

Zoning Board of Appeals
Minutes of Meeting 9/09/2010
Oak Bluffs Town Hall Lower Level Meeting Room

Members present: Kris Chvatal, Chairman, Andrea Rogers, Derek Tipton, Peter Palches, Peter Yoars

Also present: Adam Wilson, Zoning Administrator & ZBA Clerk. Liz Durkee, Conservation Agent

The meeting began at 4:00 pm.

-Members of the Zoning Board gathered with Liz and Adam, members of the Town's Storm Smart Committee. Adam handed out copies of the newly amended flood plain by-law and proposed rules and regulations the storm committee had crafted to go with it. Adam stated that the town approved by-law had been approved by the Attorney General's Office and that the storm committee was presenting a set of rules and regulations in accordance to a provision in the flood plain by-law that allows the board to adopt rules & regulations for the administration of the flood plain district.

-Liz explained how the Storm Smart Committee was created and its function for the Town of OB. She listed who was on it. Members included herself, Joan Hughes from ConCom, Adam, Kathy Burton from the Selectmen's Office, John Bradford from Planning, Dave Grunden from the Shellfish Dept and Richard Toole as an at large member. She said the work to amend the by-law and create new rules and regulations has been ongoing for two years. Working with the Mass Coastal Zone Management, a revised flood plain by-law was passed at Town Meeting in April after several public hearings being done by the Planning Board.

-There was discussion on what was changed in the by-law since its initial draft and how it affected potential values of homes that were in various velocity zones.

-Board members discussed the criteria the board needed to look at in order to approve special permits in the flood plain district as opposed to other criteria for non conforming uses. There was also discussion on the provision in the proposed rules for the waiver of compliance.

-Peter expressed concerns over the bureaucracy needed for a home owner to get through the various appendix requirements to get a permit. There was discussion on how much an applicant has to document in order to get a building permit. Peter and Liz talked about the different types of protection the flood plain district is looking for.

Board members went through the rules and regulations and discussed enabling them to control building in the wetlands areas.

-The role of the Plan Review Committee (PRC) was discussed as well as who would be on it. Board members looked at the proposal in relation to the recent hearings for the Lehr property.

-Board members asked Adam to bring up other island town DCPC shore zone regulations to discuss changes at next Thursday's regular meeting.

Peter asked questions regarding timeline for applicants to meet with the ZBA. There was talk of the difference between a normal application to the ZBA (60 days), and the proposed one in the proposed flood plain regulations. This led to a discussion about the form needed to apply to the ZBA for a special permit. Peter asked Adam to provide him the ZBA application form.

Board members reviewed the following criteria considerations:

1. Utilities; 2. New mounded septic systems; 3. Impervious materials; 4. Invasive species removal; 5. # of appraisals needed with a flood plain permit application.

-The meeting adjourned @ 5:00 pm.