



OAK BLUFFS ZONING BOARD OF APPEALS

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

NOTICE OF DECISION October 28, 2021

**RE: Silva/Carrieri Appeal
Guilherme Silva
Gabriel and Lisa Carrieri
238 County Road Map 16 Parcel 116**

The Oak Bluffs Zoning Board of Appeals opened a duly posted Public Hearing on Thursday, October 21, 2021 at 6:24PM on the application of the referenced petitioners seeking:

a Special Permit within Zoning By-Laws Section 3.5.5 or any action related thereto, to allow the demolition of the existing moldy structure and to rebuild with the same footprint on the existing foundation of a pre-existing non-conforming structure on pre-existing and non-conforming lot in Residential Zone 2.

DECISION: A motion was made to approve the Special Permit under Zoning Bylaw Section 3.5.5 to allow the demolition and to build a nearly identical structure within the same footprint. A roll call vote was taken. The board voted 5-0 to approve the Special Permit.

Procedural History:

- On September 30, 2021, the Zoning Board of Appeals (ZBA) received an application from Guilherme Silva,
- The application was received and stamped by the Town Clerk on October 1, 2021,
- On October 7, 2021, abutters were noticed. First publication in the MV Times,
- On October 14, 2021, second notice published in the MV Times,
- On October 21, 2021, the ZBA opened the public hearing,
- On October 21, 2021, the ZBA made the following findings and decision.

Findings of Fact: Jonathan Holter made the following findings.

- The lot is pre-existing and non-conforming as it is too small (10,454 square feet (20,000sq. ft. required) and does not have the road frontage (100 feet, 115ft. required) for its R2 zoning,
- The existing structure is non-conforming because the north side has only a 10 foot setback,
- The building will be torn down and replaced with a similar size building on the same footprint, and
- The existing and proposed building height is about 15 feet (less than the 32ft. maximum).


Vote:

Jonathan Holter made a motion to approve the Special Permit under Zoning Bylaw 3.5.5, since the proposed house will be a replica of the existing house, and all three letters we received supported this proposal. Thus, this project will not have a detrimental effect on the neighborhood. Doug Pease seconded the motion.

RE: Silva/Carrieri Appeal, 238 County Road, Map 16 Parcel 116

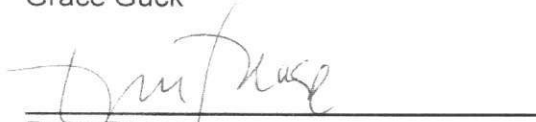
A roll call vote was taken and all (Andrea Rogers, Lou Rogers, Jonathan Holter, Grace Guck, and Doug Pease) voted in favor, so the motion passed unanimously (5-0).

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


Andrea Rogers

/s/ Grace Guck

Grace Guck


Doug Pease


Jonathan Holter


Llewellyn Rogers

A copy of this decision was filed in the office of the Town Clerk, on October 29, 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: OCT. 29, 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

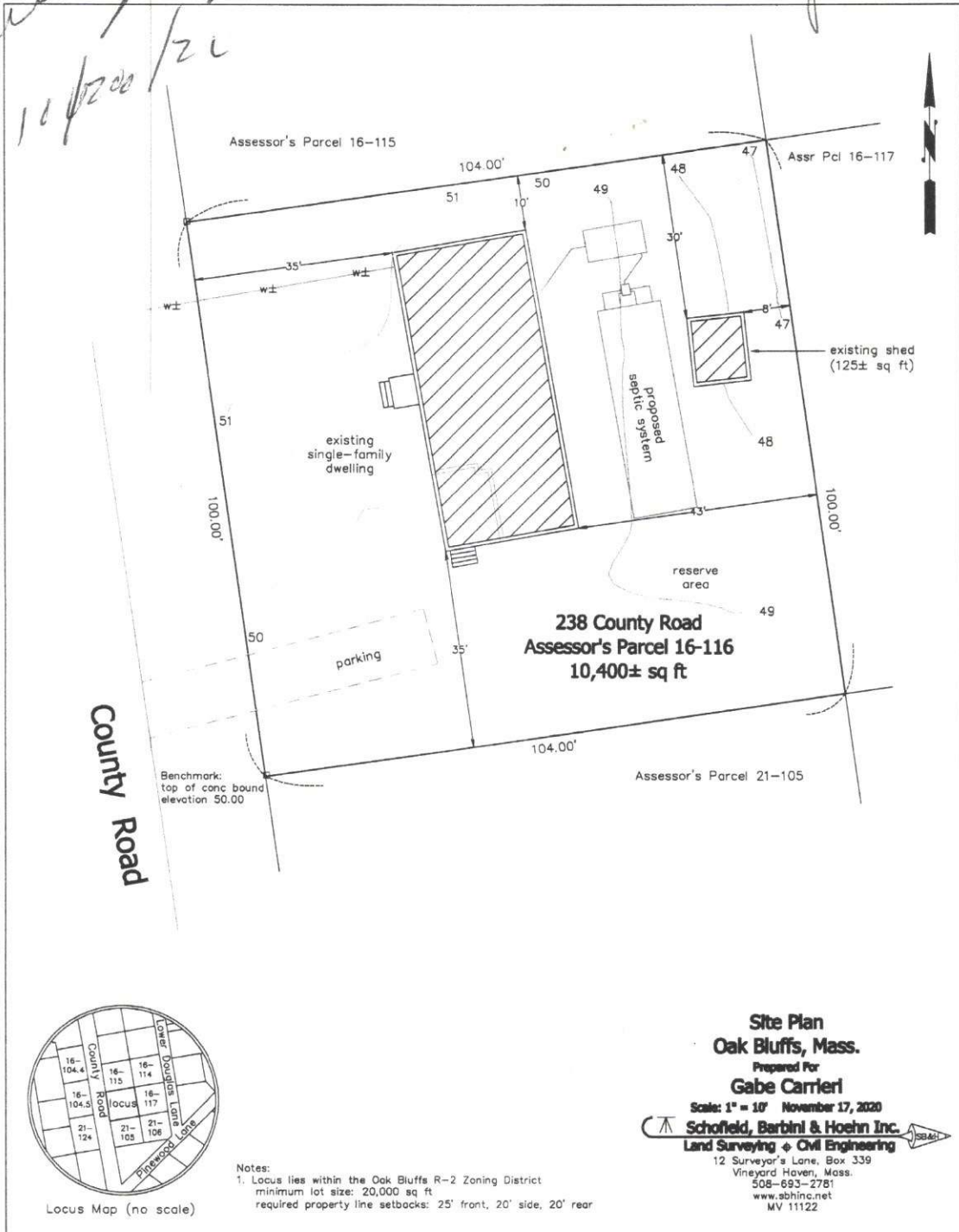
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Andrea Roge
10-28-21

Shelly Ryan
10/20/21

trump base
10/20/21

for m. H
10/20/21



County Road



Locus Map (no scale)

- Notes:
1. Locus lies within the Oak Bluffs R-2 Zoning District
minimum lot size: 20,000 sq ft
required property line setbacks: 25' front, 20' side, 20' rear

Site Plan
Oak Bluffs, Mass.

Prepared For
Gabe Carrieri

Scale: 1" = 10' November 17, 2020

Schofield, Barbini & Hoehn Inc.
Land Surveying & Civil Engineering

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MV 11122

