



OAK BLUFFS PLANNING BOARD

Meeting Minutes

WEDNESDAY, JUNE 8, 2022

5:00 p.m. / Virtual Zoom Meeting

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

Members Absent:

Staff in Attendance: Kim Leaird

Attendees: Ashley Khattach, Dawn McKenna, Andrew Patch, Fred Rick Huss, Audrey Grossberg, Sally Dagnall, Aidan Pollard, Mike Owen, Jamie, Rick Grossberg, Maureen McDonald, Joanne Sgroi, Scott Slarsky, Edward Cifune, Edie Lowe, Richard Toole, Jeff Ferriell, Janet Barker

Chair Hopkins opened the meeting at 5:02 p.m. A quorum was present.

Approval of Minutes: May 26, 2022

Minutes not yet ready, pushed to next meeting.

Site Plan Review: Tabernacle (continued from May 26, 2022)

Phase V of Restoration Project: includes a proposed new addition / accessory structure, approximately 1,300 sq. ft. in area, containing permanent gender-neutral toilet rooms intended to serve occupants, staff, and other island visitors, and provides an alternate accessible route to the stage.

Members Lambert and Crossland recused.

Chair Hopkins said the board had received a lot of public comment that has been reviewed and the board conducted a site visit. He said he'd like to discuss implications of wastewater department and the environmental / flood plain concerns. He asked Members Cleary and Albert if they had any other topics they'd like to bring to the table, and they did not.

Discussion / Deliberation

Chair Hopkins said he's concerned about the plan for ten bathrooms and allocation of flow with a new hookup. The Wastewater department's position was very clear that there is no implied approval or plan to hook up the Tabernacle and he's concerned about approving construction of a structure that does not have even have a forecasted or implied approval from wastewater. He asked Member Albert for his thoughts as the planning board's representative to the CWMP.

Member Albert said if you look at it from the point of view from the number of people in the campground already on system and the importance of the Tabernacle and campground to our community, he feels they should be allowed to proceed. If they don't prevail that is not on the planning board, that is up to the campground to work through. In his opinion, Wastewater is being obstructionist.

Chair Hopkins asked what the board thought about adding a condition, that our approval is contingent on a letter of intent from Wastewater. Member Albert said no – let them go forward and figure it out down the road.

Member Cleary agrees the campground is an integral part of our town. When he looks at the letters from members of the campground, it seems that more are against it than for it. As a private citizen he said it made no sense to build 10 restrooms with that price tag [without knowing it can happen]. He said he does understand the need for temperature-controlled area for piano and handicapped access.

Chair Hopkins agreed with both of them, that this is a critical need, and they are important to our community, however Wastewater has not been more accommodating with a forecast of future flow and this is such a significant amount of flow that would need to be allocated.

The site plan review is not a question of approve or deny but of conditions.

Condition #1: Chair Hopkins made a motion to require a statement of feasibility, of sign off or a letter-of-intent from the wastewater department with a forecasted flow.

Member Cleary agreed and seconded the motion remarking on the size and the number of bathrooms. He said he does agree with Member Albert that we need more restrooms in our town but doesn't believe it will happen.

A roll call vote was taken:

Albert: nay; Cleary: aye; Hopkins: aye. Motion passed.

Discussion followed about bioretention. Chair Hopkins said he thought the current bioretention design is disruptive to the root systems of some old and majestic trees. He suggested they impose a condition that prohibits bioretention at that location and instead they reduce the amount of impermeable surfaces and do a permeable strip where the parking resides along lower of the tabernacle. He said he is also concerned about the proposed detached HVAC system and would suggest it be included as part of the primary structure. They may need to enlarge [the structure] in order to include it inside. Believes digging that hole will be detrimental to those trees.

Member Albert said [the applicant] could have a third party review with emphasis on bioretention and stormwater management and impermeable services.

Member Cleary thought that was a good motion.

Condition #2: Applicant required at their expense to engage a third party to look at other environmental techniques beyond bioretention, including the possibility of reducing the amount of impermeable surface as a means of addressing the requirement that the bioretention system was initially proposed for does. Also look at stormwater management techniques. That report would then be brought back to the planning board for final review.

A roll call vote was taken:

Albert, aye; Cleary, aye; Hopkins, aye. Motion passed.

Approval:

Member Albert made a motion to approve the site plan with the two conditions as stated. Member Cleary seconded.

A roll call vote was taken.

Albert, aye; Cleary, aye; Hopkins, aye.

The decision will be written up and shared with applicant who also must go to the Zoning Board of Appeals for a special permit.

Public comment:

Rick Huss – abutter with concerns, happy they addressed the trees and is sight line of the HVAC system. Concerned that everything happens moving forward is overseen to ensure it all happens the way it should.

Open Meeting Law Complaint Dated May 25, 2022 – Review Draft Response to OML Complaint under M.G.L. c. 30A, sec. 20 filed by attorneys representing the applicant for Shearer Cottage project claiming that the Board violated the Open Meeting Law on March 31, 2022

The board voted to send the response as written with assistance of town counsel. Chair Hopkins thanked Kim for pulling the response together so quickly and wanted to say for public record the value she brings to the planning board.

Board Updates

Erik Albert: Land Bank met today and discuss budget and projects moving forward including Red Gate Farm / Caroline Kennedy property and no word yet on James Pond. Discussed a campground proposal in Southern Tier as well as Barnes Rd feasibility and bike path.

Bill Cleary: Climate Action Plan workshop in Aquinnah and then a draft of the plan will be written by end of month and introduced to the public.

JoJo Lambert: The zoning reform subcommittee met this morning and Peter Goodale attended. They talked about Dukes County Ave, Narragansett and Pequot.

Mark Crossland: Thinks they should revisit hiring a consultant to review our zoning and asked about writing an RFP. Kim has gathered a couple of RFPs and will distribute. Chair Hopkins asked that it be included as a first agenda item for next meeting.

He also went to Select Board meeting and heard about Lagoon Ridge and the affordable units. At the Affordable Housing committee there was a presentation about Elio Silva's project that will move towards a 40B. They plan to pursue a grant to establish infrastructure back to doughnut hole.

The Noyes Building will be two affordable units and they are meeting with Select Board next week to sign off on a grant. Member Cleary said it would be great if that could be used for senior housing.

Ewell Hopkins: Said that the 40B will go to the Zoning Board of Appeals. The planning board's role is to provide input and recommendations. The plans were sent to the planning board today. He thinks the board should have one or two public hearings to discuss the project to formulate an opinion. The nature of this 40B is significantly different than what had originally been proposed. We are nowhere out from the burden of affordable units. We are at about 50%.

He also informed board that the High School special permit decision was appealed and filed with town clerk. Each board member would be individually served and he would be in contact with next steps. A request for town counsel legal services has been submitted.

Public comment:

Richard Toole – said Member Albert did a great job at the Land Bank meeting. There was almost unanimous support for campground project. There may be an issue with bike path on Barnes Road the planning board might need to weigh in on.

Adjourn

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

Meeting was adjourned at 5:55 p.m.

Minutes approved June 23, 2022

Documents on File: Agenda; board packet, zoom video