



## **Town of West Tisbury**

### **PLANNING BOARD**

P. O. Box 278

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## **RULES AND REGULATIONS RELATIVE TO THE ISSUANCE OF SPECIAL PERMITS**

### **A. APPLICATION FORM**

Every Special Permit application to the Planning Board shall be made on the official form. All information called for by the form shall be furnished by the applicant in the manner therein prescribed. The Planning Board office can assist an applicant in obtaining information for the form.

### **B. FILING PERIOD**

The Planning Board must hold a public hearing within 65 days of receipt of a complete Special Permit application.

### **C. INFORMATION TO ACCOMPANY APPLICATION FORM**

Each application to the Board shall be accompanied by 7 copies of the following (3 copies if plot and building plans are over 11" by 17"):

1. A plot plan of the subject property drawn to scale. It shall have a north (N) point, names of streets, zoning district, property lines, dimensions, locations of buildings, locations of well and septic, and locations of required parking spaces if applicable. It shall identify the location of buildings and/or use of the property pertaining to the Special Permit. The distances from adjacent buildings and property lines (setbacks) shall be verified in the field and shown on the plan. Entrances, exits, and driveways that are pertinent to the granting of the Special Permit shall be shown.
2. Accurate to scale drawings of floor plans and elevations including dimensions and ridge height of the building activity proposed by the application. These need not necessarily be done by a registered architect or engineer, but must accurately reflect the proposed construction. Please include the scale.
3. A brief to the Board setting forth the reason for the application, the facts supporting the case and what impact there will be to the neighborhood---environmental, noise, visual, traffic, etc.
6. The Board may require further information. The Board may decide a site visit is required. The Board has the right to inspect property, where it deems necessary, and may request any other

appropriate Town Boards or their designated representatives to do so

#### **D. NOTICE**

Notice of Hearings will be advertised as required by the provisions of Mass General Laws Chapter 40A. The application fee covers the cost of the two required legal ads; the applicant will not be billed for them.

In addition, at least 14 days prior to the date of the Hearing, the Planning Board office will mail a copy of the advertised notice to the abutters, and abutters to abutters, within a 300-foot radius from the applicant's property lines, to the applicant, to the owner, and to the Building Inspector and other Town Boards. The required names and addresses for this abutters list will be obtained and processed by the Board of Appeals Office.

#### **E. HEARINGS TO THE PUBLIC**

All Hearings shall be open to the public. No person shall be excluded unless considered by the chairperson to be a "serious hindrance" to the workings of the Board.

#### **F. REPRESENTATION AND ABSENCE**

An applicant may appear on his/her behalf, or be represented by an agent or an attorney. In the absence of any appearance without due cause on behalf of an applicant, the Board may decide on the matter using the information it has otherwise received.

#### **G. ORDER OF BUSINESS**

1. Reading by the Chairman of legal notice, together with presentation of exhibits, if any.
  2. Applicant's presentation.
  3. Reading by the Chairman of any written comments received.
  4. Comments and/or questions from other public officials present.
  5. Comments and/or questions from members of the public.
  6. Applicant's rebuttal, restricted to matters raised by any opponent's presentation.
- Members of the Board who are hearing the case may direct appropriate questions during the hearing.
7. Close hearing and open Board Meeting to begin deliberations to vote.

#### **H. VOTING REQUIREMENT**

1. The concurring vote of at least four members of the five-member West Tisbury Board shall be necessary to issue a Special Permit.
2. The record shall show the vote of each member upon each question or, if absent or failing to vote, indicate such fact. It shall, in addition set forth clearly the reason or reasons for its decision.

## **I. RECORDS**

The Planning Board has 65 days from the date of filing to hold a public hearing and 90 days after that to make a decision on the application of a Special Permit. A detailed record of proceedings, including the vote on each question, must be filed with the Town Clerk within 14 days of the final action.

## **J. APPEAL**

After the decision is filed, a notice of the decision shall be mailed to “parties in interest” and to persons who requested a notice at the public hearing. The notice shall specify that appeals, if any, shall be made pursuant to Section 17 of Chapter 40A, G.L., and shall be filed within 20 days after the date the decision is filed in the office of the Town Clerk.

## **K. REGISTRY OF DEEDS**

The Special Permit is not in effect until the applicant has filed a certified copy of the decision or certificate with the Registry of Deeds, and provided a photocopy of the recorded decision to the Planning Board.

## **L. WITHDRAWAL**

An application may be withdrawn by notice in writing to the Planning Board clerk at any time prior to the hearing by the Board, except that, after an advertisement, withdrawal is allowed only by Board approval.

## **M. RECONSIDERATION**

Once a petition has been voted upon and the meeting adjourned, there shall be no reconsideration of a decision of the Board.

## **N. REAPPLICATION**

If an application is unfavorably acted upon, the applicant may re-petition and be granted the Special Permit within two years only if:

1. the Planning Board consents to re-petition;
2. the Planning Board holds a “proceeding to consider consent and notifies all parties in interest of the time and place;
3. all but one of the members of the Planning Board consent; and
4. the Planning Board makes a finding of specific and material changes in the conditions upon which the original unfavorable action was based. Such changes must be described in the record of the Planning Board’s proceedings.