

WEST TISBURY ZONING BOARD OF APPEALS

Minutes for Thursday, February 6, 2020 meeting

2nd Floor, West Tisbury Town Hall - @ 5:00 PM

Approved on Feb. 20, 2020

Present: Nancy Cole, Julius Lowe, Deborah Wells and Andy Zaikis

Absent: Toni Cohen and Larry Schubert and John Rau

Also Present: Abby Rabinowitz, Richard Stuart, Leslie D. Pearlson, Elissa Lash, Sue Hruby, Geoffrey Rose, Chris Egan and Pam Thors, Board Administrator.

The minutes of the meeting held on January 23, 2020 were approved.

The following invoices were reviewed and signed-Payroll-\$2,320.50, MV Times-\$504.70

The request from Katherine Walsh to extend her Special Permit (#2018-18), was reviewed. The original permit was filed on July 3, 2018.

A motion was made to extend the two year deadline for this Special Permit for one year until July 3, 2021.

Nancy read Toni Cohen's letter of resignation from the Board.

Stating their regrets at losing such a valued member, the ZBA voted unanimously to accept her resignation.

A motion was made to ask the Board of Selectmen to change the status of John Rau, Associate Member to Member of the ZBA. The vote on the motion was unanimous.

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 #2017-19 to allow the operation of an Adult/Recreational Use Registered Marijuana Dispensary, along with the Registered Medical Marijuana Dispensary previously approved at this location under sections and 9.3-3 and 3.1-1 (Use Table) of the Zoning Bylaws, Map 16, Lot 101, 510 State Rd., MB District.

A motion was made to refer this application to the Martha's Vineyard Commission for review and the hearing was continued without testimony to April 9, 2020 at 5:15pm. The vote on the motion was unanimous.

5:45 pm- Sue Hruby from the town's Energy Committee spoke to the Board about the 100% Renewable MV Community Resolution, which will be on the Annual Town Meeting Warrant, (see attached).

6:00pm – 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.

Pam explained that the original application was advertised incorrectly. It did not include the name of the applicant. The board voted to allow this to be withdrawn without prejudice in order for it to be re-advertised correctly for the February 20th meeting at 5:55pm.

Pam gave Nancy an email copied from the Martha's Vineyard Commission to Jeff Barbadora which states that the Crown Castle for Sprint application will be heard by the Land Use Planning Commission on Feb. 10th.

6:20pm – 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.

Nancy explained that this application went before the Martha’s Vineyard Commission (MVC) in the fall of 2019 and was partially approved by them. At the last hearing, abutters voiced concerns that they had not been notified of the MVC review so the board voted to re-refer to the MVC. Nancy read the letter in response to this request, (see attached). In effect, the MVC deemed this application to be “pending”; therefore the ZBA is required to wait to make their decision. The Hearing was continued until February 20, 2020 at 6:15pm.

6:30pm - 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 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.

The notice was read and Geoff Rose presented the application. He stated that the Medical Marijuana cultivation area is limited to 1,000 sf by the Town’s bylaw. He said that the cultivation area for the Adult/Recreational Use marijuana is not limited in the Town’s bylaw but that in this facility it would be approximately 1,200 sf.

Security systems in place were reviewed. Geoff said that videos are required to be kept for 90 days. He said that there are 36 cameras in the existing space and it is estimated that the newly approved space would require 20 cameras. Andy asked if the plants have to be kept in different areas. Geoff said that each plant has a bar code on it which identifies the type of plant that it is, so the Recreational and Medical do not have to be grown separately.

Chris Egan, an abutter present talked about the difficulties faced by the community involved. He said that he hopes there will be some benefit to the Town in the language of the Special Permit. He said that abutters would like to see some form of renewable energy implemented. He also mentioned that creating an access to the ABC lot, in order for them to enter their property over the subject lot instead of entering via the Dr. Fisher Rd, was discussed at the original hearings as a good faith gesture that would benefit abutters. The location of this driveway was reviewed on the plan. He said he would also love to see a cap on Recreational Cultivation area as well but that was never addressed by the Town in the process of approving the cultivation of Recreational Marijuana. He voiced his concern that the facility would grow over time, asking if there could be a limit put on the growth at this location. He mentioned that originally the abutters were told that the facility would not include Recreational cultivation but laws changed and the application is now before them. He said that the abutters had hoped that the 1,000 sf allocated for Medicinal Marijuana cultivation would be the limit for cultivation. He said that he fears that down the road there will be a request for “just a little more room”. He commented that the town should be more enthusiastic about getting more of a financial benefit from this operation.

Nancy suggested that going before the Planning Board is always an option. The abutter responded that this would be difficult and laughed, saying that he does not have “consultants”.

Geoff said that originally, the 1,000 sf limit was arbitrary. He said that as it turns out, this amount of canopy area should satisfy the need for Medical Marijuana for patients.

Deborah asked if they had considered renewable energy sources. Geoff said they have all LED lighting and composting toilets and energy guidelines have been adhered to. Nancy suggested that solar could be a way to offset some of the abutters’ concerns. Geoff said they had considered solar but found it to too large a capital outlay. Andy stated that the town’s Energy Committee will probably, in their attempts at holding to their goal of 100% energy efficiency; approach them at some time about their usage. He said that now when things are just starting up, would be a good time for Patient Centric to address the situation. Nancy suggested that Geoff bring this to his board for consideration.

Nancy suggested they look at the Right of Way through the property to the property owned by ABC as she recalled it as an issue discussed at the original application. Geoff said that their property, which is owned by Big Sky Tent Company, gave the easement to ABC trash removal company but that the driveway has not yet been cleared. He said that this would be an issue for the owner to address. Nancy stated that they could condition the approval on Patient Centric clearing and making usable the Right of Way to encourage less traffic on the Dr. Fisher Road. It was clarified that the easement exists but has not been cleared and prepared for use. Geoff asked the board what they would like to be done. Julius said that clearing and preparing the easement could be a condition of approval stating that it could have a positive effect on abutter sentiment.

Julius stated that technically Big Sky, as the owners, could be attending these meetings and weighing in on all of these issues. He said that posing a question to Geoff is like asking the owners that same question since he leases the property. Julius also commented that he doesn’t foresee any dramatic changes occurring with the addition of Recreational Marijuana cultivation to the use of the facility.

Nancy suggested and the board agreed to the following condition;

- 1) The driveway easement to Assessors’ Map 21, Lot 12.1 must be cleared and prepared for use.

A motion was made to close the Public Hearing and Open the Board Meeting.

A motion was made to GRANT the Special Permit with CONDITIONS. The vote on the motion was unanimous.

The meeting adjourned at 7:15 pm.

Respectfully Submitted,
Pam Thors, Board Administrator

See attachment #1 below

100% Renewable MV Community Resolution

Focus: responsible change, and development of a resilient infrastructure to protect and defend our Island home

- **Reduce fossil fuel use on the Island, from a 2018 baseline:**
 - 50% by 2030
 - 100% by 2040
- **Increase the fraction of our electricity use that is renewable:**
 - To 50% by 2030
 - To 100% by 2040
- **Foster biosphere carbon capture through:**
 - Adoption of regenerative agriculture and landscaping
 - Protection and expansion of wetlands
 - Preservation of woodland resources

VSEC