



OAK BLUFFS ZONING BOARD OF APPEALS

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

NOTICE OF DECISION September 16, 2021

RE: Rivers Appeal

Marc R. Rivers and Susan M. Christopher
464 County Road, Map 43 Parcel 32

The Oak Bluffs Zoning Board of Appeals opened a duly posted Public Hearing on Thursday, September 16, 2021 at 6:08PM on the application of the referenced petitioners seeking:

a Special Permit within Zoning By-Laws Section 4.4.5.2 or any action related thereto, to construct an above ground or inground pool with a side setback less than the required 50 feet, on a pre-existing non-conforming lot in Residential Zone 3.

DECISION: **A motion was made to approve the Special Permit under Zoning Bylaw Section 4.4.5.2 to *construct a pool on the pre-existing and non-conforming lot.* A roll call vote was taken. The board voted 4-0 to approve the Special Permit.**

Procedural History:

- On August 27, 2021, the Zoning Board of Appeals (ZBA) received an application from Marc R. Rivers and Susan M. Christopher seeking a Special Permit under Zoning By-Law Sections 4.4.5.2 to construct a swimming pool on a pre-existing and non-conforming structure on a lot Zoned R3,
- The application was received and stamped by the Town Clerk on August 30, 2021,
- On September 2, 2021, abutters were noticed. First publication in the MV Times,
- On September 9, 2021, second notice published in the MV Times,
- On September 16, 2021, the ZBA opened the public hearing,
- On September 16, 2021, the ZBA made the following findings and decision.

Findings of Fact: Jonathan Holter made the following findings.

- The owners of 464 County Road are seeking a Special Permit under Zoning Bylaw Section 4.4.5.2 to install a pool on a lot zoned R-3.
- The required 50 foot setback cannot be met on one side, where the setback is only 26 feet from the property boundary.
- The pre-existing and non-conforming lot is 26,135 sq. ft. (Req.: 60,000 sq. ft.) and does not meet the required 150ft road frontage.

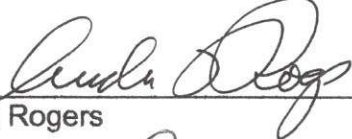
Vote:

Jonathan Holter moved that the Board grant the Special Permit because the project will not be more detrimental to the neighborhood since it is a minor adjustment to the setbacks and there are no public comments from neighbors suggesting why it might be detrimental to the neighborhood. He is familiar with the lot and house and think the pool would be a nice addition, especially in light of the family situation. Andrea Rogers seconded the motion.

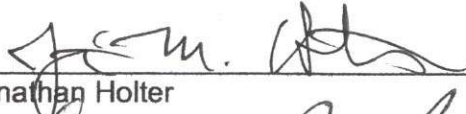
RE: Rivers Appeal, 464 County Road, Map 43 Parcel 32

A roll call vote was conducted and all (Andrea Rogers, Lou Rogers, Jonathan Holter, and Grace Guck) voted in favor, so the motion passed unanimously (4-0).

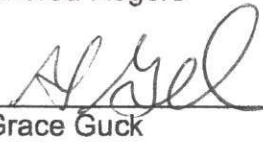
Members sitting for the Board of Appeals at this hearing were:



Andrea Rogers



Jonathan Holter



Grace Guck



Llewellyn Rogers

A copy of this decision was filed in the office of the Town Clerk, on September 24, 2021. 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).

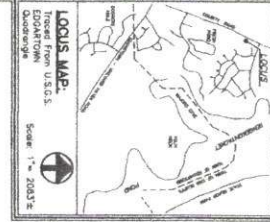
Received and filed in the Office of the Town Clerk:

Date: September 24 2021

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

RE: Rivers Appeal, 464 County Road, Map 43 Parcel 32



GENERAL NOTES:
 1) LOCUS NUMBER, MAP #, RIVERS & SEWER & CONDUITS
 2) DEDD REFERENCE: RM, 1044, PG. 204
 3) TOTAL LOT AREA: 27,044 SF or 0.624 AC.
 4) LOT# PARCEL ID NUMBER: 0123456789
 5) LOCUS PARCEL IS SHOWN WITHIN THE DEDD'S COUNTY RECORD OF DEEDS DISTRICT.

ZONING REVIEW:
 Zoned: RESIDENTIAL (R-3)
 NOTE: THIS PARCEL IS SHOWN WITHIN THE FOLLOWING ZONING DISTRICTS:
 1) SUBDIVISION PLAN - 100C

POOL NOTES:

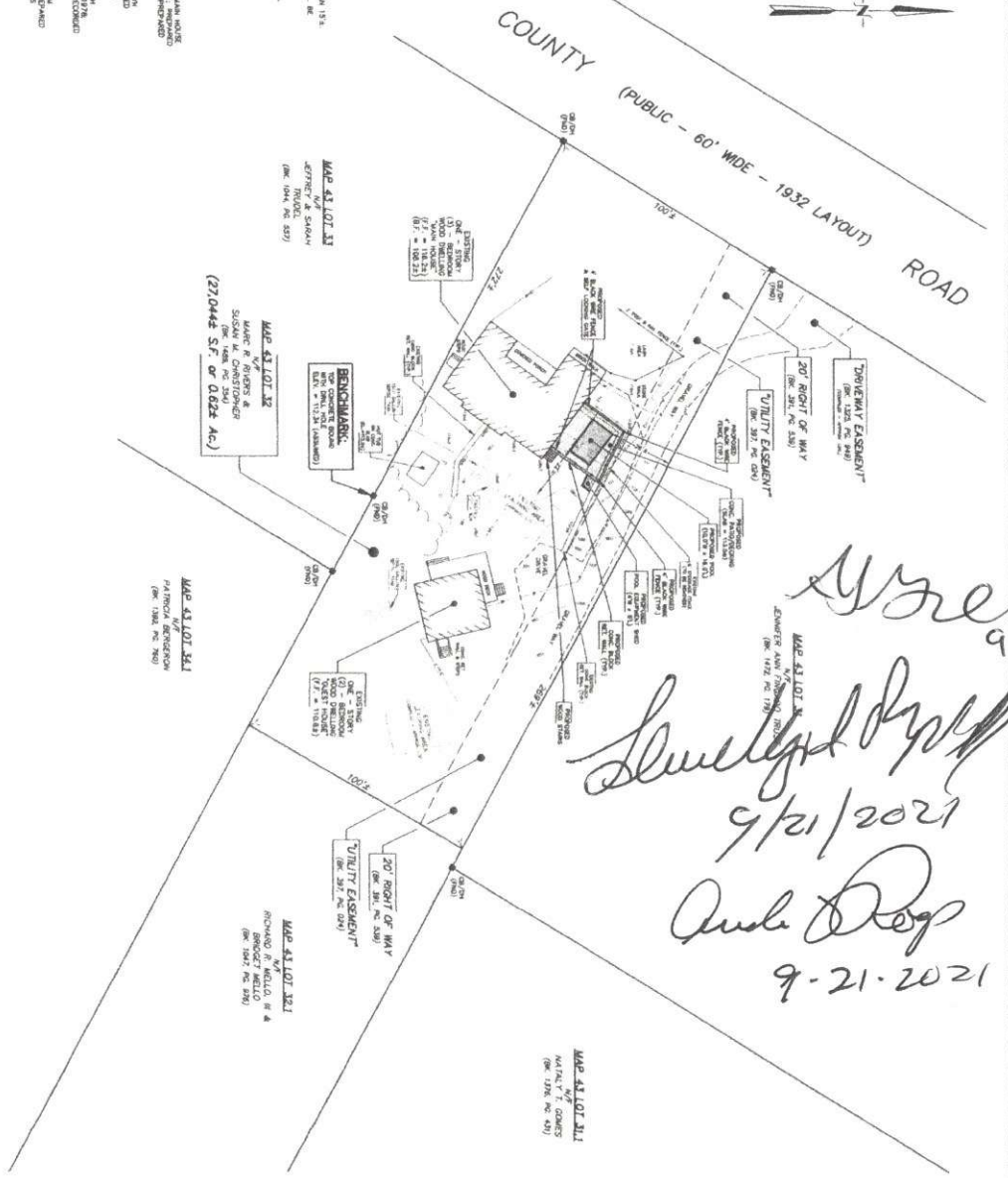
- 1) CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MASSACHUSETTS SWIMMING POOL ACT, 806 CMR 21.00.
- 2) FINAL CONSTRUCTION DRAWINGS FOR THE PROPOSED POOL SHALL BE REVIEWED AND APPROVED BY THE TOWN ENGINEER.
- 3) FINAL CONSTRUCTION DRAWINGS FOR THE PROPOSED POOL SHALL OBTAIN ALL NECESSARY PERMITS FROM THE TOWN ENGINEER AND THE MASSACHUSETTS SWIMMING POOL BOARD.
- 4) THE POOL SHALL BE INSTALLED WITHIN THE PROPOSED POOL FOOTPRINT.
- 5) THE POOL SHALL BE INSTALLED WITHIN THE PROPOSED POOL FOOTPRINT.
- 6) THE POOL SHALL BE INSTALLED WITHIN THE PROPOSED POOL FOOTPRINT.
- 7) THE POOL SHALL BE INSTALLED WITHIN THE PROPOSED POOL FOOTPRINT.
- 8) THE POOL SHALL BE INSTALLED WITHIN THE PROPOSED POOL FOOTPRINT.
- 9) THE POOL SHALL BE INSTALLED WITHIN THE PROPOSED POOL FOOTPRINT.
- 10) THE POOL SHALL BE INSTALLED WITHIN THE PROPOSED POOL FOOTPRINT.

PLAN REFERENCES:

- 1) TOWN ENGINEER'S DESIGN PLAN (SEWER & SWIMMING POOL) SHALL BE REFERRED TO AS "DESIGN PLAN".
- 2) TOWN ENGINEER'S DESIGN PLAN (SEWER & SWIMMING POOL) SHALL BE REFERRED TO AS "DESIGN PLAN".
- 3) TOWN ENGINEER'S DESIGN PLAN (SEWER & SWIMMING POOL) SHALL BE REFERRED TO AS "DESIGN PLAN".
- 4) TOWN ENGINEER'S DESIGN PLAN (SEWER & SWIMMING POOL) SHALL BE REFERRED TO AS "DESIGN PLAN".
- 5) TOWN ENGINEER'S DESIGN PLAN (SEWER & SWIMMING POOL) SHALL BE REFERRED TO AS "DESIGN PLAN".
- 6) TOWN ENGINEER'S DESIGN PLAN (SEWER & SWIMMING POOL) SHALL BE REFERRED TO AS "DESIGN PLAN".
- 7) TOWN ENGINEER'S DESIGN PLAN (SEWER & SWIMMING POOL) SHALL BE REFERRED TO AS "DESIGN PLAN".
- 8) TOWN ENGINEER'S DESIGN PLAN (SEWER & SWIMMING POOL) SHALL BE REFERRED TO AS "DESIGN PLAN".
- 9) TOWN ENGINEER'S DESIGN PLAN (SEWER & SWIMMING POOL) SHALL BE REFERRED TO AS "DESIGN PLAN".
- 10) TOWN ENGINEER'S DESIGN PLAN (SEWER & SWIMMING POOL) SHALL BE REFERRED TO AS "DESIGN PLAN".

NOTES:

- 1) PRIOR TO ANY ON SITE CONSTRUCTION ACTIVITY REGARDING THE INSTALLATION OF SWIMMING POOL, THE CONTRACTOR MUST OBTAIN ALL NECESSARY PERMITS FROM THE TOWN ENGINEER AND THE MASSACHUSETTS SWIMMING POOL BOARD.
- 2) PROPERTY LINES WERE OBTAINED FROM THE TOWN ENGINEER'S DESIGN PLAN AND THE GROUND FIELD SURVEY.



Handwritten signatures and dates:
 9/21/2021
 9/21/2021
 9-21-2021

UTILITY NOTES:
 1) ALL UNDERGROUND UTILITIES ARE APPROXIMATE ONLY.
 2) PRIOR TO ANY CONSTRUCTION/DEVELOPMENT THE CONTRACTOR/INSTALLER SHALL CONTACT "DODGE" (1-800-344-7233) AND SHALL OBTAIN ALL UNDERGROUND LOCATION OF UTILITIES.

<p>PROJECT TITLE: SITE PLAN PARCEL NO. 43-32 AT 464 COUNTY ROAD IN OAK BLUFFS, MA</p>	<p>DATE: 9/21/2021</p>	<p>SCALE: 1" = 20'</p>	<p>PROJECT NO.: 2021-0178</p>
--	--	--	---

B. D. BILLINGHAM & ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 7 F.D. Box 1207
 OAK BLUFFS, MA 02557
 508-868-0778