



OAK BLUFFS PLANNING BOARD

Special Meeting - Zoning Reform

Meeting Minutes
SATURDAY, October 14, 2023
9:30 a.m. | Hybrid Meeting

Members in Attendance: Ewell Hopkins, JoJo Lambert

Members Absent: Erik Albert, Mark Crossland, Sean DeBettencourt

Staff in Attendance: None

Attendees: Ron Wilson, Bonnie-Jo Hakala, Jill Cheatham, Maura McGroarty, Kim Hilliard, Susan Desmarais, Michael Friedman, Gary Harcourt, Peter Pease, David Hannon, Judy _____, Barbara Ronchetti, Mark Friedman, Kathryn Harcourt, Kriner Cash, Gail Cash, Pat Ingalls, Shelley Christiansen, McGhee Osse, Vivian Beard, Kelly Joyce, Lisa Christ, Dana Mylott, Candace Nichols, Dolores Borza

Chair Hopkins opened the meeting at 9:30 a.m.

The cluster of subjects addressed is as follows:

- **Accessory or Guest Apartments as of Right/Clean Up Language re: Home Businesses**
- **Shed Language**
- **Subdivisions That Shouldn't Be in R3/Minimum Lot Sizes for R3 and R4/Permitted Use Under R1, R2, R3**

Kriner Cash stated that he believes there are still gaps in knowledge regarding what these meetings are. He passed out a document prepared by him, setting out the “who, what, where and when”. A discussion followed regarding the impact of subjects discussed at the last meeting, including storage of landscape materials, the Edgartown-Vineyard Haven Road, and mining operations. Mr. Cash indicated that the maps provided do not show where the proposed changes will take place, and an overlay is needed to better relay that information. He indicated that more information is needed regarding the number and type of landscape vehicles that will be parked, and how many may be parked in residential driveways if that is what is being proposed. Mr. Cash also said it would be helpful to know how many people were in each working group, and whether minutes were taken. He suggested that the public needs a full picture of what the proposals mean and what their impact will be.

The Chair discussed agricultural exemption, stating that it is not a part of local zoning. He stated that the Donaroma project on Edgartown-Vineyard Haven Road is a result of agricultural exemption. He also stated that, as part of the timeline of these meetings, there will be ample opportunity for the public to get the specificity they desire. He reminded the public that the Board has no recommendations yet, and that all it is soliciting at this point is input from the public.

Pat Ingalls expressed that she believes that a sign-in sheet with everyone's name on it is important.

Accessory Apartments/Guest Apartments as of Right

Shelley Christiansen commented that she believes it is important that these bylaws have greater clarity for buyers and sellers in terms of what their rights are. The Chair recommended that she submit any suggested language she may have to achieve that goal. Ms. Christiansen then stated that there should be more flexibility relating to accessory dwellings to allow for workforce housing. She stated that she has personally seen a number of illegal accessory apartments and has concerns regarding health and safety. She further inquired as to the role of the Planning Board versus the Zoning Board of Appeals. The Chair directed her to Appendix "A" of the zoning bylaws, which outlines authority.

Gary Harcourt suggested a discussion about square footage area. Currently the 750 square foot limit is the same for someone who owns two acres as it is for someone with a quarter acre lot. He stated that lot size should be considered in the calculus of allowable square footage for accessory dwellings. The Chair indicated the suggestion is being considered.

A member of the public suggested that the Board remain open minded about guest houses in incentivizing people to build affordable housing. The Chair encouraged comment as to whether the current language encourages or discourages creating affordable housing.

Vivian Beard stated that any additional housing would still require people to stay within limitations on the number of bedrooms. The Chair confirmed that people are not going to be able to add bedrooms if that is not permissible, whether they have an accessory unit or not. In many cases, wastewater limits what a person can do with their property.

Jill Cheatham suggested that it should not be mandated who lives in which building on a person's lot, so long as both dwellings are not being rented. Additionally, if there is 25% of open space on a property, a person should be able to build an ADU. She also stated that parking and driveway restrictions should be simpler.

Michael Friedman informed the Chair that he believes the State has something coming up and that California has an ADU act that should be consulted. Mr. Friedman indicated that there is verbiage in his written submission that addresses preserving and protecting housing.

Shelley Christiansen raised a concern that if you begin to income restrict these units, and they are deed-restricted, upon transfer who will monitor and enforce those restrictions? A discussion followed regarding possible solutions for restriction outside of restrictions running with the land.

Clean Up Language re: Home Businesses

McGhee Osse stated that she lives in a neighborhood where a home-based business has caused angst for surrounding neighbors. There are concerns about safety, pollution, impact on the character of the neighborhood, and property values. She inquired as to whether the proposed changes are an attempt to clear up ambiguities that Town Officials have indicated exist within the by-laws. She would like to know exactly what the ambiguities are that these changes are attempting to fix. Ms. Osse offered a historical account of the drafting of the by-law, and indicated that the current iteration is what the framers intended: that by right or by special permit, resident property owners could operate an at-home business. She stated that she spoke to two surviving members of the Community Development Council who drafted the bylaws, and has obtained their working documents. The current question is how at-home business owners and residents and abutters can co-exist peacefully. Ms. Osse further stated that an assessment of issues and enforcement are necessary, as well as accountability for these businesses with the legal owner of the property. She further argues that by-laws 3.2.4 and 3.2.5 cannot be considered in isolation from 3.2.6 – overnight parking of commercial vehicles.

Kelly Joyce stated that the proposal is to consider home businesses by resident and not by owner, and she is wondering what motivated this change, and how it fits with what other towns are doing. The Chair stated that when the proposed warrant language is drafted, there will be an indication of intent included.

Vivian Beard stated that she did not understand why the proposal was characterized as “cleaning up the language”. It is her belief that the intent was to recommend home businesses for owners, not those renting. From her perspective, there is nothing wrong with the language. It is the interpretation and enforcement of the language that is the problem. The Chair stated that as a part of this process, the Board will be consulting the enforcement arms of the municipality to determine whether these proposals are possible. Ms. Beard added that the proposal for the special permit language is so far beyond what is allowed now. She was shocked to see that there are proposals allowing a greater number of employees which would impact traffic and parking on residential streets. This language is far beyond anything in operation currently, and would impact the character of residential neighborhoods. The Chair recognized the relevance of designating more commercial areas to remedy problems of this type.

Lisa Christ inquired as to whether there are guidelines that indicate what constitutes a business. The Chair indicated that there will be guidelines included.

Michael Friedman inquired as to whether this issue is being considered in isolation or in comparison to other towns. He raised a concern about zoning pushing certain activities onto other towns.

Gary Harcourt addressed the owner vs. renter issue. He expressed concern that renters have less concern regarding the neighbors' comfort. Therefore, he supports a change of working in the special permit component but not in the as of right component. He also raised the possibility of including some length of residence requirement.

Vivian Beard addressed the issue of zoning pushing activities onto other towns. She argues that Oak Bluffs is currently bearing the burden of having activities pushed onto it by other towns, and the proposed changes accommodating businesses will beget more of that. The Chair reminded the public that the Board has not yet deliberated, and that final language has not been drafted.

Dana Mylott stated that he operates a home-based business approved by the Select Board. He enumerated the ways in which he is respectful of the neighborhood, and added that the home based business bylaw that was drafted in 2006 does not consider the rate of expansion of home-based blue collar businesses that currently exists on the island. What needs to be considered is how we allow for that expansion while remaining respectful to our neighbors.

A member of the public stated that it has been suggested that the MVC needs to be approached regarding a potential regionalization issue with the push toward down island commercialization.

Kriner Cash stated that it would be helpful to have one or two sentences that includes data as to each of these topics.

Candace Nichols stated that many special permits are allowed for either residents or owners. She presented the hypothetical of an adult child who may want to open a home-based business in a home owned by their parent. She stated that she realizes owners may be more sensitive to the neighborhood, but other situations should be considered.

Dolores Borza, owner of Homegrown Tours, stated that she falls under the criteria that is currently listed in the language. She further stated that although she does not own a home, that doesn't mean she can't run a business.

Shed Language

The Chair stated that many recommendations have been brought by the ZBA due to ambiguity and shed language is one of them.

Maura McGroarty asked how many, of the twelve topics, the Chair believes the Board would vote to put before Town Meeting. The Chair stated that in terms of expectations, he would anticipate most of the topics making it through recommendation of the Board. A discussion followed regarding the

level of public participation at these initial meetings. The Chair clarified that the intent is to give the public five months to digest these topics.

Pat Ingalls noted that the public needs to be more involved in this process than it has been in the past. The Chair announced that the Board would do a media buy in November, as previously stated. He encouraged suggestions regarding other methods to increase participation. A discussion followed regarding the publicity of these meetings and methods that are being used to inform the public.

There was no substantive input on shed language offered.

Subdivisions That Shouldn't Be in R3/Minimum Lot Sizes for R3 and R4/Permitted Use Under R1, R2, R3

The Chair stated that the subdivisions in question are:

- Meadowview Farms
- Forest Farms
- Buddy Drive
- Deer Run
- Pondview Drive
- Tower Ridge
- Hidden Cove
- Waterview Farms
- Tiffany Drive

Subdivisions being considered include:

- Bellevue Drive
- Old Schoolhouse Village
- Sea Glen Road
- Oregon Lane

Candace Nichols expressed confusion. The Chair explained that the current status of these subdivisions is in conflict with the R3 zoning requirements in terms of setbacks. The setbacks are less than what R3 allows.

Shelley Christiansen stated that these developments are currently “grandfathered” and allowed to abide by R2 setbacks. The Chair stated that the question is whether that should be changed. He further encouraged the public to review the proposals, which are published on the website.

Dana Mylott indicated that currently the setbacks are fifty feet, and owners must seek a variance for any deviation from that. He offered a brief history of the subdivisions at issue, the setback requirements, and the need for modifications.

Gail Cash inquired as to why one district is allowed to seek a special permit and another is not. The Chair explained that the Board has not yet voted on this matter.

Adjourn

Minutes approved _____, 2023

Documents on File:

Agenda; Zoom Video

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