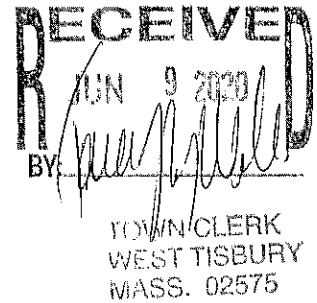


Larkosh Realty Trust
Box 1659
Vineyard Haven, MA 02568
(508) 221-0437



June 8, 2020

VIA HAND DELIVERY

Tara Whiting
Town Clerk
Town of West Tisbury
1059 State Road
West Tisbury, MA 02575

RE: NOTICE OF CONSTRUCTIVE GRANT per M.G.L. Ch. 40A, section 15.

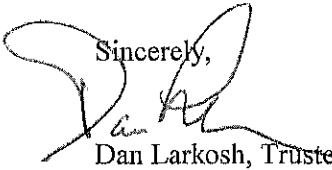
Dear Ms. Whiting:

This is a formal notice of constructive grant pursuant to Massachusetts General Laws Chapter 40A, Section 15. On February 25, 2020, I filed an appeal from the enforcement decision of the building inspector to the zoning board of appeals as provided by the town zoning bylaws and M.G.L. ch. 40A sections 14(4) & 15. The appeal sought to overturn the January 27, 2020 enforcement decision (and, subsequently, the "follow-up" letter dated April 9, 2020) of the building inspector regarding a lot located within the Light Industrial Zone, 93 Dr. Fisher Rd. Map 21, Lot 12.2 owned by Larkosh Realty Trust.

Over 100 days have passed since the filing of the appeal, but the zoning board has not filed a copy of its decision with the Town Clerk. Failure by the zoning board to take final action within said 100 days or extended time, if applicable, shall be deemed to be a grant of the appeal. See M.G.L. ch. 40A section 15.

Notice, by way of a copy of this letter, has been sent by the appellant to parties in interest. (See enclosed service list). **Appeals, if any, shall be made pursuant to section seventeen and shall be filed within twenty days after the date the city or town clerk received such written notice from the petitioner that the board failed to act within the time prescribed.**

Sincerely,


Dan Larkosh, Trustee
Larkosh Realty Trust



Town of West Tisbury

West Tisbury, MA 02575

June 15, 2020

By First-Class Mail

Dan Larkosh, Trustee
Larkosh Realty Trust
Box 1659
Vineyard Haven, MA 02568

Re: Request by Letter Dated June 8, 2020

Dear Mr. Larkosh:

I write in response to your letter dated June 8, 2020, received in this office on June 9, 2020, in which you identify the purpose of the letter as "formal notice of constructive grant pursuant to Massachusetts General Laws Chapter 40A, Section 15" in connection with a petition you filed in this office on February 26, 2020, appealing a notice of violation issued by the Building Inspector.

On June 11, 2020, my office received a decision from the Board of Appeals on your petition. The Board's decision is timely. On April 3, 2020, the Legislature enacted emergency legislation entitled "An Act to Address Challenges Faced by Municipalities and State Authorities Resulting from COVID-19", identified as Chapter 53 of the Acts of 2020 (the "Act"). Section 17(b)(iv) provides that "no permit shall be considered granted, approved or denied, constructively or otherwise, due to a failure of the permit granting authority to act within the time required by a statute, ordinance, bylaw, rule or regulation; provided, however, that the permit granting authority acts within 45 days of the termination of the state of emergency" The Act defines permit broadly and includes petitions seeking "approval" from the Board of Appeals to reverse an order of the Building Inspector. Section 17(f) also provides that "[n]otwithstanding any general or special law to the contrary and without limiting the foregoing, *this section shall apply to the conduct of public meetings, public hearings or other actions taken in a quasijudicial capacity by all local boards and commissions.*"

Dan Larkosh, Trustee – Page Two

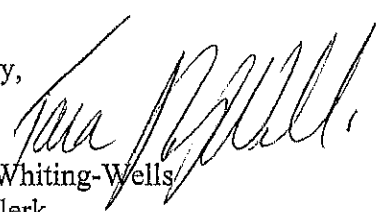
Board of Selectmen	P. O. Box 278 508-696-0102	Planning Board	P. O. Box 278 508-696-0149
Conservation Commission	P. O. Box 278 508-696-6404	Treasurer	P. O. Box 278 508-696-0108
Board of Health	P. O. Box 278 508-696-0105	Board of Assessors	P. O. Box 264 508-696-0101
Town Clerk	P. O. Box 278 508-696-0148	Town Accountant	P. O. Box 278 508-696-0106

Fax 508-696-0103.

June 15, 2020

The Governor has not terminated that state of emergency based on the COVID-19 pandemic. Since the Board filed its decision in a timely manner, the Board did not approve your petition by a constructive grant and a request for a certificate of approval from this office will be denied.

Sincerely,


Tara J. Whiting-Wells
Town Clerk

Cc: Zoning Board of Appeals (by hand)