



OAK BLUFFS PLANNING BOARD

Meeting Minutes

THURSDAY, AUGUST 26, 2021

5:00 p.m. | Virtual Zoom Meeting

Members in Attendance: Ewell Hopkins, Bill Cleary, JoJo Lambert

Members Absent: Mark Crossland, Erik Albert

Staff in Attendance:

Attendees: Terry Donahue, Kimberly Kirk, Kris O'Brien, Christian Huntress, Patricia Ingalls

Chair Hopkins opened the meeting at 5:01 p.m.

Approval of Minutes

Member Cleary made a motion to approve the August 12, 2021, meeting minutes. Member Lambert seconded. A roll call vote was taken and motion passed 3-0.

Introduction of Scott Sklarsky formally engaging with the Planning Board

Scott Sklarsky is an urban planner and architect as well as a voting member of Oak Bluffs. He has expressed interest in getting involved with the Planning Board and may be an excellent candidate for the Associate Member position we hope to get approved at town meeting. He has a lot of great technical experience and would be a non-voting member but one who could help us meet quorum if we had difficulty doing so for specific applications.

An Associate Member is allowed for under **M.G.L. Chapter 40A Section 9:**

“Zoning ordinances or by-laws may provide for associate members of a planning board when a planning board has been designated as a special permit granting authority. One associate member may be authorized when the planning board consists of five members, and two associate members may be authorized when the planning board consists of more than five members. A city or town which establishes the position of associate member shall determine the procedure for filling such position. If provision for filling the position of associate member has been made, the chairman of the planning board may designate an associate member to sit on the board for the purposes of acting on a special permit application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the planning board or in the event of a vacancy on the board.”

Chair Hopkins said he wanted to introduce the topic before inviting Scott to our next meeting [Sept. 9]. Member Lambert said she would like that and Member Cleary thought it was an excellent idea and asked if the associate member could also represent the Planning Board on one of the various boards and committees. Chair Hopkins said yes, the Planning Board could appoint someone to represent the interests of the Planning Board.

Tentative discussion of HSH Associates, Southern Tier (Corridor) road proposal

Chair Hopkins met with HSH Associates, a group that the MVC introduced us to a few years ago after they did a few traffic studies around Village Road. There is a report on our web site under Southern Tier for that area. He asked HSH to put together a proposal to do an extensive analysis of traffic from County to Barnes Rd. and the current and potential development of that area, a study they could all lean on for a financial estimate of the cost of all of this development. Several individual projects are at play: what are the costs to survey and re-engineer and improve the road to maintain pedestrian safety and vehicular movement should there be — a grocery store, an expansion of the high school campus, the YMCA campus, an expansion in housing, etc. He said he thought Scott Sklarsy's experience would lend itself to work as a liaison between the Planning Board and HSH and reviewing the proposal and bringing back for a vote.

Member Lambert said several of these projects have not yet been approved but there are a lot of issues on the road and she wanted to make sure that they were not starting something prematurely.

Chair Hopkins said HSH is submitting a proposal to do the actual study and issue their findings/ recommendations. The entire Planning Board will review those findings/ recommendations and vote on them. However, Scott Sklarsky has so much professional, technical experience, he could be a point person for the Planning Board [while the study is ongoing].

Discussion followed about the benefits of moving ahead with a study like this. Member Lambert said she thought some of this already existed and wondered if they were taking on more [unnecessary] work.

- If we remain reactionary and wait until everything is built, it could be very expensive for the town. If proactive, we can figure out who is going to pay for it and how.
- Individual projects can create a traffic problem that we then are able to address proactively instead of in a reactionary way.
- This is classic planning: For example, say there's a \$2 million burden to the town to have the road keep up with the development taking place on both sides of the road. If we have a tool that we can use and condition projects so that we can go to applicants and say 'what percentage of that burden to the town are you prepared to assume and take responsibility for?'
- Before all of these projects come in front of us, let's get a handle on that area of roadway and what the different techniques might be (additional roundabouts, traffic lights, whatever it might be to reconfigure the road)
- HSH, which is already doing a lot of work with the Commission, will give us a foundation that we can use when we're reviewing proposals and applications.
- There's no cost to having them generate a proposal.
- We often talk about how little time each of us has for boards and committees — this is an important project, a finite project, and to have someone like Scott available is great for us.
- We have funds available to do this study.

Member Cleary asked if their plan would come up with some suggested changes to what we have. Chair Hopkins said absolutely: It will come back and say: Here are the current challenges. Here are the anticipated challenges based on development. Here is the forecast of how much it would cost to fix it. So when we're sitting down with each applicant [in this area] we can spell it out.

Member Cleary said it's important to get out ahead of the development and that he thought it was great that the Commission has already done work with HSH and that if Scott Sklarsky is interested this is a great addition.

Board Updates

Bill Cleary:

- Green Community Designation. They are almost there. The town attorney resolved issue regarding the expedited permitting process. Letter is ready for application. Has two letters from town clerk verifying the two town meeting votes. Waiting for a letter from Alice with Select Board chair signature. Last thing needed is to present to school committee. He has been in touch with superintendent and offered to do a meeting but they are already familiar with this process because other towns have already gone through process.

(Chair Hopkins lost audio around 5:25, returned two minutes later)

JoJo Lambert:

- Attended a meeting with Ocean Park [Realty] and Lagoon Ridge developer/owner. The lots have been put up for sale. She said she had issues with that happening before permitting and was surprised at the pricing of the 55 and older units. But the presentation pretty much matched what was presented to Planning Board.
- Attended Select Board meeting and was voted to be on the Cottage City Historic District committee... but is now wondering if she has a conflict as a realtor. Chair Hopkins said it's a simple conversation she can have with an Attorney of the Day on whether it's a conflict.

Ewell Hopkins: Went through correspondence in board packet.

- Sent a request for info to Alex Elvin at the Commission and copied Member Lambert that outlines all the steps that the Lagoon Ridge owners must go through before they can sell property.
- Salt Marsh DCPC: still has concern that there is still no sponsorship at the town level with is first step. He went back and forth with Liz Durkee and feels they are on same page.
- All Island Planning Group: everyone is welcome to attend. Last night they discussed document that Alex Elvin put together on his approach to the DRI process. The group had commented on that process.
- Information on Scott Sklarsky
- Letter re: Green Community Designation
- Conflict of interest training needs to be done every two years. Everyone due should have received notification.
- Having an issue with Goodale's operation west of the Alpaca Farm. He has gone to Select Board but they have been clear that the review does not come through them, [most likely] the Planning Board. He asked them to reach out to Kim if they have any questions.
- Re High School application: letter from Kim and Kris O'Brien re the high school; letter from Amy Houghton, letter to Matt D'Andrea and Kimberly Kirk dated June 14, 2021 and town counsel response. Member Lambert had questions to clarify their correspondence.

Member Lambert said she thought the Commission made their decision. Chair Hopkins said the Commission asked the Planning Board about the applicability of 8.2. After research he determined that there was applicability. The Commission is completing its decision tonight and then it will come back to the Planning Board. Our due diligence will pick up with the applicable bylaw: What is the scope of the due diligence, which bylaws are applicable and not applicable.

He pointed out it's the same process going on right now with 112 Dukes County Ave. (they are in front of the Commission right now and then it will come back to town and it will be determined what bylaws will be relevant). Chair Hopkins said [his process] is to review the application for

the applicability to bylaws, for the completeness of the application and if it's ready to be presented to the Planning Board for review and public hearing. He reviews with building official when there are questions around the bylaws and if they both think it's still vague they will bring in town counsel.

In this case he immediately consulted with town counsel due to complexity of this application. Town counsel came back and said it was gray and he could not make a determination for or against. Chair Hopkins said that as chair he made the decision that it is applicable. If the applicant disagrees, they can appeal to ZBA on applicability of the bylaw. The ZBA could decline to review it or they could choose to review it and make a determination.

Member Lambert said that if we are paying town counsel, he needs to give a more concrete opinion vs. saying it's 'gray.' He should be presenting us with a stronger opinion.

Chair Hopkins said town counsel does still have more work to do, but he is waiting for the Commission's written decision to proceed and then will issue additional guidance in terms of the [applicability] determination that Chair Hopkins made re 8.2. He will either support the determination he made or challenge it. The applicant will have the opportunity to appeal this decision to the ZBA.

Member Cleary said it sounds as if this might be on the next agenda. Because this is controversial he said he hopes that [the Planning Board] will discuss town counsel's findings at the next meeting. Chair Hopkins said he would not be in conflict with the opinion of the town attorney. Right now the communication is privileged but he will share once it's time.

Kim is working on a process flow chart so that all board members can understand the timeline and their responsibilities, especially for the next three applications.

Member Cleary requested that once Michael has his determination regarding our oversight he would love for an agenda item specifically to discuss it. There has not been a lot of involvement from Mark and Erik in the last few meetings but this particular topic is very important. If for some reason Thursday is not working for these two gentlemen, then, maybe we schedule it another day.

Chair Hopkins said he had suggested they work on this application in parallel to the Commission and the board said 'Let's finish with the Commission,' — this is the reason why it has not yet been on the agenda. He was honoring the request of the board.

Member Cleary said now we are getting to a point tail where we should definitely discuss it as an agenda item when it's available.

Chair Hopkins said by the time public hearings open they would all be well versed, they would not be getting up to speed during a public hearing.

Adjourn

The zoom recording cut off approximately five minutes before being adjourned at approximately 6:12 p.m.

Minutes approved September 9, 2021

Documents on File: Agenda; Board packet; zoom video