

Received by the Town Clerk:

Date: _____

Application complete
12/22/21
Application incomplete

Signed: _____

APPLICATION COVER PAGE

Date: 12/14/2021

Date Received by ZBA: _____

Name of Applicant and Mailing Address: FFD Enterprises MA, Inc

40 Woodland Street Hartford, CT 06105 90 Dr. Fisher Road, West Tisbury, MA

Email Address: bzachs@finefettle.com Telephone Number: 860-490-0359

Name of Owner and Mailing Address (If not Applicant): _____

Map and Lot #: 21-12 ^{PP}

Street Address of Subject Property: 90 Dr. Fisher, West Tisbury, MA

Applicant is: Tenant (Owner, Tenant, Purchaser, Other)

Nature of Application (Special Permit, Appeal, Variance): Appeal - Appeal of Building Inspector's decision

Applicable Section of Zoning Bylaw: MGL Ch 40A section 8 and 15 of The Zoning Act

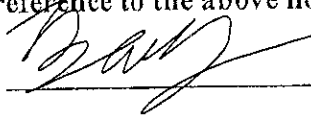
Date of Denial by Building Inspector, Zoning Inspector, or Planning Board
(If Applicable): November 15, 2021

 Plot Plan: Must provide a plan by a registered surveyor showing the total property with the existing buildings, including the proposed project, all setback distances to be provided.

 Plans: 2 sets of scaled drawings of floor plans that show total sq. ft. per floor (measured from exterior of wall), at least 2 elevations with one showing proposed height to ridge. If the project is an addition to existing structure please clearly identify proposed work.

Description of proposed project: Please attach a detailed narrative.

I have read the overview of the ZBA process attached to this application and completed all sections of the application cover page and therefore request a hearing before the West Tisbury Zoning Board of Appeals with reference to the above noted application.

Signed: 

Title(s): CEO

Application fee of \$200.00 is required. Date Paid: OK # 1289 12/17/21

This narrative is an appendix to FFD Enterprises MA, Inc's ("FFD") appeal of the decision by the West Tisbury Building Inspector per MGL Ch 40A section 8 and 15 of The Zoning Act. Following numerous inspections of the facility at 90 Dr. Fisher Road, West Tisbury, MA, FFD received only a Temporary Certificate of Occupancy, a ruling in which we, respectfully, disagree, and are appealing the determination, *"the easement shall be cleared and road developed for its intended use."* This line is demonstrably different than the Zoning Board's issued Special Use Permit language, which states, *"Driveway easement along the westerly lot line to Assessors Map 21, Lot 12.1 must be cleared and prepared for use."*

From all reading of meeting minutes, FFD and PCMV's special permits, and any affiliated materials, does there ever list any reference to any sort of road development or construction, whatsoever. The condition in the special permit simply requires that it be prepared for its intended use. FFD has also spoken to its landlord who signed the provisions of the easement in November, 2017, which never spoke or had meeting reference of a road, simply clearing the land for use.

Contextually, ABC currently uses Pine Hill Road (**a dirt road**) to access Dr. Fisher Road (**a dirt road**). FFD believes that clearing the brush to create space similar in character to Dr. Fisher Road and Pine Hill Road satisfies the intent of the special permit condition. A "road" is above and beyond any writing, mention, or history of the space. To require more than that places an unreasonable burden and cost on FFD, particularly when, as far as we are aware, ABC has no intention of using the easement. In fact, the neighbor has put up a fence right on the space.

Additionally, the determination of "road developed" (as quoted from the Building Inspector's letter to the landlord regarding his decision of a Temporary CO) is inconsistent with prior rulings and determinations by the Building Inspector on the same site. When the facility received its initial Certificate of Occupancy after the first half of the building's construction (previously under Patient Centric of Martha's Vineyard, LTD), there was never any mention of such a determination and requirement regarding the preparation of the easement to such a degree. In fact, a full CO was granted. Thus, we believe there is a precedent of approval that was previously given to the parcel in its current state.

For FFD's current parking lot in the area, a gravel parking lot has been prepared and used that has been graded and packed to satisfy the burden of any and all cars and trucks which have come onto the property for two years, without the additional requirements now being determined.

FFD is confident that clearing the brush both satisfies the special permit and stays consistent with the current reality of the road used both *from* and *to*, and have for many years, while still having the ability for the area to be safely traversed by cars and trucks alike.

Respectfully,

Benjamin Zachs
CEO, FFD Enterprises MA, Inc.



Town of West Tisbury
BUILDING & ZONING INSPECTOR
West Tisbury, Massachusetts 02575

November 15, 2021

Kaysky LLC
Attn: Jim Eddy
P.O. Box 4835
Vineyard Haven, Ma 02568

COPY

Re: 90 Dr. Fisher Rd.- Conditions of Special Permit

Dear Jim,

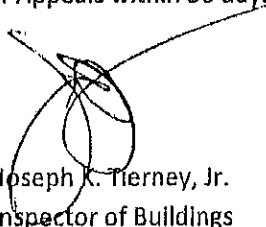
Thanks for reaching out. See condition 1 of the attached ZBA decision which indicates "The driveway easement.....must be cleared and prepared for use".

My interpretation of this is, the easement shall be cleared and road developed for its intended use. The intended use is for the ability of ABC's and the fire department vehicles to traverse the road/easement.

I have also attached a copy of West Tisbury's road development requirements and highlighted the applicable sections.

Feel free to contact me if you have any additional questions.

If you disagree with my interpretation of the conditions of the Special Permit, you may appeal my decision directly to the Zoning Board of Appeals within 30 days of this notice.


Joseph K. Tierney, Jr.
Inspector of Buildings
Town of West Tisbury

Cc: ZBA