

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST TISBURY

BOARD OF APPEALS

November 17, 1997

Decision of the Board of Appeals on the appeal and petition of Henry J & Joan S McGurren

A continuation of a Hearing from October 1, 1997 was held on Wednesday, November 12, 1997 at 6:30PM at the Town Hall to act on the following:

An application by Henry J & Joan S McGurren for an Appeal to the denial of the Zoning Inspector of their request to rescind the building permit which permits a school to be built on residential property. The Zoning Inspector stated that it was his opinion that Ms. Polucci was in compliance with Section 3.121 of the West Tisbury Zoning By-Laws. At the Hearing the Zoning Inspector based his opinion on MGL Ch.40A, Sec 3, Day Care Provision. The Hearing was continued until October 15, 1997 at 7:00PM. At this Hearing the McGurren's changed their request to ask the Board of Appeals to modify the Zoning Inspector's decision and to place conditions on the building permit and to notify them of any future plans by Ms. Polucci for expansion. The Board of Appeals voted unanimously to uphold the Decision of the Zoning Inspector. The request to modify the Decision of the Zoning Inspector by placing conditions on the permit was GRANTED unanimously by the Board of Appeals.

The conditions are;

1. Ms. Polucci's Day Care Center, a.k.a., Island Montessori School, must remain licensed under the Office for Children as a Day Care Facility for no more than twenty children or come back to the ZBA for review.
2. If there is a problem with traffic at full capacity, it must come back for review.
3. The Day Care Center is now run according to the public school calendar, if the hours or months of operation change, it must come back to the ZBA for review.
4. The Day Care Center building may not become a habitable structure.
5. No other businesses may be allowed on the lot without coming back to the ZBA for review.
6. Any new use of the structure must come back to the ZBA for review.
7. Any increase in size of the structure or the parking, must come back to the ZBA for review.

Any person aggrieved by this Decision of the West Tisbury Board of Appeals may appeal to Superior Court and must notify the Town Clerk within twenty days after the Decision has been filed in the office of the Town Clerk. Date filed, November 20, 1997. Case 1997 - 34. Described in Book 624 Page 180 and dated 1/10/94 and recorded in the Registry of Deeds, County of Dukes. The records of this case are filed in the West Tisbury Town Hall. Location is Road to Great Neck, Map 31, Lot 69.1.

Lesley Eaton
Administrative Assistant
West Tisbury
Board of Appeals