

WEST TISBURY ZONING BOARD OF APPEALS
Minutes for Thursday, January 23, 2020 meeting
2nd Floor, West Tisbury Town Hall - @ 5:00 PM

APPROVED ON FEBRUARY 6,2020

PRESENT: Nancy Cole, Julius Lowe, Deborah Wells and John Rau

ABSENT: Toni Cohen and Larry Schubert

Also Present: Geoffrey Rose, Peter Gearhart, David Fielder, Chris Egan, Melissa Manter, Jim Bishop, Martha Sullivan, Heather Maciel, S. Vincent Maciel, Harriett Bernstein, Timothy Greene and Pam Thors, Board Administrator.

The minutes of the meeting held on January 16, 2020 were approved.

The following invoices were reviewed and signed-daRosa Corporation \$92.26

5:15 pm- A Public Hearing on an application for a Special Permit from Patient Centric of Martha's Vineyard, Ltd. to amend Special Permit #2017-03 to allow an 1,800 sf. internal expansion of cultivation area and conversion of a second floor storage space to a vegetative room within an existing structure approved for the cultivation of Medical Marijuana under section 3.1-1 and 9.3-3 of the Zoning Bylaws, Map 21, Lot 12, 90 Dr. Fisher Rd., LI1 District. **(see comments below)**

5:35 pm- A Public Hearing will be held 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 under section 3.1-1 and 9.3-3 of the Zoning Bylaws, Map 21, Lot 12, 90 Dr. Fisher Rd., LI1 District. **(see comments below)**

Geoff Rose requested that these applications be referred to the Martha's Vineyard Commission as this property and use was already a Development of Regional Impact (DRI). It was determined however that the proposed Modification to the DRI has already been acted upon by the MVC pursuant to an application by Patient Centric in the fall. Nancy asked if he thinks it needs to go before the Commission again. Geoff said that he thought the application would have to be referred by the town.

Melissa Manter, an abutter, suggested that this, in her opinion, was not a transparent way of getting MVC approval and that if the application had been referred by the ZBA, the abutters would have been aware of the upcoming review by the MVC. She said that they should have had a chance to weigh in on the application during the review process.

Nancy suggested that the MVC be notified that since abutters had no notice of the MVC hearing on this, that they review it again to allow abutter input. Geoff stated that he was just following the process as far as he understood it. Whether or not the application for modification would have required a public hearing, complete with abutter notification was discussed. It was noted that in the process of reviewing the application by Patient Centric, the MVC determined that a public hearing was not required.

Geoff explained that there were meetings held to discuss the application for modification. Melissa stated that she thought it was strange that the MVC would make their decision on this without input from the abutters or the ZBA. She said that she doesn't feel that the process has been ethical. Nancy stated that they could let the MVC know that they are not happy with the way this has proceeded. She said they would send a letter to the MVC letting them know that they would like to see this remedied. One abutter who had attended the meetings at the MVC said that the hearings were very quick with very little discussion.

Nancy suggested that the application be sent back to them to re-open the review. Geoff said he met with the Land Use Planning Committee (LUPC) who did not require a public hearing. He said that the MVC also determined that a public hearing was unnecessary for their process.

Nancy mentioned that it is the board's practice to refer an application requiring review by the MVC to them without hearing testimony. She said that after the decision is rendered by them, the ZBA hears the entire presentation.

A motion was made to send the two applications back to the MVC to be reviewed again. The vote on the motion was unanimous. The board also voted to continue the hearing until the February 6th meeting at 6:20pm and 6:30pm respectively.

A discussion ensued regarding the pending re-review of the application. Pam stated that the onus is on the abutters to watch the MVC calendar to be aware of any meetings that may be scheduled to address the modification as there is no guarantee that a public hearing with abutter notification would occur.

Andy Zaikis, prospective new member introduced himself to the board and Nancy explained the ZBA process.

A motion was made to request that the Board of Selectmen appoint Andy Zaikis as an Associate Member to the ZBA. The vote on the motion was unanimous.

Nancy welcomed Andy to the Board.

Pam said that she would notify Jen and ask her to put Andy's appointment on the agenda for the next Board of Selectmen's meeting.

5:55 pm – A Public Hearing on an Application to Appeal an October 26, 2019 Decision of the West Tisbury Zoning Inspector to deny a building permit for a 2,520 sf. pole barn under section 4.2-1 of the Zoning Bylaws. The Appeal is filed under MGL Ch40A Section 8 and 15 of the Zoning Act, Map 25, Lot 9, 22 Scotchman's Ln., RU District.

This Hearing was Continued without Testimony until Feb. 6th at 6:00pm.

6:15 pm – A Public Hearing on an Application from Crown Castle for Sprint to amend a Special Permit granted on March 15, 2000 to allow the addition of three remote radio heads 10"x15.8" (non-antenna), and to modify their antenna mount at the top of the existing tower under Section 8.8-1, 3.1-1 and 9.3-3 of the Zoning Bylaws, Map 28, Lot 1, 71 Airport Rd., LI2 District.

It was explained that the testimony may be heard but the decision cannot be made until such time as the MVC has reviewed and acted upon the application.

Timothy Greene from Sprint explained the request being made in the application. Nancy read the narrative, (see file).

Harriett stated her concerns for the toxicity of 5G. Tim stated that he doesn't know if the change will specifically handle 5G.

Deborah asked what the schedule is for MVC review. Pam stated that Joe Tierney, the building inspector had referred the file to them but it has not been reviewed as of yet. She said she would be copying the file and sending it to them as Joe hadn't sent any information with his referral.

This Hearing was Continued until Feb. 20th at 5:15pm and will be heard at that time provided a decision by the MVC has been rendered.

Pam asked if the board had a chance to review the Personnel Board letter and the reworded job description. All agreed with the changes. Pam asked Nancy if she would be able to come to the Personnel Board meeting on Monday. Nancy said she would be there.

Harriett asked about changing the criteria for ZBA review. Nancy said that any changes to the bylaw need to be presented to the Planning Board. She again mentioned her concerns regarding 5G. Nancy suggested that she talk to the MVC.

The meeting adjourned at 6:45 pm.

Respectfully Submitted,

Pam Thors, Board Administrator