



TOWN OF OAK BLUFFS, MA
PLANNING BOARD
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To: Martha's Vineyard Commission
From: Oak Bluffs Planning Board and Oak Bluffs Zoning Board of Appeals
Date: October 29, 2021
Re: Shearer Cottage Expansion

The anticipated scope of the Oak Bluffs Planning Board review of the Shearer Cottage Expansion proposal is as follows. The applicant will be required to file a Special Permit and Site Plan Review application.

SPECIAL PERMIT – ZONING BOARD OF APPEALS

Under the special permit, the Zoning Board of Appeals will determine if the proposal is substantially more detrimental than the existing non-conforming use and structure to the neighborhood. This will include but not be limited to the following:

- Increase scale of structure
- Increase use and activities
- Surrounding road improvement required (see site plan review)
- Increase parking requirements and use
- Increased lighting
- Trash and room cleaning related services; staging and delivery / pick-up frequency
- Stormwater management based on increase scale

*3.5.5 Special Permit. No pre-existing non-conforming uses and structures shall be changed, moved or extended and no pre-existing non-conforming uses and structures or buildings shall be altered or enlarged or replaced by a new building except as permitted in Section 3.5.4, 3.5.6 and G.L. c. 40A, s.6 unless, upon application to the Board of Appeals for a Special Permit, the Board of Appeals has made a finding that such change, extension or alteration **shall not be substantially more detrimental than the existing non-conforming use or structure to the neighborhood.***

SITE PLAN REVIEW – PLANNING BOARD

As a part of the Site Plan Review the Planning Board will require narrative assessments of the on-site and off-site impacts of the proposed project, including traffic, drainage, noise, and other environmental factors. The Planning Board will require narrative assessments be prepared by qualified experts.

The Planning Board will focus on the following specific, but not limited to, criteria:

- Extent of stormwater flow increase from the site, and soil erosion due to the increase scale of new structures;
- Maximize pedestrian and vehicular safety both on the site and egress from it;
- Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;
- Minimize glare from headlights and lighting intrusion, specifically in parking areas;
- Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;
- Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances; and
- Ensure compliance with the provisions of all Zoning By-Laws, including parking, signage, landscaping and environmental performance standards
- Analysis of impervious surfaces to ensure that a standard of no more 15% or 2,500 square feet, whichever is greater, is not exceeded.

*Note: The Groundwater Protection Regulation pursuant to authorization granted by MGL c.111 s.31 and 122. The purpose of the regulation is to ensure that the DEP's "Best Effort" requirement for public water supplies is met. This regulation restricts the siting and use of certain chemicals, activities and **quantities of impermeable surfaces in wellhead protection areas (Zone 2) areas** that may cause harm to public drinking water supplies.*

The Planning Board will decide if the proposal adequately addresses **vital access** to the property as contemplated by MGL Chapter 41, Section 81M. It is the concern of the Planning Board that vital access is **not met** under current conditions.

Vital access standards will require road improvements on the following roads: Glenwood Ave., Highland Ave., Morgan Ave., Church Ave. in accordance with the following standards: and criteria of Chapter 18 527 CMR 1.00, Massachusetts Comprehensive Fire Safety Code.

To meet all applicable standards, laws, rules, and regulations and in particular 527 CMR 1.00, Chapter 18 of the Massachusetts Comprehensive Fire Safety Code, The Oak Bluffs Fire Chief must certify compliance with all applicable laws, rules and regulations subject to his jurisdiction.

Respectfully Submitted by;

Ewell Hopkins, Chair, Oak Bluffs Planning Board
Llewellyn Rogers, Chair, Oak Bluffs Zoning Board of Appeals
(electronic approval received)

