



OAK BLUFFS PLANNING BOARD

Meeting Minutes

THURSDAY, July 13, 2023

5:00 p.m. | Virtual Zoom Meeting

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

Members Absent: None

Staff in Attendance: Jessica Downey

Attendees: Llewellyn Rogers, Michael Nania, Cody Coutinho

Chair Hopkins opened the meeting at 5:01 p.m. A quorum was present.

Approval of Minutes

Member Lambert made a motion to approve the minutes from the June 8, 2023 meeting. Member Debettencourt seconded the motion. A roll call vote was taken and the motion passed 3-0.

Member Albert made a motion to approve the minutes from the June 22, 2023 meeting. Member Lambert seconded the motion. A roll call vote was taken and the motion passed 4-0.

Certification of Utilities and Access - 147 Edgartown/Vineyard Haven Road

Michael Nania was present to represent the property owner. The Chairperson explained that the Applicant was seeking certification of utilities and access for the property in accordance with By-Law 4.2.4 - More than One Dwelling on One Lot. Mr. Nania detailed the plans for the property in question, including the fact that a house already exists on the lot. The new dwelling will be located thirty feet from the existing dwelling, which already has access to water and electricity. The septic has already been approved.

Member Lambert inquired as to whether the new dwelling would be using the same access as the existing dwelling, and Mr. Nania confirmed that it would. He further stated that there is an electrical pole overhead, by which the new dwelling would access electricity. It will not be underground.

Member Crossland made a motion to certify the utilities for the property. Member Lambert seconded the motion. A roll call vote was taken and the motion passed 5-0.

East Chop Association ANR – Cedar Avenue

Cody Coutinho appeared on behalf of Applicant (with a Letter of Agency), seeking approval for an ANR on Cedar Avenue. Mr. Coutinho explained that two neighboring property owners in East Chop were seeking to add land that was previously identified as a small “park”, owned by the East Chop Association, in order to have access to their properties from Cedar Avenue. The Chairperson clarified that the application reflects the fact that these two parcels alone are not buildable lots. Member DeBettencourt confirmed with Mr. Coutinho that the division would not be for purposes of cutting through New York Avenue onto Cedar. Mr. Coutinho stated that was not the intent of the division. The Chairperson stated that if they planned to extend roadways or add structures, they would have to go through the building department.

Member DeBettencourt made a motion to approve the ANR. Member Lambert seconded the motion. A roll call vote was taken and the motion passed 5-0.

3 Uncas Ave. 40B Letter

The Chairperson explained that there is a 40B application before the Zoning Board of Appeals for 3 Uncas Avenue, and that Town Departments have an opportunity to submit comment letters to the ZBA regarding the proposed project prior to approval or denial. He further stated that the Planning Board submitted a letter two plus years ago relating to the first attempt by the Applicant. He then asked the Board whether, after reviewing the previous letter, they were interested in re-submitting an updated letter reflecting the opinion(s) previously expressed.

Vice Chair Crossland stated that his preference would be to re-submit the letter. Member Lambert concurred, as did Member Albert. The Chairperson gave some context on the prior letter to benefit Member DeBettencourt, who was not a Board member at the time it was submitted. A discussion followed regarding the timing of the hearing and the level of urgency in submitting the letter. Vice Chair Crossland then confirmed he made a motion to re-submit and the motion on the floor was then seconded by Member Lambert. A roll call vote was taken. Member DeBettencourt abstained from the vote, and the motion passed.

Committee Appointments

The Chairperson announced that there were two potential committee appointment recommendations before the Board. He further explained that priority for these positions is given to Planning Board members. However, hearing no requests for appointment from any members to the Capital Programs Committee, he opened the floor to a vote to recommend that the Select Board appoint Mark Leonard to that role. Vice Chair Crossland made a motion to recommend

appointment. Member DeBettencourt seconded the motion. A roll call vote was taken and the motion passed 5-0.

The second potential recommendation was Bill Cleary to the Community Preservation Committee. The Chairperson inquired as to whether there were any board members interested, to whom priority would be given. Hearing none, Member Albert made a motion to recommend Bill Cleary. The motion was seconded by Member Lambert. A roll call vote was taken and the motion passed 5-0.

Board Updates

Member Albert stated that the Copeland Board is being sued regarding the Black Joy project at 125 Seaview.

Member Lambert stated that she is working on language and research for the Zoning Reform Subcommittee project.

Member DeBettencourt stated that he had also attended the Zoning Reform Subcommittee Meeting, but that FinCom is not currently meeting.

Vice Chair Crossland reported that his zoning subgroup continues to meet weekly and is nearing completion on the revised language.

Chair Updates

The Chairperson stated that the Oak Bluffs Water Department would be holding a meeting, and had invites select members of Boards and Departments to attend. The purpose of the meeting would be to have a frank discussion regarding the current state of the water infrastructure and the impact the demand is having on their ability to supply. The agenda would be posted in accordance with open meeting law requirements to allow for attendance by multiple members of the Planning Board, should they so desire.

The Chairperson also stated that the Zoning Reform Subcommittee was making good progress.

He further explained that with respect to the MVRHS litigation, there would be an appearance in front of the Land Court the next day at 9:30 am.

Additionally, MVRHS recently requested a meeting with the Planning Board and Select Board Chairs. They ultimately met with two representatives of the School Committee and the attorneys. The Planning Board and Select Board Chairs then spent three hours walking through the application submission process for the Town of Oak Bluffs. The Chairperson further stated that the path forward is defined in by zoning by law 10.4. And, as MVRHS is currently taking legal action against the Town, they can do it simultaneously, or they can

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withdraw the original complaint and go forward with a new application. In the meantime, MVRHS elected to go forward with the hearing in front of Land Court, so that would be the next step.

Adjourn

Member DeBettencourt made a motion to adjourn. Member Lambert seconded the motion. A roll call vote was taken and the motion passed 5-0.

Minutes approved August 24, 2023

Documents on File:

Agenda; Board Packet; Zoom Video