

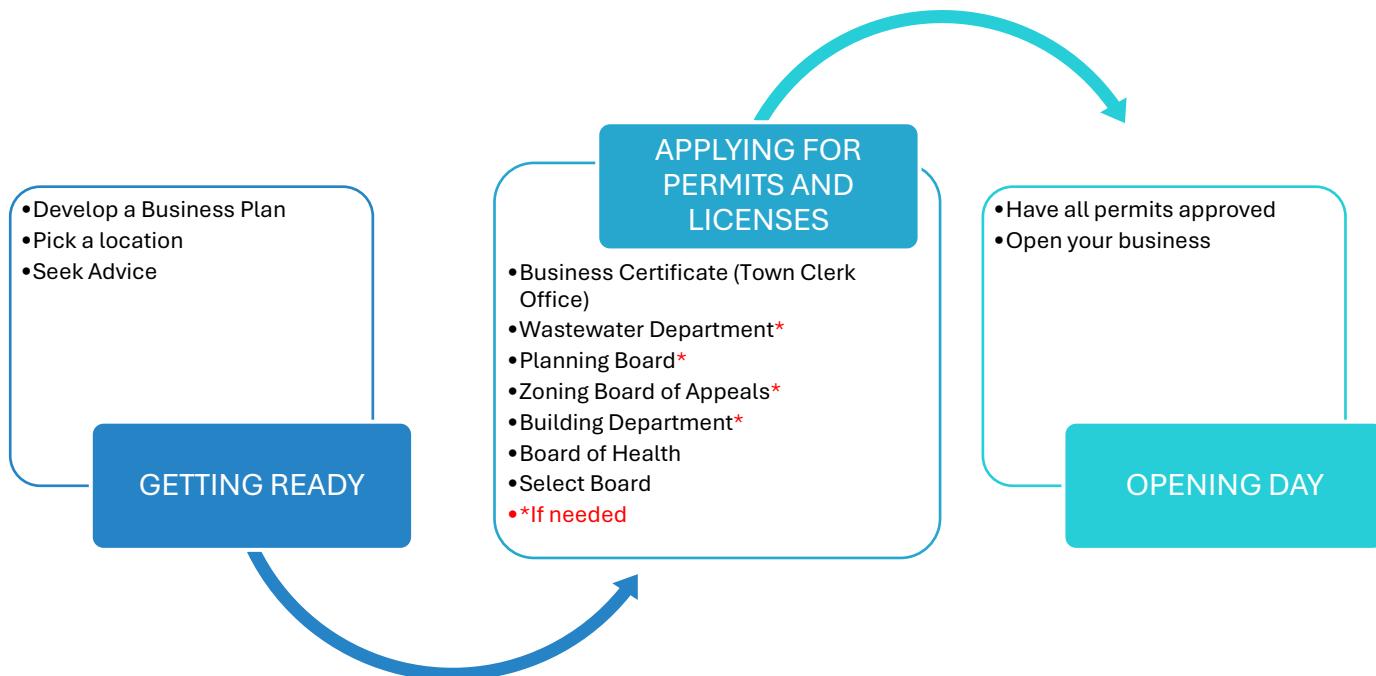
TOWN OF TISBURY

OPENING GUIDE FOR FOOD SERVICE ESTABLISHMENTS

Thanks for considering opening your food business in the Town of Tisbury!

Opening a food establishment is hard work. Our team is here to help!

This guide gives an overview and describes the restaurant-specific permitting and inspection process in the Town of Tisbury.



Getting Ready

Understand the process and plan.

- Develop a clear business plan so you know all the details of your operation
- Choose a location for your business
- Have a floor plan of the location (examples in appendix A)
- Seek advice from the Wastewater superintendent if connected to sewer
- Seek advice from the Planning Board to identify if you need a Special Permit
- Seek advice from the Zoning Board of Appeals if you need a Permit
- Seek advice from the Building Department if you are doing any renovations
- Seek advice from the Fire Department
- Seek advice from the Board of Health to make sure you will meet all requirements (Food Establishment Plan Review)

Applying for Permits and License

All steps take time. Please be sure to allow at least two months for the entire process to be completed.

- 1) Get a business certificate from the Town Clerk's Office
- 2) Apply for sewer flow if needed
- 3) Apply for a Special Permit with the Planning Board or Zoning Board of Appeals
- 4) Apply for a Building Permit
- 5) Apply for required Fire Department Permits
- 6) Apply for a Food Establishment Permit
- 7) Apply for a Common Victualler License with Select Board
- 8) Apply for an Alcohol License if you will be serving alcohol with Select Board
- 9) Apply for an Entertainment License if you will be having concert, dance exhibition, cabaret or public show of any description with Select Board

Business Certificate

You can access the Business Certificate Form on our official website by following this link: [Business Certificate Form](#). Once completed, please submit the form along with the required fee of \$20.00—payable by cash or check—to the Town Clerk's Office, located at 51 Spring Street. Certificates are valid for four years.

Sewer Flow

If you are unsure whether your property is located in the sewer district, please call the Wastewater Department at 508-696-4220.

A [Service Permit Application](#) is required for all new businesses and for existing businesses that need to increase their flow. Once you complete the application, please submit it along with a fee of \$200.00 to the Tisbury Wastewater Department, located at 115 High Point Lane, Vineyard Haven, MA 02568.

After submission, your application will be placed on the agenda for the next Sewer Advisory Committee meeting for review and recommendations. (Meetings are held on the second Wednesday of every month.)

Finally, the application, along with the Sewer Advisory Committee's recommendations, will be sent to the Select Board, who serves as the Sewer Commissioners, for approval or denial. Once a decision is made, the Tisbury Wastewater Department will send a letter to the applicant outlining the Select Board's decision.

Special Permit

Planning Board

This guide provides general information and is not a substitute for a full review of the Zoning By-law. We strongly recommend consulting with the Tisbury Planning Board early in your project planning process to ensure compliance with all requirements. Please contact the Planning Board for more details at tisburyplanningboard@tisburyma.gov.

If your project is located within the Waterfront Commercial Management District and involves operating a Food Service Establishment—such as a restaurant, outdoor café, bakery, or deli—you are required to obtain a Special Permit.

Additionally, the Building Inspector may refer your project for Special Permit review based on its scope or potential impacts.

Before applying for a Special Permit, your project must be presented to the Site Plan Review Board. As part of that presentation, you must submit a stamped and signed Site Plan prepared by a licensed professional.

It's important to understand the criteria the Planning Board uses to review applications, as well as the potential conditions that may be imposed if your permit is approved. The information below outlines what you need to know to prepare a complete and compliant application.

1. Special Permit Findings (TZBL 06.09.00)

To approve a Special Permit, the Planning Board must find that your proposed project meets all of the following criteria:

- Consistency with Town Goals: The proposed use must align with the intent and purpose of the Zoning By-law and meet the Site Plan Review Standards.
- Permitted Use: The proposed use must be specifically listed as eligible for a Special Permit in Section 06.06.00 of the Zoning By-law.
- Site Suitability: The use must be appropriate for the specific location, considering the site's physical characteristics and surrounding area.
- Infrastructure Impact: The use must not overburden public roads, water, sewer, or drainage systems. It must also not create hazards to public health, safety, or welfare for nearby residents or the town as a whole.
- Visual and Waterfront Character: The project must preserve or enhance the visual character of the district, including views and vistas, and where applicable, improve pedestrian and visual access to the waterfront.

2. Possible Special Permit Conditions (TZBL 06.10.00)

If your permit is approved, the Planning Board may impose additional conditions to minimize impacts and support community goals. These may include:

- Screening and Buffering: Requirements for fencing, landscaping, or other measures to screen parking areas or other parts of the site from neighbors, streets, or waterfront areas.
- Exterior Design Modifications: Changes to building appearance or features to better fit the surrounding neighborhood.
- Use Limitations: Restrictions on the size, number of occupants, hours of operation, or scope of activities.
- Access and Circulation Controls: Regulations for driveway locations, pedestrian paths, and traffic flow to ensure safety and accessibility.
- Enhanced Parking or Site Features: Additional off-street parking or site elements beyond the minimum required by the by-law.
- Performance Guarantees: performance bonds or other security
- Utility Requirements: Installation of underground utilities where feasible.
- Safety Systems: Installation and certification of equipment or systems to protect public health, safety, and the environment.

[Tisbury Zoning Bylaws](#)

[Site Plan Standards for Review- Tisbury Waterfront/Commercial District](#)

Zoning Board of Appeals

You may be required to obtain a permit from the Zoning Board of Appeals if you have other retail businesses where sales, demonstrations, displays, services, and other activities, or some of them, are conducted in other than an enclosed building and you are located outside

of the Waterfront Commercial District. An example would be if you have outdoor seating or outside retail display. Please contact the Zoning Board of Appeals for more information.

Building Permit

Is the building undergoing a change of use, or is the existing building already being used as a restaurant? If it is not currently operating as a restaurant, a Planning Board Special Permit may be required. In addition a [building permit](#) will be required for the renovation work being done.

If the existing building is a restaurant, the building Department will be looking for the following:

1. Does it have seating? If so, is the seating fixed or mobile?
2. What is the occupancy limit of the building?
3. The Plumbing Inspector shall inspect the facility for compliance with the State Plumbing Code.
4. The Wiring Inspector will ensure compliance with NFPA 70. Are there any extension cords being used?
5. Has the vent hood been cleaned and serviced?
6. Is an ANSUL system installed and regularly serviced?
7. Does the facility meet the standards set by the Architectural Access Board (AAB)?

Fire Department Permits

The Fire Department will require an inspection of your establishment. This inspection may occur either as part of the Common Victualler License process or during the Building Permit process. When the Fire Chief or another authorized officer arrives at your location, they will look for the following information. Please note that not all items may apply to your project.

Fire Department inspection checklists:

- Kitchen Hood/Exhaust Vent Service
- ANSUL system
- Fire Extinguishers (ABC and K Class)
- No extension cords
- Emergency Lighting
- Dumpster Permit and Dumpster 10 ft from Building
- Sprinkler Inspection Paperwork
- Alarm System Inspection Paperwork
- All other Fire Department Permit are up to date

Board of Health Food Establishment Plan Review

Per the [Massachusetts Merged Food Code](#) 105 CMR 590:

“8-201.12 Contents of the Plans and Specifications.

The plans and specifications for a FOOD ESTABLISHMENT, including a FOOD ESTABLISHMENT specified under § 8-201.13, shall include, as required by the REGULATORY AUTHORITY based on the type of operation, type of FOOD preparation, and FOODS prepared, the following information to demonstrate conformance with Code provisions:

- (A) Intended menu;
- (B) Anticipated volume of FOOD to be stored, prepared, and sold or served;
- (C) Proposed layout, mechanical schematics, construction materials, and finish schedules;
- (D) Proposed EQUIPMENT types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications;
- (E) Evidence that standard procedures that ensure compliance with the requirements of this Code are developed or are being developed; and
- (F) Other information that may be required by the REGULATORY AUTHORITY for the proper review of the proposed construction, conversion or modification, and procedures for operating a FOOD ESTABLISHMENT”

The application used to collect the above information is available at the Tisbury Board of Health Office.

Board of Health Food Establishment Operational Permit

Food establishments are required to apply for a Food Establishment Permit each year. This application is available on the [Tisbury Opengov website](#). To ensure a smooth experience, gather the following attachments before you begin your application:

FOOD PROTECTION MANAGER CERTIFICATE(S) (CFPM, i.e. – ServSafe)

FOOD ALLERGEN AWARENESS CERTIFICATE(S)

CHOKE SAFE CERTIFICATE(S) for restaurants with 25 seats or more

At least one individual who possesses the above 3 certificates must be on site during all hours of operation.

MENUS

MONTHLY PEST CONTROL CONTRACT

RECORD(S) OF GREASE TRAP MAINTENANCE

A complete plan review application will be approved or denied within 30 days of receipt. Following approval, the Board of Health will conduct one or more preoperational inspections to verify that the food establishment is constructed and equipped in accordance with the approved plans, has established standard operating procedures as specified under 8-201.12(E), and is in compliance with the Retail Food Code and other applicable public health laws and regulations.

Common Victualler License

A Common Victualler License is required for establishments that prepare and serve food. If your business is takeout-only with no seating, you may not be required to obtain this license. We recommend consulting the Select Board before applying to confirm whether this step is necessary.

Applications for Select Board licenses are available [online](#). To apply for a Common Victualler License, you will need to submit the following documentation:

- Certificate of Workers' Compensation Insurance
- Certificate of Liability Insurance
- REAP Attestation Form
- A detailed Floor Plan of your establishment

Once all required documentation has been submitted, a public hearing will be scheduled. Please note that public hearings must be advertised at least 14 days in advance in the local newspaper, and written notices must be mailed to abutters. You are responsible for paying the \$18 abutters notification fee, which must be submitted to the Assessor's Office.

The application fee is \$115 for year-round establishments and \$90 for seasonal operations. Additional regulations can be found on the town's [website](#).

Alcohol License

If your establishment plans to serve alcohol, you must obtain an Alcohol License. This license involves a two-step approval process:

1. Local Licensing Authority Approval – Managed by the Select Board
2. State-Level Approval – Issued by the Alcoholic Beverages Control Commission (ABCC)

The application is available on both the Town's [website](#) and the ABCC's [website](#). The local application fee is \$300. Once your license is approved, you will be responsible for an annual

fee of \$2,500 for wine and malt or \$3,000 for all alcoholic beverages. Full alcohol regulations can be found on the Town's [website](#).

In addition to the standard application documentation, you will also need to submit:

- A detailed Floor Plan
- A Sample Menu
- A Business Plan

A public hearing before the Select Board will be scheduled as part of the local approval process. Please note:

- The hearing must be advertised in a local newspaper at least 10 days prior to the meeting
- Notices must be mailed to abutters by the applicant
- The applicant is responsible for the cost of the newspaper advertisement and an \$18 fee for a certified abutters list, payable to the Assessor's Office

Entertainment License

No holder of a Common Victualler License or Alcohol License is permitted to host, organize, or present any form of entertainment—including concerts, dance exhibitions, cabarets, or public shows of any kind—without first obtaining an Entertainment License.

Applications for Entertainment Licenses are available [online](#). The license fee is \$100.

To apply, you must submit the following documentation:

- Certificate of Liability Insurance
- REAP Attestation Form

Opening Day

Before opening your establishment make sure all license and permits are in order.

We wish every establishment the opportunity to prosper and become an integral part of our Town. Your success contributes to the vibrancy of our local economy and the quality of life for all who live, work, and visit here.

Welcome to the Town of Tisbury — we're excited to have you here!

Contacts

Department	Website	Phone
Town Clerk	https://www.tisburyma.gov/town-clerk	508-696-4215
Planning Board	https://www.tisburyma.gov/tisbury-planning-board	508-696-4270
Zoning Board of Appeals	https://www.tisburyma.gov/zoning-board-appeals	508-696-4280

Conservation Commission	https://www.tisburyma.gov/conservation-commission	508-696-4280
Wastewater Department	https://www.tisburyma.gov/wastewater	508-696-4220
Building Department	https://www.tisburyma.gov/building-zoning	508-696-4280
Board of Health	https://www.tisburyma.gov/health	508-696-4291
Fire Department	https://www.tisburyma.gov/fire-department	508-696-4246
Select Board	https://www.tisburyma.gov/select-board	508-696-4202

What state requirements must be considered or met?

Massachusetts Executive Office of Labor and Workforce Development

<http://www.detma.org/>

File an Employer's Status Report (Form 1110) with the Massachusetts Executive Office of Labor and Workforce Development (EOLWD) if one or more persons are employed for 13 weeks or more in one calendar year, or the employee payroll totals \$1,500 or more within one calendar quarter. This information is used by EOLWD to administer the State's unemployment insurance program.

Massachusetts Department of Revenue

<http://www.dor.state.ma.us/>

Register to collect "trustee taxes" by filing a Massachusetts Trustee Tax Application for Original Registration (Form TA-1) with the Massachusetts Department of Revenue. Trustee taxes include payroll tax, sales tax, room occupancy excise tax, and withholdings for pension plans, annuities, and retirement distribution. Those collecting a sales or use tax will receive a Sales and Use Tax Registration Certificate (Form ST-1) to be displayed at a conspicuous location on the business premises. The Department of Revenue advises on the various tax forms required and how to file them. Contact the Department's Customer Service Bureau by phone or by visiting the office.

Secretary of the Commonwealth's Corporations Division

<http://www.sec.state.ma.us/index.htm>

Different forms of business ownership require different types of state authorization. A corporation is required to file Articles of Organization with the Secretary of the Commonwealth's Corporation Division. The Secretary of the Commonwealth also issues Certificates of Limited Partnership or Limited Liability Company.

Alcohol Beverage Control Commission

<http://www.state.ma.us/abcc/index.htm>

The Alcoholic Beverage Control Commission licenses manufacturers, distillers, wholesalers, importers, agent brokers, solicitors, and liquor transportation companies.

What federal requirements must be considered or met?

Internal Revenue Service

<http://www.irs.ustreas.gov/businesses/index.html>

A business must have a taxpayer identification number so that the IRS can process its tax returns. There are two kinds of taxpayer identification numbers: a Social Security Number (SSN) and an Employer Identification Number (EIN). All corporations and partnerships must obtain a federal EIN by completing the IRS Form SS-4. Additionally, regardless of the form of ownership, any new business that has employees has a Keogh plan or files employment, excise information or alcohol, tobacco or firearms returns must obtain an EIN. The application must be filed with the IRS early enough to receive the EIN by the time a return or statement is filed or a tax deposit is made. A business can apply by telephone to get an EIN immediately. If applying by mail, file Form SS-4 at least 4 to 5 weeks before an EIN is needed. For additional information on business-specific taxes and payment schedules, the IRS should be contacted directly.

Americans with Disabilities Act (ADA)

www.ada.gov

The ADA is a Federal civil rights law that prohibits discrimination against people with disabilities in everyday activities, such as buying an item at the store, going to the movies, enjoying a meal at a local restaurant, exercising at the health club, or having a car serviced at a local garage. To meet the goals of the ADA, the law established requirements for businesses of all sizes.

Welcome to Tisbury!

We wish you great success with your new venture!

