels comfortable moving forward. He did not believe the board needed to take a vote.

Public comment was given by Alan Robillard and asked about the 55 and over which are no longer part of the plan and what that does to the “bonus lots”? Chair Hopkins said it has been determined that it will be in violation with federal housing standards so it is not one we will impose. They cannot impose 55 plus requirements. The bonus lots were granted based on three pillars, not just one, and after exhaustive conversation with town counsel we do not believe it’s in the best interest of the town or the applicant to challenge the number of units based on this realization of the federal fair housing guidelines.

Chris Alley asked if the 55 and over units were eliminated, would it rise to the level of the Commission needing to approve? Eric Peters said they are in communication with them but does not think so.

Chair Hopkins said he’d reconvene with town counsel along with the comments made tonight and then proceed with the four foundation permits.

### **Board Updates**

Bill Cleary said the Green Community application is in its final stages. The Climate Action Plan is moving forward, they’ve met with all the major players in each town with public outreach. There will be a week-long series of events for Climate Action Week May 8-14.

Mark Crossland said he’d give an update at the next meeting and print out documents.

JoJo Lambert congratulated Member Crossland for winning election and keeping his planning board seat.

Erik Albert showed the improvements done via Streetscape.

The meeting recessed at 6:05 and continued at 6:30 p.m.

*A quorum of Ewell Hopkins, Erik Albert Bill Cleary, and JoJo Lambert was present. Member Mark Crossland recused from this project.*

### **6:30PM - PUBLIC HEARING: Martha’s Vineyard Regional High School Track and Synthetic Turf Field Special Permit Application – continued from April 21, 2022**

*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 held a remote public hearing on Thursday, February 10, 2022 at 5:00 pm and continued to February 24, 2022; continued to March 24; continued to March 31; continued to April 21; and now continued to April 28, on the application of Superintendent Matthew D’Andrea on behalf of Martha’s Vineyard Regional High School, 100 Edgartown-Vineyard Haven Road, Map 55 Parcels 2 and 4. Applicant seeks a special permit under Oak Bluffs Zoning Bylaw Section 8.2 –Water Resource Protection Overlay District (WRPOD) for the installation of a 400m Track and Synthetic Turf Field. The application, plans and all currently available relevant documents are online. Additional studies and reports will be added to the file when they come available. See: <https://www.oakbluffsma.gov/412/High-School-Track-and-Field> Please forward comments to Planning Board Administrator, PO Box 1327, Oak Bluffs, MA 02557 or via email: [planningboard@oakbluffsma.gov](mailto:planningboard@oakbluffsma.gov)*

Chair Hopkins said the verbal public testimony has concluded. The applicant was given the opportunity to rebut anything said in the public testimony (verbal or written).

Assistant Superintendent Richie Smith thanked the planning board for the time and efforts spent on behalf of [Island] students and apologized for some regrettable behavior over this long period of review. Back on March 24, he introduced Chris Huntress, Joe Sullivan, Kimberly Kirk, and Kris O'Brien on behalf of the project. The following individuals gave rebuttal and closing statements:

**Steven LaRosa**, Weston & Sampson (hydrologist, chemist and PFAS expert)

**Marie Rudiman**, Weston & Sampson (health & human environmental risk assessor, toxicologist)

**Chris Huntress**, Huntress Associates

Richie Smith requested that at the conclusion of their rebuttal of this public hearing can be closed this evening. Chair Hopkins said the public portion of the hearing has been closed.

Chris Huntress read from the project advice given by town counsel on September 9, 2021, including:

3. Special Permit Criteria. Special Permits shall be granted only where the Planning Board determines, in conjunction with the other town agencies as specified herein, that
  - a. groundwater quality resulting from on-site waste disposal and other on-site operations will not fall below federal or state standards, if existing groundwater quality is already below those standards on-site disposal will result in no further deterioration.
  - b. the intent of this by-law, as well as the criteria, has been satisfied, after consideration of the simplicity, reliability, and the feasibility of the control measures proposed and the degree of the threat to water quality which would result if the control measures failed.
  - c. The Planning Board shall explain any departures from the recommendations of the other town agencies in its decision.

He also read from the opinion that the *“planning board shall explain a departure from the recommendation of other town agencies in their decision.”* He noted that copies of the application were delivered to Police, Fire, Conservation, Building, Board of Health, Wastewater, Water and the Highway department and his review of the public record on town website there are no recommendations from any that would prohibit the planning board from approving this special permit application as submitted.

Richie Smith asked for clarification on his earlier question – once the Planning Board has had the opportunity to ask questions, will this complete the public record if there is not deliberation and a decision made tonight. Chair Hopkins said the public portion of this review is closed at the conclusion of [applicant] rebuttal. We will take no more public testimony, but we will not close the written record.

The hearing was continued to **Wednesday, May 4, 2022 at 5:00pm** for board deliberation and vote.

### **Adjourn**

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

Meeting was adjourned at 7:10 p.m.

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*Minutes approved May 26, 2022*

Documents on File: Agenda; Board packet; zoom video

**Twice Monthly Meeting of the Planning Board**

**Date: Apr 28, 2022 05:00 PM** Eastern Time (US and Canada)

Meeting Recording:

<https://oakbluffs.zoom.us/rec/share/IEIn6ucwvk0Y00Qh4Jo2nt78zOj99tjQbo2Bfi3TiLqVdWEUr4Tb1vMBNH4IsS4f.II0ZHHqc8JiUddCe>