



OAK BLUFFS PLANNING BOARD

Zoning Reform Subcommittee

FRIDAY, OCTOBER 4, 2019

9:00 a.m. at Oak Bluffs Town Hall, Downstairs Meeting Room

MEETING MINUTES

Subcommittee Members: Mark Crossland, JoJo Lambert, Llewellyn Rogers, Joe Forns

Members Absent: Andrea Rogers

Staff in Attendance: Kim Leaird (*Administrator*)

Attendees: Peter Goodale

Introduction

This subcommittee formed to look at a handful of bylaws that could possibly be updated and brought to the April 2020 Town Meeting. Town counsel suggested they look at Accessory Apartments (3.4), bylaw around clearing lots, and the disparity between 1928 and 1948 zoning.

Mark Crossland said that it's important that work they do line up with the recently ratified Master Plan – that the goals.

Subcommittee members include two Planning Board members (Mark Crossland, JoJo Lambert), two ZBA board members (Llewellyn and Andrea Rogers), as well as Joe Forns (president of Waterview Association for a number of years).

Lou Rogers brought a handout with research he had done around 3.4- Accessory Apartments. He looked at other island towns' bylaws and noted what others were doing and said that it could help inform their work.

Joe Forns said that in Waterview Farms, every parcel was substandard so every lot was pre-existing, non-conforming and there was no mechanism to grandfather something they knew existed. Every time a Waterview parcel wants to do something they have to go through a complicated process.

Attendee Peter Goodale said his experience in past legal struggles was that 1928 is not enforceable because there is no map, although 1948 map is. He said he would like to see the Edgartown-Vineyard Haven corridor be zoned at least partial industrial and his feeling is that you should create a new B2 or B3 district. He noted that every time a neighbor complains he has to go to the ZBA.

Joe said he sees this come up often... Gomes and he described a parcel that "has developed" yet there is no formality what they can and can't do. Peter said Mahoney's is another example – they're working under agricultural... commercial operation. Joe said there's some room to make new bylaws or adjust them consistent what is there now.

Peter said he owns a 55 acre lot that used mainly by landscapers to store ... what he would like to do is mine because it will run out in his lifetime. Composting would be a break-even operation for him but if he's allowed to mine it will more than cover cost of composting. He gave history of the land: his grandfather bought property in 1955 and then also the land across street... he has had 22 mines on island.

Lou Rogers said that the ZBA is the only way to take nonconforming lots and houses and do something with them. Joe Forns said the ZBA should have some mechanism in place, because there are a lot of substandard lots and there should be a way to handle them reliably.

Lou said that these days a realtor needs to be really knowledgeable of zoning in order to educate buyers.

Discussion followed about when to meet and Fridays at 9am work for everyone. The plan is to work on 3.4 through the end of November.

Joe pointed out under 5.4 accessory/ guest apartments that square footage around garage vs shed was unclear. Lou said they should set some rules around the 500 square feet.

Peter suggested there be two definitions... gross footprint and gross area. Right now gross square footage is in the definitions but doesn't know if that will be an accurate system? Right now they go to Assessors and they do accurate measurement.... Need to talk to them to determine how they measure square footage because this might not be way they do it.

In Edgartown they go around perimeter to measure. Someone asked if it included an open staircase? Where is the balance between egress and the footprint. Lou said if there is an entrance that goes into the setback they don't count it. JoJo said but this affects neighbors.

Joe said Edgartown does not put in entrances. Some people have steps and a small landing so what is an oversized landing? There is ambiguity – does this mean you could put a patio up to lot line? Yes you can right now. Lou said all the ZBA really looks at are setbacks and height. Joe said they are always concerned about a porch that is above grade. Asked should 30 inches above grade be in the bylaw? Discussion followed about different scenarios with a slope grade -- a deck is 5-6 feet above grade. It all depends if non-conforming or not.

Next meeting: Will work on 3.4 over next several meetings. Lou will send Kim a word document to distribute.

Meeting adjourned at 10am.