

Zoning Board of Appeals
Minutes of Meeting 8/26/2010
Oak Bluffs Town Council on Aging Building

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

Also present: Adam Wilson, Zoning Administrator & ZBA Clerk.

* Arrived after minutes approval.

The meeting began at 5:45 pm. The minutes from July 15th were discussed for the approval.

Derek motioned and George 2nded for minutes approval.

The board voted 5 – 0 to accept the minutes from July 15th, 2010

The next meeting was scheduled for the 3rd Thursday in September (16th). George said he would not be available.

-Adam handed out a set of rules and regulations created by the Town's Storm Smart Committee for the amended flood plain by-law passed at April's town meeting for review. He said that the board would have to have a public hearing and vote of the board to have them passed. He said that the rules will establish procedure for the board when they grant special flood plain permits. Adam said he can coordinate a meeting with the Storm Smart Committee to go over the new regulations.

-Kris read a letter from Joe Vera of Ocean Avenue complaining about a shed built by the neighbor next door to his property on Ocean Avenue. Board Members discussed the permit process. The Board, by consensus, referred the letter back to Building Inspector, Jerry Wiener, for further review and possible enforcement.

Peter Palches joined the meeting but allowed Andrea to remain sitting with the Board.

-Next on the agenda was consideration for a chairman. Adam stated that the board should ask each member if they want to be considered becoming chairman and to do it in a roll call fashion based on seniority. Kris asked George 1st if he'd like to be chairman. He declined and then nominated Kris to be chairman for another year. Kris then asked Joe if he'd like to chair and he said yes he would.

Kris made the motion to have Joe Re be chairman. Andrea seconded.

At this point Gail Barmakian interrupted the process to state that there was a new committee meeting appointment policy in place adopted by the Board of Selectmen in June. Adam stated that the Zoning Board was following guidelines established in the state statute for an annual election of a chairman.

Gail said there's a provision in the committee handbook that the chairmanship for each board or committee should rotate on a yearly basis. Kris said the board is following 40A so the board can adopt a policy of rotation but are not required to.

-Kris read from the draft document Gail had. Board members and Gail discussed the language in the handbook and how it relates to choosing a chairman.

Peter seconded the motion from George to have Kris be Chairman for another year.

There was discussion on whether or not the board could continue the process of electing a chairman without knowing the contents of the committee handbook. Peter said there's enough information for the board to decide who its next chairman should be. Kris called for a vote for Joe to be the next chairman.

The motion to have Joe Re become Chairman for 2010 – 11 failed.

Kris asked if Peter wished to be considered for Chairman. He declined. Adam said that left Kris. He called for a vote.

The motion to have Kris Chvatal become Chairman for 2010 – 11 passed.

George made a motion to have Joe become the Board's Vice Chairman. Peter seconded.

The motion to have Joe Re become Vice Chairman for 2010 – 11 passed.

-The only scheduled public hearing for the night was for Ray & Sheila Elliott at 30 Graham Ave. Ray and Sheila along with Architect Sara Johnston spoke to the board. Sara showed what the nonconforming aspects of the house were. In relation to the side setbacks, the residence was only 16 and 9 feet from the property

lines. She also stated the lot was undersized for an R1 residence. She stated the proposed additions will not increase any nonconformity and the 1 story addition will only extend the current setback distance. She explained that 16 X 14' single story addition will go out the back of the structure and that the front porch extension will go to the 20 foot front setback as well. The existing side setbacks would remain the same. There was discussion on where the new bulkhead door would go. Sara said the intent of the renovations to the home was to change the floor plan around so that the living room would be in the back of the house and a bedroom in the front.

-Kris opened the floor for public comment and asked if there was correspondence. A letter was read from Slater, who owns property within 300' of the Elliott's property asking that the proposed addition not be built on their property. Adam showed on the assessor's map that the two properties did not abut making the request moot.

-Kris closed the floor for public comment.

The Board, by consensus, made a section 6 determination that zoning by-law 3.5.5 does apply for the application. Kris said that from the site plan extension of the porch does not create a new nonconformity by further encroaching on the setbacks. The 16 X 14' addition also does not encroach on any setbacks although it does extend the existing setback on one side. The same is true for the proposed deck. George said although the lot is undersized, the proposed additions do not appear to overburden the lot.

George made a motion to approve the plans with a provision that a new site plan be presented to the board for signature with the additional 2 feet shown for the proposed front porch extension. Derek seconded.

The Board voted 5 – 0 to grant the special permit.

-The meeting adjourned at 6:25.