

**THE COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF WEST TIS BURY**  
**ZONING BOARD OF APPEALS**

**DECISION OF THE BOARD OF APPEALS ON THE PETITION OF Ezra Sherman, agent for Damian W. Wilmot, Trustee of Yemaya Realty Trust filed with the West Tisbury Town Clerk on October 15, 2019 Special Permit 2019-37.**

**Applicant:** Ezra Sherman, PO Box 2601, Vineyard Haven, MA 02568

**Property Owner:** Damian W. Wilmot & Yndia S. Lorick-Wilmot, whose title is recorded at the Dukes County Registry of Deeds and described in Book 1465 Page 119, dated April 11, 2018.

**Agent:** Ezra Sherman, Sherman and Associates

**Locus:** 192 Waldron's Bottom Rd, Assessor's Map 37 Parcel 37.1 RU district, (2.33 acres).

**Plans:** 1) Site Plans prepared by Scofield, Barbini and Hoehn, dated August 28, 2019.  
2) Floor plans and elevations prepared by Sherman and Associates dated August 12, 2019.  
All plans on file at the Zoning Board of Appeals Office

**Notice:** Certified abutters list mailed on September 18, 2019, and advertised in the Martha's Vineyard Times on September 19 and September 26, 2019.

**Hearing & Request:** A hearing was held on an application from Ezra Sherman, agent for Damien W. Wilmot-Trustee of Yemaya Realty Trust for a Special Permit for 9 feet 6 inches of setback relief for a 620 square foot garage on Map 37 Lot 37.1, 192 Waldron's Bottom Rd., RU district.

**Requirement:** Section 11.2-2 of the Zoning Bylaws.

**Present:** Nancy Cole, Larry Schubert, Deborah Wells and Toni Cohen

**Absent:** Julius Lowe

**Decision:** On October 3, 2019 the Zoning Board of Appeals voted unanimously to GRANT a Special Permit with CONDITIONS to allow 9 feet 6 inches of setback relief from the rear lot line for a 620 sf. one story garage under Section 11.2-2 of the West Tisbury Zoning Bylaws.

**Vote for:** Nancy Cole, Larry Schubert, Deborah Wells and Toni Cohen,

**Abstained:** N/A

**Findings:**

- 1) The garage will be unconditioned and non-habitable
- 2) The roof will be a flat green roof, with self-sustaining plantings but no rooftop deck.
- 3) The owners discussed working together with the abutters on Map 37, Lot 37 regarding screening after construction has been completed.

**Conditions:**

- 1) The owners will work with abutters on Map 37, Lot 37 to plan the location of plantings to create a green screen between them and the garage after construction. Plantings will then be maintained by the owner of the property.

***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; the applicant will obtain all other permits or authorization required by the Town of West Tisbury before proceeding with any work.***

Filed with the West Tisbury Town Clerk on October 15, 2019. \_\_\_\_\_

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