

Received by the Town Clerk:      Date: \_\_\_\_\_

Application complete \_\_\_\_\_  
Application incomplete \_\_\_\_\_

Signed: \_\_\_\_\_

**APPLICATION COVER PAGE**

Date: \_\_\_\_\_      Date Received by ZBA: \_\_\_\_\_

Name of Applicant and Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Email Address: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

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

Map and Lot #: \_\_\_\_\_ Street Address \_\_\_\_\_

Applicant is: \_\_\_\_\_ (Owner, Agent, Tenant, Purchaser, Other)

Nature of Application (Special Permit, Appeal, Variance): \_\_\_\_\_

Applicable Section of Zoning Bylaw: \_\_\_\_\_

Short Description of Project: \_\_\_\_\_

Date of Denial by Building & Zoning Inspector (If Applicable): \_\_\_\_\_

**INFORMATION TO ACCOMPANY PETITION**

\_\_\_\_\_ **SITE PLAN:** Must provide a plan by a registered surveyor showing the total property with the existing buildings, the proposed project, all setback distances and driveway access to road.

\_\_\_\_\_ **FLOOR PLANS AND ELEVATIONS:** 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.

\_\_\_\_\_ **NARRATIVE:** Longer, detailed description of proposed project or use.

\_\_\_\_\_ **APPLICATION FEE:** \$200.00 payable to: The Town of West Tisbury.

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

Signed: \_\_\_\_\_

Title(s): \_\_\_\_\_

Application fee of \$200.00 is required.      Date Paid: \_\_\_\_\_

## **APPLICATIONS FOR SPECIAL PERMITS, VARIANCES, OR APPEALS to the ZONING BOARD OF APPEALS**

### **Application Form**

Every application for action by the board shall be made on the official form or submitted electronically through the Town of West Tisbury's online application system. These forms shall be furnished by the Zoning Administrator upon request. Any communication, purporting to be an application, shall be treated as mere notice of intention to seek relief, until such time as it is made on the official application form or is submitted electronically and the Zoning Administrator has deemed it complete. All information called for by the form and online shall be furnished by the Applicant in the manner therein prescribed. **It is the responsibility of the applicant to furnish all supporting documentation with the application. In order to be processed, the application must be complete with all required information and filed with the Town Clerk.**

### **Information to Accompany Petition**

Each application and petition to the board shall be accompanied by the following:

- Two (2) paper copies and an electronic version of a certified, engineered site plan showing the location of property involved and the Assessor's Map and Lot number.
- Two (2) paper copies and an electronic version of relevant floor and elevation plans.
- A narrative describing in detail the proposed project, including as applicable: square footage, setback relief requested, proposed use, hours of operation (in the case of a service business or home occupation), etc.
- Payment of \$200 either online or by check made out to the Town of West Tisbury.
- The Town will secure an abutters' list and notice those affected within 300'. *If property locus abuts any other island town, applicant will be asked to secure and forward that town's abutters' list to the ZBA administrator.*

**Revisions prior to a public hearing** – Any new or revised information submitted after an application has been noticed and advertised is not guaranteed to be reviewed by Town officials prior to the public hearing.

**Site Plans** – Unless waived by the Board, all site plans shall be prepared by a Registered Engineer, Surveyor or Landscape Architect, and shall include the following:

- Name of property owner, developer and name of engineer/surveyor/landscape architect or builder
- Date, title and scale of plan
- Separate locus map showing site location and location of buildings on surrounding properties, north arrow
- All existing lot lines, easements, rights-of-way, size of property in square feet, setback, side and rear yard dimensions as set forth in the Bylaw
- Location and use of all existing and proposed buildings and structures, including dimensions and heights
- The plan will show work to be done in RED
- Location and names of existing or proposed streets, curb cuts, entrances and exits, parking areas, sidewalks, loading/service areas, utility systems
- Existing and proposed contours and finished grade elevations, including location and

- volume of significant filling or excavations
- Location of all-natural features within 100 feet of proposed project, such as wetlands
- Number and location of parking spaces required
- Calculation of total lot area, wetlands, building coverage and total lot coverage.

**Waivers or Additional Requirements** – The Board shall have the right to modify or waive any of the submittal requirements, or to request additional information necessary to render a decision. For waivers to any applicable provision of these Rules and Regulations, the applicant shall submit, in writing, the specific reasons for a waiver including how or what information has been provided to allow the Board to make the decision without the required plan. To modify or request additional information, the Board must determine the specific additional information necessary to render a decision during a public meeting or public hearing.

## **TYPES OF APPLICATIONS AND TIME REQUIREMENTS**

**Special Permit and Variance** – Petitions for a special permit or variance may be submitted to the Board pursuant to G.L. c.40A, §9 and §10 and West Tisbury Zoning Bylaws 9.2-2 and 9.3-2. A grant of a special permit requires the Board to make specific affirmative findings as found in G.L. c.40A §9 and as outlined in WT ZBL 9.2-2. A grant of a variance requires the Board to make specific affirmative findings as found in G.L. c.40A, §10 and as set out in WT ZBL 10.3-2. These required findings are conjunctive; each finding must be made based upon the evidence submitted to the Board during the public hearing process in order for the Board to approve a special permit or variance from the Zoning Bylaw. The Board may impose conditions and limitations both of time and of use, including the continued existence of any particular structures.

Time Requirements for Board Action: When a completed application for a special permit or variance is filed with the Town Clerk, the Board shall hold a public hearing within 65 days from the day of filing. The decision of the Board shall be made within 100 days from the date of filing the application with the Town Clerk.

Time Requirements for Appeals of a Decision: Any person aggrieved by the Board’s decision or failure to timely issue a decision regarding a properly applied for special permit or variance may appeal to the Court as provided for in G.L. c.40A, §17.

Time Requirements for Use or Construction: If the rights authorized by a special permit are not exercised within two years of the date of such grant, the special permit shall lapse. If the rights authorized by a variance are not exercised within one year of the date of such grant, the variance shall lapse. The required time limits for exercising said rights may be extended by written agreement between the petitioner and the Board for an additional period not to exceed one year, provided that the application for such an extension is filed with the Board prior to expiration of the special permit. A copy of such agreement shall be filed in the office of the Town Clerk.

**Appeals of an Order or Decision of the Building Inspector** – Pursuant to G.L. c.40A, §8 and the Zoning Bylaw, the Board of Appeals may receive the following appeals from:

- A person aggrieved by an inability to obtain a permit from the Building Inspector
- A person aggrieved by enforcement action, or lack thereof, from the Building Inspector
- The regional planning agency, an officer or board of the Town or of an abutting town

aggrieved by an order or decision of the Building Inspector or Town official perceived to be in violation of the Zoning Bylaw.

Time Requirements for the Petitioner: An appeal pursuant to G.L. c. 40A, §8 must be taken by the petitioner within 30 days from the date of the order or decision that is being appealed. The application for appeal must be filed with the Town Clerk, specifying the grounds for the appeal. Copies of the application of appeal also shall be filed by the petitioner with the officer or Board whose order or decision is being appealed and with the Zoning Board of Appeals.

Time Requirements for Board Action: As provided in G.L. Ch. 40A, §15, a request shall be forwarded to the officer or Board whose decision is being appealed to transmit all documents and papers constituting the record of the case to the Board of Appeals. The Board shall hold a public hearing on any appeal application within 65 days from the date of filing. The decision of the Board shall be made within 100 days from the date of filing the application with the Town Clerk. The required time limits for a public hearing and said action may be extended by written agreement between the petitioner and the Board. A copy of such agreement shall be filed in the office of the Town Clerk.

**Comprehensive Permits** – Pursuant to G.L. c. 40B §20, any public agency or limited dividend or nonprofit organization proposing to build low/moderate-income housing may submit a single application to the Board of Appeals in lieu of separate applications to other applicable Boards such as the Conservation Commission or the Planning Board. The Board of Appeals shall notify each local Board or agency of the application by transmitting a copy of the comprehensive permit application for review and recommendation. The Board shall request the appearance of other Board representatives as are deemed necessary or helpful, and shall take into consideration their recommendations in making its decision.

Time Requirements for Board Action: The Board shall hold a public hearing within 30 days of receipt of a completed application and shall render a decision, based upon a majority vote of the Board, within 40 days after closing the public hearing.

Time Requirements for Decision Appeals: Any person aggrieved by the Board’s decision for the comprehensive permit may appeal to Court within 20 days as provided in G.L. c40A, §17. Applicants aggrieved by a denial of the application, or by conditions attached to a grant of the comprehensive permit may appeal to the Massachusetts Housing Appeals Committee if and only if, the Town of West Tisbury is not consistent with local needs or benefitting from a defined “safe harbor” as those phrases are found in G.L. c.40B, §20 and 760 CMR 56.00 et seq. Such appeal shall be taken within 20 days after the date the decision was filed with the Town Clerk.

*For more details about the Public Hearing process,  
please refer to the Zoning Board of Appeals Rules and Regulations  
as amended on October 10, 2024*