

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST TISBURY
ZONING BOARD OF APPEALS

DECISION OF THE BOARD OF APPEALS ON THE PETITION OF Noonni and Shira Hammarlund filed with the West Tisbury Town Clerk on April 7, 2020 ZBA Case File 2020-08

Applicant: Noonni and Shira Hammarlund, PO Box 814, West Tisbury, MA 02575

Property Owner: Noonni and Shira Hammarlund, whose title to the property is recorded at the Dukes County Registry of Deeds and described in Book 787 Page 67, dated January 10, 2000.

Agent: George Sourati, Sourati Engineering Group, LLC

Locus: 60 Stone Bridge Rd, West Tisbury, MA, Assessors Map 3 Lot 49, RU district, 1.38 acres.

Plans: 1) Site Plan prepared by Sourati Engineering Group LLC dated February 10, 2020.
2) Floor plans and elevations prepared by Bright Built Home dated November 18, 2019.
All plans on file at the Zoning Board of Appeals office.

Notice: Certified abutters notified on March 11, 2020 and legal notice advertised in the Martha's Vineyard Times on March 12th and March 19th 2020.

Hearing & Request: A Public Hearing was held on March 26, 2020 on an Application for a Special Permit from Noonni and Shira Hammarlund to construct a Single Family dwelling on a nonconforming lot requiring 15' of front setback relief and 24' of side setback relief.

Requirement: *Sections 4.3-3 (D) and 11.1-3 (A) of the Zoning Bylaws.*

Present: Nancy Cole, Larry Schubert, Julius Lowe, Deborah Wells, John Rau & Andy Zaikis.

Decision: On March 26, 2020 the Zoning Board of Appeals voted to GRANT a Special Permit to construct a Single Family dwelling on a nonconforming lot requiring 15' of front setback relief and 24' of side setback relief.

Vote to Approve: Nancy Cole, Larry Schubert, Julius Lowe, Deborah Wells, John Rau & Andy Zaikis.

Findings: 1) Many lots on this road have undersized building envelopes due to wetlands.
2) The Board of Health and Conservation Commission have approved partial relief from specific regulations for this project due to the wetlands on the property.
3) No correspondence was received.

4) The application complies with Section 9.2-2 Review Criteria of the Zoning Bylaws.

Conditions: N/A

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 April 7, 2020

I certify that no appeal has been made _____