



OAK BLUFFS ZONING BOARD OF APPEALS

P.O. BOX 1327, OAK BLUFFS, MA 02557-1327

508 693 – 3554 x 120

Zoning Board of Appeals Minutes of September 20, 2023 Meeting

Members present: Llewellyn Rogers (Chair), Jonathan Holter, Andrea Rogers, Doug Pease, Grace Cotterill, Leah Brown, and ZBA Administrator Robert Culbert

Others in Attendance: Brian Carter, Deborah Cedeno, Peter Cook, Julia Keefe, Rebecca P?-K?, Julie Roads, George Sourati,

Chair Rogers opened the meeting at 6:02pm.

Minutes Doug Pease moved to approve the minutes of the April 21, 2022, April 19, 2023, and August 16, 2023 meetings. Andrea Rogers seconded the motion. All (Lou Rogers, Andrea Rogers, Jonathan Holter, Grace, and Leah Brown) vote in favor, so the motion passed unanimously (5-0).

The next meeting will be on October 18, 2023 at 6:00pm.

Old Business None.

RE: 41 Nashawena Park Realty Trust Appeal Muriel and Dennis O'Rourke, Trustees 41 Nashawena Park Map 11 Lot 123

The Oak Bluffs Zoning Board of Appeals opened an in-person Public Hearing at 6:04PM, on the application of the referenced petitioner(s) seeking: *A Special Permit within Oak Bluffs Zoning Bylaws 3.5.5 and 3.4.3, or any action related thereto, to: Demolish existing garage and rebuild a garage with an accessory apartment in Residential Zone 1.*

Peter Cook and Dennis O'Rourke presents this appeal. Peter Cook says that they are asking to demolish the existing garage, build a new one, and add an accessory apartment, so that aging parents will be able to age in place. The project has been approved by Copeland and is currently being reviewed by Cottage City.

The requirements for a Special Permit for the accessory apartment were reviewed. They purchased the property more than five years ago, in 2013, the property will continue to be owner occupied, there will be only one accessory apartment, the accessory apartment will be a maximum of 750 square feet as measured by its outside dimensions, excluding the deck with a roof, the lot is too small for the required 7,500 square feet of open space so that requirement will need to be waved, and they will add a parking space for the accessory apartment. The garage has been occupied so there is no change of use by adding the apartment.



OAK BLUFFS ZONING BOARD OF APPEALS

P.O. BOX 1327, OAK BLUFFS, MA 02557-1327

508 693 – 3554 x 120

Jonathan Holter asks if the footprint will change; the answer is it will not. They will be installing a new pad and there will be a crawl space underneath guest apartment section.

Doug Pease asks about the height of the ridgeline; the building will be 18 feet 11 inches tall. There is an internal door connecting the garage and the apartment that must be eliminated. In response to Leah Brown's question, they need an office because the owners work remotely during the summer.

Five letters from abutters were read and all favored this project. There being no other comments, Lou Rogers closed the public comments portion of the hearing.

Board deliberations – all were in agreement that this project will fit in with and improve the neighborhood.

Jonathan Holter made the findings:

- The property at 41 Nashawena Park in R1 Zone is non-conforming because it is too small,
- The pre-existing garage is non conforming because its rear and side setbacks are only one and two feet respectively,
- The property has been owner occupied for more than five years and they will continue to live on the property,
- Only one accessory apartment will be on the lot and the apartment will not exceed 750 square feet,
- The accessory apartment is attached to the garage,
- The requirement to have 7,500 square feet of open space is waived because the lot is too small at only 7,841 square feet,
- The garage/accessory apartment will fit in with the neighborhood,
- Another parking spot will be added to the driveway to accommodate the accessory apartment,
- Four members visited the site, and
- This project will not be more detrimental to the neighborhood since it fits in with the neighborhood, has the support of the neighbors, and will provide for aging parents to age in place.

Andrea Rogers moved that the Board issue a Special Permit for this project under Zoning Bylaws 3.5.5 and 3.4.3 to demolish the exiting garage and to build a new one with an accessory apartment attached. There are **two Special Conditions: (1) Recalculate the floor space of the accessory apartment to ensure it is less than the maximum of 750 square feet, and (2) the roofed deck will not be enclosed.** Doug Pease seconded the motion.



OAK BLUFFS ZONING BOARD OF APPEALS

P.O. BOX 1327, OAK BLUFFS, MA 02557-1327

508 693 – 3554 x 120

All (Lou Rogers, Andrea Rogers, Jonathan Holter, Doug Pease, and Grace Cotterill) vote in favor, so the motion passed unanimously (5-0).

RE: Chambers and Roads Appeal Christopher Chambers and Julie Roads

**6 Little Pond Road
Map 52 Lot 1.5**

The Oak Bluffs Zoning Board of Appeals opened an in-person Public Hearing at 6:35PM on the application of the referenced petitioner(s) seeking: ***A Special Permit within Oak Bluffs Zoning Bylaw 3.4.3 for the construction of a 750 square foot accessory apartment to be located in a proposed accessory structure on a 2.95+/- acre lot in the R3 zoning district. A Special Permit request is made to allow the construction of the accessory apartment before the required five years of previous occupation by the owners.***

The project was presented by George Sourati.

This is a 2.95 acre lot, almost twice the size required by zoning. Julie Roads has lived on the Island for 16 years, but not on this property, they purchased the property in 2022 so they have not lived on the property for the required five years; a waiver of the five year requirement will be needed. Because of financial reasons they do not want to connect the apartment to the garage as required of an accessory apartment. Her father needs to relocate from St. Louis and this is where he will be able to age in place.

They are not going to rent the apartment, and they live in the main house.

Since the apartment cannot be stand alone, Jonathan Holter asks whether they could move a shed. Lou Rogers adds that the shed could be converted to a garage.

George Sourati then introduces some revised plans that show the accessory apartment attached to a one car (16x22 feet) garage.

Four letters supporting the project were then read into the record. There being no further comments, Lou Rogers closed the public comments section of the hearing.

The Board's deliberations were positive. They have no problems with the project even though they have not lived on the property for five years as required by zoning. It is a good project and aging in place is one of the reasons this bylaw was created.

Doug Pease made the following findings:

- The conforming lot is almost twice the size required by its R3 zoning, with 318 feet of road frontage (150 required) and the lot is 128,371 square feet (60,000 required),
- The house has not been owner occupied for five years,



OAK BLUFFS ZONING BOARD OF APPEALS

P.O. BOX 1327, OAK BLUFFS, MA 02557-1327

508 693 – 3554 x 120

- The owners will continue to live on the property,
- The accessory apartment will not exceed 750 square feet and will be attached to a garage,
- There will be 7,500 square feet of open space on the lot which will be unpaved and unoccupied by any structure,
- The external appearance of the structure will not be significantly altered from the appearance of the single family residence,
- At least one additional parking place will be constructed to serve the accessory apartment,
- Said parking space will be constructed of materials consistent with the existing driveway but will not be shared with the main driveway,
- All five members visited the site,
- This project will not be more detrimental to the neighborhood because it is a large lot, the abutters support it and it is being built so parents can age in place.

Jonathan Holter moved that the Board issue a Special Permit for this project under Zoning Bylaw 3.4.3 for construction of a garage and accessory apartment on a 2.95 acre lot despite the residency requirement which is not met after looking at the intent of bylaw 10.3.2, that the adverse effects of the proposed use will not outweigh the beneficial impacts to the Town and the neighborhood. Doug Pease seconded the motion.

All (Lou Rogers, Andrea Rogers, Jonathan Holter, Grace Cotterill, and Doug Pease) vote in favor, so the motion passed unanimously (5-0).

RE: Taylor Appeal

Gary L. Taylor

55 Vineyard Avenue Extension

Map 6 Lot 1

The Oak Bluffs Zoning Board of Appeals opened an in-person Public Hearing at 7:00PM on the application of the referenced petitioner(s) seeking: *A Special Permit within Oak Bluffs Zoning Bylaws XVIII.1.A.(6)(a)(i); XVIII.1.A.(7)(a); and 3.5.5 to allow renovation of an existing single-family residence and construction of a second story addition, both located in the Shore Zone of the Coastal District on a pre-existing, non-conforming lot. Height relief is sought to allow the ridge of the second story addition to be 25' 6" above mean natural grade instead of 24' (1.5' of height relief). Also proposed is the demolition of an existing garage and carport and the construction of a 22'x24' single-story detached garage located in the Inland Zone of the Coastal District.*

George Sourati presented this proposal. This property is at the end of Vineyard Avenue Extension, is 17,407 square feet, and has three structures, all of which are very old. The proposal is to renovate the existing single family residence located in the



OAK BLUFFS ZONING BOARD OF APPEALS

P.O. BOX 1327, OAK BLUFFS, MA 02557-1327

508 693 – 3554 x 120

Shore Zone of the Coastal District within the existing footprint, and in the Inland Zone demolishing the existing garage and carport and replacing it with a 22x24 foot single story detached garage.

They are asking to rebuild the second floor of the residence with minor interior changes. The proposed roofline is 25 feet 6 inches, 1.5 feet higher than the maximum of 24 feet allowed in the Shore Zone. The new second floor will have an interior ceiling height of only seven feet to reduce the height increase. The existing garage and carport will be combined into a garage whose setback will increase from the existing two feet to six feet from the property boundary.

Andrea Rogers points out that neighbors do not have views to protect because trees surround the house, so the increased height would not have an adverse effect on the neighborhood. She also points out that the increased setback for the garage would be an improvement. The new garage is also slightly smaller with a pitched roof that is just under 18 feet above grade.

Four letters supporting the project were read into the record. And Rebecca P?-K? (name garbled in recording) clarifies that the proposed garage is four feet further away from the property line. She asks about not allowing construction during the summer, but the Board does not believe that they have the authority to regulate that. With no one else wishing to speak, Lou Rogers closed the public comments section of the hearing.

Jonathan Holter was concerned about the garage but the smaller overall size and its being further from the road addressed his concerns.

Jonathan Holter makes the following findings:

- The existing 16,117 square foot lot located in Zone R1 is conforming,
- The rear setback of the pre-existing house is non-conforming, as 20 feet is required,
- The proposed house renovations will stay within the existing footprint,
- The proposal is basically to rebuild what is already there with only minor changes,
- The proposed roof line for the house is 25 feet six inches, despite the 24 foot maximum for the shore zone,
- The rear setback for the proposed garage is four feet greater than the existing setback, reducing the non-conformity,
- The proposed garage is slightly smaller than the existing garage/carport,
- There will be no change to the sewage capacity,
- Four members visited the site, and
- This project will not be more detrimental to the neighborhood because the increase in the height of the house will not impact the neighbor's views and the



OAK BLUFFS ZONING BOARD OF APPEALS

P.O. BOX 1327, OAK BLUFFS, MA 02557-1327

508 693 – 3554 x 120

garage will be slightly smaller and its non-conforming setbacks will increase from two to six feet, and the abutters support it.

Doug Pease moved that the Board issue a Special Permit for this project under Zoning Bylaws *Oak Bluffs Zoning Bylaws XVIII.1.A.(6)(a)(i); XVIII.1.A.(7)(a); and 3.5.5, allowing the ridgeline of the proposed house to be 25 feet six inches above grade, an increase of 1.5 feet above the maximum for the shore zone.* Grace Cotterill seconded the motion.

All (Lou Rogers, Andrea Rogers, Jonathan Holter, Grace Cotterill, and Doug Pease) vote in favor, so the motion passed unanimously (5-0).

Appeal of Building Inspector's Decision

RE: Keefe Appeal

Julia Keefe

28 Kennebeck Avenue

Map 9 Parcel 14

The Oak Bluffs Zoning Board of Appeals will hold an in-person Public Hearing on the application of the referenced petitioner(s) seeking: *Appeal of Building Inspector's Decision relating to: Wastewater's denial of certificate of occupancy and denial of change of use or flow under Oak Bluffs Sewer Rules & Regulations Section 11.*

Julia Keefe presents her appeal. The only issue is to get the Building Inspector to sign a Certificate of Occupancy. Wastewater was allowing the sewage flow but the owners decided to change plans in February 2020, adding coffee and sandwiches and the necessary equipment.

This spring the wastewater signed off on the flow for everything but the food, and the applicant never heard anything else.

Matt Rossi can not sign off on the Certificate of Occupancy without the wastewater approval.

Julia Keefe says she filed this appeal to cover all possible methods to get her permits.

Lou Rogers suggests that she needs to resubmit her application to the Wastewater Department, including the sink and the ice machine. There is nothing the ZBA can address here because it is not zoning and therefore out of the Board's jurisdiction.



OAK BLUFFS ZONING BOARD OF APPEALS

P.O. BOX 1327, OAK BLUFFS, MA 02557-1327

508 693 – 3554 x 120

Doug Pease moved to close the hearing and have Administrator Jessica Downey write a letter to Julia Keefe stating that this matter is out of the Board's jurisdiction and recommend that she return to the Wastewater Department to get their approval of her plans. Jonathan Holter seconded the motion.

All (Lou Rogers, Andrea Rogers, Jonathan Holter, Doug Pease,. And Grace Cotterill) vote in favor, so the motion passed unanimously (5-0).

Procedural Question

Grace Cotterill has concerns about the **Appeal of Building Inspector's Decision concerning MV Landscaper LLC Appeal** at 0 Beth Way. She is concerned that their hearings are just being continued month to month without any progress and no new plans for the property. Meanwhile, all the storage containers and landscaping equipment are still there. She feels that this appeal needs to be resolved. Lou Rogers agrees.

Doug Pease then moves to continue the slate of the following seven hearings to October 18, time to be determined. The hearings are as follows.

RE: Flowerwood LLC Appeal

Robert M. Sawyer

3 Uncas Avenue

Map 11 Parcel 156

The Oak Bluffs Zoning Board of Appeals will hold a duly posted and continued in-person Public Hearing on the application of the referenced petitioner(s) seeking: **A Comprehensive Permit under Chapter 40B of the General Laws of the Commonwealth of Massachusetts.**

Appeal of Building Inspector's Decision

RE: MV Landscaper LLC Appeal

0 Beth Way

Map 56 Parcel 11-1

The Oak Bluffs Zoning Board of Appeals will hold a duly posted and continued In-Person Public Hearing on the application of the referenced petitioners seeking: Appeal of Building Inspector's Decision relating to: Storage or Parking of Commercial Landscape Equipment; Erosion Control; Site Plan Review; and Temporary Structures under Oak Bluffs Zoning By-Laws 3.2.3.5; 5.4.5; 10.4.1; and 11.0

RE: Bradley Appeal

Melissa Bradley

Black Joy MVY

125 Seaview Avenue,

Map 10 Parcel 162



OAK BLUFFS ZONING BOARD OF APPEALS

P.O. BOX 1327, OAK BLUFFS, MA 02557-1327

508 693 – 3554 x 120

The Oak Bluffs Zoning Board of Appeals opened a duly posted and continued in-person Public Hearing on Wednesday, June 21, 2023 at 6:00 pm in the Oak Bluffs Town Hall Downstairs Meeting Room, 56 School Street, on the application of the referenced petitioners seeking: A Special Permit from the Oak Bluffs Zoning Bylaws Sections 3.5.5 and 8.1.5 to build a free-standing deck platform in the backyard of a non-conforming lot zoned R2.

RE: Donato Appeal

Laiana Donato

15 Old Schoolhouse Village

Map 50 Parcel 11

The Oak Bluffs Zoning Board of Appeals opened a duly posted and continued in-person Public Hearing on Wednesday, June 21, 2023 at 6:00 pm in the Oak Bluffs Town Hall Downstairs Meeting Room, 56 School Street, on the application of the referenced petitioners seeking: A Special Permit or Variance within Oak Bluffs Zoning Bylaws 3.5.5, 4.4.2 and 3.4.3, or any action related thereto, to build a new detached two car garage with a second floor accessory apartment on a nonconforming lot in Residential Zone 3.

RE: Cogliano Appeal

Rose Cogliano

6 Pitch Pine Lane

Map 28 Parcel 2-62

The Oak Bluffs Zoning Board of Appeals opened a duly posted and continued in-person Public Hearing on Wednesday, June 21, 2023 at 6:00 pm in the Oak Bluffs Town Hall Downstairs Meeting Room, 56 School Street, on the application of the referenced petitioners seeking: A Special Permit within Oak Bluffs Zoning Bylaws 3.4.2, or any action related thereto, to construct an 896 square foot garage and accessory apartment on a non-conforming lot in Residential Zone 3.

RE: Chun & Kim Appeal

Eunu Chun and Lisa H. Kim

7 Arlington Avenue

Map 3 Parcel 15

The Oak Bluffs Zoning Board of Appeals opened a duly posted and continued in-person Public Hearing on Wednesday, June 21, 2023 at 6:00 pm in the Oak Bluffs Town Hall Downstairs Meeting Room, 56 School Street, on the application of the referenced petitioners seeking: A Special Permit within Zoning Sections 3.5.5 and 4.4.4, or any action related thereto, to renovate a preexisting and non-conforming dwelling and to convert a pre-existing and non-conforming garage into a detached bedroom on a pre-existing and non-conforming lot in Residential Zone 2.



OAK BLUFFS ZONING BOARD OF APPEALS

P.O. BOX 1327, OAK BLUFFS, MA 02557-1327

508 693 – 3554 x 120

RE: Island Elderly Housing, Inc. Appeal

Island Elderly Housing, Inc.

38 Wing Road

Map 17 Parcel 105

The Oak Bluffs Zoning Board of Appeals will hold a duly posted and continued in-person Public Hearing on the application of the referenced petitioners seeking: *A Comprehensive Permit within MGL Chapter 40B, or any action related thereto, to allow the demolition of the existing structures and to construct a building containing five units of affordable housing on a conforming lot in Residential Zone 2.*

Jonathan Holter seconded the motion.

All (Lou Rogers, Jonathan Holter, Doug Pease, Grace Cotterill, and Andrea Rogers) vote in favor, so the motion carries unanimously (5-0).

New Business

Lou Rogers points out that the Board has not voted for three years to appoint a Chair. He asks whether anyone wants to try. Nobody volunteers amid positive comments about Lou's tenure, and pointing out that he has the time to do the job. Doug Pease then moves to re-elect Lou Rogers as Chair for one year. Everybody seconded the motion and it carries unanimously.

Adjournment.

At 7:45PM, Jonathan Holter made a motion to adjourn the meeting, seconded by Doug Pease. All (Lou Rogers, Jonathan Holter, Doug Pease, Grace Cotterill, and Andrea Rogers) vote in favor, so the motion carries unanimously (5-0).

Respectfully Submitted,

Robert Culbert

ZBA Administrator

Approved , October 18, 2023