

Zoning Board of Appeals
Minutes of Meeting 3/16/2017
Oak Bluffs Council on Aging Building

Members present: Kris Chvatal, Andrea Rogers, Peter Yoars, Michael Perry, and Joe Re

Members absent: George Warren and Llewellyn Rogers

Also present: Mark Barbadoro, Zoning Administrator, Colleen Morris, Zoning Clerk,

Chairman Kris Chvatal opened the meeting at 6:00 pm.

Minutes from February were approved.

Next Meeting Date: April 20th, 2017 at 6 pm

RE: Bolling Project

Thelma Bolling

6 Narragansett Avenue, **Map 10 Parcel 79**

*On March 16th, 2017 at 6:05 pm, Zoning Chairman Chvatal opened a duly posted public hearing on the application of Map 10 Parcels 79 seeking:

*a Special Permit within Zoning Bylaws 3.5.5, or any action related thereto,
to allow the demolition and reconstruction of a nonconforming porch addition
to a nonconforming single family dwelling
on a nonconforming lot located in the Copeland District.*

A quorum consisting of Chairman Kris Chvatal, Andrea Rogers, Peter Yoars, and Mike Perry was present. Carole Hunter and Luke Sederholm represented the applicant. Ms. Hunter presented plans for a reconstruction of a porch, shed addition, enclose small deck area, stairway to basement, and construction of a full basement. The original footprint is over the property line in the front. The side setbacks for the porch will decrease. The proposed basement area would be used as a family room and not as a bedroom. The existing dwelling is connected to wastewater. Chairman Chvatal opened the floor to public comment. No correspondence was received into the record. The clerk reminded the applicant that the project needed a review from CCHDC and Copeland. Chairman Chvatal closed the floor to public comment. The board was concerned about the use of the basement as a bedroom.

Member Perry made a finding that the proposed reconstruction of the porch and renovations were not substantially more detrimental to the neighborhood. The board agreed unanimously.

Member Perry made a motion to approve the Special Permit within Zoning Bylaw 3.5.5 to allow the demolition and reconstruction of a porch and the construction of a basement with no bedrooms or bathrooms and Member Yoars seconded it. The board voted 4 to 0 to approve the Special Permit with conditions.

RE: Island Elderly Housing Sign Project

Island Elderly Housing Inc.

38 Wing Road, **Map 17 Parcel 105**

*On March 18th, 2017 at 6:15 pm, Zoning Chairman Chvatal opened a duly posted public hearing on the application of Map 10 Parcels 79 seeking:

a Special Permit within Zoning Bylaws 5.3.8.2, or any action related thereto, to allow the construction of a nonconforming sign located in the Residential 2 Zone.

A quorum consisting of Chairman Kris Chvatal, Andrea Rogers, Joe Re, Peter Yoars, and Mike Perry was present. Greg Monka represented Island Elderly Housing Inc. Mr. Monka stated that the existing sign was erected in 2006 when the buildings were renovated. He presented plans for a new sign with a new logo to match the signs at Woodside Village. The proposed sign is two-sided, seven square feet and 9 feet in height. It sits 10.6 feet from front setback. The distance between the premises and the sign does not exceed 1000 feet. The existing lighting is low voltage 10w ground lighting which faces upwards. The wordage on the sign states- "Island Elderly Housing Aidylberg I and II". Chairman Chvatal opened the floor to public comment. Mr. Barbadoro asked if it were possible to change the lighting direction. Mr. Monka stated they could but it would be another expense. The board agreed that there were no complaints regarding the direction of the lighting. Chairman Chvatal closed the floor to public comment.

Member Rogers made a finding that the proposed commercial sign is two-sided, seven square feet, 9 feet in height, has a setback of 10.6 feet, and has low voltage ground lighting which faces upwards. The board agreed unanimously.

Member Rogers made a motion to approve a Special Permit within Zoning Bylaws 5.3.8.2 to allow a commercial sign in a residential neighborhood and Member Re seconded it. The board voted 5 to 0 to approve the Special Permit.

RE: Cornell Project

Paul and Lois Cornell

26 Wayland Avenue, **Map 8 Parcel 96**

*On March 18th, 2017 at 6:35 pm, Zoning Chairman Chvatal opened a duly posted public hearing on the application of Map 10 Parcels 79 seeking:

a Special Permit within Zoning Bylaws 3.5.5, or any action related thereto, to allow the construction of a nonconforming porch addition to a single family dwelling on a nonconforming lot located in the Copeland District.

A quorum consisting of Chairman Kris Chvatal, Andrea Rogers, Joe Re, Peter Yoars, and Mike Perry was present. Chuck Sullivan represented the applicant. Mr. Sullivan presented plans to amend a Special Permit issued June 16, 2016. The proposed porch addition is a circular bump-out addition with a four-foot setback. The expansion of the porch is not closer to the setback. The fireplace/chimney will be rebuilt facing this addition. Chairman Chvatal opened the floor to public comment. No correspondence was received into the record. The clerk stated that the project was approved at the Copeland Review Board meeting on February 27, 2017. Chairman Chvatal closed the floor to public comment.

Michael Perry made a finding that the proposed porch addition was not substantially more detrimental to the neighborhood. The board agreed unanimously.

Michael Perry made a motion to approve the Special Permit within Zoning Bylaws 3.5.5 to allow the construction of a porch addition and Member Rogers seconded it. The board voted 5 to 0 to approve the Special Permit.

RE: Sands Makepeace Project

John Sands and Sherry Makepeace

11 Arlington Avenue, **Map 3 Parcel 17**

*On March 18th, 2017 at 6:45 pm, Zoning Chairman Chvatal opened a duly posted public hearing on the application of Map 3 Parcels 17 seeking:

a Special Permit within Zoning Bylaws 3.5.5, or any action related thereto, to allow the construction of an accessory building-garage with guest apartment on a nonconforming lot.

A quorum consisting of Chairman Kris Chvatal, Andrea Rogers, Joe Re, Peter Yoars, and Mike Perry was present. Chris Alley represented the applicant. Mr. Alley presented plans for an accessory building, a garage with a one-bedroom guest apartment. The existing (17,018 sf) lot is undersized with a five bedroom single family dwelling. The proposed accessory structure-includes a garage (340 sf), guest apartment (710 sf), entry porch (20 sf) and deck (112 sf). The existing driveway to the main house is abutting Arlington Park. The proposed driveway has no vehicular access to the main driveway. Chairman Chvatal opened the floor to public comment. The applicants submitted a letter in favor of the project. Abutters, Mr. and Mrs. Lawton wrote a letter opposed to the project. Abutters, Mr. and Mrs. Rounseville wrote a letter opposed to the project. Mr. Barbadoro asked about the open space on the lot. Mr. Alley stated that the open space would be 13,432 sf. Chairman Chvatal reviewed the guest apartment bylaws and the criteria. The board was concerned that the appearance of the building looked like a separate single family dwelling and not a guest apartment. Mr. Alley and the board agreed to continue the hearing in order for the applicant to amend the plans.

The board and the applicant agreed to continue the hearing to April 20th, 2017 at 6:05 pm.

RE: Cleary Project

William Cleary

17 Elmwood Avenue **Map 3 Parcel 164**

*On March 18th, 2017 at 6:45 pm, Zoning Chairman Chvatal opened a duly posted public hearing on the application of Map 3 Parcels 164 seeking:

a Special Permit within Zoning Bylaws 3.5.5, or any action related thereto, to allow the change of use of an accessory structure - a storage shed to a home office on a nonconforming lot in Residential Zone 2.

A quorum consisting of Chairman Kris Chvatal, Andrea Rogers, Joe Re, Peter Yoars, and Mike Perry was present. William Cleary represented the applicant. Mr. Cleary presented plans to change a storage shed to a home office in order to conduct a home-based business - Martha's Vineyard Appraisal. The existing (16,299 sf) lot is undersized and located in Residential Zone 2. The existing buildings on the lot include a single family dwelling and two garages. All buildings are nonconforming with setbacks. The existing garage is 14x22 with a height of 12 feet. The proposed conversion would finish the shed with no plumbing. The office space would have four desks for one employee and a bookkeeper. No clients would come to the property. Member Perry asked where the employees would park on the property. Mr. Cleary stated that four cars could fit on the existing driveway. Chairman Chvatal opened the floor to public comment. An abutter, Ms. Tankard wrote a letter in support of the project. Abutters, Schraeder, Yates, and Hughes wrote a letter in support of the project. An abutter, Mr. Gilliam spoke in favor of the project. An abutter, Ms. Hughes spoke in favor of the project. The building official explained that a home-based business permit could be allowed by right or by special permit through the board of selectmen. Chairman Chvatal reviewed

the criteria for a home-based business which is administered by the board of selectmen. Chairman Chvatal closed the floor to public comment.

Member Perry made a finding the proposed change of use is not substantially more detrimental to the neighborhood. The board agreed unanimously.

Member Perry made a motion to approve the Special Permit within Zoning bylaws 3.5.5 to allow the change of use from a storage shed to a home office with no plumbing and Member Re seconded it. The board voted 5 to 0 to approve the Special Permit.

RE: Bacon Project

Estate of Lincoln F. Hansen and Allen S. Hansen
50 Farm Pond Road, **Map 17 Parcel 119**

*On March 18th, 2017 at 7:15 pm, Zoning Chairman Chvatal opened a duly posted public hearing on the application of Map 17 Parcels 119 seeking:

a Special Permit within Zoning Bylaws 3.5.5, 8.1,5.2.2, 9.1.A.6.a.i, 9.1.A.7.a.i, or any action related thereto, to allow a partial demolition, construction of an addition and reconstruction of a nonconforming single family dwelling on a nonconforming lot located in the Coastal District, AE Zone, and Flood Plain Overlay District.

A quorum consisting of Chairman Kris Chvatal, Andrea Rogers, Joe Re, Peter Yoars, and Mike Perry was present. George Sourati and Patrick Crosgrove represented the applicant. Nan Bacon was present. Mr. Sourati presented plans for a partial demolition and reconstruction of a four-bedroom single family dwelling. The existing (29,927 sf) lot is undersized and is located in the Coastal district, AE Zone and FPOD. The existing four-bedroom single family dwelling is an existing three-story dwelling with a deck area connected to a space over a garage. The entire dwelling and part of the garage structure will be demolished. The garage structure is entirely in the AE Zone and Shore Zone. In this area a full demolition is not allowed. The proposed construction includes a four bedroom single family dwelling with a one bedroom, bathroom, mechanical room and two storage rooms on the first floor (359 sf). There is a reduction of floor space in the Shore Zone by 124 sf. The second floor includes three bedrooms, three bathrooms, kitchen, living/dining room spaces, three decks and an elevator. The third floor will be a roof top deck area. The proposed height to the flat roof is 22.5 feet with a railing height of 26.2 feet. Chairman Chvatal opened the floor to public comment. An abutter, Ms. Dutton wrote a letter in favor of the project. An abutter, Ms. Conlin wrote a letter in favor of the project. An abutter, Mr. Birch wrote a letter in favor of the project. An abutter, Mr. Low wrote a letter in favor of the project. Abutters, Mr. and Mrs. Moore wrote a letter in favor of the project. An abutter, Mr. Stafford wrote a letter in favor of the project. An abutter, Mr. Hager wrote a letter in favor of the project. Mr. Moore, Harthaven ARC, wrote a letter in favor of the project. On March 15, 2017 the Site Plan Review Committee met and discussed the bulk of the structure, height of the flat roof, landscaping in the shadows of the building, and surface water run-off. An abutter, Ms. Edwards spoke in favor of the project. An abutter, Mr. Pease spoke in favor of the project. An abutter, Mr. Finley spoke in favor of the project. Ms. Look, current owner of the house, spoke in favor of the project. Chairman Chvatal closed the floor to public comment.

Member J. Re made a finding that the proposed renovations and additions to the single family dwelling do not overburden the nonconforming lot, and is not substantially more detrimental to the neighborhood. The board agreed unanimously.

Member J. Re made a motion to approve the Special Permit within Zoning Bylaws 3.5.5 to allow the renovations, reconstruction and addition to a single family dwelling and P. Yoars seconded it. The Board voted 5 to 0 to approve the Special Permit.

Member P. Yoars made a finding that the proposed renovations and additions to the single family dwelling constitute a substantial improvement. The board agreed unanimously.

Member P. Yoars made a motion to approve the Special Permit for the proposed renovations and additions to a single family dwelling within Zoning Bylaws 8.1.5.2.2 and Member A. Rogers seconded it. The board voted 5 to 0 to approve the Special Permit.

Member A. Rogers made a finding that the proposed renovations and additions to the single family dwelling will not result in any additional sewage flow. The board agreed unanimously.

Member A. Rogers made a motion to approve the Special Permit for the proposed renovations and additions to a single family dwelling within Zoning Bylaws 9.1.A.6.a.i and Member J. Re seconded it. The board voted 5 to 0 to approve the Special Permit.

Member J. Re made a finding that the proposed height of the flat roof line is (22.6 ft.) above mean grade. The board agreed unanimously.

Member J. Re made a motion to approve the Special Permit within Zoning Bylaw 9.1.A.7.a.ii to grant relief of 9.6 feet and to allow a flat roof line of 22.6 feet and Member M. Perry seconded it. The board voted 5 to 0 to approve the Special Permit.

Meeting adjourned at 8:30 p.m.

Respectfully Submitted, Colleen Morris, Clerk/ZBA