



## Town of West Tisbury

### PLANNING BOARD

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#### **DECISION OF THE PLANNING BOARD ON AN APPLICATION FOR A SPECIAL PERMIT FOR David Burgess:**

##### **Filed with the West Tisbury Town Clerk on August, 2022:**

- Applicant:** David Burgess,
- Owner:** **Owner of record as of this date:** Gardner F. Burgess, P. O. Box 1317, West Tisbury, MA 02575
- Locus:** Map 15, Lots 29.2, 609 State Road, West Tisbury, MA 02575, RU.
- Plans:** Plan from Vineyard Land Surveying dated June 2, 2022, prepared for the Estate of Gardner Burgess, revised plan dated August 8, 2022, scale 1" = 80'
- Notice:** Certified abutters list mailing sent out on June 8, 2022. Posted in Town Hall June 8, 2022. Advertised in the Martha's Vineyard Times on June 16, 2022 and June 23, 2022.

##### **Hearing & Request:**

Public hearing on an Application for a Special Permit held on July 11, 2022 and continued to July 25, 2022, further continued to August 8, 2022. An application to install two curb cuts on a Special Way (Roger's Path)

- Requirement:** Allowable per Section 6.2-4 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 revised plan to install one curb cut on a Special Way (Roger's Path) accessing the lot at the edge of the property line on the south side of the property line nearest the vehicularly traveled way.

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

- Findings:** The Planning Board finds that the location of the curb cut is the best possible location relating to the vehicularly traveled way and the shared use path portion of Roger's Path. The location of the curb cut will not significantly affect the shared use path portion of the special way.  
**Roger's Path is a designated special way protected under Section 6.2-4** of the West Tisbury Zoning Bylaws. All properties abutting a special way are required to adhere to the zoning regulations.

- Condition:** 1. The Planning Board requires that construction is limited to only small vehicles and equipment. No large trucks and trailers shall travel on the special way. This is for the purpose of preserving the special way and its surroundings.

2. Any damage to the special way *shall* be restored to its original condition prior to the issuance of an occupancy permit.
3. Please refer to the attached document relating to the preservation of Roger's Path.
4. The Planning Board shall monitor the construction process from time to time to ensure that the special way is not disturbed during the process.
5. Modular homes are restricted from this development.

**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 \_\_\_\_\_

Case: \_\_\_\_\_

Date: \_\_\_\_\_

Map&Lot \_\_\_\_\_

**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:

_____	_____
_____	_____
_____	_____
_____	

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

_____	_____
_____	_____
_____	_____
_____	