



Town of Oak Bluffs, Massachusetts
Office of The Board of Appeals
P.O. Box 1327
Zoning Board of Appeals

NOTICE OF DECISION **August 20, 2020**

RE: Masciotra Appeal
Richard J. Masciotra (former owner)
26 Firehouse Lane, **Map 16 Parcel 191**

The Oak Bluffs Zoning Board of Appeals held a Public Hearing on Thursday, August 20, 2020 at 6:05 p.m. via Zoom virtual meeting on the application of the referenced petitioners seeking:

a Special Permit within Zoning By-Laws 3.5.5, or any action related thereto, to allow the construction of a nonconforming accessory structure – garage/guest apartment on a lot located Residential Zone 1.

DECISION: **A motion was made to approve the Special Permit under Zoning By-Law 3.5.5. A roll call vote was taken. The board voted 4-0 to approve the Special Permit with the condition that the second story deck be reduced to a standard landing.**

Procedural History:

- On January 24, 2020, the Zoning Board of Appeals (ZBA) received an application from Richard J. Masciotra seeking a Special Permit to allow the construction of a nonconforming accessory structure – garage/guest apartment on a lot located in Residential Zone 1.
- On February 6, 2020, abutters were noticed. First publication in the MV Times.
- On February 13, 2020, second publication notice published in the MV Times.
- On February 20, 2020, the ZBA opened a public hearing and continued hearing to March.
- On March 19, 2020, due to Covid-19, the ZBA continued the public hearing to April 23, 2020
- On April 23, 2020, the ZBA continued a public hearing to May 21, 2020.
- On May 5, 2020, abutters were again noticed.
- On May 21, 2020, the ZBA continued a public hearing to June 19, 2020.
- On June 19, 2020, the ZBA continued a public hearing to July 16, 2020.
- On July 16, 2020, the ZBA continued a public hearing to August 20, 2020, per the applicant's request in order to submit a new plot plan with accurate setbacks.
- On August 20, 2020, the ZBA closed the public hearing and made the following findings and decision:

Findings of Fact:

- The existing 11,700 sq. ft. lot located in Residential Zone 1 is conforming. (Req.: 10,000 sq. ft.)
- The existing SFD is nonconforming with side and rear setbacks. (Req.: 20/20/20).
- The house is nonconforming with side setbacks of 3.4 ft. (to deck) and 10.1 ft.
- The existing accessory structure: garage/with guest apartment is nonconforming with side (9.3 ft.) and rear (3.8 ft. with deck) setbacks. (Req.: 20 ft.)

**RE: Masciotra Appeal, 26 Firehouse Lane
Map 16 Parcel 191**

Testimony

- At the February 20, 2020, the Zoning Board of Appeals (ZBA) heard testimony in opposition from direct abutters John Jones, Sean Spillane, William Peake and Brian Welch. Concerns about noise and the second story deck, renters and past use, and a lack of privacy due to setbacks.
- The ZBA received a letter of support from Billie Jean Morrison.

Vote:

*Member L. Rogers made a motion to approve a Special Permit within Zoning Bylaws 3.5.5 to allow the current use of the accessory garage apartment, finding that doing is not more substantially detrimental to the neighborhood on the **condition that NO SECOND STORY DECK will be allowed anywhere around the garage and the deck currently there will be removed and changed to a standard landing to be approved by the building inspector.***

Member D. Pease seconded. A roll call vote was taken and the board voted 4 to 0 to approve the Special Permit with the condition as stated.

Members sitting for the Board of Appeals at this hearing were:

Andrea Rogers

Peter Yoars

Doug Pease

Llewellyn Rogers

A copy of this decision was filed in the office of the Town Clerk, on August 25, 2020. Appeals, if any, should be made pursuant to Section 17, of Chapter 40A of the Massachusetts General Laws and should be filed within 20 days of the filing of this decision in the office of the Town Clerk, excepting that such timeframe may be suspended and extended pursuant to Section 17 of Chapter 53 of the Acts of 2020 (Covid-19).

Received and filed in the Office of the Town Clerk:

Date: _____

RE: Masciotra Appeal, 26 Firehouse Lane
Map 16 Parcel 191

I hereby certify that no appeal has been filed within the twenty-day period following the date of the filing of this decision.

Attest: _____
Colleen Morris, Town Clerk