

## **WEST TISBURY PLANNING BOARD MINUTES December 18, 2017 5:30 PM**

**PRESENT:** Ginny Jones, Bea Phear, Susan Silva, Henry Geller, Leah Smith, Matt Merry.

**ALSO PRESENT:** Geoff Rose, Joe Tierney, Jane Rossi

Ginny opened the meeting at 5:30 pm.

### **•Proposed Zoning Bylaw Amendments:**

Jane stated that she had listed the following, and the language listed in ***bold italics*** is planning board changes to the proposed amendments:

#### **1. Recreational Marijuana Sales:**

To see if the town will vote to amend the Business Uses Section of the zoning bylaws by adding the following:

|                                      |           |           |           |           |
|--------------------------------------|-----------|-----------|-----------|-----------|
| <b>Recreational Marijuana Sales:</b> | <b>RU</b> | <b>VR</b> | <b>MB</b> | <b>LI</b> |
|                                      | -         | <b>S</b>  | -         | -         |

*This amendment will allow the sale of recreational marijuana in the Mixed Business District by special permit from the Zoning Board of Appeals.*

Leah said that this seemed to be fine. She pointed out that this is only the beginning of changes to come.

*Bea moved and Leah seconded the motion to propose tis Warrant Article and the vote was unanimous.*

A discussion ensued regarding marijuana sales:

Matt said that a marijuana facility has to be at least 500 feet from a school. Geoff Rose pointed out that his initial proposal was to have his dispensary at 505 State Road which is 1200 feet from the Charter School. Susan Safford's place is further than 500 feet away. Leah said that the northern end of the Mixed Business District will be the appropriate location fir a recreational marijuana store..

Joe Tierney asked the board if they had read the article in a recent newspaper regarding marijuana café's. He said they are similar to bars and people can smoke marijuana in them. Joe also mentioned placing a moratorium on the Town Warrant so that the board has time to review the state regulations to determine if the bylaws need to be amended. Leah said that doesn't make sense because the state regulations will still apply to the town.

#### **1. Cargo Containers:**

Bea asked Joe if a storage container can be a temporary office. Joe said there is one at the Transfer Station. Construction trailers are allowed and there is one currently located at the Scott's Grove building site. Bea said trailers are different than storage containers. Joe said there is no living or sleeping allowed in a storage container. Matt said you can register a trailer, but not a storage container. Matt said an on-site office would be ideal for a project regardless of what it is. He also said this bylaw was way too restrictive.

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Bea asked what a reasonable temporary time frame would be for a storage container to be stationed on-site. Matt suggested 90 days and Henry suggested 6 months.

### SECTION 8.11 Cargo Containers- Commercial MB & LI Districts

#### 8.12-1 Purpose

This Bylaw establishes the minimum conditions and requirements whereby a Cargo Container may be used permanently as a container for incidental storage in the Mixed Business or Light Industrial Zoning Districts.

#### 8.12-2 Applicability

Cargo containers which are temporarily **storage units** deposited on a lot **for less than 90 days** in conjunction with an approved industrial or commercial use are not required to meet the requirements of this Bylaw.

#### 8.12-3 Permits & Fees

Special Permit shall be required for each lot where containers are to be used for incidental storage. The Planning Board shall be the Special Permit Granting Authority (SPGA). A fee shall be charged by the Building Department for each Certificate of Use per container. An Annual Inspection by the Building Department is required.

#### 8.12-4 Zoning Regulations

A. Containers shall be located only on lots where open storage of incidental materials and equipment is permitted by the Town of West Tisbury Planning and Zoning Bylaws.

B. Containers may only be located on a lot that does not contain residential uses and only within the area where open storage is allowed by the Zoning Bylaw.

#### 8.12-5 Plans & Specifications

A. A plot plan drawn to scale showing the location of all existing buildings, **parking spaces, septic systems, wells and electric lines** on the lot, and the size and location of the proposed container(s) with respect to those buildings, parking and property lines is required.

B. The containers shall be constructed of steel or aluminum with a minimum 14 gauge thickness except for a wood floor within the metal shell.

#### 8.12-6 Location, Number & Size

A. The containers shall be located as **permitted by the zoning bylaw**.

B. The containers shall not be located so as to block, obstruct, or reduce any required exits, open spaces, windows, vent shafts, or "required" parking spaces (including access driveways) of the existing buildings on the lot.

C. The number of containers on a lot shall be limited to one container with a maximum floor area of 400sq. ft. for each 5,000sq. ft. of lot area; however, a lot with less than 5,000sq. ft. will be allowed to have one container. Lots in the Light Industrial District shall be permitted to have up to 8 containers. In all cases, the area occupied by the container(s) shall comply with the setback requirements per the West

Tisbury Zoning Bylaws for that District.

D. Each container shall not exceed 10 feet in height, 10 feet in width and 40feet in length and shall have no wall openings except for an access door opening.

E. Container(s) shall not be “stacked” ***on top of each other.***

**8.12-7 Miscellaneous Requirements**

A. The use shall be limited to incidental storage and shall not be used to store hazardous materials unless approved by the Fire Department, Building Department and/or the Board of Health.

B. The use shall not allow human occupancy of the container(s).

C. The use shall not allow retail to occur from container(s).

D. Containers that have been factory-built with any electrical, plumbing, heating or air- conditioning systems shall not be allowed.

E. Container(s) shall be maintained in good condition and free of graffiti at all times.

**8.12-8 Violations**

A. See Section 10.2-2 for violations of the above provisions.

**NFPA 1 Chapter 38, Fire Code reference to the state:**

To see if the Town will vote to amend the Supplemental Regulations Section of the zoning bylaws by adding the following:

*Marijuana Growing, Processing and Extraction Facilities shall comply with the current addition of NFPA 1 Chapter 38.*

*Bea moved And Leah seconded the motion to approve*

**Requirements for locating generators:**

*The board determined that Jane and Joe would work on the proposed amendment and bring it back to the board for review.*

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**Fences:**

Joe explained to the board that the state building code has changed and the height limit for a fence is now a maximum of 7 feet in height by right. Susan asked about deer fencing and Joe said that the fence that went up on Indian Hill Road was reviewed and approved by the ZBA.

*Bea moved and Leah seconded the motion to approve the amendment. The vote was unanimous.*

**Referral letter to the MVC for the Flat Point Farm DRI review:**

*Bea moved and Leah seconded the motion to send the letter to the MVC. The vote was unanimous.*

**Fiscal 2019 Budget:**

Jane informed the board that she had added language to the narrative at Ginny's request, stating that the Complete Streets Committee had received a grant and plans to apply for another for future work on town roads. The budget itself was level funded. Ginny asked Jane to change the work defer to defray.

Bea moved and Leah seconded the motion to approve the budget. The vote was unanimous.

**E-911 address change:**

Jane explained that Tara Whiting requested a State Road address assignment to the Whiting Farm property because the entrance to the farm is on State Road, but they currently have a Panhandle Road address.

*Bea moved and Leah seconded the motion to sign the address assignment. The vote was unanimous.*

**MINUTES:**

December 11, 2017 minutes.

*Bea moved and Leah seconded the motion to approve the minutes. The vote was unanimous.*

**REPORT FROM THE CPC:**

Bea informed the board that there is Community Preservation funds left over.

Meeting Adjourned at 6:25 pm

*Unanimously approved on 1/8/18*

Respectfully submitted,

Jane Rossi, Administrator