



OAK BLUFFS ZONING BOARD OF APPEALS

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

508 693 – 3554 x 120

NOTICE OF DECISION July 11, 2022

RE: Tabernacle Appeal

M.V Campmeeting Association

39 Trinity Park & 0 Trinity Park

Map 81 Parcel 4-1 & 3-1

The Oak Bluffs Zoning Board of Appeals opened a duly posted and continued Public Hearing on Thursday, July 11, 2022 at 6:00PM via a Zoom virtual meeting, on the application of the above referenced petitioners seeking a **Special Permit from the Oak Bluffs Zoning Bylaws Section 3.5.5 to construct an addition to the historic Tabernacle to provide restrooms and storage facilities, thereby expanding the pre-existing and non-conforming use on a lot zoned R1.**

DECISION: A motion was made to approve the Special Permit under Zoning Bylaw Sections 3.5.5 to construct an addition to the historic Tabernacle to provide restrooms and storage facilities, thereby expanding the pre-existing and non-conforming use, and the board voted 4-1 to approve the Special Permit with conditions.

Procedural History:

- On April 28, 2022, the Zoning Board of Appeals (ZBA) received an application dated April 22, 2022 from George Sourati on behalf of the Martha's Vineyard Campmeeting Association,
- The application was date stamped by the Town Clerk on May 2, 2022,
- The Board published a notice of a public hearing, to be held remotely on June 23, 2022 via Zoom, in the Martha's Vineyard Times on June 9 and 16.
- The Board sent notice to all interest persons under G. L. c. 40A by mail.
- The Board's administrator discovered a typographical error in the posted notice for purposes of the open meeting law regarding the zoom link (an error not present in the published or mailed notices), and promptly corrected the address on agenda listed on the Board's site. The administrator emailed the corrected agenda to each person who had sent in comments to the Board.
- The Chair opened the public hearing on June 23, 2022. In light of the error in the zoom link, the Chair ruled that the scope of the hearing would be limited to the MVCMA making an initial presentation and the Board members formulating questions to be answered at a continued hearing. The Chair ruled that no public comment would be taken at the initial hearing.
- At the conclusion of the hearing on June 23, 2022, the Board voted to continue the hearing before the Board on July 11, 2022, and the matter would be held by Zoom. All interested persons could obtain the zoom link from the notices to be posted with the Town Clerk and on the Board's website two days before the continued meeting.

Tabernacle Appeal, M.V. Campmeeting Associatio

39 Trinity Park & 0 Trinity Park, Map 81 Parcel 4-1 & 3-1

Procedural History continued:

- On July 11, 2022, the Board heard MVCMA's response to their questions, and took public comment.
- The Board voted, 4-1, to grant the special permit, with conditions.

Findings

- The "Tabernacle" is open, outdoor auditorium with a roof used for a variety of public, private, and religious events.
- Built in 1880, the Tabernacle is a preexisting, nonconforming structure because, among other reasons, it is situated on a single parcel of land, known as Trinity Park, with multiple single family homes and other structures owned by or servicing the MVCMA.
- Trinity Park is located in the R1 district where the dimensional requirements are as follows,
- Trinity Park contains 78,570 square feet (10,000 square feet required),
- The proposed addition will have an approximately 375 foot setback from the outside boundary of Trinity Park, and is at least 100 feet from the nearest MVCMA leaseholder, significantly more than is the required 20 foot setback,
- The Tabernacle may be a nonconforming use, as the structure is utilized for multiple and various non-residential uses.
- The Tabernacle is listed on the National Register of Historic Places.
- The proposed addition is within the 100 year floodplain. The Oak Bluffs Conservation Commission approved this project.
- The Oak Bluffs Planning Board reviewed, and approved the Project, with conditions, under Site Plan Review as provided by Section 10.4 of the Oak Bluffs Zoning By-laws.
- Oak Bluffs Zoning Bylaw Section 3.5.5 provides, in part, that "[n]o pre-existing non-conforming use[] and structure[] shall be changed . . . or extended and no pre-existing use[] and structure[] or builing[] shall be altered or enlarged . . . unless . . . the Board of Appeals has made a finding that such change, extension or alteration shall not be substantially more than the existing non-conforming use or structure to the neighborhood."
- Section 3 of c. 40A provides, in relevant part (if applicable), "No zoning . . . by-law shall prohibit, regulate or restrict the use of land or structures for religious purposes . . . ; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements."
- The Project is not more detrimental to the neighborhood because the architecture of the proposed addition had been approved by the MVCMA architectural review committee as historically appropriate; a prior (1901) addition to the Tabernacle was in this location; the work will be 375 feet from Trinity Park's setback line; and the facilities added will, when complete and hooked up, add permanent personal hygiene facilities for public use, at events, that are also ADA compliant.

Tabernacle Appeal, M.V. Campmeeting Associatio

39 Trinity Park & 0 Trinity Park, Map 81 Parcel 4-1 & 3-1

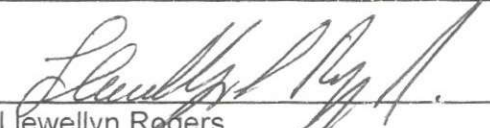
Vote:

Doug Pease makes a motion to issue a Special Permit under Zoning Bylaws 3.5.5 to with the following **Special Conditions:**

1. Only rough plumbing with no plumbing fixtures (toilets and sinks) can be installed in the bathrooms in the proposed addition, , and all pipes must be capped and inspected, until a method of wastewater removal has been approved by all town boards, departments, committees, and boards that have jurisdiction over wastewater or septage,
2. As the applicants agreed to during the public hearing, the MVCMA will send a letter to all leaseholders stating that no special assessments for the completion of this project can be levied upon the leaseholders.
3. The MVCMA must comply with the conditions imposed by the Oak Bluffs Planning Board under its site plan review decision.

Andrea Rogers seconds the motion. Voting in favor are Lou Rogers, Andrea Rogers, Grace Guck, and Doug Pease, with Leah Brown voting nay, so the motion passes with a 4-1 vote.

Members sitting for the Board of Appeals at this hearing were:

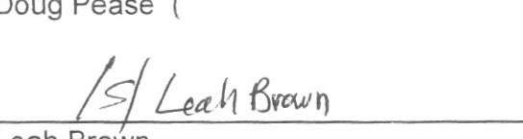

Lewellyn Rogers

Jonathan Holter


Grace Guck


Doug Pease


Andrea Rogers


Leah Brown

A copy of this decision was filed in the office of the Town Clerk, on July 26, 2022. Appeals, if any, should be made pursuant to Section 17, of Chapter 40A of the Massachusetts General Laws and should be filed within 20 days of the filing of this decision in the office of the Town Clerk, excepting that such timeframe may be suspended and extended pursuant to Section 17 of Chapter 53 of the Acts of 2020 (Covid-19).

Received and filed in the Office of the Town Clerk:

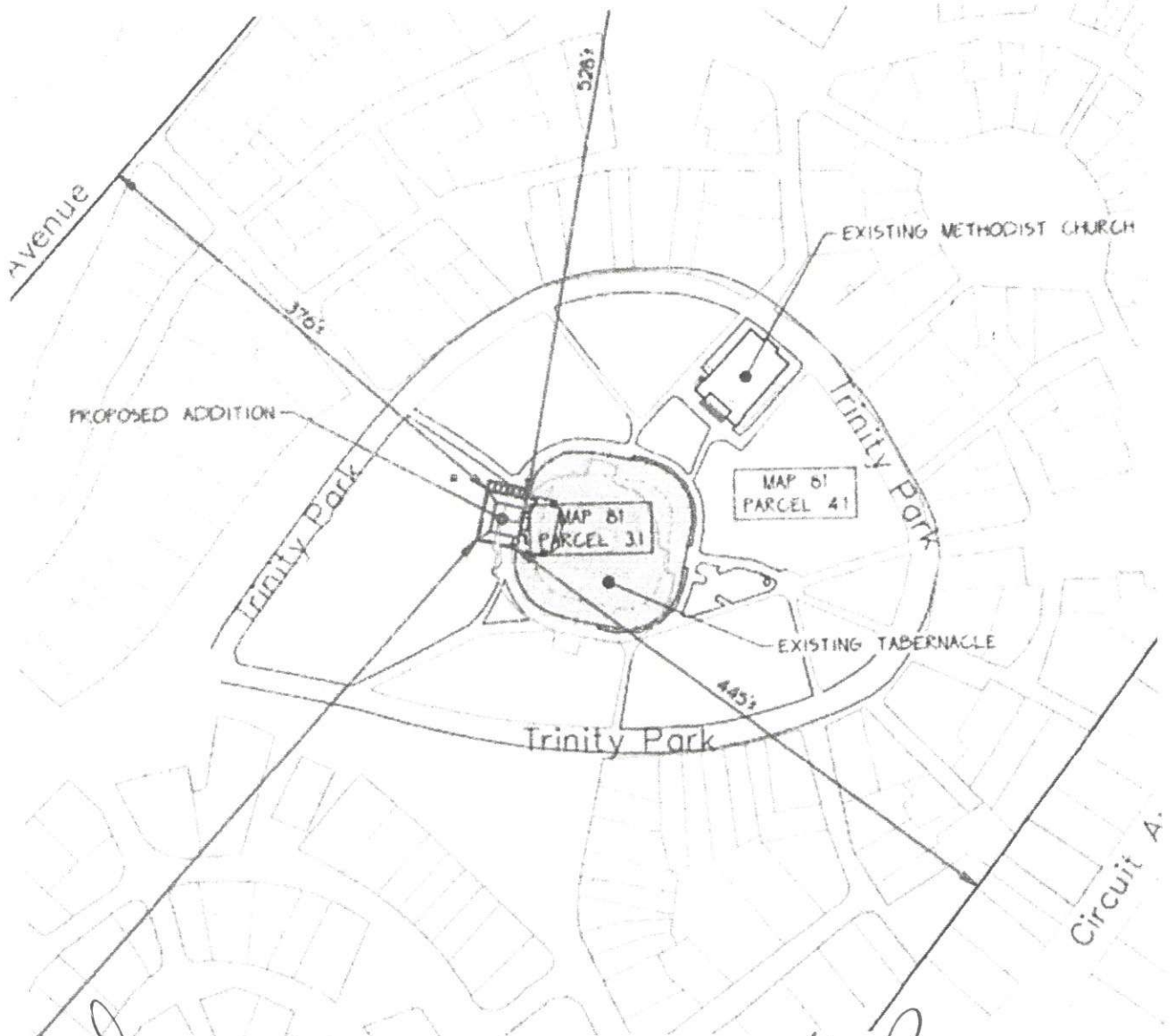
Date: July 26, 2022

I hereby certify that no appeal has been filed within the twenty-day period following the date of the filing of this decision.

Attest: _____
Colleen Morris, Town Clerk

Tabernacle Appeal, M.V. Campmeeting Associatio
39 Trinity Park & 0 Trinity Park, Map 81 Parcel 4-1 & 3-1

Queda Dog
7-25-22



Hybrid
7/24/22

1s/ Leah Brown
7/25/22

Shellys Rays
7/25/22

Trupeace
7/25/22