

WEST TISBURY ZONING BOARD OF APPEALS
MINUTES THURSDAY, July 13, 2017
2ND FLOOR TOWN HALL AT 5:05 PM

PRESENT: Nancy Cole (Chairman), Larry Schubert (Vice-Chairman), Julius Lowe, Toni Cohen, Tony Higgins and Bob Schwier.

ABSENT: Tucker Hubbell

Also Present: See attached attendance sheet.

5:15 pm - A continuation of a hearing from June 8, 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 explained to the board and the audience that the MV Commission is meeting tonight, for the final vote and signature on DRI 618-M2 (Patient Centric of MV). A discussion ensued on whether the Zoning Board should continue the hearing, pending final approval of the MV Commission and the expiration of the twenty day appeal period. Nancy asked Clare to review the question with the Town Clerk, regarding if any legal precedent was set.

Mr. Rose reviewed the changes to the amended application (which the MV Commission is voting on tonight). The dispensary portion of the application was withdrawn and revised to a Medical Marijuana cultivation operation and processing business:

- 1) Building is scaled down to 7200 sq. ft. (from original building of 9600 sq.)
- 2) Lighting: the building and parking will use passive infrared sensor light (PIR) for surveillance purpose, and will emit no visible light.
- 3) Parking: 10 total – 9 for Patient Centric, 1 for Big Sky.
- 4) Hours: Monday – Friday 9:00 to 5:00. Sat and Sun 12 am through 3:00 pm.
- 5) HVAC equipment and backup generator will be located on the north side of the building-away from the abutters.
- 6) Waste water will be collected (from the plants) and held in a holding tank and disposed of by a licensed contractor.
- 7) Big Sky Rental: for storage of large items frequently not rented. No office space is provided to employees.

Doug Ruskin asked if the Zoning Board could vote contingent on approval from the MV Commission on the application to keep the process moving. Nancy answered that it has been the practice of the Board to act on an application after the twenty day appeal period has expired (applications referred to the MV Commission). As stated earlier, Clare will speak with the Town Clerk on this question. It was reiterated, the decision was being acted upon tonight by the MV Commission, and the Zoning Board has not received any signed decision from the MV Commission as of this date. Larry moved to continue the hearing to July 27, 2017, at 5:15pm and send notice to the abutters, Toni C. seconded. The vote was unanimous, with Bob abstaining; it was clarified that after verifying if new notification is required to be sent to abutters; it would determine if Clare will be sending out notices or not.

5:50 PM – A continuation of a hearing from June 29, 2017, on an application from Sourati Engineering, agent for Barbara Fales, for the reconstruction of a detached bedroom located in the shore zone. Under zoning bylaws 11.1-3A and 6.1-4B. Map 31 Lot 6, 699 Old County Road, VR District.

Nancy re-opened the hearing that was continued from June 29, 2017. The board conducted a site visit on July 12th, where the architect showed an updated floor plan including elevation plans of the proposed structure (detached bedroom/pool house). George Sourati, agent for the applicant, presented a brief narrative of the revised proposal. The change consists of rebuilding the structure on the same footprint. The first floor elevation remains the same; the proposal lowers the prior plans ridge elevation by 2'-11". Larry suggested that the Conservation Commission did limit the construction area in their order of conditions and this would be added to the ZBA conditions if the application was allowed. Nancy asked Mr. Earl (direct abutter), if he would like to see additional screening planted, Mr. Earl responded by stating no, that screening would just encroach further on his property.

Mr. Earl had some questions for clarification:

- 1) Existing fence/arbor – if the applicant should extend the fence and it's taller than six feet and located it in the 20 foot setback, the zoning inspector would refer it the zoning board.

2) Solar panels – the applicant may be installing solar panels on the pool house roof. He would like to see them placed on the main house in the rear of the property. This is not before the zoning board at this time. The applicant stated they would not be putting them on the pool house roof.

3) Setback – The pool house is being demolished and rebuilt, he's requesting that the rebuilt structure conform to the 20 foot setback. He contends that the pool house was constructed illegally in the 1970's; this would be the time to make the structure conform to the current setbacks. His preference would be to move the pool house back eight feet that would increase the grade and make the building taller. He would welcome a compromise; even moving it 4 feet. This would make the building 6 to 8 feet taller. The architect stated it would also cast a shadow on the pool. The applicant will also be bringing the current foundation up to code. Nancy stated she was sympathetic to Mr. Earl's request, but the property is located in the shore zone and the board is working to not encroach further and minimize the impact on the shore zone. Moving it would have a greater impact on the shore zone because of a larger construction area. The owner stated that moving it, would impact the existing landscape, which is very extensive in nature.

Julius moved to close the public hearing and open the board meeting. Larry seconded, the vote was unanimous. Larry stated that he understands Mr. Earl's position on when the structure was built in the 1970's, but explained that the process was much different in regards to pulling building permits, etc., then what the requirements are now for the town. Moving it three feet would not make a big impact would not give Mr. Earl the satisfaction he may be looking for. The zoning board can make determinations on minor reconstruction on a residential property with minimum impact on the shore zone.

The board discussed the following conditions:

The applicant must comply with all conditions from the WT Conservation Commission, obtain all permits from the Historic District Commission, the applicant will not encroach any further on to the adjacent lot (Map 31 Lot 6).

Larry moved to approve the application as submitted with conditions as outlined above. Tony H. seconded. The vote was unanimous with Bob abstaining. The board was sympathetic with Mr. Earl's concerns, but was in agreement that moving the structure further away from the south side of the property line would have a greater impact on the property located in the shore zone. Nancy explained the twenty day appeal period.

With no further business the meeting was adjourned at 6:45 pm.

Respectfully submitted,

Clare A. Harrington
Administrator
Zoning Board of Appeals