

Application complete

Application incomplete

Received by the Town Clerk:

Date:

Signed: _____

APPLICATION COVER PAGE

Date: 5/12/2022

Date Received by ZBA: _____

Name of Applicant and Mailing Address: FFD Enterprises MA, Inc.

40 Woodland Street, Hartford, CT 06105

Email Address: bzachs@finefettle.com Telephone Number: (860) 490-0339

Name of Owner and Mailing Address (If not Applicant): Kaysky, LLC

PO Box 4835, Vineyard Haven, MA 02568

Map and Lot #: Map 21, Lot 12

Street Address of Subject Property: 90 Dr. Fisher Road, West Tisbury M

Applicant is: Tenant (Owner, Tenant, Purchaser, Other)

Nature of Application (Special Permit, Appeal, Variance): Modification of Special Permit

Applicable Section of Zoning Bylaw: 9.3-3

Date of Denial by Building Inspector, Zoning Inspector, or Planning Board (If Applicable): _____

Plot Plan: Must provide a plan by a registered surveyor showing the total property with the existing buildings, including the proposed project, all setback distances to be provided.

Plans: 2 sets of scaled drawings of floor plans that show total sq. ft. per floor (measured from exterior of wall), at least 2 elevations with one showing proposed height to ridge. If the project is an addition to existing structure please clearly identify proposed work.

Description of proposed project: Please attach a detailed narrative.

I have read the overview of the ZBA process attached to this application and completed all sections of the application cover page and therefore request a hearing before the West Tisbury Zoning Board of Appeals with reference to the above noted application.

Signed: [Signature]
Attorney for FFD

Title(s): President

Application fee of \$200.00 is required. Date Paid: 5/12/22 CL # 1896

KAPLAN & ASSOCIATES, P.C.
ATTORNEYS AT LAW
63 WINTER STREET
POST OFFICE BOX 2198
EDGARTOWN, MASSACHUSETTS 02539

ELLEN B. KAPLAN
KATHRYN SULLIVAN

TELEPHONE (508) 627-3100
FACSIMILE (508) 627-3301

HAND DELIVERED

May 12, 2022

Pam Thors, Board Administrator
West Tisbury Zoning Board of Appeals
West Tisbury Town Hall
1059 State Road, P.O. Box 278
West Tisbury, MA 02575

Re: FFD Enterprises MA, Inc.
Applications for Modification of Special Permits for
90 Dr. Fisher Road, West Tisbury, MA and
510 State Road, West Tisbury, MA

Dear Ms. Thors:

Enclosed with this letter is an Application and fee submitted on behalf of FFD Enterprises MA, Inc. ("FFD") to modify the Special Permit granted to FFD on April 8, 2021 for the operation of a marijuana cultivation facility at 90 Dr. Fisher Road, West Tisbury, MA. A hearing on the request for modification of the Special Permit is presently scheduled before the Board on Thursday, June 30, 2022 at 5:15 PM.

FFD also has a Request before the Martha's Vineyard Commission for Modification of certain conditions in the approval decision of FFD's operation of a marijuana dispensary at 510 State Road, West Tisbury, MA. This request is scheduled for a public hearing before the MVC on June 9, 2022. As we discussed, if the Request is timely approved by the MVC, we will file the Application for Modification of the Special Permit granted to FFD by the ZBA for the dispensary at 510 State Road to be heard on June 30, 2022 together with the modification of the Special Permit granted for 90 Dr. Fisher Road.

If you need further information or have any questions, please do not hesitate to contact me.

Thank you for your assistance in this matter.

Very truly yours,


Ellen B. Kaplan

EBK/ikk
encs.

Narrative

FFD seeks a modification of the Special Permit for the cultivation and production of Adult/Recreational Use Marijuana and Registered Medical Use Marijuana in a structure located at 90 Dr. Fisher Road, West Tisbury, MA 02575. ("the Property"). See, 935 CMR 500.000 and 501.000. The Special Permit was granted with conditions by vote of the West Tisbury Zoning Board of Appeals (the "ZBA") on April 8, 2021.

The 2021 approvals from the ZBA and the Martha's Vineyard Commission (the "MVC") permitted FFD to grow 1,000 square feet of canopy for medical use marijuana and 2,000 square feet of canopy for adult use marijuana. FFD filed a request with the MVC, similar to the application here, for a modification to permit FFD to grow 3,000 square feet of canopy for both medical use and recreational use marijuana under its medical use license from the Commonwealth of Massachusetts. The modification was approved by the MVC.

The bases for the modification request are explained below.

When Massachusetts first legalized marijuana for adult use sales, it was unclear whether cultivation and inventory needed to be separated into the two categories or could be combined for cultivation. As a result, applicants obtained separate licenses for the two allowed uses and sought separate Special Permits from local boards. Guidance and regulation subsequently made clear that all marijuana could be cultivated under a medical use license, without categorization, and sold in both medical and adult use dispensaries under the same license and seed to sale tracking.

Under FFD's medical use license from the Cannabis Control Commission ("CCC"), FFD is able to use its full facility at 90 Dr. Fisher Road, West Tisbury, MA for production and cultivation of medical use marijuana and adult use marijuana without separate designation in and of the grow areas. The separate canopy limitations for cultivation and production for each separate use set by the ZBA in the Special Permit for 90 Dr. Fisher Road create logistical issues within FFD's cultivation facility that will be eliminated if all product is grown under one seed to sale license as overseen by the CCC. Products grown and produced under the single license at the cultivation/production facility will be designated for sale to medical or adult use customers at the retail dispensary. This modification, if approved by the ZBA, will ease the operational burden and lessen the chance of problems and/or loss of product, while not affecting the interior of the FFD grow area, building, layout, or inventory available to both patients and customers on Martha's Vineyard. The modification will have no effect on patients' ability to receive the medication they need as the Massachusetts Cannabis Control Commission regulations state that co-located dispensaries must make any and all product that is available to adult-use customers available to medical patients, as desired.



Martha's Vineyard Commission

OLD STONE BUILDING • 33 NEW YORK AVENUE
PO BOX 1447 • OAK BLUFFS, MA 02557
PHONE: (508) 693-3453 • FAX: 508-693-7894
INFO@MVCOMMISSION.ORG • WWW.MVCOMMISSION.ORG

May 3, 2022

Ellen Kaplan
Kaplan & Associates, P.C.
63 Winter Street
Edgartown, MA

Re: MVC approval of DRI 618-M5 (FFD Modification)

Dear Ellen,

I am writing to confirm that on April 28, 2022, the Martha's Vineyard Commission reviewed the proposed modification for the marijuana cultivation building at 90 Dr. Fisher Road in West Tisbury (DRI 618-M5). The MVC voted unanimously to not require a public hearing, and to further approve the modification, which is as follows:

- Increase the allocated medical-use canopy (as stated in the proposal for DRI 618-M3), from 1,000 ft² to 3,000 ft², and remove reference to the allocated adult-use canopy. This will eliminate the need per state requirements to separate medical and adult-use marijuana at the cultivation and production stage. The applicant will now grow the entire crop under an existing Cannabis Control Commission medical-use license, for both medical and adult-use sales.
- There will be no net increase in cultivation area.

Documents related to the modification are available on the [MVC webpage](#) for the project, with hard copies available by request at the MVC office.

The Town may now proceed with the permitting process. If you have any questions, or if there is anything we can help with, please let me know.

Sincerely,

Alex Elvin
DRI Coordinator

cc: Benjamin Zachs
Cory Ravelson
Pam Thors
Pat Harris

Original decision

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST TISBURY
ZONING BOARD OF APPEALS

DECISION OF THE BOARD OF APPEALS ON THE PETITION OF Patient Centric of Martha's Vineyard, Ltd. filed with the West Tisbury Town Clerk on February 14, 2020 ZBA Case File 2020-3

Applicant: Patient Centric of Martha's Vineyard, Ltd., P.O. Box 1323, West Tisbury, MA 02575

Property Owner: Kaysky LLC, whose title to the property is recorded at the Dukes County Registry of Deeds and described in Book 1405 Page 219, dated May 10, 2016.

Agent: Geoffrey Rose, P.O. Box 1323, West Tisbury, MA 02575.

Locus: 90 Dr. Fisher Rd, West Tisbury, MA, Assessors Map 21 Lot 12, LI1 district, 1.01 acres.

Plans: 1) Site Plan prepared by Vineyard Land Surveying & Engineering dated November 16, 2018.
2) Floor plans and elevations prepared by Crawford Design Associates dated November 20, 2017.
All plans on file at the Zoning Board of Appeals office.

Notice: Certified abutters notified on January 8, 2020 and legal notice advertised in the Martha's Vineyard Times on January 9th and 16th, 2020.

Hearing & Request: A Public Hearing was held on January 23, 2020 on an application for a Special Permit from Patient Centric of Martha's Vineyard, Ltd. to amend Special Permit #2017-03 to allow cultivation of Adult/Recreational Use Marijuana in an existing structure previously approved for cultivation of Medical Marijuana.

The hearing was continued to February 6, 2020.

Requirement: Sections 3.1-1 (Use Table) and 9.3-3 of the Zoning Bylaws.

Present: Nancy Cole, Julius Lowe, Deborah Wells and Andy Zaikis.

Decision: On February 6, 2020 the Zoning Board of Appeals voted to GRANT a Special Permit with CONDITIONS to allow the cultivation of Adult/Recreational Use Marijuana in an existing structure previously approved for the cultivation of Medical Marijuana.

Vote to Approve: Nancy Cole, Julius Lowe, Deborah Wells and Andy Zaikis.

Findings:

- 1) The cultivation and product manufacturing of recreational marijuana is allowed in the LI Zone by Special Permit from the Zoning Board of Appeals, (April 9, 2019).
- 2) The Applicant submitted an application to the Martha's Vineyard Commission to modify existing DRI 618-M2 on August 29, 2019.
- 3) Modifications were approved by the Martha's Vineyard Commission on September 19, 2019, resulting in DRI 618-M3 Marijuana Cultivation Building Modifications.
- 4) There will be no change to the size of the existing structure.
- 5) The cultivation of Adult/Recreational Use Marijuana will occupy approximately 1,200 sf. of an area previously utilized by Big Sky Tent and Party Rental.
- 6) Security systems currently in place will be extended to the new cultivation area by the installation of 20 additional security cameras.
- 7) The application complies with Section 9.2-2 Review Criteria, of the Zoning Bylaws.

Conditions: 1) The driveway easement along the westerly lot line to Assessors Map 21, Lot 12.1 must be cleared and prepared for use.

NOTE WELL: It is understood that the applicant will obtain all other permits or authorizations required by the Town of West Tisbury before proceeding with any work

NO VARIANCE OR SPECIAL PERMIT SHALL TAKE EFFECT UNTIL:

1. A period of twenty days has elapsed from the date of the filing of the Board's written Decision with the Town Clerk, and the applicant has received a copy of the Decision bearing the certification of the Town Clerk that a period of twenty days has elapsed from the filing of the Decision and that no appeal has been filed, or the appeal has been denied or dismissed. The **Certified Decision** is recorded at the Dukes County Registry of Deeds and the recording fee has been paid at the Dukes County Registry of Deeds. **Only Original Documents will be accepted at the Registry.**
2. A receipt for the recording stamped by the Dukes County Registry of Deeds has been returned to the **Building & Zoning Inspector of West Tisbury** or to the office of the **West Tisbury Board of Appeals** who will turn over the receipt to the Building and Zoning Inspector.
3. **The applicants may proceed with applying to the appropriate Town of West Tisbury Officers and Boards for any other development permits which may be required by law.**

Any person aggrieved by the Decision of the West Tisbury Board of Appeals may appeal to Superior Court and must notify the Town Clerk of the action and submit a copy of the complaint within twenty days after the decision has been filed in the office of the Town Clerk.

A Special Permit shall lapse in 2 years if not utilized. A Variance shall lapse in one year if not utilized.

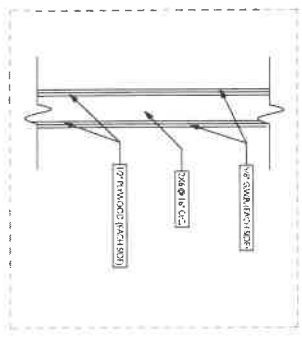
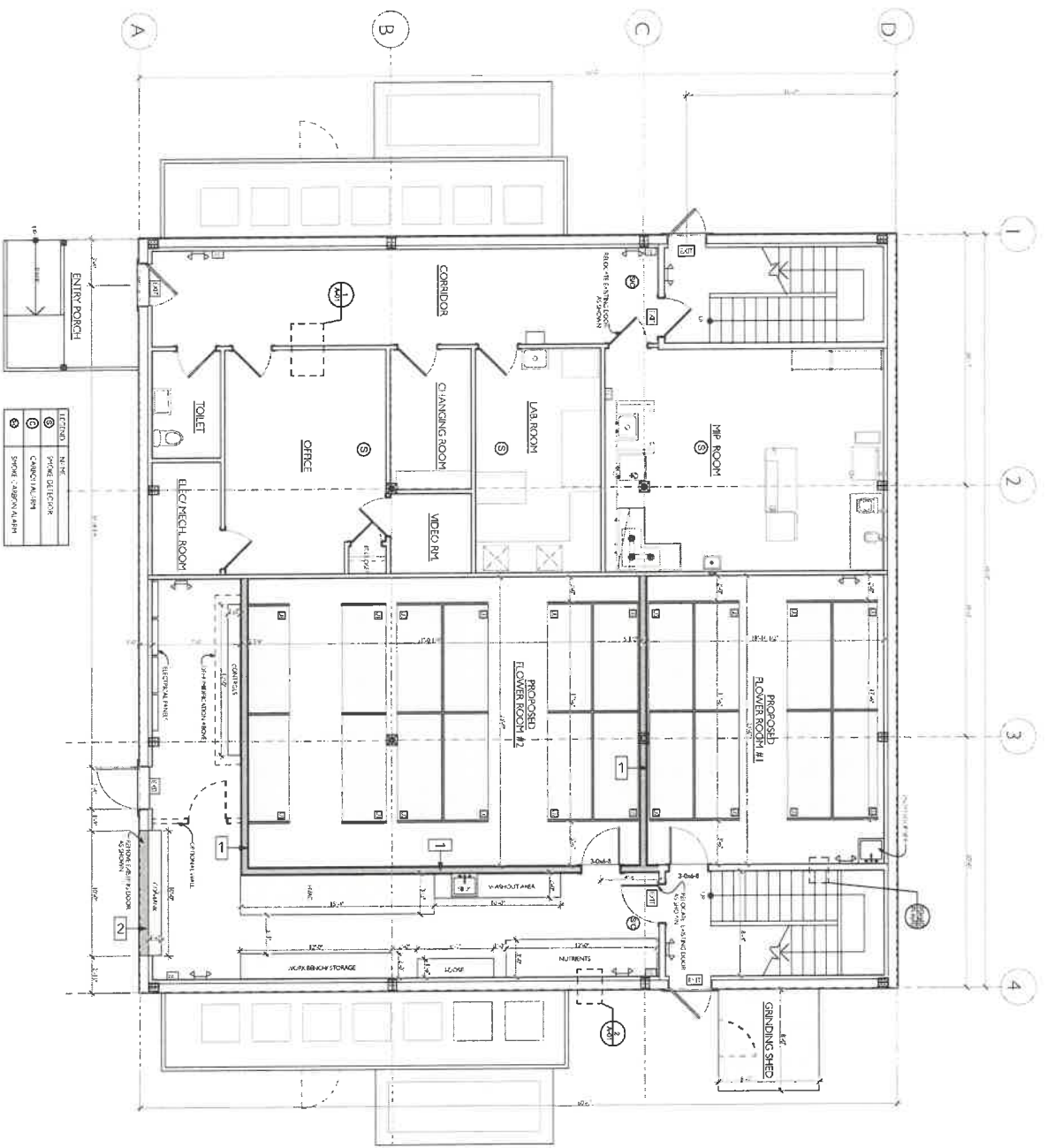
The Building and Zoning Inspector may approve at his discretion, minor changes that come up during the building process. All major changes to the plans or significant material changes must be approved by the Zoning Board of Appeals. Please consult with the Inspector regarding any change. Failure to do so may nullify your permit and may require removal of the unapproved construction.

NOTE WELL: It is understood that the applicant will obtain all other permits or authorizations required by the Town of West Tisbury before proceeding with any work.

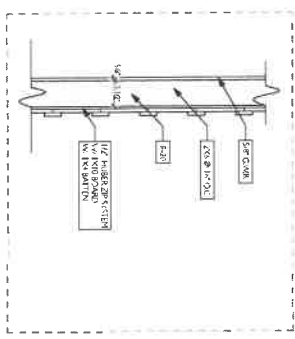
Filed with the West Tisbury Town Clerk on February 14, 2020

I certify that no appeal has been made _____

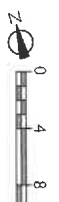
FIRST FLOOR PLAN
SCALE = 1/4"



1
INTERIOR WALL DETAIL
SCALE = 1/4"



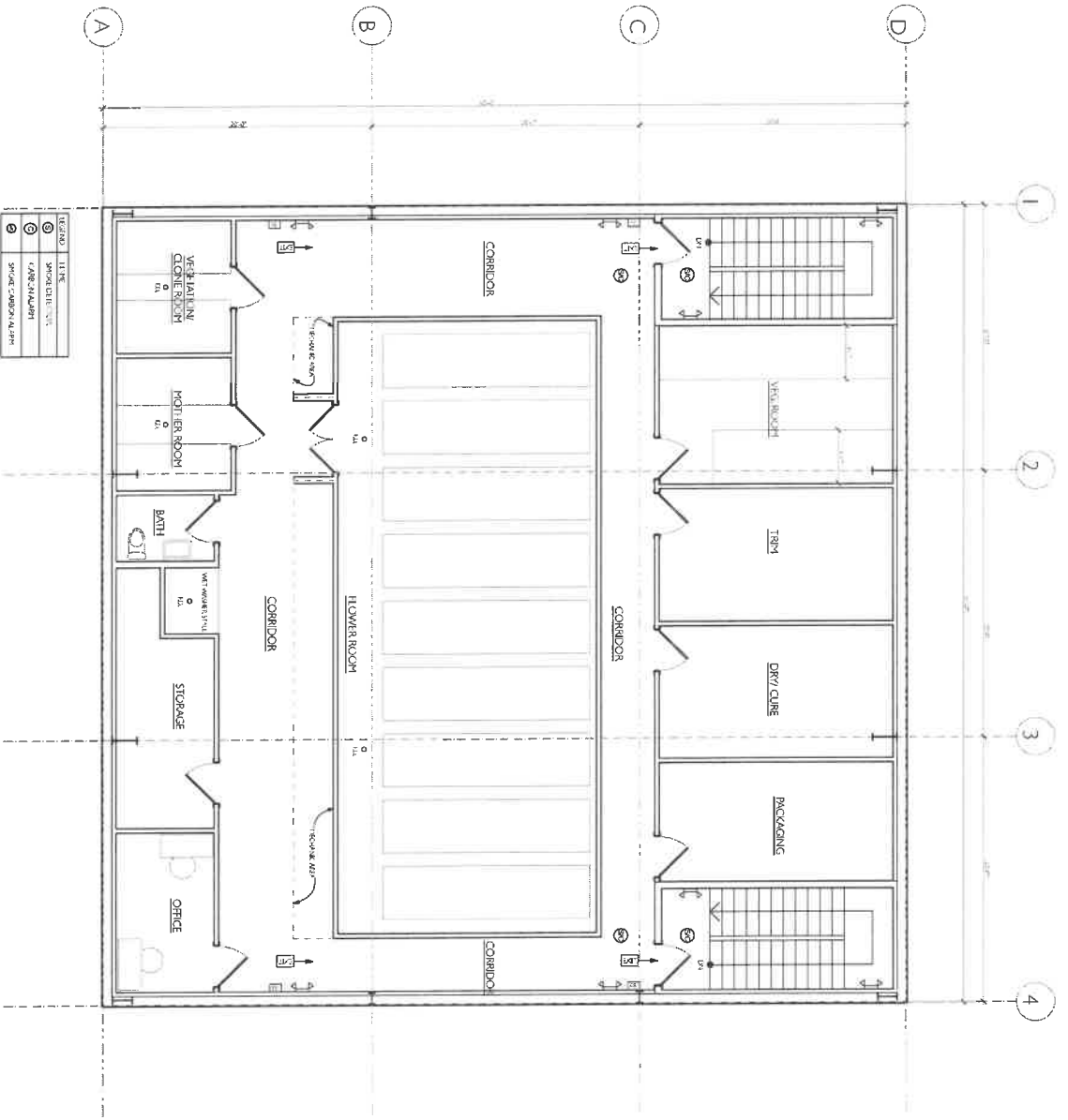
2
EXTERIOR WALL DETAIL
SCALE = 1/4"



PERMIT SET
NOT FOR CONSTRUCTION

	<p>PROJECT NAME PCMV - WEST TISBURY</p> <p>ADDRESS 9 DR. FISHER ROAD, WEST TISBURY, MA</p> <p>SHEET TITLE FIRST FLOOR PLAN</p>	<p>sullivan + associates ARCHITECTS</p> <p>508 693 0500 sullivanassociatesarchitects.com</p>
	<p>DATE 2020-01-22</p> <p>DATE 21-12-4</p> <p>DATE 19703</p>	

A-01



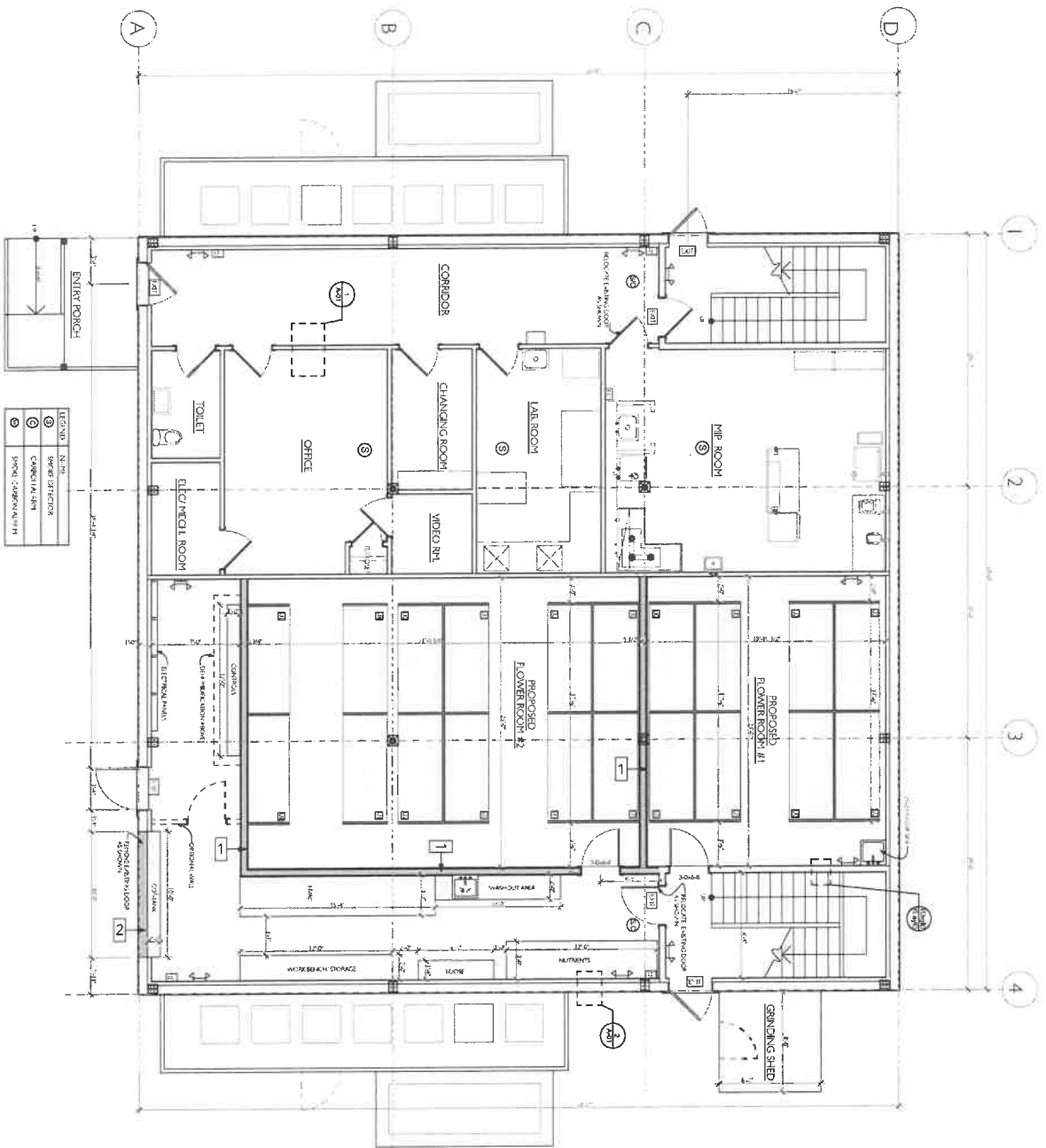
SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

1	LINE	11
2	SPRING	12
3	CORNER	13
4	SPRING	14

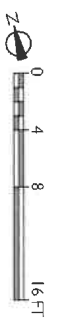
PERMIT SET
NOT FOR CONSTRUCTION

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DATE	2020-01-22	
DATE	21-12-1	
DATE	19903	
SHEET TITLE	SECOND FLOOR PLAN	
PROJECT NO.	A-02	

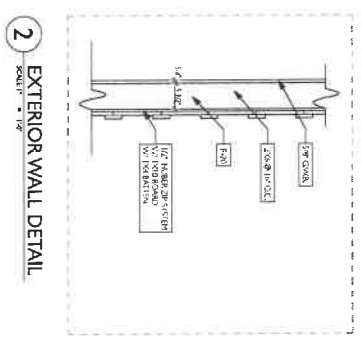
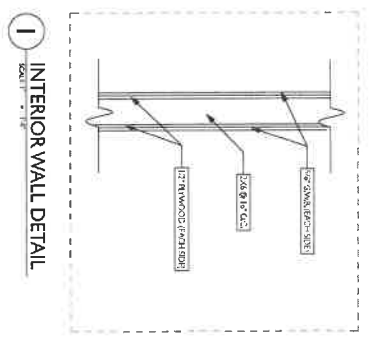
sullivan + associates
ARCHITECTS
508.693.0500
www.sullivanassociatesarchitects.com



FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"



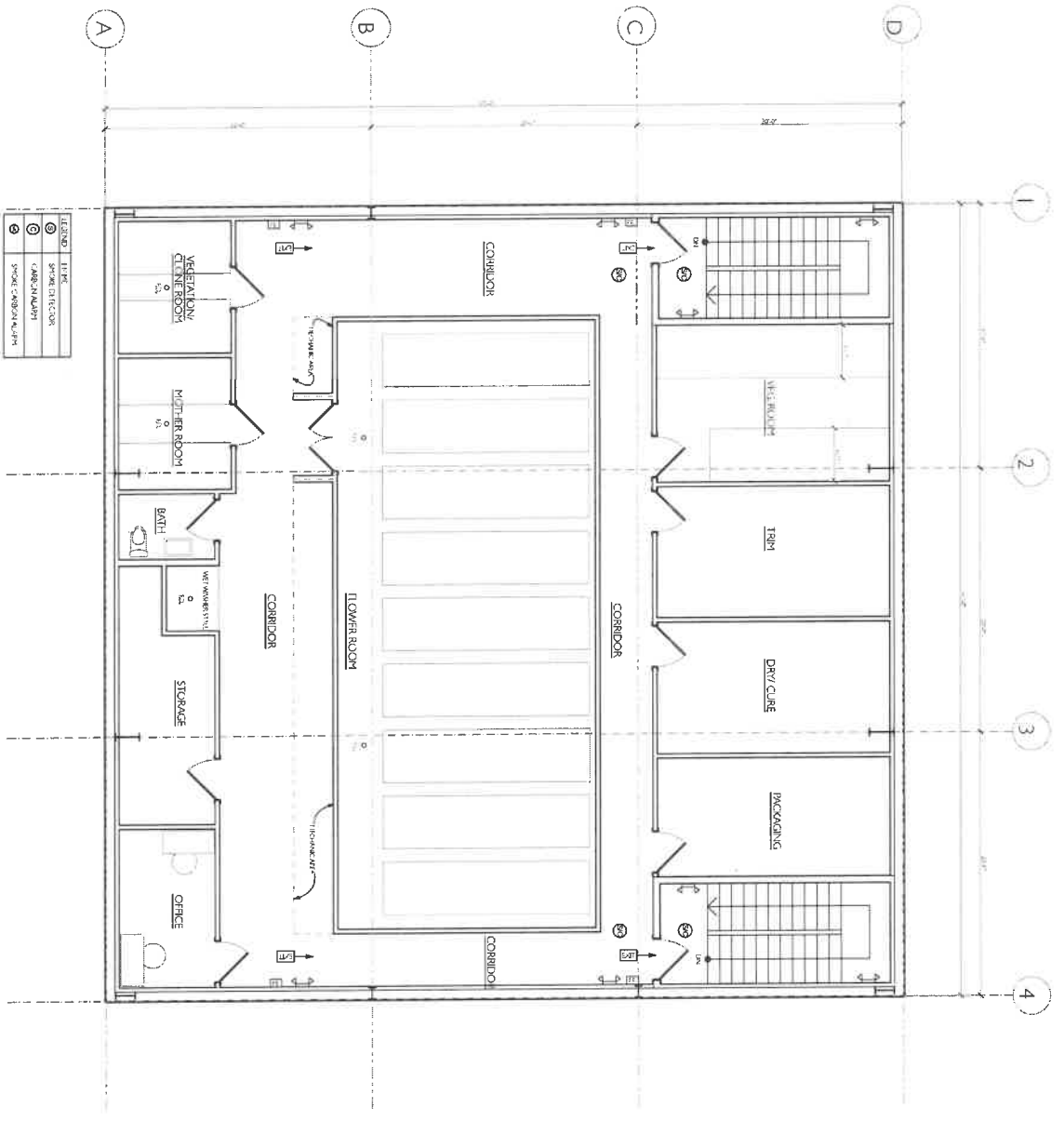
PERMIT SET
 NOT FOR CONSTRUCTION



	PROJECT NAME	PCMV - WEST TISBURY
	ADDRESS	9 DR. FISHER ROAD, WEST TISBURY, MA
	SHEET TITLE	FIRST FLOOR PLAN
	DATE	
DATE		
508 693 0500 1107 WASHINGTON STREET, VERMONT, 05405		

DATE	2020-01-22
APPROVED	21-12-1
DATE	198703
DRAWING #	
PROJECT NAME	PCMV - WEST TISBURY
ADDRESS	9 DR. FISHER ROAD, WEST TISBURY, MA
SHEET TITLE	FIRST FLOOR PLAN
DATE	
DATE	

A-01



LENO	LINE
①	STAIR CIRCULATION
②	CABINETS
③	SPECIAL CABINETS

SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"



PERMIT SET
NOT FOR CONSTRUCTION

	PROJECT NAME	PCMV - WEST TISBURY
	ADDRESS	9 DR. FISHER ROAD, WEST TISBURY, MA
DATE	2020-01-22	
DESIGNED BY	MT	
SHEET TITLE	SECOND FLOOR PLAN	
DATE	21-12-1	
SCALE	1/8" = 1'-0"	
DRAWING NO.	198703	

sullivan + associates
ARCHITECTS

508 693 0500
www.sullivanassociates.com