

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST TISBURY
ZONING BOARD OF APPEALS

DECISION OF THE BOARD OF APPEALS ON THE PETITION OF Martha's Vineyard Farmers Market, Inc. filed with the West Tisbury Town Clerk on April 6, 2021 ZBA Case File 2021-07

Applicant: Martha's Vineyard Farmer's Market, Inc.

Property Owner: Martha's Vineyard Agricultural Society, Inc. whose title to the property is recorded at the Dukes County Registry of Deeds and described in Book 00574 Page 0575, dated March 5, 1992.

Agent: Tucker Pforzheimer

Locus: 35 Panhandle Rd., West Tisbury, MA, Assessors Map 25 Lot 1.1, RU district, 20.92 acres.

Plans: 1) Site Plan prepared by MV Farmer's Market, Inc. dated February 26th, 2021.
All plans on file at the Zoning Board of Appeals office.

Notice: Certified abutters notified on March 10th, 2021 and legal notice advertised in the Martha's Vineyard Times on March 11th and 18th 2021.

Hearing & Request: A Public Hearing was held on March 25th 2021 on an Application for Special Permit from MV Farmer's Market, Inc. to operate the Farmer's Market at the Martha's Vineyard Agricultural Society, Inc. property at 35 Panhandle Rd., Assessor's Map 25, Lot 1.1, RU District for the 2021 season under Sections 3.1-1 and 8.5-2 of the Zoning Bylaws.

Section of Bylaw: 3.1-1 and 8.5-2 of the West Tisbury Zoning Bylaws

Present: Larry Schubert, Julius Lowe, Deborah Wells, John Rau, Jeffrey Kaye and Casey Decker

Decision: On March 25th 2021 the Zoning Board of Appeals voted to GRANT a Special Permit to Martha's Vineyard Farmer's Market, Inc. to operate the Farmers Market at the property owned by the Martha's Vineyard Agricultural Society, Inc. at 35 Panhandle Rd., Assessor's Map 25, Lot 1.1 for the 2021 season.

Vote to Approve: Larry Schubert, Julius Lowe, Deborah Wells, John Rau, Jeffrey Kaye and Casey Decker

Findings:

- 1) The normal location for the market is not large enough to accommodate social distancing requirements now in place due to the COVID-19 Pandemic.
- 2) The market will conform to all guidance laid out in the **Order of the Commissioner of Public Health for Farmer's Markets**.
- 3) Days & hours of operation will be Saturdays 9am- 12n from June 12 - October 30, 2021 and Wednesdays 9am-12n from June 16 – October 27, 2021
- 4) The market will adhere to the "West Tisbury Farmer's Market 2021 COVID-19 Response Plan", as submitted.
- 5) There was no correspondence in opposition to the application.

- 6) The Agricultural Society wrote a letter in support of the application and one abutter attended the hearing to register his support of the application.
- 7) The application complies with Section 9.2-2 Review Criteria of the Zoning Bylaws.

Conditions: N/A

NOTE WELL: It is understood that the applicant will obtain all other permits or authorizations required by the Town of West Tisbury before proceeding with any work.

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. 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.**
2. 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.
3. **The applicants may proceed with applying to the appropriate Town of West Tisbury Officers and Boards for any other development permits which may be required by law.**

Any person aggrieved by the 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.

A Special Permit shall lapse in 2 years if not utilized. A Variance shall lapse in one year if not utilized.

The Building and Zoning Inspector may approve at his discretion, minor changes that come up during the building process. All major changes to the plans or significant material changes must be approved by the Zoning Board of Appeals. Please consult with the Inspector regarding any change. Failure to do so may nullify your permit and may require removal of the unapproved construction.

NOTE WELL: It is understood that the applicant will obtain all other permits or authorizations required by the Town of West Tisbury before proceeding with any work.

Filed with the West Tisbury Town Clerk on April 6, 2021

I certify that no appeal has been made _____