



## OAK BLUFFS PLANNING BOARD

### Meeting Minutes

THURSDAY, September 28, 2023

5:00 p.m. | Virtual Zoom Meeting

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**Members in Attendance:** Ewell Hopkins, Erik Albert, JoJo Lambert, Sean DeBettencourt

**Members Absent:** Mark Crossland

**Staff in Attendance:** Jessica Downey

**Attendees:** Kris O'Brien

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*Chair Hopkins opened the meeting at 5:01 p.m. A quorum was present.*

#### Approval of Minutes

Member DeBettencourt made a motion to approve the minutes from the August 24, 2023 Planning Board meeting. Member Lambert seconded the motion. A roll call vote was taken and the motion passed 3-0.

Minutes for the September 14, 2023 meeting will be approved at the next meeting, as the appropriate members were not present for approval.

#### ANR: 3 Little Rock Way, 7 Little Rock Way

**Applicant:** Peter D. Koines

**Location & Description of Property:** 3 Little Rock Way, Map 37 Parcel 1-2

**Applicant:** Craig E. Saunders

**Location & Description of Property:** 7 Little Rock Way, Map 37 Parcel 1-3

Chris Alley appeared a representative for both Applicants. He confirmed that there are affidavits on file consenting to his representation on behalf of the respective property owners. Mr. Alley identified the subject properties on the Assessor's map, stating that the swimming pool sited on the plan does not meet current setbacks. To resolve this issue, as well as some problems with a shred driveway, the property owners are seeking this ANR "swap". Mr. Alley stated that there will be property line adjustment between Lot 2 on Oak Bluffs Case File 62 and Lot 1 on Oak Bluffs Case File 267. Lot 3 is not a buildable lot by itself and is to be conveyed to the owner of and held with Lot 1. Lot 4 is not a buildable lot by itself and is to be conveyed to the owner of and held with Lot 2. Mr. Alley stated that the lots are exactly the same size. Neither Applicant gains or loses a square foot. The Chair stated that he spoke with the Building Department and the home business on Lot 1 is in compliance.

Member Albert moved to endorse the ANR plan. Member Lambert seconded the motion. A roll call vote was taken and the motion passed 4-0.

### **Certification of Utilities and Access: 3 Little Rock Way**

Chris Alley explained that Peter Koines's daughter and son-in-law were seeking to divide the lot in order to build a house for themselves. However, due to frontage and setback issues, an ANR was not a viable option. Because the lot has twice the required zoning area, they chose to pursue the two houses on one lot avenue offered by zoning bylaw 4.2.4. Under that bylaw, if the Planning Board can certify utilities and access, a second dwelling can be constructed on the lot. Mr. Alley stated that access will exist through the current driveway, and demonstrated that the driveway will be extended to meet the new house.

The Chair inquired as to whether all of the utilities are underground for the existing house, and Mr. Alley stated that he was certain that they were, but that he would confirm with the Applicant and inform the Board if this is not the case. He further confirmed that it would be a continuation of the conduit that is currently serving the existing home. Member DeBettencourt inquired as to whether the proposed new building would be on town water – more specifically whether the two structures would be drawing water from separate sources. Mr. Alley states that he believes both will be served by Town water. The Chair stated that a condition of certifying the utilities is that both structures will be on the same water supply, and not a hybrid. Mr. Alley agreed. Member Albert expressed a concern that water issues were more a matter for the Water Department, but the Chair reminded the Board that the Water Department has encouraged the Board to consider these matters as part of their review process on all applications. Member DeBettencourt made a motion to approve utilities and access. Member Lambert seconded the motion. A roll call vote was taken and the motion passed 4-0.

### **Chair Updates**

The Chair stated that his update would be framing the conversation in Executive Session regarding the status of legal proceedings.

### **Executive Session**

Executive session re: MVRHSD v. Oak Bluffs Planning Board and the Town of Oak Bluffs, Land Court, No. 22 MISC 000294. Pursuant to G. L. c. 30A, § 21(a)(3) to discuss strategy regarding the noted pending litigation, if the Chair declares that an open meeting may have a detrimental effect on the Board's litigating position.

Open Session was paused at 5:20 p.m., then reconvened at 5:40 p.m., at which time a roll call vote was taken to enter Executive Session.

### Return to Open Session

The Board returned to Open Session at 6:22 p.m.

### Adjourn

Member DeBettencourt made a motion to adjourn. Member Albert seconded the motion. A roll call vote was taken and the motion passed 3-0 (Member Lambert lost her connection and was unable to re-convene upon return to Open Session).

*Minutes approved October 12, 2023*

Documents on File:

*Agenda; Board Packet; Zoom Video*