



OAK BLUFFS PLANNING BOARD

Meeting Minutes

THURSDAY, October 26, 2023

5:00 p.m. | Virtual Zoom Meeting

Members in Attendance: Ewell Hopkins, Erik Albert, JoJo Lambert

Members Absent: Mark Crossland, Sean DeBettencourt

Staff in Attendance: Jessica Downey

Attendees: Geoff Rose, Vineyard Gazette, Patricia Ingalls, Susan Desmarais, Leah Brown, Richard Toole, Chris Seidel, Billie Jean Sullivan

Chair Hopkins opened the meeting at 5:15 p.m. A quorum was present.

Approval of Minutes

Member Lambert made a motion to approve the minutes from the October 12, 2023 meeting. Member Albert seconded the motion. A roll call vote was taken and the motion passed 3-0.

Citizens' Cannabis Petition

Chair Hopkins explained the process for holding a public hearing, including Applicant presentation, public comment, Board questions, and either adjournment or continuation of the hearing. He stated that the Planning Board will either vote in support or in opposition to the proposal, and will draft a letter outlining their position. This information will then be submitted to the Town Clerk, and will be included for Town Meeting.

Geoff Rose inquired as to how long the record would remain open in the case of a continuance. The Chair state that the record would remain open until a vote was called at the next meeting.

Chair Hopkins announced the proposed amendment to the by-law via Citizens' Petition, stating the following:

- Pursuant to the provisions of MGL ch. 40A §5, the Oak Bluffs Planning Board will open a virtual public hearing at **5:00 p.m. on Thursday, October 26, 2023**, for the purpose of accepting public comments on the following proposed amendments to the Town of Oak Bluffs Zoning Bylaws:

- **Item 1:**
 - **To amend Section 8.4 (Registered Marijuana Dispensary Overlay District – RMOD) and 8.5 Marijuana Establishment Overlay District – MEOD) to permit both a Registered Marijuana Dispensary and a Marijuana Establishment in the B1 District.**

- **Item 2:**
 - **To amend Section 8.5.5.2 that the hours of operation of a Registered Marijuana Dispensary and Marijuana Establishment shall be set by the Board of Appeals, but in no event shall a Registered Marijuana Dispensary and Marijuana Establishments be open and/or operating between the hours of 9:00 PM and 9:00 AM.**

- **Item 3:**
 - **To amend Section 8.5.5.7 that no Marijuana establishment shall be located inside a building containing transient housing, or inside a movable or mobile structure such as a van or truck.**

Item 1:

The Applicant, Geoff Rose, reminded attendees that following the opening of the first adult use dispensaries, there were concerns regarding pedestrian traffic, as well as public safety and security. As such, it was understandable that a by-law was created establishing an overlay district. He added that it is now clear that these concerns were unfounded, especially on-island. Mr. Rose stated that the intent of the petition is to have a registered marijuana dispensary and a marijuana establishment be subject to the same conditions as other retail businesses. Mr. Rose stated that since the launch of the dispensaries on-island, there have been no pedestrian, vehicular traffic, or public safety issues requiring an emergency response. He further stated that “by appointment only” was eliminated within the first year of operation, and customers have behaved responsibly and respectfully. Mr. Rose then outlined the security precautions taken at the dispensaries, as well as the age requirements and identification procedures followed. Additionally, he stated that currently Oak Bluffs residents are currently purchasing product in Vineyard Haven or West Tisbury, resulting in tax revenue losses for the Town (3% of gross revenue must be provided to the retail outlet town in the current system).

Item 2:

The Applicant stated that the intent of this proposed revision would be to bring operating hours in line with other retail businesses.

Item 3:

The Applicant stated that the purpose of this proposed revision is to remove the residential restriction. Currently in Oak Bluffs, package stores are located in buildings with residences. In West Tisbury, the dispensary has a residence attached to the building. Mr. Rose reiterated that security is paramount, and there have been no issues around that residence.

The Chair opened the floor to public comment.

Chris Seidel voiced opposition, stating that she does not feel that marijuana dispensaries are in keeping with a family friendly downtown. She stated that there is enough substance use and it sends a message to the young people of acceptance, and she does not believe that is the right message.

Billie Jean Sullivan, Executive Director of the Oak Bluffs Association, stated that they support any business that is willing to come to Oak Bluffs, and they do not see that there is a danger. She stated that they know how Mr. Rose does business, how safely it operates, and that they would like to support him operating a business in Oak Bluffs. She further stated that they believe he has a good business plan and that this type of business should be allowed.

The Chair announced that there would be a link to the recording of this meeting available on the Planning Board website and that the Board would be voting a minimum of two weeks out. As such, there will be an opportunity for written record over those two weeks, if not longer. Additionally, there will be another public meeting to address this topic.

Geoff Rose stated that the B1 District is large and there would be questions about where a dispensary would be located. However, in terms of addressing messages, he can only cite his own personal record of safe and responsible use of cannabis here on the Vineyard.

The Chair closed public verbal comment, but kept the record open for public written comment until the morning of the next scheduled meeting, on November 9, 2023. He then opened the floor to Board questions.

Members Albert and Lambert stated that they did not have any questions.

Chair Hopkins inquired as to what efforts Mr. Rose has made to date to understand the feasibility of a business in the overlay districts that are currently available. Mr. Rose stated

that he is familiar with those locations, such as the one at the very end of Holmes Hole Road. He stated that he believes most of those parcels are residential and do not allow appropriate access to the residents of Oak Bluffs, in his opinion. As such, he does not consider them a viable option. Secondly, he is aware of an area on Windermere Road, adjacent to the Hospital. Once again, those are private residences and that street did not appear to be viable. The third area is a parcel on Edgartown-Vineyard Haven Road. Once again, in terms of accessibility to the residents of Oak Bluffs, he did not believe that was an appropriate location. In short, none of those locations are really viable to serve Oak Bluffs.

Chair Hopkins then inquired as to what Mr. Rose has done in terms of public outreach to communicate that he is not satisfied with the districts as they currently exist, and would like them modified or changed. Mr. Rose stated that he went out into the public with the petition, reaching out to individuals to explain to them what the current situation is, what he was proposing to do, and they supported it. Chair Hopkins asked Mr. Rose to elaborate on why he does not think the current hours allowed are not adequate. Mr. Rose stated that the current hours of 9 am to 8 pm are insufficient because other retail businesses have hours that likely exceed what he is requesting. He stated that he is bringing dispensaries in line, or with fewer operating hours than existing retail operations. Finally, the Chair inquired as to whether Mr. Rose was aware of any efforts to comply with the current bylaws for cannabis operations in Oak Bluffs by other institutions that have ultimately failed. Mr. Rose stated that there is no evidence that he is aware of that any other party has considered operating in Oak Bluffs. Mr. Rose further stated that there is not a mobile license to deliver cannabis products on the island. Rather, the dispensaries are required to contract with a third party delivery service that is licensed by the state. Home delivery was offered in Oak Bluffs this summer, in July and August only. Mr. Rose promised to stand by his commitment to bring safe and responsible cannabis to the Vineyard and to do so in Oak Bluffs.

Assignment of Board Members – November Public Meetings

The Chair announced that the warrant language for Town Meeting is required to be submitted by the first of December. However, the Board is seeking an extension for submission until the end of December. Since it is uncertain as to whether it will be granted, the Board has the month of November to write up warrant language to submit for Town Meeting in April. He asked the Board Members present whether they would be willing to facilitate a public meeting in November to solicit additional feedback on the twelve points of consideration. Members Lambert and Albert stated that they would be unable to facilitate. The Chair then suggested that the Board begin writing warrant language, submitting that language to the public and to the Town and scheduling the mandatory public hearings wherein the public would be able to voice opinions and become educated on the language prior to the April Town Meeting. Members Lambert and Albert did not object.

The Chair stated that the Board will organize themselves to begin writing. He then opened the floor to public comment.

Richard Toole stated that at the Food Waste Meeting, he learned that they are still looking for a location to set up a processor and that there have been talks with Woody Philly (sp?). The Chair stated that Woody was welcome to submit written comments during the comment period, if he would like. Mr. Toole stated that he was in favor of the Board not taking any further public comments in November.

Patricia Ingalls inquired as to who made the decision regarding the December 1 deadline. Chair Hopkins responded that the information was received from the Select Board Administrator. Ms. Ingalls asked how the information would be available to the public about the change in schedule. The Chair stated that the information would be posted on the Planning Board website. Ms. Ingalls expressed concern that many members of the public don't have the time or knowledge to check out the Oak Bluffs Planning Board website. The Chair asked for suggestions regarding alternative methods of notifying the public. Member Lambert reminded the public that the Board is not foregoing meetings because they want to. Rather, there is a deadline to which they must adhere. Ms. Ingalls further expressed her disappointment with the abbreviated schedule.

8 Trinity Park FPOD Meeting

The Chair asked the Board for volunteers to attend the Zoning Board of Appeals Meeting regarding a project at 8 Trinity Park that is in the Floodplain District. The purpose for attending the meeting would be to represent the Planning Board. Member Albert volunteered to attend.

Adjourn

Member Lambert made a motion to adjourn. Member Albert seconded the motion. A roll call vote was taken and the motion passed 3-0.

Minutes approved November 9, 2023

Documents on File:

Agenda; Board Packet; Zoom Video