

**WEST TISBURY ZONING BOARD OF APPEALS**  
**MINUTES THURSDAY, August 17, 2017**  
**2ND FLOOR TOWN HALL AT 5:05 PM**

**PRESENT:** Nancy Cole (Chairman), Larry Schubert (Vice-Chairman), Julius Lowe and Tony Higgins.

**ABSENT:** Tucker Hubbell, Toni Cohen and Bob Schwier

**Also Present:** Geoff Rose, Jim Eddy, Joseph Tierney (Building/Zoning Inspector), Mitch Gordon, Ronald Dunlap, Chris Egan and Doug Ruskin.

**Minutes:**

Larry moved to approve the minutes from **June 29, July 6, and July 27, 2017**, Julius seconded. The vote was unanimous.

**5:15 pm - A continuation of a hearing from July 27, 2017, on an application from Patient Centric of MVLTD, to operate a Registered Marijuana Dispensary, under WTZBA 3.1-1, (use table), Map 21, Lot 12, 90 Dr. Fisher Road, LI District.**

Nancy re-opened the hearing from July 27, 2017. No new correspondence was received. Nancy explained that the twenty day appeal period regarding DRI 618-M2 (Medical Marijuana Cultivation Building), from the MV Commission expired on August 10, 2017. At the previous meeting the board had decided to continue the hearing till after the appeal period had expired. This would allow the Zoning Board to move forward in a clearer fashion. For the record, it was established that the application was revised to remove the dispensary part of the project; the Zoning Board would be acting on an application to operate a Medical Marijuana Cultivation operation/business. Nancy asked the applicant if there was new information the applicant would like to address at this time. Geoff stated that he has nothing further to add, the application is the same as what was presented through the MV Commission process.

Joe Tierney explained that as the Zoning Inspector, he would recommend an annual inspection of the business to confirm the applicant is complying with the bylaw which limits the cultivation area to 1,000 square foot for medical marijuana. The board was in agreement. This annual inspection would extend to include the Fire Chief and the Board of Health. The exterior lighting concerns raised by the neighbors were addressed under condition 5.1 (exterior lighting) in the decision filed by the MV Commission, which the Zoning Board concurs with. Regarding the landscape plan approved by the MV Commission, Joe Tierney suggested replacing "white pines" with different type of tree.

With no further discussion or comments from the public, Larry moved to close the public hearing and open the board meeting. Julius second, the vote was unanimous.

The board discussed the following findings and conditions.

**Findings:**

- 1) The Zoning Board referred the application to the MVC as a DRI on February 23, 2017.
- 2) The applicant revised the application to Medical Marijuana Cultivation operation only, the dispensary was withdrawn from the application, which worked to alleviate excess traffic and noise concerns raised by the neighbors.
- 3) Medical marijuana cultivation operations are allowed in the Light Industrial under the Zoning bylaws.
- 4) Patient Centric of Martha's Vineyard is licensed and regulated by the Dept. of Public Health.
- 5) The maximum cultivation area for medical marijuana shall not exceed 1,000 sq. ft.
- 6) The building is a total of 7,200 sq. ft. The applicant will share the first floor with Big Sky Tent & Party Rental.
- 7) Hours: Monday thru Friday 8:30 am to 5:00 pm. Saturday and Sunday 12 pm to 3:00 pm.
- 8) The exterior HVAC equipment is low noise units; all 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 will 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 \$5800.00 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 Commissions decision dated July 18, 2017, (DRI 618-M2), shall be complied with by the applicant.

With no further discussion Larry moved to approve the application with the conditions and finding set forth; Julius second. Nancy called for the vote: Schubert – yes, Lowe – yes, Higgins – yes and Cole- yes.

The board was in agreement that throughout their deliberations the Zoning Board had taken statements by the applicant and considered comments from the general public and all parties of interest. Nancy stated it was a good process. The applicant's removal of the dispensary portion out of this location satisfied some of the neighbors' concerns which were raised in the public hearings conducted by the Zoning Board including the MV. Commission process. Mr. Rose thanked the board for working with him throughout this process. Nancy explained the twenty day appeal process.

**5:40 pm - A hearing will be held on an application from Kaysky LLC, c/o James Eddy to amend SP 2011-04, under 9.3-3 of the zoning bylaws. Map 21 Lot 12, 90 Dr. Fisher Rd, LI district.**

Nancy opened the hearing. **Correspondence:** Email dated August 7<sup>th</sup>, from Melissa Manter was read into the record. Ms. Manter objected to public hearing being held on the first night of the MV Agricultural Fair. Nancy explained that the MV Commission took both projects together; Big Sky building and MV Patient Centric as tents in the building. The Zoning Board had to review both projects individually. A brief discussion ensued that the board could vote to continue the hearing without taking testimony, it was agreed to move forward with this application.

Nancy explained that a special permit was issued in 2011 to Big Sky Tent and Party Rental to construct a 9600 sq. ft. building to house is business. At a meeting of the zoning board on May 18, 2017, a final extension was voted to February 22, 2018 (reference letter dated May 22, 2017). Mr. Eddy wanted to keep the special permit active, to keep his options open if the application filed by Patient Centric of Martha's Vineyard to operate a medical marijuana dispensary was denied. Nancy explained for the record that this project was a subject to a DRI approval voted, by the MV Commission on July 13, 2017. It was explained to Mr. Eddy that he would need to apply to amend the previous special permit allowed back in 2011, because the project was different in scope and size.

Mr. Eddy presented a narrative and plans showing a scaled back building; special permit issued in 2011 was for 9600 sq. ft. building, he now proposed to build a 7200 sq. ft. building. The first floor area (1800 sq. ft.) will be shared with Patient Centric of MV (SP 2017-03). The facility will be used for storage of "long term" larger rental items consistent with the business, no office space will be provided for employees. A single parking space will be provided for employees come to the facility. A discussion regarding outside storage ensued, no hazardous or combustible material are allowed to be stored outside the building. The property will be maintained in a reasonable manner; no "junk" as defined in the bylaws will be stored on the property. The project is located in the light industrial area where limited outside storage is allowed. The board reviewed the landscape plan which the MV Commission reviewed; the board agreed that as a condition a finished landscape plan will be presented to the Zoning Board for their signature prior to an occupancy permit being issued by the Zoning Inspector. Chris Egan; asked to see the plans and specifically where the "kitchen" area will be located in the building. The plans reviewed tonight are the same as voted by the MV Commission, on July 18, 2017. Larry moved to close the hearing and open the board meeting, Julius seconded. The vote was unanimous.

The following conditions were placed on the application:

- 1) A finished landscape plan will be signed by the Zoning Board prior to an occupancy permit being issued by the Zoning Inspector.
- 2) All conditions set forth in the MV Commission decision dated July 18, 2017, have to be complied with prior to an occupancy permit being issued by the Zoning/Building Inspector. Larry moved at this time to approve the application as presented with the above conditions, Julius seconded. The vote was unanimous. Nancy explained the twenty day appeal period.

**Old Business/Discussion:**

**6:00 pm** - Dunlop SP 2008-27. Mr. Dunlop would like to change the layout of the second floor bedroom/office which was approved in 2008. The board determined it was a de-minimus change and a public hearing was not necessary. The board signed a new floor plan, a copy will be sent to the Building/Zoning Inspector for his records.

**6:10 pm**- Gordon SP 2016-20. Mr. Gordon would like to change the layout of the studio/storage building roof design from a gable to a shed roof. The board agreed it was a de-minimus change and a public hearing was not necessary. The board signed a new elevation plan, a copy will be sent to the Building/Zoning Inspector for his records.

With no further business, the meeting was adjourned at 6:15 pm.

Respectfully submitted,

Clare Harrington/Administrator  
Zoning Board of Appeals