

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST TIS BURY

DECISION OF THE BOARD OF APPEALS ON THE PETITION FROM the Martha's Vineyard Preservation Trust Filed with the West Tisbury Town Clerk on November 22, 2016, ZBA Case File 2016-30.

Applicant: Martha's Vineyard Preservation Trust, P.O. Box 5277, Edgartown, MA, 02539.

Owner: Martha's Vineyard Preservation Trust, P.O. Box 5277, Edgartown, MA, 02539, whose title to the property is recorded at the Dukes County Registry of Deeds and described in Book 621 Page 37 dated December 9, 1993.

Locus: 1041 State Road; Assessors Map 32 Lots 58 and 58.2, West Tisbury, MA 02575; VR District; .03 acres.

Plans: 1) Narrative of Application to amend a special permit (# 2008-12) dated October 28, 2016, on file at the Zoning Board of Appeals office.

Notice: Certified abutters list mailed November 7, 2016, and advertised in the Martha's Vineyard Times on November 3 and November 10, 2016.

Hearing & Request: November 17, 2016: An application by the Martha's Vineyard Preservation Trust, to amend special permit #2008-12, issued April 18, 2008, to sublease the Farm Stand at Alley's General Store to a collaborative of artisans so named "Island Made Holidays at Alleys Farm Stand".

Requirement: Section 9.3-3 – Amendment: The terms and conditions of any Special Permit or Site Plan approval may be amended in the same manner as required for the issuance of the original approval.

Present: Nancy Cole, Larry Schubert, Robert Schwier, Roger Hubbell, Julius Lowe, Toni Cohen and Tony Higgins.

Absent:

Abstained:

Decision: The Zoning Board of Appeals voted unanimously to amend special permit #2008-12, to allow the Martha's Vineyard Preservation Trust to sublease the "Farm Stand" located at Alley's General Store, specifically to "Island Made Holidays at Alley Farm Stand"(local artisans group), on an annual basis (Thanksgiving to Christmas), under section 9.3-3 of the Zoning Bylaws.

Vote for: Nancy Cole, Larry Schubert, Julius Lowe, Tony Higgins and Toni Cohen.

Associate Members in favor: Robert Schwier, Roger Hubbell.

Vote Against:

Findings:

- 1) The applicant (MVPT) may annually sublease to a local artisan's group identified as the "Island Made Holidays at Alley's Farm Stand".
- 2) The sublease will be annually between Thanksgiving and Christmas.
- 3) Hours of operation are 10:00 am to 6:00 pm, daily, Sunday through Saturday.
- 4) The impact on traffic and parking is negligible.
- 5) The group was allowed to conduct the event last year on a trial basis with no negative feed-back from the community.
- 6) The town supports the diversity of Island Artisans who hold related events in the Island community.

Conditions:

- 1) **Items for sale (materials or products) cannot be displayed outside of the building; with the exemption of holiday wreaths.**
 - 2) **Any promotional events will require approval of the Zoning Board.**
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.**
 4. **Note well: You must obtain a Building Permit from the Building/Zoning Inspectors Office prior to construction of the project.**

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 three 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.

Filed with the West Tisbury Town Clerk on November 22,
2016. _____

I certify that no appeal has been made
