

Zoning Board of Appeals  
Minutes of Meeting 10/15/2009  
Oak Bluffs Town Council on Aging Building

Members present: Kris Chvatal, Chairman, Peter Palches, Derek Tipton, Joe Re, George Warren\*

Also present: Associate Member Andrea Rogers, Peter Yoars. Adam Wilson, Zoning Administrator & ZBA Clerk.

\*Arrived after vote for minutes

The meeting began at 6:00 pm. The minutes from September 17<sup>th</sup> were discussed for the acceptance.

Peter said that he wanted to amend the minutes stating that with the Felton application he had a concern about the change or increase in lot coverage with the new addition and not a reduction. Adam said he would make that change

Derek motioned for accept with Peter's ammendment, Peter seconded.

**The Board voted 4- 0 -1 to accept the minutes as amended from September 17<sup>th</sup>.**

The Board agreed to meet again in November on the 19th.

-The 1st hearing was a continuance 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 meeting. Adam produced a Certificate of Appropriateness from the CCHDC for the proposed addition.

Builder Bill Reagan spoke on behalf of the applicants. He talked about the history of the Felton's ownership of the residence and what they plan to do if the 1st floor bedroom and 2nd floor office addition is approved. Bill said they want to make it a year round structure that they would use April to November and visit at other times during the year. He showed the Board an analysis he did of the neighborhood open space lot coverage and said that the increase in the Felton footprint still leaves a lot of open space equal to other residences in the area. The current home takes up 40% of the lot. The addition will increase lot coverage to 48%. He talked about the history of houses in this neighborhood having additions added on over the years since they were built in the 1800's.

-Bill showed a site plan plus a floor plan and elevations of the home and proposed addition. He said the addition is married to the rear of the building and will be seen from three sides from the road and neighbors houses.

-The setbacks and lot size for R1 residences were stated. It was noted once again that the lot is undersized and the current home is in the 20 foot setbacks on all sides.

-Derek said he went to the site and thought at first that the addition crowded the lot. He did acknowledge that there are the remains of a foundation still there. Bill said there was a former shed that housed staff on the property.

-Kris opened the floor for public comment. There was none. Kris closed the public hearing.

-Kris said the proposed addition is very difficult to accept because it is a substantial increase in the existing nonconformity. It is a two story addition that is quite sizable to a residence that is already large. It's not compelling to add more to it.

Bill said originally the lots were a lot bigger than what they are today. Bill said this addition would enhance

the neighborhood. He said he's fortunate to work on a project like this. Bill said the open space on the lot is used primarily for parking.

-The amount of living square footage in the house and what would be added to it was discussed. Kris said it's a 40% increase in living space and adds another bedroom to the 3 bedroom home. Peter said the addition creates leaves very little room on the lot and casts new shadows on neighbors properties. Andrea said that if that were the case they should show up to show their concerns. Peter said the Board in the past has gone by that standard but also thinks that the Board should have its own values about openness in a neighborhood. This is a dramatic increase in non conformity.

-Peter Yoars asked why there was a need to put in another bedroom. Bill said the plan is to have a bedroom on the 1st floor. The second floor of the addition would be for a home office.

-Kris told Bill he thought he didn't have 4 votes to get approval. Bill asked if the addition could be reduced on the West side. Kris said it's a big addition to an already big house. What about having only one story and a basement office instead of the 2nd floor.

Kris and Bill talked about the differences between CCHDC and ZBA approval. Joe Re made a comment that the addition is substantially more detrimental than what is currently there. Bill asked to come back with revised plans and wanted to know what the Board is looking for.

Kris spelled out what the Board has concerns with:

1. the addition is a substantial increase in the existing nonconforming side setback;
2. There is too much of an increase in the living square footage being proposed (40%);
3. It's a two story addition that creates a looming factor for the neighbors

-Bill asked for another continuance so that he could revise his plans. The Board by consensus, agreed to continue the hearing to the next meeting.

The hearing for Felton was continued to November 19th at 6:05 pm

-Before the next hearing, Joe Re and George Warren joined the Board and Andrea Rogers took a seat with Peter Yoars.

-The next hearing was for Nigel and Sheila Harding at 27 Ocean Ave. Builder Bill Reagan explained that the proposal is to rebuild the front porch and reduce its size by two feet so that it will be inside the front property line and to raze the back of the house and rebuild it with a new foundation. He showed a site plan that shows the residence goes onto the town boundary. He said the house is in very poor condition and needs a full renovation in order to become a year round residence. The number of additions to the original house was discussed. Bill said the back of the house will go from 2 feet to 3.5 feet from the property line and the side setbacks will stay the same. He explained how the house will have the ground excavated underneath it.

Bill showed a site plan that establishes the lot as being undersized and not meeting any of the required 20' setbacks for an R1 residence.

Bill said the new foundation will put the residence 24" higher. It'll go from 25.2 feet -> 27.2 He said the renovations will give the residence a more balanced look.

Kris asked if it is a two story home now and will it continue to be when the work is done. Bill said yes to both questions. Peter asked if it was a single family home. Bill said it was. He went on to show the floor plans and elevations of what exists and what is proposed.

-Peter asked about the shed proposed. He said it doesn't conform to setback guidelines. Bill said the project doesn't have to include the proposed shed if it doesn't conform to zoning guidelines.

-Kris opened the floor to public comment. There was none. There was no correspondence to be read. He

closed the public hearing.

Kris said there were a lot of positives in the proposal, especially clearing up the front property line violation and decreasing the rear setback nonconformity. Other members of the Board agreed that the proposed renovations and alterations is not more detrimental to the neighborhood than what currently exists.

Derek made a motion to accept the plans as presented minus the shed. Joe seconded.

**The Board voted 5 - 0 to grant the special permit to Nigel and Sheila Harding at 27 Ocean Avenue to renovate and alter the pre-existing, nonconforming residence.**

The next order of business was a presentation by Adam to review with the Board a revision of the By-Law for wind energy generating facilities. Sitting with Adam was Gary Harcourt, Oak Bluffs resident and owner of Great Rock Wind Power. Adam showed the Board a new set of regulations that would update the Town's by law for electricity generating windmills. He said that he had researched different regulations from other towns and consulted with Gary on what would be good regulations

for the new technology that is coming into its own for energy generating facilities.

-Adam went through the different parts of the document. Gary added his own suggested edits to the proposed requirements and regulations. The Board agreed to look over the new regulations and to discuss them further at the next meeting in November.

-There was a brief discussion on the classes being offered by the MVC for zoning board members. Adam said he'd handle any of the class fees should a member of the Board wants to attends a class.

-The Board concluded its meeting at 7:45 pm.