

THE COMMONWEALTH OF MASSACHUSETTS

1

TOWN OF WEST TISBURY

ZONING BOARD OF APPEALS

DECISION OF THE BOARD OF APPEALS ON THE PETITION OF JIM EDDY OF BIG SKY TENTS
Filed with the West Tisbury Town Clerk on February 24, 2011 ZBA Case File 2011-04

Applicant: James Eddy, Big Sky Tent and Party Rental, PO Box 4835, Vineyard Haven MA 02568

Owner of Property:

Fulton K & LLC, c/o Peter Williams, 35 Crosby Street, Suite 100B, New York, NY whose title to the property is recorded at the Dukes County Registry of Deeds and described in Book 1080 Page 609 and dated April 28, 2006.

Locus: 90 Dr Fisher Road; Map 21 Lot 12; West Tisbury MA 02575; Light Industrial District One; 1 acre

Notice: Certified abutters list mailing sent out on January 18, 2011. Advertised in Martha's Vineyard Times on January 20 and 27, 2011.

Requirement: Sects. 3.1-1 and 9.2-2 of the Zoning Bylaw

Hearing & Request:

March 11 and 17, 2010, February 3, 2011 (no quorum), and concluded on February 10, 2011
An application for a Special Permit for a 9,600 sq ft structure for the business use of renting equipment for weddings, parties and other functions. The proposal received Martha's Vineyard Commission approval with conditions on December 13, 2010.

Plans: Site Plan by Vineyard Land Surveying & Engineering, West Tisbury, MA, August 5, 2010 and revised September 16, 2010; Preliminary Elevation and Floor Plans.

Present: Tucker Hubbell (Chairman), Eric Whitman, Bob Schwier, Nancy Cole

Recused: Tony Higgins, Toni Cohen, Larry Schubert

X **Decision:** The Zoning Board of Appeals voted unanimously to grant a **special permit with conditions** for a 9,600 sq ft structure for the business use of renting equipment for weddings, parties and other functions.

Vote In Favor: Hubbell, Whitman, Schwier, Cole

Findings:

- 1) The probable benefits of the proposed development would exceed probable detriments. The use as conditioned will not have a negative impact on abutting and nearby residential properties. The building and use are consistent with what is allowed in the Light Industrial District. The building and use will be relatively modest compared to other permitted uses in the Light Industrial District. The business is most active between mid-May and mid-October.
- 2) Relevant to other possible light industrial uses, this proposed use will have minimal impact on the environment. The previous owner had clear-cut the property: This proposal will restore some of the vegetation and will utilize a landscaping and screening plan.
- 3) The applicant reduced the size from 10,000 sq ft to 9,600 sq ft.
- 4) The lighting will be consistent with the lighting requirements of the West Tisbury Zoning Bylaw. A final lighting plan will be submitted.
- 5) A proposed easement for the abutting company, Bizarro Brothers, to use as an alternative entrance to their lot will reduce traffic along Pine Hill Road.

- 6) The building is now on the opposite side of the lot than first proposed, which will in effect screen and mute business activity and traffic on the light industrial lots in the area. The building will be large, but is not over the size of what may be permitted in the Light Industrial District. The building's size will help block noise, sight and activity from the more industrial uses in the district from nearby residents.
- 7) The building will make setbacks. The applicant has agreed that the façade will be a mixture of shingles and clapboard and other effects. The applicant lowered the height from 33' to 26', changing the pitch to accommodate, then agreed to change the pitch to a less commercial looking one, adding a little height to the 26'. Final plans will be submitted to the ZBA for approval
- 8) Vegetation in the form of staggered evergreens will be planted along the Dr Fisher Road and Pine Hill Road sides of the lot. A detailed landscaping plan will be submitted.
- 9) The construction applied for will not be substantially more detrimental to the neighborhood and Town, and the construction is in harmony with similar development in the neighborhood and town in scope, size, and design.
- 10) The application met the Review Criteria of Section 9.2-2 of the West Tisbury Zoning Bylaws.

Conditions:

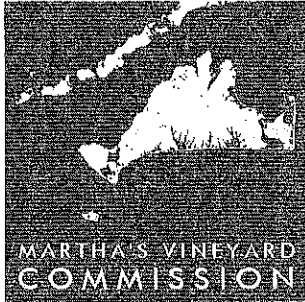
1. **The Martha's Vineyard Commission's decision dated December 13, 2010 regarding the property shall be made a part of this Special Permit. Each and every condition set forth therein is hereby incorporated by reference in this decision and made a condition thereof. Copies of plans approved by the MVC must be submitted to the ZBA.**
2. Detailed landscaping, building and lighting plans as conditioned and approved by the MVC must be submitted and approved by the ZBA before a Building Permit may be granted.
3. The landscaping must be in place before a Certificate of Occupancy may be granted.
4. Hours of operation may be 7 AM to 7 PM, 7 days of week.
5. The business shall not clean dishes, tents or other rental equipment on the property
6. A 20 foot buffer zone along Dr. Fisher and pine Hill Roads shall be flagged before construction and no vegetation shall be cut within this buffer.

*W/m
applicable
to easement*

Any person aggrieved by this Decision of the West Tisbury Board of Appeals may appeal in 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.

Filed with the West Tisbury Town Clerk on _____

Received
12/28/16



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**Decision of the
Martha's Vineyard Commission
DRI 618-M – Big Sky Tents Building**

2

1. SUMMARY

- Referring Board: West Tisbury Zoning Board of Appeals, Town of West Tisbury, MA
- Subject: Development of Regional Impact #618-M
- Project: To build a 9,600 sf (footprint) building in the West Tisbury Light-Industrial District to house a tent and party rental business.
- Owner: Peter Williams
- Applicant: Jim Eddy
- Applicant Address: C/O Vineyard Land Surveying, P.O. Box 421, West Tisbury, MA 02575
- Project Location: 90 Dr. Fisher Road, West Tisbury Map 21 Lot 12 (1.01 acres).
- Description: To build a 9,600 sf (80' by 120' footprint) building on Dr. Fisher Way in the West Tisbury Light-Industrial District to house a tent and party rental business. This is a primarily seasonal business from May through the Christmas Holidays. There would be no washing of dishes on the site. The siding of the three sides of the building facing the public will be a mixture of clapboard and shingle and other effects to make it look like an agricultural building. The building will have 14' tall sidewalls and be less than 28' high at the top of the ridge.
- Decision: The Martha's Vineyard Commission (the Commission) approved the application for the project as a Development of Regional Impact with conditions, at a vote of the Commission on November 4, 2010.
- Written Decision: This written decision was approved by a vote of the Commission on December 2, 2010.

The permit-granting authorities of the Town of West Tisbury may now grant the request for approval of the Applicant's proposal in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law, or may deny the request for approval.

3 Exterior Lighting

- 3.1 As offered by the Applicant, exterior lighting on buildings shall be limited to that required by code, shall be downward shielded to prevent light spilling off the property and shall be either motion-sensitive or on timers to ensure that they are turned off when the building is closed.
- 3.2 As offered by the Applicant, all exterior and interior lights, other than those required by code, shall be turned off at close of business.
- 3.3 As offered by the Applicant, there shall be no flood lighting.

4 Affordable Housing

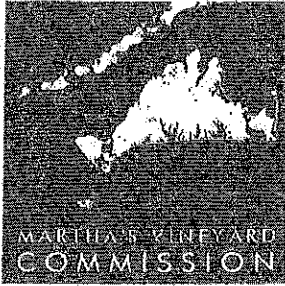
- 4.1 As offered by the Applicant, the applicant shall make a \$5,000 donation to an Island affordable housing organization prior to issuance of a Certificate of Occupancy by the Town.
- 4.2 As offered by the Applicant, the applicant shall continue to offer discounts on rentals for affordable housing fundraisers.

5 Wastewater

- 5.1 As offered by the Applicant, the Applicant shall not clean dishes, tents, or other rental equipment on this property.
- 5.2 As offered by the Applicant, the property shall be restricted from any outdoor hanging or drying of tents.
- 5.3 As offered by the Applicant, the septic system shall consist of a drip dispersal leaching facility. Although not qualified by DEP as an "Enhanced" septic system, the general professional opinions of the system is that it shall provide substantial nitrogen reduction through the utilization of the grass root zone.
- 5.4 As offered by the Applicant, a grass berm shall be installed around all parking areas to help treat rain runoff prior to infiltration into the ground, the details of which shall be included in the final landscape plan to be submitted for the review and is subject to the approval of LUPC.

6 Dr. Fisher Road

- 6.1 As offered by the Applicant, the applicant shall only use sand hardener to repair potholes and ruts.
- 6.2 As offered by the Applicant, the applicant shall not build or create any new turnouts.
- 6.3 As offered by the Applicant, the applicant shall retain much of the existing vegetation along Dr. Fisher and Pine Hill Roads for natural native buffer.
- 6.4 As offered by the Applicant, the applicant shall grant a recorded permanent easement to the neighboring property (Map 21 Lot 12.1) currently used by Bizzarro to create and allow use of an access way through the property to help relieve vehicular traffic that currently uses Pine Hill Road, before issuance of a Building Permit.



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3

Decision of the Martha's Vineyard Commission DRI 618-M2 – Medical Marijuana Cultivation Building

1. SUMMARY

- Referring Board:** West Tisbury Zoning Board of Appeals, Town of West Tisbury, MA
- Subject:** Development of Regional Impact #618-M2
- Project:** To establish a Registered Medical Marijuana cultivation operation with modifications to a previously approved but not yet built building in the W.T. Light-Industrial Dist.
- Owner:** Kaysky LLC (James R. Eddy – Registered Agent).
- Applicant:** Geoffrey Rose (Applicant – Patient Centric); Jim Eddy (Big Sky Tents).
- Applicant Address:** P.O. Box 1323, West Tisbury, Massachusetts 02575.
- Project Location:** 90 Dr. Fisher Road, West Tisbury Map 21 Lot 12 (1.01 acres).
- Description:** The proposal is to establish a Medical Marijuana cultivation operation with modifications to a previously approved but not yet built building in the West Tisbury L-I District. During the DRI review process the proposal was revised to remove the dispensary part of the original DRI Application. The revised physical modifications are for a smaller footprint 60' by 60' with a full second floor. The revised use modifications are for Patient Centric to have a year round Medical Marijuana cultivation operation and Big Sky Tents to have a seasonal storage area.
- Decision:** The Martha's Vineyard Commission (the Commission) approved the application for the project as a Development of Regional Impact with conditions, at a vote of the Commission on June 22, 2017.
- Written Decision:** This written decision was approved by a vote of the Commission on July 13, 2017.

The permit-granting authorities of the Town of West Tisbury may now grant the request for approval of the Applicant's proposal in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law, or may deny the request for approval.

officer of the Town. If the Commission or the Town finds it necessary to seek judicial relief to enforce the condition, the Applicant, or its successors in title at the time of such proceedings, shall pay the Commission's and/or Town's attorney's fees and costs incurred in obtaining judicial relief.

1 Transportation:

1.1 As offered by the Applicant, the applicant shall retain much of the existing vegetation along Dr. Fisher and Pine Hill Roads for natural native buffer. Subject to the approval of the Department of Public Health.

1.2 As offered by the Applicant, the applicant shall grant a recorded permanent easement to the neighboring property (Map 21 Lot 12.1) currently used by Bizzarro to create and allow use of an access way through the property to help relieve vehicular traffic that currently uses Pine Hill Road, before issuance of a Certificate of Occupancy.

2 Marijuana Cultivation:

2.1 As offered by the Applicant, no chemical pesticides shall be used in the cultivation process.

2.2 As offered by the Applicant, the cultivation process shall utilize a closed loop system in which Each bank of tables will have a reservoir containing a nutrient solution, (Nutes.) Based on the size of our proposed tables, each reservoir would contain approx 50 Gals of solution. On a regularly scheduled basis, a pump would deliver a small amount of nutes through a series of tubes and drip emitters to each growing site along the table. As the solution runs through the pots, it is collected and returned to the reservoir. This cycle continues with the addition of only water to keep the nutrient content at the desired level. After 2 weeks, the solution shall be replaced with a fresh solution.

3 Landscaping:

3.1 As offered by the Applicant, a final landscaping plan, including an implementation timetable, showing plant species and locations is to be submitted for the review and approval of LUPC before construction begins.

3.2 As offered by the Applicant, all fertilizers shall be slow-release, water-insoluble nitrogen source types. No synthetic pesticides including herbicides, fungicides and/or insecticides shall be used in the maintenance of landscaping.

3.3 As offered by the Applicant, landscaping shall utilize low maintenance and/or native plant materials to limit annual fertilization.

3.4 As offered by the Applicant, total impervious and low permeability surfaces to remain at about 15,000 square feet. Runoff from all impervious and low permeability surfaces shall be directed towards natural vegetation to recharge.

3.5 As offered by the Applicant, parking areas will be surfaced with RAP.

3.6 As offered by the Applicant, tree and brush removal shall be limited to that which is necessary to construct the structure and install the driveway and parking areas.

3.7 As offered by the Applicant, buffer screening shall be provided by supplementing the existing vegetation. A 20-foot buffer along Dr. Fisher and Pine Hill Roads shall be flagged before construction and no vegetation shall be cut within this buffer.



THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST TIS BURY
ZONING BOARD OF APPEALS

4

**DECISION OF THE BOARD OF APPEALS ON THE PETITION OF Kaysky LLC, c/o James Eddy,
filed with the West Tisbury Town Clerk on August 28, 2017, Special Permit 2017-12**

- Applicant:** James Eddy, P.O. Box 4835, Vineyard Haven, MA 02568
- Owner:** Kaysky LLC, c/o James Eddy, whose title to the property is recorded at the Dukes County Registry of Deeds and described in Book 1405 Page 219 dated May 10, 2016.
- Agent:** James Eddy, P.O. Box 4835, Vineyard Haven, MA 02568.
- Locus:** 90 Dr. Fisher Road, Map 21 Lot 12, West Tisbury, MA 02575, LI District, 1.01 acres.
- Plans:** 1) Site Plan including floor plans and elevations prepared by Crawford Design Associates dated 5/24/2017.
- Notice:** Certified abutters list mailed on August 2, 2017, and advertised in the Martha's Vineyard Times on August 3 and August 10, 2017.

Hearing & Request:

August 17, 2017 @ 5:30 pm –An application to amend SP- 2011-04, to construct a 7,200 sq. ft. building. The premises is for the following: Patient Centric of Martha's Vineyard to operate a Medical Marijuana Dispensary (5,400 sq. ft.) and Big Sky Rental (1,800 sq.) for warehouse storage.

Requirement: Section 9.3-3 Amendment – The terms or conditions of any special permit may be amended. Any enlargement, alteration, or construction of accessory structures not previously approved shall require an amendment.

Present: Nancy Cole, Larry Schubert, Tony Higgins and Julius Lowe.

Absent: Roger Hubbell, Toni Cohen and Bob Schwier.

Decision: The Zoning Board of Appeals voted unanimously to GRANT with conditions to amend a special permit issued in 2011, to construct a 7200 sq. ft. building. This will house the following two facilities:
1) Patient Centric of Martha's Vineyard
2) Big Sky Tent & Party Rental

Vote for: Nancy Cole, Larry Schubert, Julius Lowe and Tony Higgins.

Vote Against:

Findings:

- 1) The project was subject to a DRI approval, voted on by the Martha's Vineyard Commission, on July 13, 2017, (reference DRI 618-M2).
- 2) The applicant reduced the size of the building from 9,600 sq. ft. to 7,200 sq. ft.
- 3) The building and use are consistent with what is allowed in the Light Industrial District.

- 4) Big Sky Tent & Party Rental will share the first floor area of 1,800 sq. ft. with Patient Centric of Martha's Vineyard (SP 2017-03).
- 5) The facility will be used for the storage of "long term" larger rental items consistent with the business; Big Sky Tent & Party Rental. No office space for employees will be provided.
- 6) One parking space is provided for Big Sky Tent & Party rental.
- 7) Outside storage will be limited to business use only. No hazards' or combustible material are allowed to be stored outside the building. The property will be maintained in a responsible manner.
- 8) The application met the Review Criteria of Section 9.2-2B of the West Tisbury Zoning Bylaws.

Conditions: 1) The applicant will submit a finished landscape plan to the Zoning Board of Appeals for their signature prior to an occupancy permit being issued by the Building/Zoning Inspector.

2) All conditions set forth in the Martha's Vineyard Commissions decision dated July 18, 2017 (DRI 618-M2) will be complied with prior to an occupancy permit being issued by the Building/Zoning Inspector.

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 A 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. 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.
- 3. 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.
- 4. 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.
- 5. Note well: You must obtain a Building Permit from the Building/Zoning Inspectors Office prior to construction of the project.

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.

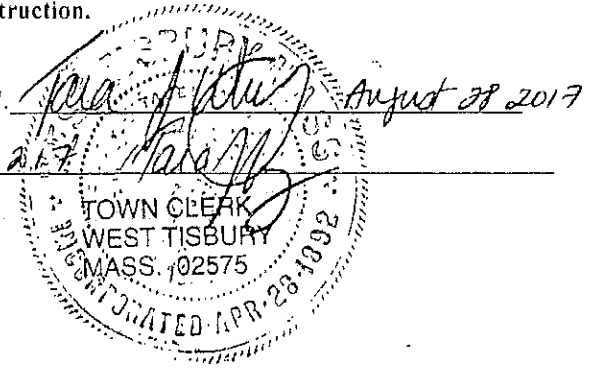
A Special Permit shall lapse in 2 years if not utilized. A Variance shall lapse in one year if not utilized.

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 August 28, 2017.

I certify that no appeal has been made

September 20, 2017





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THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST TIS BURY
ZONING BOARD OF APPEALS

5

DECISION OF THE BOARD OF APPEALS ON THE PETITION OF Patient Centric of Martha's Vineyard c/o Geoffrey Rose. Filed with the West Tisbury Town Clerk on August 25, 2017, Special Permit 2017-03.

- Applicant:** Patient Centric of Martha's Vineyard, P.O. Box 1323, West Tisbury, MA 02575.
- Owner:** Kaysky, LLC, P.O. Box 4835, Vineyard Haven, MA 02568, whose title to the property is recorded at the Dukes County Registry of Deeds and described in Book 1405 Page 219, dated May 10, 2016.
- Agent:** Geoffrey Rose, P.O. Box 1323, West Tisbury, MA 02575.
- Locus:** 90 Dr. Fisher Road, West Tisbury, Map 21 Lot 12, LI District, 1.01 acres.
- Plans:** 1) Floor plans including elevations prepared by Crawford Design Associates, dated May 24, 2017. Plans on file at the Zoning Board Appeals office.
- Notice:** Certified abutters list mailed on February 7, 2017, and advertised in the Martha's Vineyard Times on February 9 and February 16, 2017.

Hearing & Request:

The hearing opened February 23, 2017: on an application for a special permit from Patient Centric of Martha's Vineyard c/o Geoffrey Rose to operate a Registered Marijuana Dispensary (RMD), under West Tisbury Zoning Bylaw 3.1-1 (Use Table

The hearing was continued to the following dates: March 23, April 27, June 8, June 29, July 13, July 27, 2017.

On August 17, 2017: The application was revised to remove the dispensary part of the project.

Requirement: Section 3.1-1 (use table- business use); Registered Marijuana Dispensary (RMD) (see definition above).

Present: Nancy Cole, Tony Higgins, Larry Schubert and Julius Lowe.

Absent: Toni Cohen, Roger Hubbell and Robert Schwier.

X **Decision:** On August 17, 2017, the Zoning Board of Appeals voted to GRANT with CONDITIONS a special permit to operate a Medical Marijuana Cultivation operation/business allowed under 3.1-1 of the West Tisbury Zoning Bylaws.

Vote for: Nancy Cole, Tony Higgins, Larry Schubert and Julius Lowe.

Vote Against:

Findings:

- 1) At a meeting on February 23, 2017, of the West Tisbury Zoning Board of Appeals the board voted unanimously to refer the application to the Martha's Vineyard Commission as a Development of Regional Impact (DRI), under the provisions of 1.2 and 3.1 of the DRI checklist.

- 2) On August 17, 2017, the application was revised to consist of a Medical Marijuana Cultivation operation sole purpose to cultivate and process medical marijuana. The dispensary portion of the project was withdrawn.
- 3) A medical marijuana cultivation operation/business is allowed in the Light Industrial District under West Tisbury Zoning Bylaws (November 5, 2013). (Definition: A facility for the cultivation, production, processing, assembling, packaging, retail or wholesale, trade, distribution or dispensing of Marijuana for Medical Use, whether located inside a structure or building or not.)
- 4) Upon the removal of the dispensary portion of the project the board was in agreement that the applicant had worked to alleviate excess traffic and noise in the neighborhood.
- 5) Under the West Tisbury Zoning Bylaws under the Dimensional Table: the maximum cultivation area for medical marijuana shall not exceed 1,000 square feet.
- 6) Patient Centric of Martha's Vineyard is licensed and regulated by the Department of Public Health.
- 8) The operation includes a laboratory as required by Department of Public Health which requires periodic testing for quality control.
- 9) The building is a total of 7,200 square feet. The applicant will share the first floor with Big Sky Ten; a total of 1,800 sq. ft. Patient Centric will occupy the second floor, totaling 3,600 sq. ft.
- 10) The application was referred to the Martha's Vineyard Commission as a DRI which voted to approve the project on July 13, 2017.
- 11) Throughout its deliberations the Zoning Board had taken statements by the applicant and comments from the general public and parties of interest.
- 12) Parking: A total of ten parking spaces; nine for Patient Centric and one for Big Sky.
- 13) Hours of Operation: Monday thru Friday 8:30 am to 5:00 pm and Saturday & Sunday 12 noon thru 3:00 pm.
- 14) The exterior HVAC equipment is low noise units. Both the HVAC equipment and backup generator will be located on the north side of the building

Conditions:

- 1) All employees and company vehicles, including all regular vendors use Old Stage Road as the access to the facility. The applicant will make a best effort to notify other vendors to access the facility through Old Stage Road.
- 2) Subject to the Martha's Vineyard Commission decision (under condition 6.1) the monetary contribution of \$5,800.00 will be awarded to the West Tisbury Affordable Housing Trust.
- 3) The applicant must obtain all permits or authorizations required by the Town of West Tisbury. The building inspector shall not issue a certificate of occupancy until all conditions have been satisfied. The applicant will be subject to annual inspections by the Zoning Inspector, Board of Health and the Fire Department.
- 4) All conditions set forth in the Martha's Vineyard Commission's decision dated July 18, 2017, (DRI 618-M2), shall be complied with by the applicant. (See attached).

The applicant will obtain all other permits or authorization required by the Town of West Tisbury before proceeding with any work.

NO VARIANCE OR A 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. 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.

See condition on page 2



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THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST TISBURY
ZONING BOARD OF APPEALS

6

DECISION OF THE BOARD OF APPEALS ON THE PETITION OF Patient Centric of Martha's Vineyard, Ltd. filed with the West Tisbury Town Clerk on February 14, 2020 ZBA Case File 2020-3

- Applicant: Patient Centric of Martha's Vineyard, Ltd., P.O. Box 1323, West Tisbury, MA 02575
- Property Owner: Kaysky LLC, whose title to the property is recorded at the Dukas County Registry of Deeds and described in Book 1405 Page 219, dated May 10, 2016.
- Agent: Geoffrey Rose, P.O. Box 1323, West Tisbury, MA 02575.
- Locus: 90 Dr. Fisher Rd, West Tisbury, MA. Assessors Map 21 Lot 12, L11 district, 1.01 acres.
- Plans: 1) Site Plan prepared by Vineyard Land Surveying & Engineering dated November 16, 2018.
2) Floor plans and elevations prepared by Crawford Design Associates dated November 20, 2017.
All plans on file at the Zoning Board of Appeals office.
- Notice: Certified abutters notified on January 8, 2020 and legal notice advertised in the Martha's Vineyard Times on January 9th and 16th, 2020.
- Hearing & Request: A Public Hearing was held on January 23, 2020 on an application for a Special Permit from Patient Centric of Martha's Vineyard, Ltd. to amend Special Permit #2017-03 to allow cultivation of Adult/Recreational Use Marijuana in an existing structure previously approved for cultivation of Medical Marijuana.

The hearing was continued to February 6, 2020.
- Requirement: Sections 3.1-1 (Use Table) and 9.3-3 of the Zoning Bylaws.
- Present: Nancy Cole, Julius Lowe, Deborah Wells and Andy Zaikis.
- Decision: On February 6, 2020 the Zoning Board of Appeals voted to GRANT a Special Permit with CONDITIONS to allow the cultivation of Adult/Recreational Use Marijuana in an existing structure previously approved for the cultivation of Medical Marijuana.
- Vote to Approve: Nancy Cole, Julius Lowe, Deborah Wells and Andy Zaikis.
- Findings:
 - 1) The cultivation and product manufacturing of recreational marijuana is allowed in the L1 Zone by Special Permit from the Zoning Board of Appeals. (April 9, 2019).
 - 2) The Applicant submitted an application to the Martha's Vineyard Commission to modify existing DRI 618-M2 on August 29, 2019.
 - 3) Modifications were approved by the Martha's Vineyard Commission on September 19, 2019, resulting in DRI 618-M3 Marijuana Cultivation Building Modifications.
 - 4) There will be no change to the size of the existing structure.
 - 5) The cultivation of Adult/Recreational Use Marijuana will occupy approximately 1,200 sf. of an area previously utilized by Big Sky Tent and Party Rental.
 - 6) Security systems currently in place will be extended to the new cultivation area by the installation of 20 additional security cameras.
 - 7) The application complies with Section 9.2-2 Review Criteria, of the Zoning Bylaws.

Conditions: 1) The driveway easement along the westerly lot line to Assessors Map 21, Lot 12.1 must be cleared and prepared for use.

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 one 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.

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.

Filed with the West Tisbury Town Clerk on February 14, 2020

I certify that no appeal has been made

Wm. Spillane February 14, 2020
Wm. Spillane February 14, 2020

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST TISBURY
ZONING BOARD OF APPEALS

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DECISION OF THE BOARD OF APPEALS ON THE PETITION OF FFD Enterprises MA, Inc. filed with the West Tisbury Town Clerk on April 22, 2021 ZBA Case File 2021-12

Applicant: FFD Enterprises MA, Inc., 40 Woodland St., Hartford, CT 06105

Property Owner: Kaysky LLC, whose title to the property is recorded at the Dukes County Registry of Deeds and described in Book 1405 Page 219, dated May 10, 2016.

Agent: Ellen Kaplan, Kaplan and Associates, P.C.

Locus: 90 Dr. Fisher Rd., West Tisbury, MA, Assessors Map 21 Lot 12, LI-1 district, 1.01 acres

Plans: 1) Site Plan prepared by Vineyard Land Surveying dated November 16, 2018.
2) Floor plan and elevations prepared by Crawford Design Associates, dated November 20, 2017.
All plans on file at the Zoning Board of Appeals office.

Notice: Certified abutters notified on March 24, 2021 and legal notice advertised in the Martha's Vineyard Times on March 25 and April 1, 2021.

Hearing & Request: A Public Hearing was held on April 8, 2021 on an Application for a Special Permit from FFD Enterprises MA, Inc. to operate a Medical Use and Adult-Recreational Use Marijuana Cultivation Facility under Sections 9.2-2 and 3.1-1 (Use Table) of the Zoning Bylaws on Map 21 Lot 12, 90 Dr. Fisher Rd, LI-1 District. This application seeks to transfer ownership and operational rights previously granted to Patient Centric, MV.

Requirement: Sections 9.2-2 and 3.1-1 of the Zoning Bylaws.

Present: Larry Schubert, Julius Lowe, Deborah Wells, John Rau, Andy Zaikis, Jeffrey Kaye and Casey Decker.

Decision: On April 8, 2021 the Zoning Board of Appeals voted to GRANT a Special Permit with CONDITIONS to FFD Enterprises MA, Inc. to operate a Medical Use and Adult-Recreational Use Marijuana Cultivation Facility under Sections 9.2-2 and 3.1-1 (Use Table) of the Zoning Bylaws on Map 21 Lot 12, 90 Dr. Fisher Rd, LI-1 District. This application seeks to transfer ownership and operational rights previously granted to Patient Centric, MV.

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

Findings: 1) The cultivation and product manufacturing of medical and adult use recreational marijuana is allowed in the LI Zone by Special Permit from the Zoning Board of Appeals, (April 9, 2019).
2) The Martha's Vineyard Commission has approved the change in ownership of 90 Dr. Fisher Rd. (DRI #618) to FFD Enterprises MA, Inc.
3) The Community Host Agreement with the Town has been transferred to FFD Enterprises, Inc. contingent upon approval of the Cannabis Control Commission.
4) There was no abutter correspondence in support of or in opposition to the application.
5) The application complies with Section 9.2-2 Review Criteria, of the Zoning Bylaws.

Conditions: 1) All conditions set forth in the attached Martha's Vineyard Commission decisions dated July 18, 2018, (DRI618-M2) and September 19, 2019, (DRI618-M3).

- 2) The driveway easement along the westerly lot line to Assessors Map 21, Lot 12.1 must be cleared and prepared for use.
- 3) All employees and company vehicles, including all regular vendors use Old Stage Road as the access to the facility. The applicant will make a best effort to notify other vendors to access the facility through Old Stage Road.
- 4) The applicant must obtain all permits or authorizations required by the Town of West Tisbury. The building inspector shall not issue a certificate of occupancy until all conditions have been satisfied. The applicant will be subject to annual inspection by the Zoning Inspector, Board of Health and Fire Department.
- 5) Hours and days of operation are as follows:
 - Monday through Friday from 8:30am to 5:00pm.
 - Saturday and Sunday from 12noon to 3:00pm.

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 one 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 April 22, 2021

I certify that no appeal has been made

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THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF WEST TISBURY
ZONING BOARD OF APPEALS

DECISION OF THE BOARD OF APPEALS ON THE PETITION OF James Eddy, Kaysky LLC, filed with the West Tisbury Town Clerk on September 29, 2021 ZBA Case File 2021-25

Applicant: James Eddy, PO Box 4835, Vineyard Haven, MA 02568

Property Owner: Kaysky LLC, whose title to the property is recorded at the Dukes County Registry of Deeds and described in Book 1405 Page 219, dated May 10, 2016.

Agent: N/A

Locus: 90 Dr. Fisher Rd., West Tisbury, MA, Assessors Map 21 Lot 12, LI district, 1.01 acres.

Plans: 1) Site Plan prepared by owner
All documents on file at the Zoning Board of Appeals office.

Notice: Certified abutters notified on September 1st, 2021 and legal notice advertised in the Martha's Vineyard Times on September 2nd and September 9th 2021.

Hearing & Request: A (Continuation) of a Public Hearing was held on September 16th 2021 on an Application for a Special Permit from James Eddy of Kaysky LLC and Big Sky Tent and Party Rental to amend Special Permit #2011-04 in order to place three (3), 8'x 20' portable storage units for rental equipment at 90 Dr. Fisher Rd., Assessors' Map 21 Lot 12, LI-1 District under Section 9.3-3 of the West Tisbury Zoning Bylaws.

- The original hearing was held on May 13, 2021, continued without testimony and voted to be referred to the Martha's Vineyard Commission.
- Zoning Board of Appeals referral to the Martha's Vineyard Commission on May 17, 2021.

Requirement: Section 9.3-3 of the Zoning Bylaws.

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

Absent: Julius Lowe, Andy Zaikis and Jeffrey Kaye

Decision: On September 16th 2021 the Board of Appeals voted to **GRANT with CONDITIONS**, a Special Permit to James Eddy of Kaysky LLC and Big Sky Tent and Party Rental to amend Special Permit #2011-04 in order to place three (3), 8'x 20' portable storage units for rental equipment at 90 Dr. Fisher Rd., Assessors' Map 21 Lot 12, LI-1 District under Section 9.3-3 of the West Tisbury Zoning Bylaws.

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

Abstained: N/A

Findings:

- 1) This application, Martha's Vineyard Commission DRI-618-M4 Big Sky Tents Modification, was referred to them by the Zoning Board of Appeals and approved by them on August 12, 2021.
- 2) There was no correspondence to the Zoning Board of Appeals from abutters regarding this application.
- 3) The storage units will be located in the southwest corner of the lot and will be used for storage of rental furniture for Big Sky Tents.
- 4) The project was reviewed and found to be compliant with bylaw section 9.2-2 Review Criteria.

Conditions:

- 1) The applicant must comply with all conditions cited in the decision of the Martha's Vineyard Commission DRI 618-M4 Big Sky Tents Modification.
- 2) The units must never be stacked.

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.

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Filed with the West Tisbury Town Clerk on September 29, 2021

I certify that no appeal has been made
