

**WEST TISBURY ZONING BOARD OF APPEALS**  
**MINUTES THURSDAY, July 27, 2017**  
**2ND FLOOR TOWN HALL AT 5:05 PM**

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

**ABSENT:** Tucker Hubbell and Bob Schwier

**Also Present:** Alex Elvin, Geoff Rose, Jim Eddy, Doug Ruskin and Chris Egan.

**5:15 pm - A continuation of a hearing from June 13, 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 June 13, 2017. Clare stated no new correspondence was received. The WTZBA received from the MVC the decision on DRI 618-M2 (Medical Marijuana Cultivation Building) on July 27, 2017, the twenty day appeal period will expire on August 10, 2017. The board discussed an email from Paul Foley (MVC) regarding the status of the decision and the twenty day appeal period. The Board agreed to take testimony tonight and consider continuing the hearing till after the twenty day appeal period expires. If the MVC decision was appealed to Superior Court, it would stop the process till a ruling comes back from the court. A brief discussion followed on whether the abutters should be sent another notice regarding the application. The board agreed that the process has been transparent throughout with the MVC, including the Zoning Board's requirements.

Nancy asked Geoff if he had anything else to add regarding the application which had not been previously discussed at the MVC hearings. Mr. Rose had modified his plan to remove the dispensary portion from the application. The question of traffic and lighting were issues that the neighbors had raised throughout the application process at the MVC. By modifying the application it helped to eliminate some of the neighbors' concerns.

Chris Egan – (Map 21 Lot 13.1) - Stated he was glad to see the project was scaled down and the dispensary had been eliminated but still had concerns as to how the business could morph into something different. A greenhouse for growing is one thing, but a "factory" is another level. There are a number of scenarios that could potentially change the size and scope of the business from a "greenhouse" to a "factory" level and the effect on the neighborhood. He cited an example; if the State should determine different lighting is needed, what is the "loop" back in monitoring these changes. Nancy explained that any changes would have to be reviewed by the MVC, and the Zoning Board which would include lighting and the waste water system. The process would be to monitor the condition placed on the project and safe guard abutters. All complaints or concerns should be addressed with the Town through the building/zoning inspector.

Geoff Rose clarified that PCMV is a non-profit organization licensed by the Department of Public Health. Any transfer of the license would have to be approved by the Dept. of Public Health. Geoff explained that the State conducts regular and unscheduled visits; the facility has to comply with the conditions regulated by the license.

Geoff explained that wastewater will be collected and disposed of by a licensed contractor, composting of material will be disposed of by a certified composter (Morning Glory Farm). Mr. Rose stated he will comply with all regulations and it is his intention to be transparent with any and all information requested of him regarding the facility.

The board discussed the application and possible condition.

**Dr. Fisher Road,** board suggested the employees and company vehicles, and known venders will use Old Stage Road for access to the facility. And the applicant will make a best effort to notify venders to access the facility through Old Stage Road.

**Affordable Housing:** Subject to the MVC approval (under condition 6.1) the monetary contribution of \$5,800.00 would be awarded to West Tisbury Affordable Housing Trust.

**Composting Toilets:** Subject to an approved septic design by the WT Board of Health.

**Permitting:** 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 the all conditions have been satisfied. The applicant will be subject to annual inspection by the BOH regarding waste water disposal.

All special permits are subject to a twenty day appeal period. Mr. Ruskin asked if the board would consider voting on the application conditionally if no appeals were filed. Nancy explained that in her opinion the board would have to address Jim Eddy's building as a different application. Mr. Eddy proposed building is considerably different than the special permit issued in 2011. In February, Mr. Eddy asked to extend his 2011 special permit, if in fact Mr. Rose's application was not approved, he could move forward on the 2011 special permit.

The board was in agreement that Mr. Eddy would have to apply to amend his 2011 special permit. Larry moved to continue Mr. Rose's application Patient Centric of MV to August 17<sup>th</sup> at 5:15, for further deliberation and possible vote. Toni C. seconded, the vote was unanimous. Jim Eddy's application to amend special permit from 2011-04, will be scheduled for August 17<sup>th</sup> at 5:30 pm.

No further business the meeting adjourned at 6:45 pm.

Respectfully submitted,

Clare Harrington/Administrator  
Zoning Board of Appeals