



**Town of West Tisbury
PLANNING BOARD**

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Bk: 1632 Pg: 705 Doc: DECIS
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DECISION OF THE PLANNING BOARD ON AN APPLICATION FOR A SPECIAL PERMIT FOR Peter Fisher:

Filed with the West Tisbury Town Clerk July 7, 2022:

- Applicant:** ^{D.} Peter Fisher, P.O. Box 2052, Vineyard Haven, MA 02568.
- Owner:** **Owner of record as of this date:** Frances F. Copeland a/k/a Frances R. Fisher Copeland, Martha F. Staples a/k/a Martha M. Fisher, Donald M. Fisher, Jr., and Peter D. Fisher, 362 State Road, Vineyard Haven, MA 02575.
- Locus:** Map 11, Lots 57, 362 State Road, West Tisbury, MA 02575, RU.
- Plans:** Plan from Vineyard Land Surveying dated January 27, 2022 surveyed for Peter Fisher
- Notice:** Certified abutters list mailing sent out on April 11, 2022. Posted in Town Hall 4/21/22. Advertised in the Vineyard Gazette on 4/21/22 and 4/28/22.

Hearing & Request:

Public hearing on an Application for a Special Permit held on May 16, 2022 at 5:30 p.m. and continued to June 13, 2022. An application from Peter Fisher to install a second curb cut on the property located at 362 State Road. The curb cut shall serve a future 3-acre lot.

Requirement: Allowable per Section 8.3-3B of the West Tisbury Zoning Bylaws.

Present: Virginia Jones, Leah Smith, Matthew Merry, Heikki Soikkeli, Amy Upton, John Rau, Associate Member.

Decision: The Planning Board voted to APPROVE WITH CONDITIONS a permit to install an additional curb cut to serve a three-acre parcel of land.

Vote to Approve: Jones-yes, Smith-yes, Merry-yes, Soikkeli-yes, Upton-yes.

Findings: The Planning Board finds that the addition of the curb cut is beneficial to the property as well as the abutting properties.

- Condition:**
1. The applicant shall contact the Massachusetts State Highway Department for further approval.
 2. The applicant shall contact the West Tisbury Highway Superintendent for review and approval of the installation of the driveway apron.
 3. The granted curb cut *shall* become null and void if the owner of the abutting lot, Map 11, Lot 57.1, purchases the property. The owner of Map 11, Lot 57.1 shall create access to said lot from Map 11, Lot 57.1 and *shall not* gain access from the State Highway.

NOTE WELL: After the expiration of the 20 day appeal period and if no appeal has been filed, the applicant may proceed with applying to the appropriate Town of West Tisbury Officers and Boards for any other development permits which may be required.

No 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.
2. 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.
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 Planning Board who will turn over the receipt to the Building & Zoning Inspector.

Any person aggrieved by this Decision of the West Tisbury Planning Board may appeal to 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.

The Building and Zoning Inspector and the Planning Board must approve any substantive or material changes made to the approved plans. Please consult with the Inspector regarding 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 *Sara Spill* July 7, 2022

I hereby certify that no appeal has been filed

Sara Spill

July 27, 2022
TOWN CLERK
WEST TISBURY
MASS. 02575

Case: 13432
Date: 7/5/22
Map&Lot 11-57

**WEST TISBURY PLANNING BOARD
RECORD OF VOTE**

The following members of the Planning Board vote to grant a Special Permit subject to the above stated terms:

Virginia C. Jones Please note that this was a
unanimous vote to approve as evidenced by
my signature and the meeting minutes.
W Jones 6/30/2022

The following members of the Planning Board are in opposition to the grant of the Special Permit:

ATTEST: Paulo C. DeOliveira, Register
Dukes County Registry of Deeds