

**THE COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF WEST TISBURY**

**BOARD OF APPEALS**

**RE 30 Beaten Path; Map 8, Lot 26.4; RU District.**

**CF: 2001-06**

**DECISION OF THE BOARD OF APPEALS ON THE PETITION OF JULIE M. AND ARTHUR R. HITCHINGS: Filed with Town Clerk on March 2, 2001**

A Hearing was held on Wednesday, February 28, 2001 at 7:30 P.M. at the Town Hall to act on the following: An application for a Special Permit under Sections 4.4-3 and 4.4-4 of the West Tisbury Zoning Bylaws **to build a 25' by 20' detached garage with an overhead 500 Sq. Ft. accessory apartment on an under 3 acre lot in the RU district.**

**Present:** Eric Whitman, Jim Rothschild, Tony Higgins, Toni Cohen

**The Board of Appeals voted unanimously to GRANT, with CONDITIONS, a Special Permit, under Sections 4.4-3 and 4.4-4 of the West Tisbury Zoning Bylaws, to build a 25' by 20' detached with an overhead 500 Sq. Ft. accessory apartment on an under 3 acre lot in the RU district.**

**The Board finds:**

- 1.) The structure applied for will not be substantially more detrimental to the neighborhood and Town, and the construction is in harmony with similar development in the neighborhood and town in scope, size, and design.
- 2.) The granting of this permit satisfies the requirements of Section 4.4-3 as the apartment meets the dimensional requirements of the bylaw, there is no other accessory habitable structure on the under 3 acre lot, and the applicants are year round, working members of the community.
- 3.) The granting of this permit satisfies the requirements of Section 4.4-4 as the applicants are aware of and will sign the affidavit concerning the occupancy restrictions on accessory apartments should a family member not reside in the apartment.
- 4.) The granting of this permit satisfies the Review Criteria of Section 9.2-2 of the West Tisbury Zoning Bylaws.
- 5.) The premises are readily accessible to fire, police, and other emergency vehicles.
- 6.) The granting of this permit will not cause traffic congestion, impair pedestrian safety, or overload existing roads.
- 7.) The granting of this Permit will not cause environmental damage due to flooding, wetland loss, habitat or ecosystem disturbance or damage to valuable trees; air pollution, salt water intrusion, reduction of water supply, damage to wetlands, littoral ecology, wildlife habitats, marine and shellfish fisheries, or contribute to erosion.

**The Conditions are:**

- 1.) The applicant must comply with all the requirements of Section 4.4-4 of the West Tisbury Zoning Bylaws concerning Occupancy Restrictions.
- 2.) The applicant is to comply with the building plans approved and signed on February 28, 2001 and will return to the Building & Zoning Inspector and the Board of Appeals for review and approval of any change to these plans.

Board Members voted as follows:

**In Favor: Whitman, Cohen, Rothschild, Higgins**

**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. A Certificate of Granting will also be issued.
2. The **Certified Decision** and the **Certificate of Granting** are 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 Board of Appeals who will turn over the receipt to the Building and Zoning Inspector.

This Lot is described in Book 300, Page 571, and dated August 15, 1975, and recorded at the Registry of Deeds, County of Dukes County. The location is 30 Beaten Path, Map 8, Lot 26, West Tisbury, MA 02575. The records of this case are filed in the West Tisbury Town Hall.

**Date filed with Town Clerk: March 1, 2001. Case File 2001-06**

Any person aggrieved by this 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.

For the West Tisbury Board of Appeals  
Julie Keefe  
Administrative Assistant

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March 23, 2001

ERNIE,

This is to inform you that the ZBA approve unanimously that the Admin Asst made a clerical error when writing the Decision for Hitchings by citing "garage", as above, rather than "workshop". The Hitchings did not intend to build a garage, and do not plan to. The lower floor of this structure will be a workshop for woodwork.

Thanks, Julie

**ZONING BOARD OF APPEALS  
MINUTES: FEBRUARY 28, 2001**

**Present:** Eric Whitman, Tony Higgins, Jim Rothschild, Toni Cohen

**Absent:** Tucker Hubbell, Bob Schwier, Nancy Cole

**Also Present for All or Part of the Meeting:** Tom Wetherall, Julie Hitchings, Rusty Hitchings, Julie Keefe

**HEARINGS**

**7:15** An application for a Special Permit for an 880 Sq. Ft. swimming pool filed by Island Pools and Spas for Richard Baxter (Map 21, Lot 14.1, 53 Halcyon Way) under Section 11.2-2 of the West Tisbury Zoning Bylaws. Under Section 11.2-2, a Special Permit is needed for an over 676 Sq. Ft. non-habitable, accessory structure on an under 3 acre lot. Tom Wetherall stood in for Justine Cihanowycz who had submitted the application. It was immediately ascertained that the subject lot was not non-conforming (it is a 3 acre lot) and therefore did not need a Special Permit.

**7:30** An application for a Special Permit, under 4.4-3 and 4.4-4 of the West Tisbury Zoning By-laws, for a Special Permit filed by **Julie M and Arthur R Hitchings** for a 500 Sq. Ft. accessory apartment to be added on to an existing, detached non-habitable building on an under 3 acre lot in the RU District; pertaining to Sections 4.4-3 and 4.4-4 of the West Tisbury Zoning Bylaws. Map 8, Lot 26.4, 30 Beaten Path.

Rusty and Julie Hitchings submitted revised building and plot plans, explaining they propose to build a 20' by 25' workshop with the 500 Sq. Ft. accessory apartment over head. The Board unanimously approved the request as presented on the grounds that the plans met the criteria of Section 4.4-3, there was no abutter comment or correspondence, and the Hitchings understood the affordable housing provisions of Section 4.4-4.

**OTHER BUSINESS**

The Board considered a request from Jim Hart to allow a modification to the building plan they approved on January 24<sup>th</sup>. He requested approval for two "dog house" dormers to be joined as one long "Nantucket" style dormer. The Board voted to wait until more members were present to decide this question, as there had been intense abutter participation during the Hart hearings.

Members received a copy of the Annual Report for 2000 and a dock workshop summary from WHOI. Correspondence from Mr. Donnell re a Special Permit issued to Linda Talbot was read. A letter will be written to him explaining that his requests should be directed to the neighborhood association in charge of the development's private covenants

Respectfully submitted, Julie Keefe, Administrative Assistant