THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST Tisbury
ZONING BOARD OF APPEALS

DECISION OF THE BOARD OF APPEALS ON THE PETITION OF Island Autism Group, filed with the West Tisbury Town Clerk on June 9, 2022 ZBA Case File 2022-26

Applicant: Island Autism Group, Inc. PO Box 2786, Edgartown, MA 02539.

Property Owner: The Island Autism Group, Inc. whose title to the property is recorded at the Dukes County Registry of Deeds and described in Book 1551 Page 429, November 16, 2020.

Agent: Derrill Bazzy

Locus: 515 Lambert’s Cove Rd., West Tisbury, MA, Assessors Map 11 Lot 2, RU district, 7.5 ac.


Notice: Certified abutters notified on May 13, 2022 and legal notice advertised in the Martha’s Vineyard Times on May 12 and 19, 2022.

Hearing & Request: A Public Hearing was held on May 26, 2022 on an Application for a Special Permit from Derrill Bazzy agent for Island Autism Group, Inc. to construct a 60’ x 30’ non-habitable barn for agricultural use requiring 46’ of north side yard setback relief under section 4.2-2D4 of the Zoning Bylaws at 515 Lamberts Cove Rd. Assessor’s Map 11, Lot 2 RU District.

Requirement: Section 4.2-2D4 of the West Tisbury Zoning Bylaws.

Present: Larry Schubert, Julius Lowe, Deborah Wells, Andy Zaikis, Jeffrey Kaye and Casey Decker.

Decision: On May 26, 2022 the Zoning Board of Appeals voted to GRANT with CONDITIONS, a Special Permit to Island Autism Group to construct a 60’ x 30’ non-habitable barn for agricultural use requiring 46’ of north side yard setback relief.

Vote to Approve: Larry Schubert, Julius Lowe, Deborah Wells, Andy Zaikis and Jeffrey Kaye.

Abstained: Casey Decker

Findings:
1) The abutter most affected by the setback relief is in support of the location of the barn.
2) The property is subject to a Martha’s Vineyard Land Bank agricultural preservation restriction.
3) The barn will be located on the opposite side of the lot, farthest away from an abutter concerned with possible noise/activity on the property.
4) The Board finds the structure to be in harmony with the residential development in the zoning district and not detrimental to the neighborhood.
5) The application was reviewed under Section 9.2-2 Review Criteria and found to be compliant.

Conditions:
1) The building permit for the barn shall not be issued prior to final approval of the Island Autism Group Master Plan by the Martha’s Vineyard Commission.

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:

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.

1. 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.

2. **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 June 9, 2022.

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I certify that no appeal has been made

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