



OAK BLUFFS ZONING BOARD OF APPEALS

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

NOTICE OF DECISION March 17, 2022

Appeal of Building Inspector's Decision

RE: Goodale Construction Co.

194 Edgartown Road

Map 40 Parcel 10

*The Oak Bluffs Zoning Board of Appeals opened a duly posted and continued Public Hearing on **Thursday, March 17, 2022 at 7:20pm** via an hybrid In-Person/Zoom meeting in the Oak Bluffs School on the application of petitioners abutting the referenced property seeking:*

to reverse the Building Inspector's ruling, or any action related thereto, that a landscaping business should be allowed to continue to park on the above referenced property because their business is agricultural and therefore is exempt from zoning.

DECISION: A motion was made to approve a Special Permit to uphold the Building Inspector's decision allowing Working Earth Landscaping to continue using the above referenced property. Special Conditions were added to regulate how the property is used. A roll call vote was taken, and the board voted 4-0 to approve the Special Permit.

Procedural History:

- On December 15, 2021, the Zoning Board of Appeals (ZBA) received a request from abutters to reverse the Building Inspector's decision allowing Working Earth to continue using the property,
- On January 6, 2022, abutters were noticed. First publication in the MV Times,
- On January 13, 2022, second notice published in the MV Times,
- On January 20, 2022, the ZBA opened the public hearing,
- The hearing was continued February 17, 2022 and then again to March 17, 2022,
- On March 17, 2022 the following decision was made.

Motion

Andrea Rogers made a motion to uphold the Building Inspection's decision with Special Conditions (see Note, below), for Working Earth Landscaping, owned by Jude Villa. Doug Pease seconded the motion. These Special Conditions were discussed and modified to read as follows:

1. **Working hours are limited to 8am-6pm,**
2. **the only equipment parked overnight will be directly related to the raising and growing of their products, all other equipment will be kept off-site,**
3. **the only materials allowed to be stored on property will be topsoil, compost, mulch, woodchips, field bluestone and fire wood that comes from Working Earth customer's and not from any other source,**
4. **when using equipment with back-up beepers, white noise limiters shall be used and the time duration of equipment usage shall be minimal, minimizing the impact to abutters,**
5. **adding Hoop style greenhouses is allowed to increase the agricultural use year-round,**

(continued on next page)

**RE: Building Inspector's Decision, Goodale Construction Company,
194 Edgartown-Vineyard Haven Road, Map 40 Parcel 10**

6. **agricultural use of property shall continue and/or increase to qualify for an agricultural exemption, and**
7. **the property is subject to inspection by the Building Dept enforcement agent to ensure that all the above conditions are in order.**

Note:

Chapter 40A, Section 14 provides, in part, as follows regarding the Board's authority:

"(1) To hear and decide appeals in accordance with section eight. In exercising the powers granted by this section, a board of appeals may . . . make orders or decisions, reverse or affirm in whole or in part, or *modify any order or decision*, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit."

Vote:

All (Andrea Rogers, Lou Rogers, Jonathan Holter and Doug Pease) voted in favor, so the motion passed unanimously (4-0).

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



Andrea Rogers

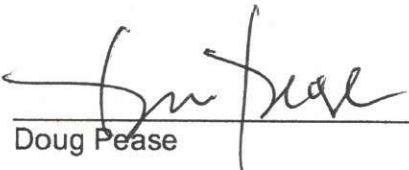


Jonathan Holter

Grace Guck



Llewellyn Rogers



Doug Pease

A copy of this decision was filed in the office of the Town Clerk, on MARCH 31, 2022.
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: MARCH 31, 2022

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