



Town of West Tisbury
BUILDING & ZONING INSPECTOR
West Tisbury, Massachusetts 02575

July 31, 2026

Wesley Nagy
P.O. Box 2472
Vineyard Haven, Ma 02568

Re: 72 Rogers Path- Notice of Violation

Dear Wes,

COPY

I received a complaint from the Planning Board regarding possible violations of the conditions of your Special Permit approved on December 26, 2024.

My investigation revealed the following:

1. Condition #1 of the Special Permit included replacing the removed trees and vegetation at the location of the (2) illegal curb cuts. This condition has not been satisfied.
2. The width of the pathway to the garden lot exceeds 8' in width. This is a violation of condition #4 of the Special Permit.
3. Condition #5 indicates the garden lot shall not be used for storage purposes. There are currently (2) boats on trailers and an additional boat trailer stored on the garden lot site. This is a violation of condition #5 of the Special Permit.
4. Gravel was added to the Rogers Path Special Way without approval of the Planning Board. Section 6.2-4 C (2) indicates there shall be no alterations to the width or surface materials of the Special Way without a Special Permit from the Planning Board. This is a violation of West Tisbury Zoning Bylaws.
5. You have several storage containers on the property that are visible from the Special Way. Storage containers are not allowed in the RU District and storage containers visible from a public way (Rogers Path), and in place for more than 90 days is a mandatory referral to the MVC. The containers have been in place for more than 90 days, based on satellite imagery available to the Town.

At this time, I am ordering the following:

1. Replace the removed trees and vegetation, similar to those in the area, at the location of the illegal curb cuts.
2. Reduce the width of the pathway to the garden to 8' using trees and vegetation similar to those in the area.
3. Remove the boats, trailer and any other items store on the garden lot.
4. File for an after the fact Special Permit from the Planning Board for the Roger Path alterations under Section Section 6.2-4 C (6).

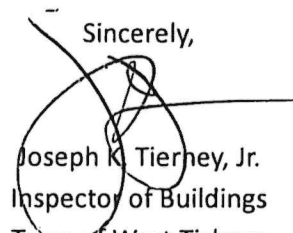
5. Remove the storage containers from the property.

Per Section 10.2-2 I am notifying you of the above violations. Per Section 10.2-3A, I am fining you \$100 and ordering you to expeditiously to remedy said violations in not less than 30 days from the date of this notice of violation.

Feel free to contact me if you have any additional questions.

If anyone feels aggrieved by these determinations they may file an appeal with the West Tisbury Zoning Board of Appeals, within 30 days of this notice.

Sincerely,



Joseph K. Tierney, Jr.
Inspector of Buildings
Town of West Tisbury

Cc: ZBA
Planning Board



Town of West Tisbury

PLANNING BOARD

P. O. Box 278

West Tisbury, MA 02575-0278

508-696-0149

planningboard@westtisbury-ma.gov

May 13, 2026

Joe Tierney
P.O. Box 278
West Tisbury, MA 02575

Dear Joe:

At our meeting of May 11, 2026, the Planning Board discussed the Nagy property on Roger's Path regarding the condition of the property and the road.

There are two boats stored on the portion of the property that is designated as the garden area. The Planning Board decision specifically states under the conditions that the area is not to be used for storage of any kind and the width of the curb cut far exceeds the required 10 feet in width. The road continues to contain gravel which is not to be added to the special way. The rock that is placed in the center of the special way is an obstruction, and it may make more sense to remove the rock and add a post to allow foot passage through, while continuing to prevent motor vehicles. The remainder of the property is cluttered with various items including storage containers that are unsightly from the special way.

The Planning Board understands that the home is still under construction. However, a major clearing of these large items needs to be conducted. We request a set deadline for the removal and/or relocation of these items and an inspection date set to review the view of the property from the Special Way. We expect the property issues will be taken care of in short order.

Thank you.

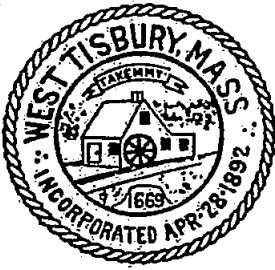
Sincerely,

Leah Smith, Chair

15-29-2



Bk: 1698 Pg: 1023 Doc: DECIS
Page: 1 of 3 12/30/2024 01:40 PM



**Town of West Tisbury
PLANNING BOARD**

P. O. Box 278
West Tisbury, MA 02575-0278
508-696-0149

planningboard@westtisbury-ma.gov

DUKES COUNTY REGISTRY OF DEEDS
Book 1698 Page 1023

Case File No. _____

A true copy
attest: Paulo C. DeAlmeida Regist
12/30/24

**DECISION OF THE PLANNING BOARD ON AN APPLICATION FOR A SPECIAL PERMIT FOR
Wesley Nagy:**

Filed with the West Tisbury Town Clerk on December 4, 2024

- Applicant:** Wesley Nagy, P.O. Box 2472, Vineyard Haven, MA 02568
- Owner:** Wesley Nagy, Individually, P. O. Box 2472, Vineyard Haven, MA 02568: Deed from 609 State Road LLC, recorded with the Dukes County Registry of Deeds on November 13, 2024 in Book: 1694 page: 715
- Locus:** Map15, Lot 29.2, 609 State Road, West Tisbury, MA 02575, RU District.
- Plans:** Site Plan drafted by Vineyard Land Surveying for Wes Nagy, Job #266-2, Dated November 6, 2024.
- Notice:** Certified abutters list mailing sent out on November 19, 2024, posted in the Martha's Vineyard Times on November 14, 2024 and November 21, 2024. Posted in Town Hall on November 19, 2024, Public hearing on December 2, 2024.
- Hearing & Request:**
Public hearing on an application for a second curb cut on a Special Way (Roger's Path) to access garden space for the property owner, Wesley Nagy, to prepare, plant and harvest the garden. The property abuts a designated special way on each side of the way (special way travels through the lot).
- Requirement:** Allowable under Section 6.2-4 of the Zoning Bylaws.
- Present:** Leah Smith, Matthew Merry, Amy Upton, Heikki Soikkeli, John Rau.
- Decision:** The Planning Board voted to **APPROVE WITH CONDITIONS.**
- Vote to Approve:** Smith-yes, Merry-yes, Soikkeli-yes, Upton-yes, Rau-yes

Findings: The Planning Board finds the request to install a second curb cut on the property to be allowed only with stringent conditions: it is for access to an organic garden only, and to *not* be a regularly traveled access for vehicles. The owner's residence will be located on the western side of the special way while the organic garden will be located on the eastern side of the special way, directly across from the primary curb cut. The purpose of the Special Ways zoning bylaw is to ensure that the way remains in its natural state and is not altered. Due to the applicant's installation of two unapproved curb cuts on the property, the board requires that each location *shall* be returned to its natural state within 20 feet of either side of the center line of the special way, with trees, plantings and vegetative screening.

Conditions:

1. The applicants *shall* replace the removed trees and vegetation along Roger's Path at the location of each illegal curb cut (2 curb cuts). This requirement does not apply to the approved curb cut to access the main portion of the property.
2. There shall be no further easements granted across, around or through the special way (Rogers Path).
3. The applicant may use a pick-up truck only to establish the garden. A vehicle *shall* not be used for regular garden maintenance.
4. The pathway (access) into the garden lot shall remain natural and *shall* never be improved with any materials other than soil and grass (seed), and the width of the (access) shall not exceed 8 feet.
5. The garden lot *shall not* be used for storage purposes of any kind. It is strictly for a garden and no additional structures.
6. Any changes/alterations *shall* be reviewed by the Planning Board.
7. The Planning Board reserves the right to review the property from time to time to ensure that the special way is not being altered and is fully protected.
8. The applicant shall not access the special way beyond the approved curb cut to access the property as it is restricted from vehicular use of any kind.

NOTE WELL: After the expiration of the 20 day appeal period and if no appeal has been filed, the applicant may proceed with applying to the appropriate Town of West Tisbury Officers and Boards for any other development permits which may be required.

No Special Permit shall take effect until:

1. A period of twenty days has elapsed from the date of the filing of the Board's written Decision with the Town Clerk, and the Applicant has received a copy of the Decision bearing the certification of the Town Clerk that a period of twenty days has elapsed from the filing of the Decision and that no appeal has been filed, or the appeal has been denied or dismissed.
2. The Certified Decision is recorded at the Dukes County Registry of Deeds and the recording fee has been paid at the Dukes County Registry of Deeds. **Only original documents will be accepted at the Registry.**
3. A receipt for the recording stamped by the Dukes County Registry of Deeds has been returned to the Building & Zoning Inspector of West Tisbury or to the office of the West Tisbury Planning Board who will turn over the receipt to the Building & Zoning Inspector.

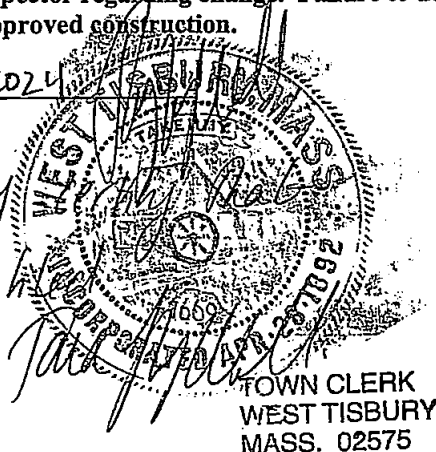
Any person aggrieved by this Decision of the West Tisbury Planning Board may appeal to Court and must notify the Town Clerk of the action and submit a copy of the complaint within twenty days after the Decision has been filed in the office of the Town Clerk.

A Special Permit shall lapse in 2 years if not utilized.

The Building and Zoning Inspector and the Planning Board must approve any substantive or material changes made to the approved plans. Please consult with the Inspector regarding change. Failure to do so may nullify your permit and may require removal of the unapproved construction.

Filed with the West Tisbury Town Clerk on December 4, 2024

December 26, 2021 I hereby
no appeal has been



Case: 27497 Nagy
Date: 12.4.24
Map&Lot 15-29.2

**WEST TISBURY PLANNING BOARD
RECORD OF VOTE**

The following members of the Planning Board vote to grant a Special Permit subject to the above stated terms:

Leah Smith
Leah Smith

Matthew Merry
Matthew Merry

Amy Upton
Amy Upton

John Rau
John Rau

Heikki Soikkeli
Heikki Soikkeli

The following members of the Planning Board are in opposition to the grant of the Special Permit:

ATTEST: Paulo C. DeOliveira, Register
Dukes County Registry of Deeds