

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF WEST TISBURY
ZONING BOARD OF APPEALS

DECISION OF THE BOARD OF APPEALS ON THE PETITION OF Carter Payne filed with the West Tisbury Town Clerk on August 27, 2021 ZBA Case File 2021-24

Applicant: Carter Payne, PO Box 342, Vineyard Haven, MA 02568

Property Owner: Carter Payne whose title to the property is recorded at the Dukes County Registry of Deeds and described in Book 1472 Page 776, dated July 25, 2018.

Agent: Reid Silva, Vineyard Land Surveying and Engineering, Inc.

Locus: 55 Fishhook Rd., West Tisbury, MA, Assessors Map 13 Lot 6.3, RU district, 1.38 acres.

Plans: 1) Site Plan prepared by Vineyard Land Surveying and Engineering, Inc. dated June 10, 2021.
2) Floor plan and elevations prepared by owner.
All plans on file at the Zoning Board of Appeals office.

Notice: Certified abutters notified on August 4, 2021 and legal notice advertised in the Martha's Vineyard Times on August 5 and August 12, 2021.

Hearing & Request: A Public Hearing was held on August 19, 2021 on an Application for a Special Permit from Carter Payne to construct a 30' X 48' garage/wood shop requiring 40' of setback relief from the Northerly lot line and 38' of setback relief from the Westerly lot line on a non-conforming lot at 55 Fishhook Rd., Map 13 Lot 6.3, RU District under Sections 11.2-2 and 4.2-2D4 of the Zoning Bylaws.

Requirement: Sections 11.2-2 and 4.2-2D 4 of the Zoning Bylaws.

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

Absent: Andy Zaikis

Decision: On August 19, 2021 the Board of Appeals voted to **GRANT** a Special Permit to Carter Payne to construct a 30' X 48' garage/wood shop requiring 40' of setback relief from the Northerly lot line and 38' of setback relief from the Westerly lot line on a non-conforming lot at 55 Fishhook Rd., Map 13 Lot 6.3, RU District under Sections 11.2-2 and 4.2-2D4 of the Zoning Bylaws.

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

Abstained: N/A

Findings: 1) There was no correspondence in opposition to the project.
2) Proposed structure will be used as a garage/shop space.
3) Due to its remote location, the structure will not be visible to the public or any right of way.
4) Existing storage shed will be removed.
5) Upon approval of the Special Permit, a Septic plan to re-locate the system will be submitted to the Board of Health.
6) The proposed location is beneficial to the character of the lot by preserving the open field.
7) The board finds that the construction is in harmony with the residential development in the zoning district and not detrimental to the neighborhood.
8) The project was reviewed and found to be compliant with bylaw section 9.2-2 Review Criteria.

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 1 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 August 27, 2021

I certify that no appeal has been made
