



## OAK BLUFFS ZONING BOARD OF APPEALS

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

508 693 – 3554 x 120

### **NOTICE OF DECISION**      **October 20, 2022**

#### **RE: Lucier Appeal**

Lisa and Jeffrey Lucier

7 Gorham Avenue Realty Trust

7 Gorham Avenue **Map 11 Parcel 331**

The Oak Bluffs Zoning Board of Appeals opened a duly posted Public Hearing on Thursday, October 20, 2022 at 6:50PM via an in-person meeting in the Oak Bluffs Town Hall Meeting Room on the application of the referenced petitioners seeking a **Special Permit from the Oak Bluffs Zoning Bylaws Section 3.5.5** to allow the existing house to be partially removed and replaced with a year-round house on the existing footprint.

**DECISION:** A motion was made to approve the **Special Permit under Zoning Bylaw Section 3.5.5** to allow the existing house to be partially removed and replaced with a year-round house on the existing footprint.

#### **Procedural History:**

- On July 28, 2022, the Zoning Board of Appeals (ZBA) received an application dated July 21, 2022 from Jeffrey Lucier,
- The application was date-stamped by the Town Clerk on October 11, 2022,
- On October 6, 2022, abutters were noticed. First publication in the MV Times,
- On October 13, 2022, second notice published in the MV Times,
- On October 20, 2022 the ZBA hearing was opened and the following findings were made.

#### **Findings of Fact:** Doug Pease made the following findings.

- The applicant is seeking a Special Permit under Zoning Bylaw 3.5.5, to remove existing kitchen, bathroom, and bedroom and add a year-round house with a deck over the existing footprint on a pre-existing non-conforming house on a preexisting non-conforming lot in Residential Zone 1,
- the 4,356 sq. ft. lot located in R1 is non-conforming. (10,000 square feet required),
- the lot has 85ft road frontage (Gorham Ave., 80ft required),
- the existing house is non-conforming with front, one side and rear setbacks less than 20 feet,
- the proposed house will be within the footprint of the existing house and deck,

continued on next page

**RE: Lucier Appeal, Lisa and Jeffrey Lucier**  
7 Gorham Avenue Realty Trust, 7 Gorham Avenue, **Map 11 Parcel 331**

**Findings of Fact: (continued)**

- two near abutters wrote letters supporting this renovation and there were no letters opposing it, and
- this alteration shall not be substantially more detrimental to the neighborhood because this project meets the zoning requirements and is a vast improvement to the neighborhood.

**Vote:**

Jonathan Holter moves that we approve the Special Permit within Zoning Bylaw 3.5.5 to allow the existing house to be partially removed and replaced with a year-round house on the existing footprint. Andrea Rogers seconds the motion.

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

**Signing on behalf of the Zoning Board of Appeals is**

  
Llewellyn Rogers, Chair

*A copy of this decision was filed in the office of the Town Clerk, on NOV. 16, 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: NOVEMBER 16, 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

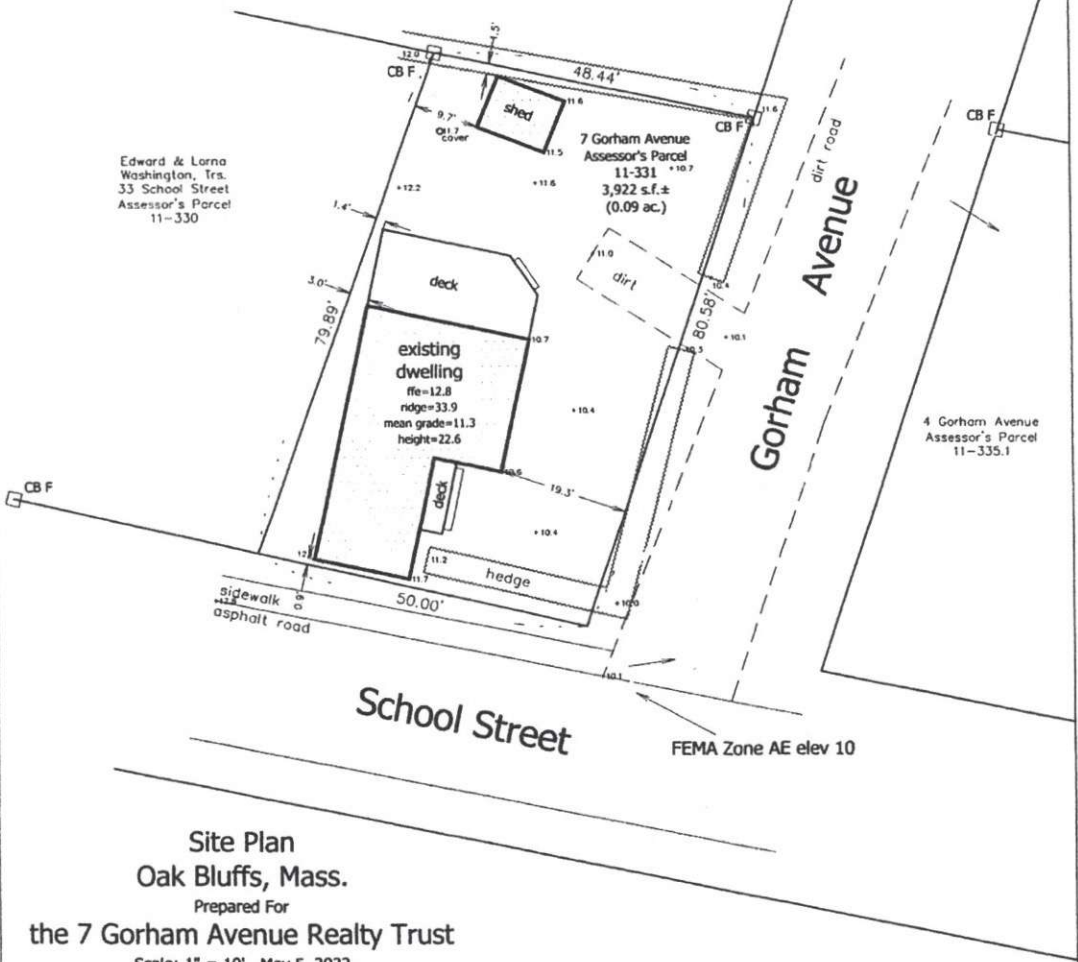
**RE: Lucier Appeal, Lisa and Jeffrey Lucier**  
**7 Gorham Avenue Realty Trust, 7 Gorham Avenue, Map 11 Parcel 331**

**Notes:**

1. The property is located in the R1 Zoning District. Minimum lot size = 10,000 s.f., minimum setbacks = 20 ft. front, side & rear for a principal structure. Minimum setback between any structure of 500 s.f. or less used solely as a garage and any lot line other than a street line is 10 ft. Minimum setback between any shed of 100 s.f. or less and any lot line other than a street line is 5 ft.
2. The FEMA 100 year storm line in the area of existing dwelling is Zone AE elev 10.  
+11.2 = ground elevation based on NAVD88 datum
3. The property is not located within the Coastal District as defined in the Oak Bluffs Zoning By-laws.
4. The property is not located within a Priority Habitat Area as shown on the Natural Heritage & Endangered Species Program maps.
5. CB F = concrete bound found

Stephen & Regina  
 Brighton,  
 26 Graham Ave.  
 Assessor's Parcel  
 11-332

Edward & Lorna  
 Washington, Trs.  
 33 School Street  
 Assessor's Parcel  
 11-330



4 Gorham Avenue  
 Assessor's Parcel  
 11-335.1

**Site Plan**  
**Oak Bluffs, Mass.**  
 Prepared For  
**the 7 Gorham Avenue Realty Trust**

Scale: 1" = 10' May 5, 2022

**Schofield, Barbini & Hoehn Inc.**  
 Land Surveying & Civil Engineering  
 12 Surveyor's Lane, Box 339  
 Vineyard Haven, Mass. 02568  
 508-693-2781  
 www.sbhinc.net  
 MV 12389

