

Zoning Board of Appeals  
Minutes of Meeting 11/19/2009  
Oak Bluffs Town Council on Aging Building

Members present: Kris Chvatal, Chairman, Peter Palches, Derek Tipton, Joe Re,  
Also present: Associate Member Andrea Rogers & Peter Yoars. Adam Wilson, Zoning Administrator & ZBA Clerk.

The meeting began at 6:00 pm. The minutes from October 15<sup>th</sup> were discussed for approval.

A motion was made and seconded to accept the minutes from October 15th.

**The Board voted 5- 0 to approve the minutes from October 15<sup>th</sup>.**

The Board agreed to meet again in December on the 17th.

-The 1st application was a hearing continued from the October meeting for Reginald & Diane Felton at 16 Samoset Avenue and their application to put a 850 square foot addition on to their home. Kris introduced the 4 members sitting from the previous two meetings. Builder Bill Reagan once again represented the applicants. He showed Board Members a new site plan that has the proposed addition conforming to the existing non conforming side setback of the property. Kris asked what's changed with the construction. Bill said it was the 18.5' addition has been reduced down to 14' 4". The roof frame has changed and the roof pitch is a little steeper although the proposed height remains the same. Bill said that wastewater has signed off on the residence having 5 bedrooms. Bill said there is a reduction of 100 square feet to 750 with the decrease in size of the addition. Bill showed what was on the original proposed application and the rooms' sizes will mostly stay the same.

-Kris said he thinks the square foot addition is closer to 700 and not 750.

-Peter Yoars asked for the square footage amounts. The increase in square footage goes from 40% to 28% increase in the overall living square footage for the house.

-Bill said they have approval from the CCHDC but he'll have to go back to them since the original plans have changed.

-Kris talked about how the 1st proposed application was perceived as being substantially more detrimental due to the side setback and the height of the addition in relation to the neighbor's house. Kris pointed out that there is still a looming factor but it is an improvement.

-There was discussion about the social/economic factors of the application and how that can be viewed under the different by-law of 10.3

-Kris opened the floor for public comment. There was none and no correspondence to be read. Kris then closed the public hearing.

Derek made a motion to approve the revised plans as presented. Andrea seconded.

**The Board voted 4 - 0 to grant the motion and the special permit.**

Before the next hearing Peter recused himself because he is an abutter to the applicant's property. Peter Yoars joined the Board for the hearing.

Architect George Crawford represented Genevieve Abbot of 6 Sea Glen Avenue. Kris confirmed with George that the applicant is in front of the Board because the residence does not conform to the R-3 lot size and 50' setbacks on three sides of the property. The proposal is to add an addition to a small house increasing with a bedroom and more living area. Kris asked what the proposed new setback will be on the side where the addition will go to the side of the property. George measured the site plan to show the new

setback being close to 20'.

George said the house will be doubled in size but it's still a 1,500 square foot house on a 13,000 sq. foot lot. Kris added that it doesn't appear to overburden the lot.

-Kris opened the floor for public comment. Brooks Billingham, a neighbor said these types of additions should be allowed for an area that needs to be improved. He said that as long as there is an establishment of a setback similar to R-1 standards. He favors the improvements to the existing residence.

-Adam said there was no written correspondence. Kris closed the floor.

-George stated that if the addition is granted, the owner would make a move to live here year round.

-In the discussion Kris pointed out that neighborhoods such as Sea Glen can't get the kind of relief other communities have and that 50' setbacks makes it impossible to alter or add to existing structures. Joe said it improves the neighborhood.

Peter Y made a motion to approve the application with a condition that 20 foot setbacks are adhered to on the east and west side of the property lines. Joe seconded.

**The Board voted 5 - 0 to grant the special permit.**

Next on the agenda was a diminimus project for 40 Shirley Avenue. Adam showed that they have a deck area that they wanted to convert into a 3 season sunroom. The existing deck is on the other side of the structure that is nonconforming. He said that if the Board determines that they don't want the project to be heard as a full hearing, he will make the decision that it is diminimus but still notify all direct abutters within 100' of the residence about the proposed project and that if any neighbor objects, he'll stop the permit and have a full board hearing.

Joe made a motion to consider this as a diminimus project. Derek seconded.

In the discussion Kris pointed out that the prior owners were part of the problem and are not the current owners. Peter said he doesn't think it's small enough to not warrant a full hearing. He has concern over whether the 3 season porch actually ends up being what it is stated to be. He said it's significant enough to not be diminimus.

**The Board voted 5 - 1 to grant the project as diminumus.** Andrea said there is a problem with how structures get built and how people can get away with adding things to a structure that makes it nonconforming.

The Board discussed windmill regulations. Adam stated that the proposed new regulations will help those who have the right amount of property, or assembled groups of residents, or the town, get the right guidance on how to accomplish establishing wind energy generating systems. Kris said it's the perfect opportunity for someone, prior to writing out the 30,000 dollar check for putting up a system, to have a roadmap detailing exactly what to do in getting a system installed.

Peter Yoars made a motion approve the proposed regulations and to pass along the new wind energy generating facility regulations to the Planning Board. Derek Seconded.

There was discussion of how the next step will occur and what the Planning Board will do with the proposed changes. There is a firm understanding that the Zoning Board will stay engaged in the process of finalizing the proposed bylaw.

**The Board voted 6 - 0 to approve the new regulations and send them to the Planning Board for review.**

The meeting adjourned at 7:45 pm.