

Stone Bank Project
Unit C-1 Zoning Memo

The building inspector has raised the issue of Section 05.12.01 of the Tisbury Zoning Ordinance (last bullet point), which reads, “all commercial uses shall occur at a floor, or level, below habitation uses.” This seems to prohibit the use of Unit C-1 (the bank lobby on Main Street) for commercial use.

The applicant will ask the Tisbury Planning Board to use their discretion to waive this provision. If that is not successful, the applicant will restrict Unit C-1 to qualifying uses under Massachusetts General Law 40A, Section 3 which prohibits local zoning ordinances from regulating certain uses. Section 3 reads, in part:

“No zoning ordinance or by-law shall regulate or restrict.....the use of land or structuresby a nonprofit educational corporation.”

The applicant used exactly this exemption to build the MV Film Center, which was not otherwise permissible in the Waterfront Zone. There are numerous worthy non-profits on the Island with an educational component whose presence on Main Street in this iconic structure would lend gravitas to both Tisbury and the institution itself.