



## OAK BLUFFS ZONING BOARD OF APPEALS

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

508 693 – 3554 x 120

### Zoning Board of Appeals Minutes of April 15, 2021 Meeting Virtual Meeting via Zoom

Members present: Andrea Rogers, Llewellyn Rogers (Acting Chair), Doug Pease, Jonathan Holter, Grace Guck, and ZBA Administrator Robert Culbert

Others in Attendance: Chris Alley, KMC, Sharon Cooke, Lucy Crosbie, Holly Crosbie-Foote, Lindsay DiLoreto, Sarah DiPillo, Barbara Holden, Brad Jenson, Amy and Chris Kotsopoulos, Sam Low, Stephanie Mashek, Susan Montero, Andrew Moore, Nate Morgan, Carlos Rapaport, Jan Smith, Sara Smith, William Sullivan, Margaret White, Chesley Wiseman, Christopher, Emily Woodworth, Sara, Galaxy S10e, and 508-989-8443.

Chairman Rogers opened the meeting at 6:10pm.

**New Business:** Robert Culbert learned on April 14 that Chapter 40A, the State Zoning Act, prohibits the Zoning Board of Appeals from holding hearings on any Federal, State, or local election day. Planning Board Chair Ewell Hopkins provided the ZBA with an undated Memo from Michelle K. Tassinari, Legal Counsel for The Commonwealth of Massachusetts Secretary of the Commonwealth (William Francis Galvin) Elections Division, stating this prohibition.

Because the Town elections are today (April 15), we therefore can not hold any hearings. To meet this prohibition, the ZBA will not accept any testimony in any of the scheduled hearings. The Board will open each hearing to explain the Commonwealth's prohibition and then move and vote to continue the hearings to either May 6, 2021 or May 20, 2021.

The following minutes of each hearing will not include the above explanation to save paper, but will record the motion and vote to continue the hearing.

**Next Meeting Date:** Thursday, May 6, 2021 at 6:00pm, and Thursday May 20, 2021 at 6:00pm

#### **RE: Kriegstein Project**

Henry J. Kriegstein, Joan B. Kriegstein, Kriegstein Realty Trust  
20 Hubbard Lane, **Map 22 Parcel 11.1**

On Thursday, April 15, 2021 at 6:15pm, Chairman Andrea Rogers opened a duly posted and continued public hearing on the application of Map 22 Parcel 11.1 seeking:



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***A Variance and Special Permit with Zoning Bylaws 4.1.3, 9.1.A or any action related thereto, to allow the construction of a nonconforming addition to a single family dwelling located on a lot in Residential Zone 3 and Coastal District.***

A quorum consisting of Chairman Andrea Rogers, Llewellyn Rogers, Jonathan Holter, Grace Guck, and Doug Pease was present. Administrator Robert Culbert read an emailed note from Martin “Skip” Tomassian, representing the applicant, requesting that the hearing be continued for another month, or until the ZBA holds an in-person hearing.

Doug Pease moved and Jonathan Holter seconded a motion to continue the hearing to May 20, 2021, time to be determined. All (Andrea Rogers, Lou Rogers, Jonathan Holter, Grace Guck, and Doug Pease) voted in favor, so the motion passed unanimously (5-0).

### **RE: Williams Appeal**

Donald and Georgette Williams  
23 Tuckernuck Avenue, **Map 10 Parcel 124**

On Thursday, April 15, 2021 at 6:19pm, Chairman Andrea Rogers opened a duly posted public hearing on the application of Map 22 Parcel 11.1 seeking:

***a Special Permit within Zoning By-Laws 3.5.5, or any action related thereto, to allow the removal of parts of the pre-existing and non-conforming dwelling which will be replaced with a two-story addition within the building footprint, on an undersized lot in Residential Zone 1.***

A quorum consisting of Chairman Andrea Rogers, Llewellyn Rogers, Jonathan Holter, Grace Guck, and Doug Pease was present.

Jonathan Holter moved and Andrea Rogers seconded a motion to continue the hearing to May 20, 2021, time to be determined. All (Andrea Rogers, Lou Rogers, Jonathan Holter, Grace Guck, and Doug Pease) voted in favor, so the motion passed unanimously (5-0).

**Question from the public:** Emily Woodworth asked the ZBA whether the hearings could be continued to tomorrow or Monday. The reply was that we cannot do that because agendas have to be posted 14 days prior to the meeting.

**RE: Jenson/Blackwood Family Trust Appeal**  
**The Bradley Roy Jenson and Carolyn Jean Blackwood Family Trust**



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### **274 Seaview Avenue, Map 19 Parcel 9**

On Thursday, April 15, 2021 at 6:23pm, Chairman Andrea Rogers opened a duly posted public hearing on the application of Map 22 Parcel 11.1 seeking:

***a Special Permit within Zoning By-Laws 3.5.5 and 8.1.5.2 or any action related thereto, to allow renovation and reconstruction of the pre-existing and non-conforming dwelling and garage on an undersized lot in the Shore Zone of the Coastal District and in the Floodplain Overlay District in Residential Zone 3.***

A quorum consisting of Chairman Andrea Rogers, Llewellyn Rogers, Jonathan Holter, Grace Guck, and Doug Pease was present.

Doug Pease moved and Andrea Rogers seconded a motion to continue the hearing to May 20, 2021, time to be determined. All (Andrea Rogers, Lou Rogers, Jonathan Holter, Grace Guck, and Doug Pease) voted in favor, so the motion passed unanimously (5-0).

**Question from the public:** Chuck Sullivan asked whether the new applications for hearings that he has recently submitted will be heard at the May 20 meeting, or whether this delay means they will not be heard until the June meeting. Robert Culbert's response was those hearings have not been scheduled yet, so the date for those new hearings has not been set.

Jan Smith asked whether the hearings could be continued to April 29. The answer is we cannot do that because the agenda would have had to be posted earlier today for any hearings on that date.

### **RE: Woodworth Appeal**

**Emily Woodworth**

**67 New York Avenue, Map 8 Parcel 17**

On Thursday, April 15, 2021 at 6:30pm, Chairman Andrea Rogers opened a duly posted public hearing on the application of Map 22 Parcel 11.1 seeking:

***a Special Permit within Zoning By-Laws 3.5.5, or any action related thereto, to allow an extension of the existing porch on a pre-existing and non-conforming two-story dwelling on an undersized lot in Residential Zone 1.***

A quorum consisting of Chairman Andrea Rogers, Llewellyn Rogers, Jonathan Holter, Grace Guck, and Doug Pease was present.



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Lou Rogers moved and Doug Pease seconded a motion to continue the hearing to May 20, 2021, time to be determined. All (Andrea Rogers, Lou Rogers, Jonathan Holter, Grace Guck, and Doug Pease) voted in favor, so the motion passed unanimously (5-0).

### **RE: Prospect Girls, LLC Appeal**

The Lodge Family Trust  
14 Temihegan Avenue, **Map 4 Parcel 162**

On Thursday, February 18, 2021 at 6:45pm, Chair Andrea Rogers opened a duly posted and continued public hearing on the application of Map 4 Parcel 162 seeking:

***a Special Permit within Zoning By-Laws 4.4.4 and 3.4.2, and 9.1.A or any action related thereto, to allow the alteration and addition to a pre-existing and non-conforming dwelling, the construction of a detached garage with a detached bedroom, and the construction of a cabana and swimming pool on a lot located in the inland zone of the Coastal District in Residential Zone 1, with the owner having occupied the residence for less than five years.***

A quorum consisting of Chairman Andrea Rogers, Llewellyn Rogers, Jonathan Holter, Grace Guck, and Doug Pease was present.

Doug Pease moved and Jonathan Holter seconded a motion to continue the hearing to May 6, 2021, at 6:00pm. All (Andrea Rogers, Lou Rogers, Jonathan Holter, Grace Guck, and Doug Pease) voted in favor, so the motion passed unanimously (5-0).

### **RE: Kotsopoulos Appeal**

Chris and Amy Kotsopoulos  
15 Chestnut Avenue, **Map 8 Parcel 164.1**

On Thursday, March 18, 2021 at 7:00pm, Andrea Rogers opened a duly posted and continued public hearing on the application of Map 8 Parcel 164.1 seeking:

***a Variance from the Oak Bluffs Zoning Bylaws, or any action related thereto, to allow the addition of a covered porch to a pre-existing conforming dwelling, on an undersized lot in Residential Zone 1.***

A quorum consisting of Chairman Andrea Rogers, Llewellyn Rogers, Jonathan Holter, Grace Guck, and Doug Pease was present.



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Doug Pease moved and Jonathan Holter seconded a motion to continue the hearing to May 20, 2021, time to be determined. All (Andrea Rogers, Lou Rogers, Jonathan Holter, Grace Guck, and Doug Pease) voted in favor, so the motion passed unanimously (5-0).

At 7:03, Lou Rogers made a motion to adjourn the meeting, seconded by Andrea Rogers. All (Andrea Rogers, Lou Rogers, Jonathan Holter, Grace Guck, and Doug Pease) voted in favor, so the meeting adjourned (5-0).

*Respectfully Submitted,  
Robert Culbert  
ZBA Administrator*

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Approved May 20, 2021