



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 December 15, 2022 Meeting In-Person Meeting

Members present: Llewellyn Rogers (Chair), Andrea Rogers, Jonathan Holter, Grace Guck, and ZBA Administrator Robert Culbert.

Others in Attendance: Lucas Donato, Gene Erez, Jacob Murray, Deborah Potter, Patrick and Pauline Toomey

Chair Rogers opened the meeting at 6:01pm.

Minutes: Minutes were not ready to approve.

Next Meeting Date: The ZBA agreed that next meeting will be an in-person meeting held on December 15, 2022.

New Business: There is no new business to report.

RE: Donato Appeal

Laiana Donato
15 Old Schoolhouse Village
Map 50 Parcel 11

The Oak Bluffs Zoning Board of Appeals opened a duly posted In-Person Public Hearing on **Thursday, December 15, 2022 at 6:07pm** 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 and 4.4.2 or any action related thereto, to build a new detached two car garage with a second floor accessory apartment on a non-conforming lot in Residential Zone 3.***

Lucas Donato presents this appeal, which proposes to build a new two car garage with a second floor accessory apartment for their in-laws. The structure is proposed to be 30 feet by 26 feet and would have a 32 foot setback. This proposal also calls for the construction of an 8 foot wide farmer's porch on one side of the house, which would reduce the side setback to 30 feet.

Lou Rogers points out that a 780 square foot garage and habitable structure would need to meet the 50 foot setbacks of a lot in R3. He adds that a 22 foot garage that is attached to the house would meet the required 50 foot setback. The ZBA asks that the garage be redesigned to meet the 50 foot required setback, and also points out some of the zoning requirements (Zoning Bylaw Section 3.4.2) for the approval of an accessory apartment: the



OAK BLUFFS ZONING BOARD OF APPEALS

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

508 693 – 3554 x 120

property must be owner occupied for five years, the lot must have 7,500 square feet of open space, and the accessory apartment must be no more than 750 square feet.

Jonathan Holter moves to continue the hearing to January 19, time to be determined. Grace Guck seconds the motion.

All (Andrea Rogers, Lou Rogers, Grace Guck, and Jonathan Holter) voted in favor, so the motion passed unanimously (4-0).

RE: Toomey Appeal

Patrick and Pauline Toomey

22 Old Schoolhouse Village Road Map 50 Parcel 22

The Oak Bluffs Zoning Board of Appeals opened a duly posted In-Person Public Hearing on **Thursday, December 15, 2022 at 6:25pm** 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 or any action related thereto, to add a master bedroom and bathroom to the first floor of a pre-existing non-conforming dwelling on a non-conforming lot in Residential Zone 3.***

Patrick and Pauline Toomey are proposing to expand their house by expanding an existing bedroom into a larger ground floor master bedroom. They both grew up on the island and they want to have parents move in when they are ready to. They currently have three small bedrooms in the house, which is not sufficient.

Lou Rogers calculated that the side setback of the existing non-conforming house is about 35 feet, and the site plan shows the proposed setback to be 30 feet. The proposed front setback would be 50 feet, which meets the zoning requirements. The other two setbacks will not be changing.

The addition will only be one story that will be about 12-15 feet tall; the existing roofline of the two floor existing house is 26.5 feet, less than the 32 foot maximum.

Andrea Rogers suggests that this proposal is not a problem.

Grace Guck makes the following findings: a Special Permit is requested under Zoning Bylaw Section 3.5.5 to add a master bedroom and bathroom to the first floor of a pre-existing non-conforming dwelling, the lot is zoned R3, Pauline and Patrick Toomey purchased the property on 8-29-2006, the pre-existing lot is non-conforming because it is too small (18,770 sq. ft., 60,000 required) and does not have the required frontage (approximately 100 ft./ 150 required), there was no correspondence in favor or opposed to this project, three members visited the site, and this project is not be substantially more detrimental to the neighborhood because the existing house is non-conforming, as are all



OAK BLUFFS ZONING BOARD OF APPEALS

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

508 693 – 3554 x 120

houses in this neighborhood, and the proposed addition only reduces one setback by five feet, from 35 feet to 30 feet.

Jonathan Holter moves that we approve the Special Permit under Zoning Bylaw Section 3.5.5 with one Special Condition that the setbacks for the existing house be shown on a revised site plan. Grace Guck seconds the motion.

All (Andrea Rogers, Lou Rogers, Grace Guck, and Jonathan Holter) voted in favor, so the motion passed unanimously (4-0).

RE: Stewart Appeal

Shelley and Ann Stewart

15 Overview Lane Map 43 Parcel 27.1

The Oak Bluffs Zoning Board of Appeals opened a duly posted In-Person Public Hearing on **Thursday, December 15, 2022 at 6:41pm** 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 3.5.5 or any action related thereto, to move an existing detached bedroom twenty feet to a new conforming location on a conforming lot in Residential Zone 3.***

Gene Erez presents this appeal for Shelley and Ann Stewart. The proposal is to move an existing conforming detached bedroom to a new conforming location with a setback of 56.5 feet. The existing conforming house will be expanded, and the addition meets zoning and so are not part of this hearing.

The detached 396 square foot detached bedroom will not change, it is only being moved to a new location.

Lou Rogers points out that the detached bedroom looks like a studio apartment. He reviewed the requirements for a detached bedroom and points out that the existing wet bar and the interior walls must be removed, and that the plans will need to be revised to show these interior changes.

No other. ZBA member comments and there is no correspondence on this proposal.

Jonathan Holter makes the following findings: a Special Permit is requested under Zoning Bylaw Sections 3.5.5 and 4.4.4 to move an existing detached bedroom twenty feet to a new conforming location, the lot is zoned R3, Shelley and Ann Stewart Toomey purchased the property on 9-23-2013, the lot is conforming with 60,000 square feet (60,000 required), the proposed detached bedroom will be approximately 396 square feet, the setbacks for the detached bedroom in its new location will be 56.5 feet, there has been no correspondence in favor or opposed to this project, 3 members visited the site, and this project is not be substantially more detrimental to the neighborhood because it the meets zoning requirements.



OAK BLUFFS ZONING BOARD OF APPEALS

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

508 693 – 3554 x 120

Jonathan Holter moves to approve the Special Permit under Zoning Bylaw Sections 3.5.5 and 4.4.4 with **two Special Conditions that (1) the interior wet bar and walls of the proposed detached bedroom will be removed to meet zoning requirements, and (2) these changes must be shown on a revised site plan.** Grace Guck seconds the motion.

All (Andrea Rogers, Lou Rogers, Grace Guck, and Jonathan Holter) voted in favor, so the motion passed unanimously (4-0).

RE: Town of Oak Bluffs Appeal

Town of Oak Bluffs

30 Circuit Avenue Extension Map 8 Parcel 293

21 Seaview Avenue Extension Map 9 Parcel 58

The Oak Bluffs Zoning Board of Appeals opened a duly posted In-Person Public Hearing on **Thursday, December 15, 2022 at 6:52pm** 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 8.1.5.2 and 8.1.8 (FPOD) or any action related thereto, to redesign and repave the existing roads, parking areas, and pedestrian loading areas in the Floodplain Overlay District and to add planting areas to collect stormwater runoff from the road and turn around areas.**

Jacob Murray, Project Manager, Waterfield Design Group, is representing the Town of Oak Bluffs for this project. He points out that this project is within the AE Zone of the floodplain, and that the project is to improve traffic flow by redesigning the area, repaving it, and installing new benches and new lighting.

The Martha's Vineyard Commission just approved the project with conditions as a DRI, and the Oak Bluffs Conservation Commission will soon be reviewing this project. The project is not in the Copeland District as it is on public property and that district is limited to private property.

Alex Rodolakis points out that this project will improve the area because it will reduce stormwater runoff by increasing the pervious area by 2,432 square feet, and the rainwater will be directed to the gardens or into a filtration bed. No trees will be planted here to protect the views of nearby private property, and the list of plants has been approved by Tim Boland, the Executive Director of the Polly Hill Arboretum, has suggested and approved the list of plants that will be planted here. A two foot tall wall will be used as benches for pedestrians using the area.

Deborah Potter, Oak Bluffs Town Administrator, adds that no part of this project will detract from existing views of the Harbor; that no structures will be added that are not already there. It will be visually beautiful for everyone there and will facilitate safety for people going to or coming from boats in the area. There will be a net loss of only one parking



OAK BLUFFS ZONING BOARD OF APPEALS

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

508 693 – 3554 x 120

space, the taxi stand will be more functional and versatile as they will be able to safely load their taxis on the passenger side. She also requests that the ZBA be the agency to inspect

Gail Barmakian, Chair of the Copeland Plan Review Committee, writes to point out that the effects of this project may directly affect the interests (ocean and harbor views) if the District, and suggests that this project voluntarily come before Copeland for review.

No other correspondence was received.

The Site Plan Review Committee met on December 14 and Lou Rogers reports that their concerns have already been addressed during this hearing.

Lou Rogers comments that this looks like a good plan and certainly will be better than what is there now. Jonathan Holter adds that this will help organize the area and will mitigate the current issues for users of that area.

Jonathan Holter makes the following findings: A Special Permit is requested under Zoning Bylaw Section 8.1.5.2 and 8.1.8 to redesign and repave the existing roads, parking areas, and pedestrian loading areas in the Floodplain Overlay District and to add planting areas to collect stormwater runoff from the road and turn around areas, 30 Circuit Avenue Extension is zoned B1 but is used for parking and pedestrian access to the Harbor, 21 Seaview Avenue Extension is zoned R1 but is a beach and upland that is used for parking and pedestrian access to the Harbor, the only structures are for curbing, benches, and planting beds that will be at most 2 feet above grade, the plantings will not obstruct any views from nearby houses, and four members visited the site.

Andrea Rodgers moves to approve a Special Permit under Zoning Bylaw Sections 8.1.5.2 and 8.1.8 with five Special Conditions: (1) The Town must receive the written decision from the Martha's Vineyard Commission, (2) The Oak Bluffs Conservation Commission must review and approve this project, (3) the Zoning Board of Appeals must receive a letter from a certified engineer as stated in Zoning Bylaw 8.1.5.2, (4) any substantive changes must be approved by the Zoning Board of Appeals, and (5) the Zoning Board of Appeals will conduct the final inspection after the project has been completed. This project will benefit the community by organizing the area and will improve the safety of people using the area. Grace Guck seconded the motion.

All (Andrea Rogers, Lou Rogers, Grace Guck, and Jonathan Holter) voted in favor, so the motion passed unanimously (4-0).

RE: Dillon and Coles Appeal

Alana Dillon and Jeremy Coles

77 Tuckernuck Avenue Map 11 Parcel 82

The Oak Bluffs Zoning Board of Appeals opened a duly posted and continued In-Person



OAK BLUFFS ZONING BOARD OF APPEALS

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

508 693 – 3554 x 120

Public Hearing on **Thursday, November 17, 2022 at 7:20pm** 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 3.4.3 and 3.5.5, or any action related thereto, to demolish an existing garage and to construct a non-conforming accessory apartment on a pre-existing and non-conforming lot in Residential Zone 1.***

An email from Jason Forend, representing Alana Dillon and Jeremy Coles, requests to withdraw their application without prejudice while we review and revise our plans for 77 Tuckernuck Avenue.

Jonathan Holter moves to withdraw the application of Alana Dillon and Jeremy Coles without prejudice. Andrea Rogers seconds the motion.

All (Andrea Rogers, Lou Rogers, Jonathan Holter, and Grace Guck) voted in favor so the motion passed unanimously (4-0).

RE: Bradley Appeal

Melissa Bradley

Black Joy MVY

125 Seaview Avenue,

Map 10, Parcel 162

The Oak Bluffs Zoning Board of Appeals opened a duly posted and continued Public Hearing on **Thursday, November 17, 2022 at 7:22PM** via an in-person meeting 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.

No revised plans have been submitted.

Jonathan Holter makes a motion to continue the hearing to January 19, time to be determined. Andrea Rogers seconds the motion.

All (Andrea Rogers, Grace Guck, Lou Rogers, and Jonathan Holter) voted in favor, so the motion passed unanimously (4-0).

RE: Island Elderly Housing, Inc. Appeal

Island Elderly Housing, Inc.

38 Wing Road

Map 17 Parcel 105



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 Public Hearing on **Thursday, November 17, 2022, 2022 at 8:17 pm** via an In-Person/Zoom meeting in the Oak Bluffs School 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.**

Mark Bobrowski emails on behalf of Island Elderly Housing asking the ZBA to continue this hearing to February 16, 2023. Jonathan Holter makes a motion to continue the hearing until February 16, time to be determined. Andrea Rogers seconds the motion.

All (Andrea Rogers, Grace Guck, Lou Rogers, and Jonathan Holter) voted in favor, so the motion passed unanimously (4-0).

RE: Chun & Kim Appeal

Eunu Chun and Lisa H. Kim

7 Arlington Avenue

Map 3 Parcel 15

The Oak Bluffs Zoning Board of Appeals will open a duly posted and continued Public Hearing on Thursday, November 17, 2022 at 8:18pm via an in-person meeting 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 pre-existing 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.

Jonathan Holter makes a motion to continue the hearing until January 19, time to be determined. Andrea Rogers seconds the motion.

All (Andrea Rogers, Grace Guck, Lou Rogers, and Jonathan Holter) voted in favor, so the motion passed unanimously (4-0).

Adjournment.

At 7:25PM, Jonathan Holter made a motion to adjourn the meeting, seconded by Andrea Rogers. All (Andrea Rogers, Lou Rogers, and Jonathan Holter) voted in favor, so the meeting adjourned (4-0).

Respectfully Submitted,

Robert Culbert

ZBA Administrator

Approved January 19, 2023