



OAK BLUFFS PLANNING BOARD

Special Meeting - Zoning Reform

Meeting Minutes

SATURDAY, October 7, 2023

9:30 a.m. | Hybrid Meeting

Members in Attendance: Ewell Hopkins, Sean DeBettencourt, JoJo Lambert

Members Absent: Erik Albert, Mark Crossland

Staff in Attendance: None

Attendees: Jill Cheatham, Kim ____, Joan ____, Maura McGroarty, Ben Scott, Sam Greene, Francis Walsh, Bob Malecki, Ken Blacklow, Bonnie-Jo Hakala, Peter Gearhart, Elizabeth Marshall, Mark C., James ____, Ramon Elliott, Frank Lauinger, Kim Hilliard, Judy ____, Michelle Batelle, Dawn ____, Chip Coblyn, Lynn Selassie, Lisa Kim, George Murray, Allyson Malik, Elizabeth Davis, Hannah Beford, Candace Nichols, Pat Ingalls, Peter Goodale, Dave Robinson, Dana Mylott, Vivian Beard, Shelley Christiansen, Kerry Scott, Reiner Cash, Hester Agadosi, Peter Goodale, Susan Desmarais, Peter Bradford, Anthony Capelli, Tim Bartolomeu, Steve Auerbach, David Hamm, Pat Ingalls

Member DeBettencourt opened the meeting at 9:30 a.m. A quorum was present.

The cluster of subjects addressed is as follows:

- **Increasing Commercial Zoned Areas/Commercial Activity in Residential Zones/Mixed Use Zoning**
- **Commercial Zoning in the Copeland and Cottage City Districts**
- **Dukes County Ave. Re-Zoning**

Public Input

Peter Bradford expressed concern regarding the last meeting, saying that there were some members of the public on Zoom who did not understand what the proposals were. He stated that he would like to have a public meeting wherein context is provided with respect to each of the items presented. Perhaps a Powerpoint to show where the working groups got to and what they did would be helpful.

Candace Nichols spoke about the Dukes County Ave. proposals – she expressed concern that her property at 6 Arch Avenue is not delineated as commercial on the draft maps submitted by the working groups. Ms. Nichols stated that she would like to see her property included on the proposed zoning maps as commercial. Member DeBettencourt did not comment as to what existing Oak Bluffs Planning Board / October 7, 2023

maps show, but stated that Ms. Nichols was certainly welcome to submit something in writing before the maps are finalized.

Maura McGroarty requested that, given the number of topics to be covered, the public would just get an overview of the items on the agenda for the evening, as opposed to getting into specifics. Member DeBettencourt agreed that not all of the items on the list will make it to Town Meeting, but reiterated that the goal of these meetings is to solicit public input.

Pat Ingalls expressed the importance of the public coming to these meetings and stated that it would be helpful to have overlay maps available on the website for the meetings. Peter Goodale, who served as a member of the working groups, expressed that they purposely did not draft maps, as they preferred to let the public weigh in on their drafting. Ms. Ingalls stated that she expected there would be overlay maps available by the end of August or beginning of September. Chair Hopkins stated that there are no formal overlay maps at this point, and there are no formal presentations to give to the public. Rather, the Board is attempting to hear from the public at these meetings. The Planning Board has not deliberated or discussed these matters and is therefore not at the point of recommending anything. The Board is now merely asking the public to express thoughts about or modifications to what has been submitted by the working groups. Nothing is being held back from the public, and everything is posted on the front page of the Planning Board website. The Chair expressed that the Board is hopeful that people will read the materials before these meetings and the formal public hearings.

Sandra Lippens stated that before she “washed ashore” in 1980, her partner Teddy Tilton told her about something called the Metcalf-Eddy Report, which made recommendations about the commercial zoning on the Vineyard.

Dave Robinson stated that he is concerned about commercial activities in residential neighborhoods. He stated that he lives at 6 and 8 Dempster Park in East Chop. He lives across the street from 7 Dempster Park which, he says, is rapidly turning into a commercial center. There have been multiple disruptive sponsored events being held there from 9 a.m. well into the evening. There were parking problems, traffic jams, and noise. The streets were blocked to traffic because of the cars parked on the roadside, and it is an inappropriate use of a residential neighborhood. There have been legal fights associated with the commercial use of the property. He stated that if the Town is considering changing zoning, now is the time that it has to be done. Member DeBettencourt thanked Mr. Robinson for his comment, and encouraged him to submit a written letter to the Planning Board as well.

Ben Scott stated that he was told maps would be available prior to the meeting today, and expressed the difficulty in commenting on something that he cannot see. He further commented that opening up the proposed LIMOD District to light industrial landscaper operations, excavation, mining, and earth moving would be to allow some of the most disruptive and volatile land uses into residential areas that have been well-established. He also expressed concerns about water usage,

since lawn and garden companies would expand in and disrupt this district's water quality issues. It would have catastrophic and irreversible effects on the residential neighborhoods. Additionally, it would allow strip-mall like areas to be set up in certain corridors of the Town.

Dana Mylott would like to see the area in the vicinity of his property at 0 Beth Way become light use industrial and he owns property that would be affected by the Dukes County Ave. proposal. He detailed his plans for 0 Beth way, including growing food and giving away firewood to the community. He stated that he intends to build housing for his workers, as well. He indicated that he is currently paying \$8000 to park commercial vehicles on Town property because he cannot do so on the land he owns. Mr. Mylott detailed the ways in which blue collar workers contribute to the Island economy, and expressed that they should not feel pushed out. He agreed that light industrial uses should not be disruptive to neighbors, and junk should not be permitted to be stored on these lots. He also stated that Air BnB's are harmful and disruptive in different ways in these communities, and remarked on the lack of commercially zoned areas in Oak Bluffs that are amenable to landscaping businesses.

Vivian Beard expressed a desire to know the names of the people who have been part of the working groups producing the drafts. Member DeBettencourt informed Ms. Beard that the information she was seeking was already available on the website. Ms. Beard further inquired as to whether the groups would be increased in number. Member DeBettencourt reiterated the process that will be followed in bringing the items to Town Meeting.

An unidentified member of the public expressed concern about the requirements for agricultural use and how that would be affected by the proposed zoning changes.

Shelley Christiansen commented on commercial zoning in Copeland and Cottage City, stating that it would be helpful to know the rationale behind each one of the bullet points in the document online. She noticed that the area where the Pequot Hotel is located was specifically flagged. She noted that if a member of the working group could comment on the rationale, it would be easier to comment.

The Chair stated that what the Planning Board is attempting to understand is the need for commercial districts within the Town. He explained that on Narragansett Ave., the first block is commercial only, with the exception of one residential property and the second block is residential with one commercial exception. The third block is all commercial, and the fourth block is all residential. So the question is whether that makes sense. The working group thought it was worthy of attention. It is now being presented to the public to get feedback.

Reiner Cash expressed concern that there are gaps in information transparency. He expressed that it is important to focus on the concerns of Oak Bluffs residents, and not those of the entire Island. The "pit" serves the entire Island, and other pits could be built in other areas, rather than to

continue to make a large hole close to the High School and close to residential neighborhoods. He stated that he intends to draft a brochure with information providing context for the proposals.

Hester Agadosi agreed that there is a need for more background information regarding the proposals. She further expressed concern over the use of residential properties for commercial purposes, especially given the density of the neighborhoods and the impact of the traffic, parking, and noise.

Dana Mylott inquired as to the super majority vote needed to change a zoning bylaw. The Chair clarified that in order to make a change to a zoning bylaw, a supermajority vote is required.

Peter Goodale stated, in the interest of providing context, that his current mine does not have many years left. It is enough to sustain him until he retires, but will not provide for the Vineyard after that. There is a question regarding whether the Island wants to allow mining at all, and whether and where that might be possible. As to why mining is included in the LIMOD draft, he thought this might be a forum in which to have that conversation. The maps were not done because the LIMOD is based on much more than just mining, and it is open to discussion as to where things should be located.

Susan Desmarais asked Peter Goodale what steps he took to make sure he was unbiased in offering his opinion in the working group. Mr. Goodale stated that he did not do any writing, and that he was just in the group to give input and offer his perspective as well as that of the landscapers and other industries on the Island that do not have a legal place to exist in Oak Bluffs. He stated that only Dukes County Ave and Circuit Ave are zoned commercial, in reality. People approach him frequently asking whether he has a place they can go and he does not.

Peter Bradford expressed that with the current real estate prices, it is unattainable for the younger generation of landscapers and the like to get into business. The Island population is growing, and the need for commercial space is going to increase. He does not think that restricting or reducing commercial space in the B1 or B2 is plausible, unless a specific property owner requests that their property be removed from the commercial district. He added that abutters to the commercial district should also be notified in writing, and consulted as to whether they want to be added to the commercial district. Mr. Bradford detailed his struggle to find parking for his taxi business, having approached Peter Goodale, and ultimately renting from Candy Nichols on Arch Avenue because that is the only space he could find. He recognizes that there are few to no opportunities like this that exist in Oak Bluffs for business owners. Finally, he expressed that specific spots should not be cherry-picked to be converted from commercial to residential without consulting those property owners. By removing some people from commercial districts, you will end up spot-zoning other people. The property he leases, 6 Arch Avenue, was grandfathered with 50 feet of commercial and was extended 20 more feet by special permit. He and the owner are requesting that the entire

property be included in the commercial zone. He further indicated that he would like more context to the issues being discussed, as has been expressed by others.

The Chair once again explained the process that will be followed regarding these proposed zoning bylaw changes. He stated that the Board will invite working groups to attend the meetings but that they will not be compelled to do so.

Anthony Capelli expressed that individuals using their property in ways they shouldn't be is an issue that needs to be addressed.

Tim Bartolomeu addressed the issue of properties going from B1 back to residential zoning. He expressed the inconsistencies in the stories of how the zoning changes occurred in that area, but he believes it was done in error either way. His concern is that when these lots change hands, the new owners are allowed to build to the property line and have increased because they are zoned as B1. The neighborhood of smaller homes is now seeing 4,000 square foot buildings being constructed. He does not see the benefit of it being B1 when it was originally residential, historic homes. Making it residential again would benefit the neighborhood.

Steve Auerbach expressed that he believes the intent of the working groups is clear: that it is where their interest lies. He suggested that everyone should realize that, and that they are only suggestions – not law, or even final recommendations at this point.

Vivian Beard inquired as to whether there is any Town property that could be re-assigned to a different use to create opportunity in the absence of land. She expressed that putting in commercial businesses that are going to upend residential neighborhoods is not a solution.

David Hamm stated that without maps and documents, the public doesn't really know what they are talking about. He further stated that he supports people who bought residential property in Oak Bluffs and believed that zoning was not going to change their quality of life. He does not support having the largest investment most people make subject to change and being diminished.

Pat Ingalls commented that the process has been flawed in getting the public to know exactly what's going on with the subgroups. Information about the meetings needs to be distributed more clearly to the Town and the residents.

Sandra Lippens expressed a desire to know more about the intent of the working groups.

An unidentified member of the public inquired as to whether the Zoom recordings of these meetings would be available on the website. The Chair stated that the minutes from these meetings would be posted on the website and he would work with IT to get the Zoom videos posted. He encouraged continued public input and participation. The member of the public further inquired

about the possibility of draft language pertaining to ADU's and housing for younger residents. The chair acknowledged the earlier request to get feedback from the working groups, and committed to reaching out to Mark Leonard, Chair of the Affordable Housing Committee and working group participant to attend a meeting in order to explain intent and purpose.

Adjourn

Minutes approved _____, 2023

Documents on File:

Agenda; Zoom Video

DRAFT