

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST TISBURY
ZONING BOARD OF APPEALS

DECISION OF THE BOARD OF APPEALS ON THE PETITION OF Diana Gilmore *filed with the West Tisbury Town Clerk on Jun 10, 2020 ZBA Case File 2020-13*

Applicant: Diana Gilmore, PO Box 1246, West Tisbury, MA 02575

Property Owner: Diana Gilmore, whose title to the property is recorded at the Dukes County Registry of Deeds and described in Book 1364 Page 181, dated December 17, 2014.

Agent: N/A

Locus: 26 Machipscat Trail, West Tisbury, MA, Assessors Map 10 Lot 199.5, RU district, 1.9 acres.

Plans: 1) Site Plan prepared by Gregory Marcella, PLS dated April 14, 2020.
2) Floor plans and elevations prepared by Westchester Modular Homes, Inc. dated April 16, 2020.
All plans on file at the Zoning Board of Appeals office.

Notice: Certified abutters notified on May 13th 2020 and legal notice advertised in the Martha's Vineyard Times on May 14th and May 21st 2020.

Hearing & Request: A Public Hearing was held on May 28th 2020 on an Application for Special Permit from Diana Gilmore to construct an 800sf., single story, one bedroom Accessory Apartment on a pre-existing, non-conforming lot abutting a Special Way under Section 4.4-3 (A) of the Zoning Bylaws, Map 10 Lot 199.5, 26 Machipscat Trail, RU District.

Section of Bylaw: 4.4-3 (A)

Present: Nancy Cole, Larry Schubert, Deborah Wells, John Rau

Decision: On May 28th 2020 the Zoning Board of Appeals voted to GRANT a Special Permit with CONDITIONS to construct an 800 sf. one bedroom Accessory Apartment under Section 4.4-3 (A) of the Zoning Bylaws.

Vote to Approve: Nancy Cole, Larry Schubert, Deborah Wells, John Rau

Findings: 1) No setback relief is required
2) The lot size is 1.9 acres.
3) The applicant is aware of and willing to comply with all regulations of the Accessory Apartment Bylaws.
4) The application complies with Section 9.2-2 Review Criteria of the Zoning Bylaws.

Conditions: 1) Applicant will submit an updated Site Plan indicating location of the existing driveway, the hammerhead and the proposed driveway, prior to the issuance of a Building Permit.

2) Applicant will work with current owners of Assessor's Map 10, Lot 199.4 to screen the Accessory Apartment from their lot.

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:

- 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. 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.****
- 2. 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.**
- 3. 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 2 years if not utilized. A Variance shall lapse in one 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.

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.

Filed with the West Tisbury Town Clerk on June 10, 2020

I certify that no appeal has been made _____