

Zoning Board of Appeals  
Town of Oak Bluffs

Kris Chvatal, Chairman

Members:

Derek Tipton

Joe Re

George Warren

Peter Palches

Associate Members:

Andrea Rogers

Peter Yoars

NOTICE OF DECISION

January 21<sup>st</sup>, 2010

Re: Application of Mark V & Sharon S DePucchio, 31 Old Barnes Road, Oak Bluffs, MA. Map 23, Lot 1

Applicants are seeking a **Special Permit** to build additional decking on to a residence that is in the Shore Zone of the Coastal District.

A. Background

1. By application received December 30, 2009 from the Town Clerk's office, a hearing was requested from the applicants on the request before the Board of Appeals.

B. Summary of Meeting

2. On January 21<sup>st</sup> Zoning Board Chairman Kris Chvatal opened a duly posted public hearing. A quorum consisting of Kris Chvatal, Joseph Re, Peter Palches, Derek Tipton and Andrea Rogers were present. Mark showed the existing deck configuration and the problem he has with his decking as means of egress in and out of the residence. His goal is to change the traffic pattern in and out of the house.

Kris read off the nonconforming aspects of the property. Peter asked about wetlands and Mark stated he had Conservation Commission approval. The special permit he was seeking was in the Coastal District shore zone regulations. Adam stated that the DCPC regulations had more bearing on the application than nonconforming uses and structures.

Kris read ZBL 9.6 and the conditions that must be met in order to obtain a special permit. Board members agreed that the project had no increase in plumbing or living sq. footage.

3. No one spoke either for or against the project during public comment. There was no correspondence to be read.

4. Andrea made a motion to approve the plans as presented. The motion carried 5 – 0.

### C. Decision

5. A majority (4 votes) of the 5 member Zoning Appeals Board is required to approve the application. Accordingly, the motion to approve carried and the application is granted.

### D. Reasons/Findings

6. As articulated during the course of the meeting, the Appeals Board Members who vote in favor of the motion to approve the application make the following findings;

- a. The alteration to the existing residence in the Shore Zone doesn't include increased plumbing facilities or on-site sanitary disposal facilities;
- b. The Conservation Commission approval assures protection against adverse environmental impact during construction;
- c. The project appeared not to cause pollution of surface or groundwater or of waterbodies;
- d. The additional decking causes no unnecessary interruption of the visual amenities of the site and is in harmony with the landscape type and no erosion will result from or be caused by the development.

As the law provides, appeals, if any, shall be made pursuant to Section Seventeen (17) of Chapter 40 – A, The Zoning Act, and shall be filed within twenty (20) days after the filing of this decision in the Office of the Oak Bluffs Town Clerk.

Said Board of Appeals is a legally constructed Appeals Board, exercising the powers granted to it under Section Fourteen (14) of Chapter 40 – A, and under Chapter 831, a 1977 Act further regulating the protection of lands and the waters of the island of Martha's Vineyard.

As required by law, The Board of Appeals certifies that copies of this decision and documents referred to in it, have been filed with the Oak Bluffs Building Inspector, Planning Board and Town Clerk. This decision does not relieve the applicant from obtaining all other necessary permits. Any changes to the project receiving a special permit, no matter how minor, have to be brought back to the Board for further approval.

After expiration of the twenty (20) day appeal period, the applicant will receive the original copy of this decision. It will include the original signature page, signed by the members of the Board of Appeals presiding at the hearing. This copy will verify, by the Town Clerk, that no appeals have been filed, and if there were appeals filed those said appeals were dismissed or denied against this decision. At that time, the decision, along with the original signature page must be filed at the Dukes County Registry of Deeds before it is legally recognized.

Recorded Vote

The following members of the Zoning Board of Appeals voted to grant a **special permit** to Mark V & Sharon S DePucchio of 31 Old Barnes Road to build additional decking on to a residence that is in the Shore Zone of the Coastal District.

\_\_\_\_\_  
(Kris Chvatal)

\_\_\_\_\_  
(Andrea Rogers)

\_\_\_\_\_  
(Derek Tipton)

\_\_\_\_\_  
(Peter Palches)

\_\_\_\_\_  
(Joe Re)

Received and filed in the Office of the Town Clerk:

Date:\_\_\_\_\_