

**WEST TISBURY ZONING BOARD OF APPEALS**

**Minutes for Thursday, March 18, 2021 meeting**

**Online meeting via ZOOM- @ 5:00 PM**

**Approved on March 25, 2021**

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

**Absent:** Casey Decker

**Also Present:** Pam Thors, Bd. Administrator, Ellen Kaplan, Benjamin Zachs, Reid Silva, Geoffrey Rose, Jason Gale.

The minutes of the February 25<sup>th</sup> meeting were reviewed and approved.

*A rollcall vote was taken with the following resulting votes; L. Schubert-yes, J. Lowe-yes, D. Wells-yes, J. Rau-yes, A. Zaikis-yes and J. Kaye-yes.*

Larry stated that since there are no scheduled hearings on the agenda, that he would like to get to the first order of business.

**Songwind Nominee Trust-**

Reid Silva representing Songwind Nominee Trust stated that the owner, Michael Minars would like to make minor changes to his Special Permit; asking the board to deem them to be de minimus and therefore not requiring another Public Hearing. He shared the original approved plan and the proposed new plan with the board. He said they would like slightly increase the size of the pool house from 2,300 to 2,475, while making small changes to the shape of the structure. He said that the location of the pool and the pool house would be moved slightly more inland, (south-away from the buffer zone).

Larry asked if the adjusted plan was reviewed by the Conservation Commission, (Comcomm). Reid said he had spoken with Maria but cited the rule stating that if the project is not within the buffer zone, it is outside their jurisdiction.

Maria stated that her board would like to review the plan. Reid said that if there is no disturbance in the buffer one, there shouldn't be an issue.

*J. Lowe made a motion, seconded by D. Wells to approve the changes as de minimus.*

*A rollcall vote was taken with the following resulting votes; L. Schubert-yes, J. Lowe-yes, D. Wells-yes, J. Rau-yes, A. Zaikis-yes and J. Kaye-yes.*

Larry asked Pam to draft a letter to the building inspector to make him aware of the board's decision.

**FFD Enterprises MA, Inc-**

Larry explained that FFD, Enterprises MA, Inc, (FFD) is applying for a change in ownership of the medical/recreational marijuana grow facility and dispensary previously granted to Patient Centric MV.

He said that usually the Use Permit is issued to the individual, but the decision for the Dispensary conditions that if a new owner/operator takes over, a new Special Permit Application must be submitted.

He said that he had conversations with Pam and Michael Goldsmith regarding whether or not the applications would need to be referred to the Martha's Vineyard Commission as a modification to a DRI. Michael had spoken to MVC Director Adam Turner who stated that he feels the changes are de minimus and probably not going to need another Public Hearing.

Larry stated that when the applications came in, the question arose as to whether they should be advertised as amendments to the existing Special Permits or whether they should be filed as new applications. Larry stated

that for the sake of consistency, both applications should be new and not amendments of the originals. He added that both Legal Ads and Notices should refer to the “transfer of ownership” of the facilities.

Ellen state that she had spoken with Alex Elvin the new DRI coordinator who said that the grow facility name change can be handled administratively but that the interior changes to the dispensary may need a modification of the DRI. She noted that they will be meeting with the MVC staff on March 23<sup>rd</sup> to discuss this.

Larry said that if the MVC wants either application to be referred to them, it can be done at the April 8<sup>th</sup> ZBA hearing.

Jeffrey asked if there will be some kind of public forum. Benjamin said that they are a transparent operation and that a forum is not part of the Cannabis Control Commission, requirements but that he had already spoken to the two immediate abutters and wishes to become a part of the fabric of the community.

### **Jason Gale**

Jason had come in to discuss his ability to market his lot at 154 Longview Rd. as a 4 bedroom lot. Larry referred to the letter sent by Joe Tierney, Building Inspector and explained that as section 11.1-5 indicates, the new owner may build what had been demolished but that anything over and above that would require an application to the ZBA for a Special permit under Section 11.1. Jason thanked the board for their clarification.

The board discussed the email from the Conservation Commission which suggests the possibility of joint meetings. All agreed that having input by another board with their own regulations might impede the process of deciding on the ZBA applications before them. Larry suggested that a general meeting to discuss policies etc might be a good idea.

The Meeting adjourned at 6:00 pm.

Respectfully Submitted, Pam Thors-Board Administrator