



OAK BLUFFS ZONING BOARD OF APPEALS
P.O. BOX 1327, OAK BLUFFS, MA 02557-1327

NOTICE OF DECISION November 3, 2021

RE: Callahan Appeal

William J. and Melissa D. Callahan
9 Beecher Park, **Map 8 Parcel 120**

The Oak Bluffs Zoning Board of Appeals opened a continued Public Hearing on **Thursday, October 21, 2021 at 7:26pm** via an In-Person meeting in the Oak Bluffs Library Meeting Room on the application of the referenced petitioners seeking:

a Special Permit from the Oak Bluffs Zoning Bylaws Section 3.5.5, to demolish and reconstruct a single family residence and garage, on a pre-existing 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 reconstruction of a non-conforming house on a non-conforming lot Zoned R2. A roll call vote was taken. The board voted 5-0 to approve the Special Permit.

Procedural History:

- On April 14, 2021, the Zoning Board of Appeals (ZBA) received an application from William J. and Melissa D. Callahan,
- On May 6, 2021, abutters were noticed. First publication in the MV Times,
- On May 13, 2021, second notice published in the MV Times,
- On May 17, 2021, the ZBA referred this application to the Martha's Vineyard Commission as a Development of Regional Impact,
- On May 20, 2021 the public hearing was opened,
- Each month (May through September) the hearing was continued while waiting for the written decision from the Martha's Vineyard Commission,
- The writtendecision was received from the MVC on October 21, 2021, and
- On October 21, 2021, the ZBA re-opened the hearing and made the following findings and decision.

Findings of Fact: Doug Pease made the following findings:

- The applicant is requesting s Special Permit under Zoning Bylaw 3.5.5 to demoilish the existing residence and build a new residence on a pre-existing and non-conforming lot in Residential Zone 2,
- The lot is only 9,583 square feet (20,000 required),
- The existing house is non-conforming since the side setback in 4.4 feet (20 feet required),
- The proposed dwelling will reduce the non-conformity,
- The project was referred to the Martha's Vineyard Commission as a Development of Regional Impact and it was approved with conditions,
- the only correspondence was from an abutter that supports this proposal,
- the roof line will be 26 feet 10 inches above grade (32 feet maximum), and
- the septic system has been approved by the Board of Health,

RE: Callahan Appeal, 9 Beecher Park, Map 8 Parcel 120

Vote:

Andrea Rogers makes a motion to approve the Special Permit since the MVC has approved it with conditions, and adding a **special condition** that if the Building Inspector rules there is a detached bedroom above the garage they could either come back to the Zoning Board of Appeals to get permits for it or they could withdraw that bedroom from the plans. The ZBA feels that this project is not more detrimental to the community because the proposal reduces some of the non-conformities and the only public comment supports the proposal.

All (Andrea Rogers, Lou Rogers, Grace Guck, Jonathan Holter, and Doug Pease) voted in favor, so the motion passed unanimously (5-0).

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



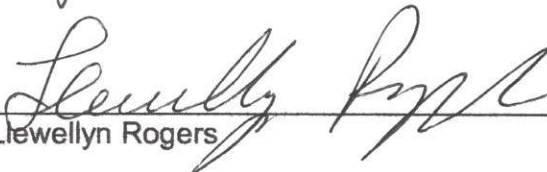
Andrea Rogers



Jonathan Holter



Grace Guck



Lewellyn Rogers



Doug Pease

A copy of this decision was filed in the office of the Town Clerk, on November 4, 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).

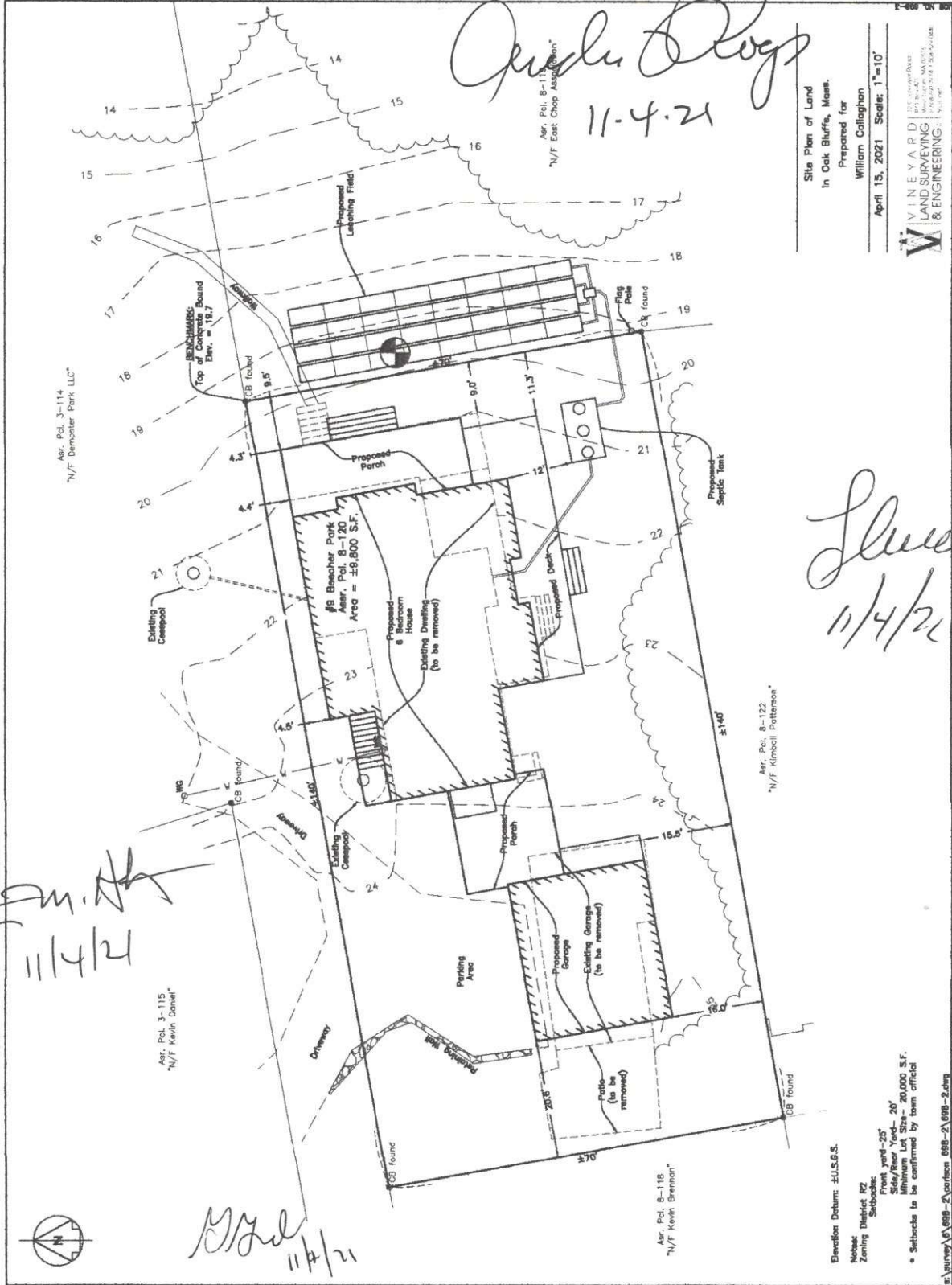
Received and filed in the Office of the Town Clerk:

Date: November 4 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: Callahan Appeal, 9 Beecher Park, Map 8 Parcel 120



Quincy Rogers
11-4-21

Site Plan of Land
In Oak Bluffs, Mass.
Prepared for
William Callaghan

April 15, 2021 Scale: 1"=10'
WILNEVARD LAND SURVEYING & ENGINEERING
100 N. STATE STREET
BOSTON, MASS. 02108
TEL: 617.552.3300 FAX: 617.552.3301

[Handwritten Signature]
11/4/21

[Handwritten Signature]
11/4/21

Asst. Pcl. 3-115
"N/F Kevin Danaher"
[Handwritten Signature]
11/4/21

Asst. Pcl. 8-118
"N/F Kevin Brennan"

Asst. Pcl. 8-122
"N/F Kimball Patterson"

Elevation Datum: ±U.S.G.S.
North: True
Zoning: R-2
 setbacks:
 Front yard-25'
 Side/Rear Yard- 20'
 Minimum Lot Size- 20,000 S.F.
 * setbacks to be confirmed by town official

\\survey\6\688-2\688-2.dwg

[Handwritten Signature]
11/4/21