

Middle Point Bend

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST TISBURY  
ZONING BOARD OF APPEALS

**DECISION OF THE BOARD OF APPEALS ON THE PETITION OF Middle Point Bend, LLC, filed with the West Tisbury Town Clerk on August 31, 2023 - ZBA Case File 2023-32**

**Applicant:** Middle Point Bend, LLC, c/o Sourati Engineering Group LLC.

**Property Owner:** Middle Point Bend, LLC, whose title is recorded at the Dukes County Registry of Deeds and described in Book 1293 Page 502, dated September 28, 2012.

**Agent:** George Sourati, Sourati Engineering Group LLC, PO Box 4458, Vineyard Haven, MA 02568.

**Locus:** 216 Middle Point Rd., Assessors' Map 39 Lots 7 and 8, RU District, (3.69 combined ac.).

**Plans:**

- 1) Site Plan prepared by Sourati Engineering Group LLC, dated May 17, 2023.
- 2) Architectural floor plans and elevations prepared by Michael Barclay Architect, dated August 28, 2023 (reflecting the removal of the fireplace).
- 3) Shore Zone Areas Sketch prepared by Sourati Engineering Group LLC, dated July 14, 2023.

**Notice:** Certified abutters notified on August 9, 2023, and legal notice advertised in the Martha's Vineyard Times on August 10 and August 17, 2023.

**Hearing & Request:** A Public Hearing was held on August 24, 2023, on an application for a Special Permit from **Middle Point Bend, LLC**, to allow the renovation and the construction of certain additions with a net increase of 4 sq. ft., to a pre-existing non-conforming structure, resulting in a detached bedroom and studio with bathroom under 11.1-3A and 6.1-4B of the Zoning Bylaws, at **216 Middle Point Rd., Map 39, Lot 7 and 8** in the Shore Zone of the Coastal District in the RU district.

**Requirement:** Sections 11.1-3A and 6.1-4B of the West Tisbury Zoning Bylaw.

**Present:** Larry Schubert, Julius Lowe, Deborah Wells, Andy Zaikis, Jeffrey Kaye, Casey Decker, and Pat Barrett.

**Absent:** N/A

**Decision:** On August 24, 2023, the Zoning Board of Appeals voted to **GRANT a SPECIAL PERMIT** with Conditions to allow the renovation and the construction of certain additions that will add a net increase of 4 sq. ft. to a pre-existing non-conforming structure, resulting in a detached bedroom and studio with bathroom.

**Vote to Approve:** Larry Schubert, Julius Lowe, Deborah Wells, Andy Zaikis, and Jeffrey Kaye.

**Findings:**

- 1) A series of additions and removals will net a 4 sq. ft. increase to the pre-existing nonconforming structure. In addition, an outhouse, an existing patio, and an old water pump will be removed as well as another 10'x10' smaller building that is not in the Shore Zone.
- 2) The renovations and alterations do not exceed the 25% threshold for referral to the Martha's Vineyard Commission for a historic structure over 100 years old.
- 3) The outline of the building will not change; they are keeping the massing, roof pitch, and roof line.
- 4) They will maintain the deck line as it is a strong part of the existing architecture.
- 5) They plan to elevate the structure 8-12 in. to get above the flood zone.
- 6) A septic system has been approved by the Board of Health for the structure.
- 7) The Historic Commission did not have issues and were pleased with the proposed renovations.
- 8) The Conservation Commission still needs to review and approve the project.
- 9) The Planning Board sought to confirm that the project did not require referral as a Development of Regional Impact (DRI).

10) The Moore family, direct abutters to the north, say they have deeded access rights to the pond down Middle Point Rd. through and around this combined property and expressed concern about maintaining that access.

11) The application met the Review Criteria of Section 9.2-2 of the Zoning Bylaws.

12) The board finds that the extension and alteration is not substantially more detrimental to the neighborhood than the existing non-conforming structure or use.

**Conditions**

- 1) This special permit is conditioned on the approval of the West Tisbury Conservation Commission. If there are substantial changes imposed the applicant must return to the Zoning Board for further review.
- 2) The Applicant must remove the fireplace from the floor plans per the direction of the Building Inspector and submit a new plan to the board for review and approval.

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**NOTE WELL:** It is understood that the applicant will obtain all other permits or authorizations required by the Town of West Tisbury before proceeding with any work.

***NO VARIANCE OR SPECIAL PERMIT SHALL TAKE EFFECT UNTIL:***

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. 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.


1. 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 Board of Appeals** who will turn over the receipt to the Building and Zoning Inspector.
2. The applicants may proceed with applying to the appropriate Town of West Tisbury Officers and Boards for any other development permits which may be required by law.

Any person aggrieved by the Decision of the West Tisbury Board of Appeals may appeal to Superior 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 two (2) years if not utilized. A Variance shall lapse in one (1) year if not utilized.

The Building and Zoning Inspector may approve, at his discretion, minor changes that come up during the building process. All major changes to the plans or significant material changes must be approved by the Zoning Board of Appeals. Please consult with the Inspector regarding any 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 August 31, 2023.

 August 31, 2023

I certify that no appeal has been made

 September 21, 2023

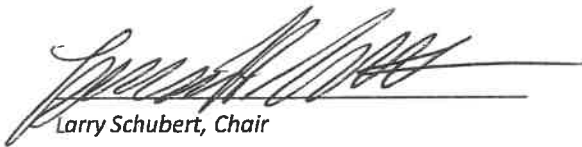
Case: Middle Point Bend LLC

Date: 8/24/2023

Map & Lot: 39-7; 39-8

**WEST TISBURY ZONING BOARD OF APPEALS  
RECORD OF VOTE**

The following members of the Board of Appeals vote to GRANT a Special Permit subject to the above stated terms (see decision attached).



Larry Schubert, Chair



Jeffrey Wye, Board Member



Julius Lowe, Vice Chair



Casey Decker, Associate Member



Deborah Wells, Board Member



Patrick Barrett, Associate Member



Andy Zaikis, Board Member