

**WEST TISBURY ZONING BOARD OF APPEALS
MINUTES THURSDAY, FEBRUARY 23, 2017
2ND FLOOR TOWN HALL AT 5:05 PM**

PRESENT: Nancy Cole, Chair, Toni Cohen, Tony Higgins, Larry Schubert, Julius Lowe

ALSO PRESENT: Please see attached list.

HEARINGS:

5:15 PM An application from Patient Centric of Martha's Vineyard, LTD, to operate a Registered Marijuana Dispensary, under the WTZBL 3.1-1 (use table), Map 21, Lot 12, 90 Dr. Fisher Road, LI District.

Nancy opened the hearing at 5:15 pm. She read the notice for the Patient Centric hearing, (see file). She informed the room that they would be voting tonight on sending this application to the Martha's Vineyard Commission for their review because the proposed building is over 3,000 sq. ft. including an existing DRI on the property. She stated that the hearing would be left open and continued on a date to be determined at the conclusion of tonight's hearing.

Nancy and the Board members read the correspondence relating to the application. There were 6 letters opposed to the application and 8 letters in support of the application.

Geoffrey Rose of Patient Centric described his application and plans for the project. Mr. Rose clarified that Patient Centric of Martha's Vineyard is licensed by the Department of Public Health (DPH). He stated that it is his intention to provide the highest quality Cannabis to serve the purpose of providing this medicine to the qualifying members of the community.

He went on to state that he has a comprehensive plan which is in compliance with all state regulations for running a dispensary, which includes a community plan to educate the general public. An operations manual will be submitted to the DPH for their approval.

Nancy asked Geoffrey to summarize his plan.

He stated that his operation is a Registered Marijuana Dispensary (RMD), with nothing whatsoever to do with recreational/retail sales of marijuana. The state regulations are specific to RMD's if they cannot morph into retail sales, as it is prohibited by law.

Mr. Rose said the MV Airport could not be a viable location if it falls under the Federal Aviation Administration jurisdiction. He stated that the volume of patients he expects in three years to be around 400. Patients will need a medical marijuana card issued by a doctor, a photo ID and a letter which is issued by the State. He said that studies show that each patient will only spend about 10 minutes there and be admitted to the facility by appointment only. The square footage of the building is 14,400 sq. ft. which Jim Eddy, the owner, will be constructing. Patient Centric will be occupying approximately 6,600 sq. ft. for the dispensary. The second floor will hold the cultivation and processing operations. The first floor will include a store, lab, waiting room, mechanical room and office. Patients will be buzzed in after swiping their card in the card reader and sliding their state issued letter and photo ID under a glass shield. After entering, they select the product they wish to buy. It is logged into a computer and labeled. There will be a laboratory on the lower level where the material goes through an extensive testing process. Geoff explained the layout and the operations of the dispensary. He told the board the layout of the facility (indoors and out) is under constant surveillance via cameras because of extensive security regulations. He stated that all the cultivation must be done indoors thereby creating the need for HVAC heating, lighting and air-conditioning. The building would be lit by outdoor lighting to comply with security regulations. The number of parking spaces for the facility complies with zoning regulations. Larry asked Jim Eddy (owner of the property) what the remainder of the building be used for; Jim Eddy stated he may use the remaining part of the building as storage for his business.

Nancy opened the public hearing for comments.

Dan Larkosh, an abutter, spoke in favor, citing the light industrial use of the area to justify the location of the RMD. He cited noise and intrusive lighting as being areas of concern to him. He suggested that the Town may decide to widen the road.

Sumner Silverman, a psychologist on the Island for the last 12 years spoke to the need for the facility. He also stated, having been part of a health care team that evaluated patients utilizing medical marijuana, that patients are not generally debilitated due to that issue.

Eddie Prescott stated her serious concerns about the safety issues in relation to the RMD being so close to the West Tisbury School.

Kristin Henrikson spoke in favor of the location due to the privacy there as opposed to the RMD being located right on State Road.

John Pavlick a Pine Hill Rd resident, asked why the original location was not being reconsidered since marijuana is now legal. He also asked why retail sales should be allowed in the light industrial district. He stated that the character of the neighborhood will change especially due to the 24/7 lighting requirements.

Melissa Manter, who owns one of the LI lots on Pine Hill Rd, stated that the location is not safe for patients. She said that the narrowness of the road would not allow ready access for emergency vehicles should a patient need an ambulance. She asked about locating the RMD at the airport or the State Rd location. She also questioned the use of the remaining part of the building.

Diana DeBlase stated that the easement on Pine Hill Rd is for utilities and not to allow for widening the road.

Nolan Pavlik stated that he was concerned with the proximity to the school and the large impact on the neighborhood.

Farley Pedler, a resident of the neighborhood, said he is concerned about the likely increase in traffic. He said that the road does not have the capacity to deal with any more than it does already. He also said that lighting, water usage and waste water disposal were issues of concern to him.

Chris Egan stated that people will probably come through Pine Hill Rd rather than Old Stage Rd causing a lot more traffic through the residential area. He also stated that the operation will be like a huge light bulb because of the size and lighting requirements. He said that the extra space is just leaving Mr. Rose room for future growth.

Dan Larkosh said it is a LI zone and the operation, if allowed would have little impact on the neighborhood.

Melissa Manter said that she disagrees and that her property, which is on a hill, would be looking right over the RMD and the lights would have an effect on her property.

Mr. Rose was asked what the state requires as far as minimum distance from a school. He answered that the requirement is 500 feet. Larry asked him about the State Rd location. Mr. Rose stated that when he was informed by the State that he would need a laboratory, he realized that the State Rd building was too small. Larry asked about building a new building on that site; Geoff stated the State Road site is too small.

In answer to a question regarding the RMD morphing into a retail sales operation, Mr. Rose said that it was not even a possibility due to the State regulations regarding RMDs. Mr. Rose explained he has a very detailed business plan which shows the viability of the project. He went on to say he would work with the board regarding mitigating the lighting issue. Mr. Rose also mentioned that they will be using a drip system for irrigation which means there is virtually no wastewater runoff.

Patti Roads who spoke to the road issue asked if the RMD could take over the maintenance of the road.

Farley Pedler said that there is a road association but still does not want to see traffic increase. He said that if the RMD goes through that there should be substantial consideration for the residents of the area.

There was a brief discussion regarding the town taking over the road as far as maintenance.

Mr. Rose said that he is very sensitive to the traffic issue and will do everything he can to meet the needs of the residents. Nancy verified that the legal access is through Old Stage Rd. Julius commented that the location of the HVAC units on the far side of the building would have less impact on the neighbors.

Diane DeBlaze said that the strategic location of the HVAC unit could help with noise mitigation.

Dan Larkosh stated that in the permits for the Light Industrial District use, the access listed is Old Stage Rd.

Larry moved to continue the hearing until March 23rd at 5:15 pm. Toni seconded the motion. The vote on the motion was unanimous.

Larry moved to refer the application to the Martha's Vineyard Commission as a DRI. Toni seconded the motion. The vote on the motion was unanimous. Nancy made the suggestion that the public could also contact the MV Commission regarding comments/questions on the DRI.

Discussion: Correspondence Special Permit 2011-04 (Map 21 Lot 12): owner James Eddy

Letter dated January 18, 2017, from Reid Silva, agent for James Eddy; requesting an extension of time on special permit# 2011-04. The permit was issued on February 18, 2011; the special permit was good for two years (February 2013), the Permit Extension Act extended the permit for an additional four years (February 18, 2017). Mr. Eddy (the owner of Big Sky Tent & Party Rental) explained to the board that he just recently took possession of the property. The title to the land was not clear which impacted his plans for developing the property.

Larry asked Mr. Eddy about the building he is erecting at the Airport; he told the board he currently is a tenant at the Airport and is constructing a building for his business, but wants to keep his options open. He does not want to lose the ability to build on the property if Mr. Rose's RMD application should be denied by the ZBA. The board discussed the length of time to extend the permit. Town counsel advised ninety days. It was explained to Mr. Eddy that if there are any changes to what the original special permit was allowed for he would have to come back to the ZBA to amend the special permit.

Larry reiterated that it would be difficult for the board to give a special permit without knowing the exact use of the building.

Julius Lowe moved to extend the Special Permit for 90 days from the current expiration date of February 18, 2017, to May 18, 2017. Toni seconded the motion. The vote on the motion was unanimous. A letter will be sent to Mr. Eddy with a copy to the building inspector.

Meeting adjourned 7:15 pm.

Respectfully Submitted,
Pam Thors, Town Hall Administrative Assistant