



Town of West Tisbury
ZONING BOARD OF APPEALS
P. O. Box 278
West Tisbury, MA 02575-0278
508-696-0107
zba@westtisbury-ma.gov

By Certified Mail and E-Mail

March 15, 2024

Rich Saltzberg
Martha's Vineyard Commission
P.O. Box 1447
Oak Bluffs, MA 02557

RE: 1070 State Rd., West Tisbury Inn

Dear Rich:

At its March 14th meeting, the West Tisbury Zoning Board of Appeals voted to refer the above-mentioned applicant to the Martha's Vineyard Commission under the DRI checklist criteria:

4.1b) 5 or more Rooms for Rent.
(Mandatory Referral Requiring MVC Concurrence)

I've enclosed all applicable narratives, plans and other materials associated with this application.

Please let me know if you have any questions.

Sincerely,

Kim Leaird
Board Administrator

CC: Larry Schubert, ZBA chair
Joe Tierney, Building and Zoning Inspector

Martha's Vineyard Commission – Referral Form for Developments of Regional Impact

RETURN THIS FORM WITH DRI REFERRAL

Name of Applicant: Keith Bassett, P.O. Box 968, West Tisbury, MA 02575

Name of Project: West Tisbury Inn

Brief Project Description: Renting of 5 or more rooms. In 2021, the applicant applied for and was granted a special permit to rent 5 rooms. It was not recorded and is invalid. Applicant had to reapply, at which time the board was made aware of the mandatory referral requirement.
Address: _____

1070 State Rd., West Tisbury in the VR district -- Map 32 Lot 90

Phone: 774-259-7271 Fax: _____ Email: vineyardcomputech@yahoo.com

This project will require the following permits from the following local Agencies: *(Please Specify)*

Building Inspector: _____

Board of Selectmen: _____

Board of Health: _____

Conservation Commission: _____

Planning Board: _____

Zoning Board of Appeals: _____

Other Boards: _____

Please include any narratives, plans, or other materials associated with this proposal before sending

For Town Use Only

Referring Board or Agent: West Tisbury Zoning Board of Appeals

I have reviewed the development application and have determined that it meets one or more of the items contained in the Standards & Criteria, I am therefore sending, via certified mail, the development application to the Martha's Vineyard Commission as a Development of Regional Impact.

Signature: 

Print Name: Julius Lowe

Board: Zoning Board of Appeals

Town: West Tisbury

Martha's Vineyard Commission – Referral Form for Developments of Regional Impact

RETURN THIS FORM WITH DRI REFERRAL

STATEMENT FROM MUNICIPAL LAND USE REGULATORY AGENCY: This Board has determined that the proposed project, for which application for a development permit has been made, is one of regional impact using the following criteria from Version 14 of the DRI Standards and Criteria:

(Please circle each of the applicable thresholds triggered by the proposed project)

Italicized triggers are those that have maps to aid determination.

- | | |
|--|--|
| 1.3 C) Discretionary Referral – “In-Town” | 4.1 c) 5 or more Dwelling Units or Rooms |
| 1.3 C) Discretionary Referral – “Between-Town” | 5.1 a) Dev. in/within 25’ of Harbor |
| 1.3 C) Discretionary Referral – “Island-Wide” | 5.1 b) <i>Dev. in/within 25’ of 10+ Acre Body of Water</i> |
| 1.3.D) Previous DRI’s – Modification | 5.1 c) Dev. in/within 25’ of the Ocean |
| 2.1 <i>Division of Commercial Land</i> | 5.2 Change in Use/Intensity of Commercial Pier |
| 2.2 a) Division of Land – 5 or more parcels | 5.3 a) New Commercial Facilities on Pier |
| 2.2 b) <i>Division of Rural Land – 3 or more parcels</i> | 5.3 b) Expansion of Comm. Facilities on Pier |
| 2.3 a) Division of Land – 10-16 acres, 2+ parcels | 5.3 c) Change in Intensity of Use of Pier |
| 2.3 b) Division of Land – 16-22 acres, 3+ parcels | 6.1 a) Private Place Assembly – 3,500+ ft ² |
| 2.3 c) Division of Land – 22-30 acres, 4+ parcels | 6.1 b) Private Place Assembly – 50+ seats |
| 2.3 d) Division of Land – 30+ acres, 5+ parcels | 6.2 a) Public Place Assembly – 3,500+ ft ² |
| 2.4 a) <i>Division of Farmland</i> | 6.2 b) Public Place Assembly – 50+ seats |
| 2.4 b) <i>Division of Farmland – Prime Ag. Soil</i> | 7.1 a) Transportation Facility to or from M.V. |
| 2.5 <i>Division of Significant Habitat</i> | 7.1 b) Transportation Facility 2+ Town Network |
| 2.6 a) ANR with 3 or more parcels in past 5 yrs | 7.1 c) Expansion/Alt. of any principal road |
| 2.6 b) ANR in Island Road or Coastal DCPC | 8.1 a) Demolition/Ext. Alt. of MACRIS Structure |
| 3.1 a) Dev. of Commercial – 2,500-3,500 ft ² | 8.1 b) Demolition/Ext. Alt Structure > 100 years |
| 3.1 b) Dev. of Comm – 3,500+ ft ² | 8.2 a) Subdivision of Archeological Significance |
| 3.1 c) Dev. of Comm – Addition of 1,000 ft ² | 8.2 b) Disturbance of Archeological Significance |
| 3.1 d) Dev. of Comm – Combination 2,500 ft ² | 8.3 <i>Significant Habitat – Site Alterations</i> 1+ acre |
| 3.1 e) Dev. of Comm – 6,000 ft ² Outdoor Use | 8.4 a) <i>Coastal DCPC – New access to coast</i> |
| 3.1 f) Dev. of Comm – Change of Use/Intensity | 8.4 b) <i>Coastal DCPC – New hard surface</i> |
| 3.1 g) Dev. of Comm – Reduced Dwelling Units | 8.4 c) <i>Coastal DCPC – New parking for 5 vehicles</i> |
| 3.1 h) Dev. of Comm – Parking 10+ Vehicles | 8.4 d) Coastal DCPC – Development on Noman’s |
| 3.1 i) Dev. of Comm – Expansion of Parking 10+ | 8.5 Development per Town DCPC Regulation |
| 3.1 j) Dev. of Comm – High Traffic Generator | 8.6 a) <i>Development Current/Former Farmland</i> |
| 3.4 a) Vehicular repair/refueling/junkyard | 8.6 b) <i>Development of Prime Agricultural Soils</i> |
| 3.4 b) Storage of fuel/hazardous materials | 9.1 a) Telecommunications Tower over 35 feet |
| 3.4 c) Drive-thru window service | 9.1 b) Tower Reconstruction/Replacement |
| 3.4 d) Restaurant in B-I not on sewer 50-99 seat | 9.2 a) Wind Energy Facilities over 150 ft |
| 3.4 e) Restaurant in B-I 80-99 seats | 9.2 b) <i>Wind Energy Facilities in Ocean Zone</i> |
| 3.4 f) Restaurant in B-I 100+ seats | 9.2 c) <i>Wind Energy Facilities in Land Zone</i> |
| 3.4 g) Restaurant outside commercial district | 9.2 d) Wind Energy Facilities near Town Bound |
| 3.4 h) Formula Retail | 9.2 e) Wind Energy Facilities – other |
| 3.4 i) Visible storage container/vehicle/trailer | 9.3 Solar Facilities greater than 25,000 ft ² |
| 4.1 a) 5 or more Dwelling Units | |
| 4.1 b) 5 or more Rooms for Rent | |

T: 508-693-3453 • F: 508-693-7894 • P.O. Box 1447 • 33 New York Avenue • Oak Bluffs, MA 02557

INFO@MVCOMMISSION.ORG • WWW.MVCOMMISSION.ORG

MARTHA'S VINEYARD COMMISSION • SERVING AQUINNAH, CHILMARK, EDGARTOWN, GOSNOLD, OAK BLUFFS, TISBURY & WEST TISBURY



Town of West Tisbury
BUILDING & ZONING INSPECTOR
West Tisbury, Massachusetts 02575

March 14, 2024

COPY

West Tisbury Zoning Board of Appeals
1059 State Rd. P.O. Box 278
West Tisbury, Ma 02575

Re: 1070 State Rd- West Tisbury Inn

Dear ZBA Board Members,

See below response to the following questions proposed by the Board regarding 1070 State Rd:

1. Should the West Tisbury Inn be referred to the MVC for an 4.1(b) and/or (c)?
2. Can the West Tisbury Inn (the Inn) expand to offer 6-Bedrooms?

The West Tisbury Inn was originally permitted as a 3-Bedroom, Bed & Breakfast and was then referred to the ZBA in July of 2021 in order to change to 5-Bedrooms for rent or lease. The Special Permit that was granted in 2021, was never recorded and expired. The applicant is now in front of you to resurrect the 2021 Special Permit. It has come to my attention that the Inn is also now being advertised as a short-term property rental as a Single-Family Dwelling.

MVC

In my opinion, the expansion from three guestrooms to five guestrooms in 2021 should have been referred to the MVC as a DRI under 4.1(b). This is a mandatory referral with MVC concurrence. MVC 4.1(c) does not apply.

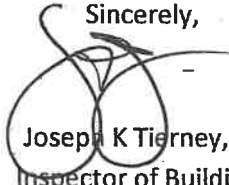
Expansion to 6-Guestrooms

The Inn is currently permitted under the Building Code, Section R102.2(5) Owner Occupied lodging houses with five or fewer guestrooms. Should you approve the expansion from (5) guestrooms to (6) guestrooms, it would be considered a Change of Use to R-1 under the Commercial Building Code. A new Certificate of Occupancy would be required, after the applicable Building Code and other requirements have been met and approved.

Feel free to contact me if you have any additional questions.

If anyone feel aggrieved by this determination they may file an appeal with ZBA within 30 days of this notice regarding Zoning Bylaw interpretations and the BCAB within 45 days of this notice.

Sincerely,



Joseph K Tierney, Jr.
Inspector of Buildings
Zoning Inspector
Town of West Tisbury

Cc: BOH
Planning Board
Keith E. Bassett, TRS

COPY

Received by the Town Clerk:

Date: OCT 23 2023

Signed: _____

[Handwritten Signature]

APPLICATION COVER PAGE

Date: 10/18/23

Date Received by ZBA: 10/18/2023

Name of Applicant and Mailing Address: Keith Bassett

P.O. Box 968 Westisbury, MA 02575

Email Address: Keith@westisburyinn.com Telephone Number: 774-259-7271

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

Map and Lot #: 32-90 Street Address 1070 State Road

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

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

Applicable Section of Zoning Bylaw: 8.57 9.3-3

Date of Denial by Building Inspector, Zoning Inspector, or Planning Board (If Applicable): 10/19/23

Plot Plan: Must provide a plan by a registered surveyor showing the total property with the existing buildings, including 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: Detailed description of proposed project.

Application fee of \$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: Keith E. Bassett

Title(s): Owner / Innkeeper

Application fee of \$200.00 is required. Date Paid: 10/18/23 check # 191

received
10/18/2023

[TRANSCRIBED]

To Whom it May Concern,

I was not aware that I had to record the original approved application with the Registry of Deeds, so I am re-applying due to this technicality.

I have been running and managing the West Tisbury Inn now for three seasons and have been largely successful. I have many repeat visitors, am highly rated on Booking.com and just received "Premier Host" status on VRBO.

I have made many improvements to the building and property in the past three years and will continue to do so. My intentions have not changed since my first application but my resolve for success is stronger than ever.

Thank you,

Sincerely, Keith E. Bassett

10/18/23

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I was not aware that I had to record the original approved application with the Registry of Deeds, so I am re-applying due to this technicality.

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2021 Special Permit
was never recorded

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST TISBURY
ZONING BOARD OF APPEALS

DECISION OF THE BOARD OF APPEALS ON THE PETITION OF Keith Bassett, filed with the West Tisbury Town Clerk on July 28, 2021 ZBA Case File 2021-20

Applicant: Keith Bassett, PO Box 968, West Tisbury, MA 02575

Property Owner: Linda R. Bassett Benoit whose title to the property is recorded at the Dukes County Registry of Deeds and described in Book 1251-907, dated August 4, 2011.

Agent: N/A

Locus: 1070 State Rd., West Tisbury, MA, Assessors Map 32 Lot 90, VR district, 1.00 acre.

Plans: 1) Site Plan prepared by Schofield, Barbini and Hoehn, Inc. dated August 4, 2003 (updated by owner).
2) Floor plan and elevations N/A
All plans on file at the Zoning Board of Appeals office.

Notice: Certified abutters notified on June 30, 2021 and legal notice advertised in the Martha's Vineyard Times on July 1st and July 8th 2021.

Hearing & Request: A Public Hearing was held on July 15, 2021 on an Application for a Special Permit from Keith Bassett to amend a Special Permit and to rent five (5) bedrooms at what will be called the West Tisbury Inn located in the Historic District at 1070 State Rd., West Tisbury, Map 32 Lot 90, VR District under Section 8.5-7 and 9.3-3 of the Zoning Bylaws.

Requirement: Section 8.5-7 and 9.3-3 of the West Tisbury Zoning Bylaws.

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

Absent: Julius Lowe

Decision: On July 15, 2021 the West Tisbury Zoning Board of Appeals voted to **GRANT** a Special Permit with **CONDITIONS** to Keith Bassett to rent five (5) bedrooms at what will be called the West Tisbury Inn at 1070 State Rd., Assessor's Map 32, Lot 90, VR District under Section 8.5-7 of the West Tisbury Zoning Bylaws.

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

Abstained: N/A

Findings: 1) The Inn has six (6) bedrooms but only five (5) may be rented at any given time.
2) The Inn will have six (6) delineated parking spaces.
3) Improvements being made are to the interior and grounds only.
4) The entire Inn is rented weekly to individual families in July and August.
5) The owner is aware of and agrees to comply with all requirements of Section 8.5-7 (Renting of Rooms).
6) A Special Permit was never required and therefore, Section 9.3-3 (Amendment of a Special Permit) was not acted upon in this application.
7) The project was reviewed and found to be compliant with bylaw section 9.2-2 Review Criteria.

Conditions: 1) The applicant will comply with all requirements of Section 8.2 (Parking) of the Zoning Bylaws.

**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 July 28, 2021

I certify that no appeal has been made

MAGNETIC MAY 16, 2000

POLE #1/236

BENCHMARK SPIKE IN POLE ELEV. = 37.2 NGVD 1929 DATUM

ASSR. 32-90

SKETCH OF "AS BUILT" SEPTIC COMPONENTS ON LAND IN WEST TISBURY, MA PREPARED FOR LINDA BASSETT JULY 28, 2000 SCALE 1 IN = 20 FT VINEYARD LAND SURVEYING, INC. P.O. BOX 421 #12 COURNOYER ROAD WEST TISBURY, MA 02575 508-693-3774 FAX 508-693-8575

MASS. STATE HIGHWAY #206

±11'

INLET INVERT = 34.6

4" PVC PIPE

INVERT = 35.4

SEPTIC TANK

OUTLET INVERT = 34.2

LEACHING PITS (AS SHOWN ON DESIGN PLAN) NOT LOCATED

18 FT. WAY

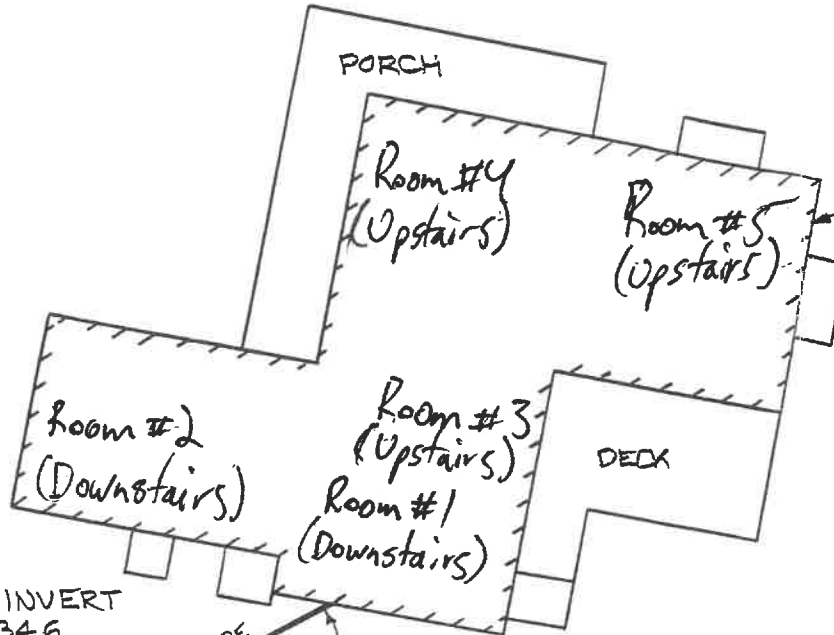
ASSR. 32-79

±215'

SEPTIC TANK

INLET INVERT = 33.3

West Tisbury Inn "NOAH'S ARK" BED AND BREAKFAST



EXISTING WELL

GUEST HOUSE/OFFICE

INVERT = 35.2

4" PVC PIPE

DWELLING

DECK

±217'

ASSR. 32-89

received 8/23/00



JOB 649

Parking @ West Tisbury Inn

MASS. STATE HIGHWAY
(PUBLIC VARIABLE WIDTH)

N 78°28'26"W 216.95'

109.5'

WEST TISBURY
ASSESSORS PARCEL
(32 - 90)
1.07 acres +/-

S 05°06'59"W 210.02'

22.8'

Driveway

1/2 3/4/5/6

Septic Tank

18 FT RIGHT - OF - WAY

N 78°31'37"W 214.70'

PORCH

EXISTING DWELLING

DECK

LATTICE FENCE

GUEST HOUSE OFFICE

71.2'

N 05°44'26"E 217.36'

51.7'

EXISTING DWELLING

DECK



SITE PLAN
WEST TISBURY, MASS.
PREPARED FOR
TONEY BAY REALTY TRUST
SCALE: 1" = 20' AUGUST 4, 2003
SCHOFIELD, BARBINI & HOEHN INC.
STATE ROAD, VINEYARD HAVEN, MASS.
MV 4138

