

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

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

**ABSENT:** Julius Lowe

**Also Present:** James McDonough and Mary McDonough

**Minutes:**

Larry moved and Toni C. seconded to approve the minutes of **March 23, 2017**. The vote was unanimous.

**New Business:**

Re-appointment of board members to the ZBA.

Robert Schwier has been re-appointed to the ZBA till May 2022 as an associate member.

Toni Cohen has been re-appointed to the ZBA till May 2019, as a full member.

**Hearing:**

5:15 pm- A continuation of a public hearing from March 23, 2017, on an application from Patient Centric of Martha's Vineyard LTD, to operate a Registered Marijuana Dispensary, under West Tisbury Zoning Bylaw 3.1-1(use table). Map 21 Lot 12, 90 Dr. Fisher Road, LI District.

The application from Geoffrey Rose, Patient Centric of Martha's Vineyard LTD, was referred to the MV Commission as a DRI. It is currently still under review at the Commission and is scheduled for a public hearing of the full Commission on May 4, 2017, at 7:00 pm. Larry moved to continue the hearing to June 8, 2017, at 5:15 pm. Toni C. seconded, the vote was unanimous.

A brief discussion ensued regarding a letter dated April 26, 2017, from Joe Tierney, Zoning Inspector in response to a letter from the ZBA requesting his interpretation of the "cultivation area" for an RMD, as outlined in the dimensional table of the WTZBL. The board agreed that unfortunately since there is not a "definition" outlined in the zoning bylaws, common sense would prevail. Under these circumstances, under section 14.2, "the gross floor area measured along the outside walls of a building or room, without deductions for hallways, stairs, closets, and thickness of walls, columns or other features". The building inspector is charged with zoning interpretation of the town bylaws. The board asked Clare to review other Island town's bylaws regarding the definition of "cultivation area". A brief discussion ensued on the status of the Cannabis Control Commission formed to regulate the policies for the sale of recreational marijuana.

**Hearing**

**5:35 pm** – A hearing on an application from Mary & James McDonough for setback relief to construct a 384 sq. ft. detached bedroom. The applicant is seeking setback relief of 25 feet from the west side and 20 feet from the south side, which runs adjacent to Oak Knoll Road, under West Tisbury Zoning Bylaws 4.2-2E; Map 16 Lot 33, RU District.

Nancy opened the hearing, no correspondence was received. Mary McDonough explained to the board that they are requesting different setback relief than what was advertised and filed with their application. After reviewing the area where the 384 sq. ft. detached bedroom would be built, the setbacks needed would be 40 feet from the south property line, for 10 feet of relief requested and 20 feet from the west property line with 30 feet of setback relief needed. The board determined that "new" setbacks requested were de minimus in scope, and would not require re-advertising of the public hearing. The McDonough's told the board they spoke with their neighbor, Eric Serpa (M 16 L34) the direct abutter, most affected on the west property line and Mr. Serpa had no objections to the project. Mary explained to the board that the detached bedroom is being built for their son. Nancy explained to the McDonough's that a detached bedroom cannot have cooking facilities but can have bathroom facilities. Tucker explained that in the future they could come back to the board for an addition to the structure to convert it to an accessory apartment but they would have to stay under 600 sq. ft., because of the bylaw concerning building in front of the main house, and off the main road. Larry asked about screening. Mary explained they want to keep as much of the natural screening as possible intact. The consensus of the board is that this location was a good fit for the project.

Toni C. moved at this time to close the public hearing, Bob seconded. The vote was unanimous. Larry suggested to the McDonough's that they have all four bounds set which the building inspector requires to obtain a building permit. Larry moved to approve the application under 4.2-2E, 40 feet from the south property line and 20 feet from the west property line. Bob seconded, the vote was unanimous. Nancy explained the twenty day appeal period.

**Old Business:**

Special Permit 2017-01- (Map 8 Lot 24) for William Callahan. The completed plot plan for this project was presented to the board for their signatures as was outlined in the decision as the final location for the solar arrays. A copy of the final signed plan along with a letter will be forwarded to the building inspector.

**New Business/Discussion:**

**Alley's General Store:** A brief discussion regarding safety concerns on the condition of the store. Particularly the clutter and the amount of merchandise the store holds. With the over-loaded merchandise the aisle ways are overwhelmed, which caused a safety concern, including the question of handicapped accessibility inside the store. The unsightliness of the porch overflowing with "plastic merchandise" does not maintain the character of the village district for the Town. Clare will research the files to see if the ZBA put restrictions on a percentage of what could be sold at the store. The board believed the ZBA was mainly involved with issues involving "back alley's". Tucker told Clare he believes he has a file on Alley's. Upon further research regarding the history of Alley's this will be reviewed at a later date.

**Recreational Marijuana**

Clare reported to the board she will continue to follow the Cannabis Control Commission the board established to regulate and create policy for the recreational sale of marijuana in the Commonwealth.

The meeting was adjourned 6:50 pm.

Respectfully submitted,

Clare Harrington  
ZBA/Administrator