

**THE COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF WEST TISBURY**  
**ZONING BOARD OF APPEALS**

**DECISION OF THE BOARD OF APPEALS ON THE PETITION OF Katherine B. Walsh and Bruce J. Fernie filed with the West Tisbury Town Clerk on July 3, 2018, Special Permit 2018-18**

**Applicant:** Katherine Walsh, PO Box 687, West Tisbury, MA. 02575

**Property Owner:** Walsh, Katherine and Fernie, Bruce J.: whose title to the property is recorded at the Dukes County Registry of Deeds and described in Book 1428 Page 88, dated January 20, 2017.

**Locus:** 694 Old County Rd, West Tisbury, MA, Map 31 Lot 17, RU District; 6.47 acres.

**Plans:** Site plan prepared by Schofield, Barbini and Hoehn, Inc. dated March 22, 2018 (revised) 6/25/2018.  
**Notice:** Certified abutters notification mailed on June 5, 2018 and advertised in the Martha's Vineyard Times on June 7 and June 14, 2018

**Hearing & Request:**

June 21, 2018 – an application by Schofield, Barbini & Hoehn, agents for Katherine Walsh, for setback relief to construct a 26' x 48' barn, including height relief of 2'. The application also includes an accessory apartment to be located on the second floor of the proposed barn

**Requirement:** Sections 4.3-3(D), 4.4-3(A) and 6.2-3(D) of the West Tisbury Zoning Bylaws.

**Present:** Nancy Cole, (Chairman) , Larry Schubert, (Vice-Chairman), Tony Higgins, Toni Cohen and Julius Lowe.

**Decision:** The Zoning Board of Appeals voted unanimously to GRANT with CONDITIONS a Special Permit to Katherine Walsh for setback relief to construct a 26' x 48' barn, including height relief of 2'. The application also includes an accessory apartment to be located on the second floor of the proposed barn.

**Vote for:** Nancy Cole, Larry Schubert, Tony Higgins, Toni Cohen, and Julius Lowe.

**Findings:**

1. The application met the Review Criteria of Section 9.2-2 of the West Tisbury Zoning Bylaws.
2. The setback relief and height restriction relief granted will not be substantially more detrimental to the neighborhood and town and the construction is in harmony with similar development in the neighborhood and town, in scope, size and design.

**Conditions:**

1. The owners of the property will comply with the regulations for accessory apartments per section 4.4-3(A) of the West Tisbury Zoning Bylaws.

**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.
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 Board of Appeals** who will turn over the receipt to the Building and Zoning Inspector.
4. **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.

Filed with the West Tisbury Town Clerk on July 3, 2018. \_\_\_\_\_

I certify that no appeal has been made \_\_\_\_\_