

**THE COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF WEST TIS BURY**  
**ZONING BOARD OF APPEALS**

**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 October 12, 2017, Special Permit 2017-19.**

**Applicant:** Patient Centric of Martha's Vineyard, P.O. Box 1323, West Tisbury, MA 02575, leasee, of a portion of a building on property described below.

**Property Owner:** G. S. McArthur & V.E. Thurber Trustees, 510 Nominee Trust, whose title to the property is recorded at the Dukes County Registry of Deeds and described in Book 1294 Page 754, dated October 15, 2012. A dis portion of said property to be leased to Patient Centric of Martha's Vineyard for a Medical Marijuana Dispensary.

**Agent:** Geoffrey Rose, P.O. Box 1323, West Tisbury, MA 02575.

**Locus:** 510 State Road, West Tisbury, Map 16 Lot 101, MB District, 0.405 +/- acres.

**Plans:** 1) Floor plans detailing the Patient Centric of Martha's Vineyard dispensary.  
2) Sketch plan of the property, including landscape plan. All plans on file at the Zoning Board of Appeals Office.

**Notice:** Certified abutters list mailed on September 13, 2017, and advertised in the Martha's Vineyard Times on September 14 and September 21, 2017.

**Hearing & Request:**

The hearing opened September 28, 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).

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

**Present:** Nancy Cole, Tony Higgins, Larry Schubert, Julius Lowe, Toni Cohen, Roger Hubbell and Robert Schwier.

**Absent:**

**Decision:** On September 28, 2017, the Zoning Board of Appeals voted to GRANT with CONDITIONS a special permit to operate a Medical Marijuana Dispensary allowed under 3.1-1 and 9.2-2 of the West Tisbury Zoning Bylaws.

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

**Vote Against:**

**Findings:**

- 1) A medical marijuana dispensary operations/business are allowed in the Mixed Business District under 3.1-1 of the West Tisbury Zoning Bylaws (enacted in 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).** As stated in the West Tisbury Zoning Bylaws.

- 2) On August 17, 2017, special permit 2017-03 was granted to Patient Centric of Martha's Vineyard to operate a **Registered Medical Marijuana Cultivation** operation/business at 90 Dr. Fisher Road, West Tisbury, located in the Light Industrial District.
- 3) Patient Centric of Martha's Vineyard is licensed and regulated by the Department of Public Health.
- 4) The leased property is a non-conforming, pre-existing lot located in the mixed business district; the front of the building (a total of 705 sq. ft.) designed for retail space, where the dispensary will be located. The rear and second floor of the structure is a private residence.
- 5) The dispensary will operate on an appointment only basis, with a maximum of seven patients per hour. Home delivery will be provided to authorized patients with a medical marijuana card and proper photo identification.
- 6) The applicant estimates approximately four hundred patients at the end of a three year period. Total number of employees will be 2.5 at the end of the same three year period.
- 7) Hours of Operation: Monday thru Friday 9:00 am to 6:00 pm and Saturday 10:00 am to 5:00 pm, closed on Sundays.
- 8) There will be a total of seven parking spaces, four for patients (including a handicap space), and three for employees. The dispensary/retail is ADA compliant.
- 9) Once a day delivery of products from the cultivation center to the dispensary location will take place, including the possible removal of marijuana/ infused products back to the cultivation facility. All marijuana/infused products will be returned to a secure, locked and designated area. (see plan).
- 10) The application was considered under the review criteria of Section 9.2-2 of the West Tisbury Zoning Bylaws. The Zoning Board found that the proposed use is in harmony with the general purpose and intent of this bylaw as the use is consistent with other uses in the Mixed Business District, and is consistent with the West Tisbury Master Plan.
- 11) The applicant complies with all lighting requirements under WTZBL 8.6-2.
- 12) The security system will meet all the requirements of the Department of Public Health regulations.
- 13) Landscaping of the property will meet all state requirements as outlined through the DPH.

## Conditions:

- 1) This special permit for the business use as an RMD is for the applicant's use only. Any transfer of state licensing for the RMD or the lease of the commercial space to another entity for the use as an RMD must return to the ZBA with a new application. The special permit pertains to the dispensing of **Medical Marijuana only**.
- 2) The dispensary will operate by appointment only, with no more than seven patients per hour. Hours: Monday thru Friday 9:00 am to 6:00 pm and Saturday 10:00 am. to 5:00 pm, closed Sunday.
- 3) The applicant will post signage stating no loitering in the parking area and to respect the neighbors as this is a mixed business area which includes residential properties. The applicant will comply with all local and state "no smoking requirement" within the parking area and the perimeter of the dispensary business.

**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.**

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.**

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 October 12, 2017. \_\_\_\_\_

I certify that no appeal has been made \_\_\_\_\_





