

**THE COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF WEST TISBURY**  
**ZONING BOARD OF APPEALS**

**DECISION OF THE BOARD OF APPEALS ON THE PETITION OF FFD Enterprises MA, Inc. filed with the West Tisbury Town Clerk on April 22, 2021 ZBA Case File 2021-13**

**Applicant:** FFD Enterprises MA, Inc., 40 Woodland St., Hartford, CT 06105

**Property Owner:** Gordon S. McArthur and Victoria E. Thurber – Trustees of 510 Nominee Trust, whose title to the property is recorded at the Dukes County Registry of Deeds and described in Book 1294 Page 754, dated October 15, 2012.

**Agent:** Ellen Kaplan, Kaplan and Associates, P.C.

**Locus:** 510 State Rd., West Tisbury, MA, Assessors Map 16 Lot 101, MB district, .405 acres

**Plans:** 1) Site Plan prepared by Hayes Engineering Group dated October 14, 2020.  
2) Floor plan and elevations prepared by Sullivan Associates dated February 4, 2021.  
All plans on file at the Zoning Board of Appeals office.

**Notice:** Certified abutters notified on March 24, 2021 and legal notice advertised in the Martha's Vineyard Times on March 25 and April 1, 2021.

**Hearing & Request:** A Public Hearing was held on April 8, 2021 on an Application for a Special Permit from FFD Enterprises MA, Inc. to operate a Medical Use and Adult-Recreational Use Marijuana Dispensary under Sections 9.2-2 and 3.1-1 (Use Table) of the Zoning Bylaws on Map 16 Lot 101, 510 State Road, MB District. This application seeks to transfer ownership and operational rights previously granted to Patient Centric, MV.

**Requirement:** Sections 9.2-2 and 3.1-1 of the Zoning Bylaws.

**Present:** Larry Schubert, Julius Lowe, Deborah Wells, John Rau, Andy Zaikis, Jeffrey Kaye and Casey Decker.

**Decision:** On April 8, 2021 the Zoning Board of Appeals voted to GRANT a Special Permit with CONDITIONS to FFD Enterprises MA, Inc. to operate a Medical Use and Adult-Recreational Use Marijuana Dispensary under Sections 9.2-2 and 3.1-1 (Use Table) of the Zoning Bylaws on Map 16 Lot 101, 510 State Road, MB District. The granting of this Special Permit transfers ownership and operational rights previously granted to Patient Centric, MV.

**Vote to Approve:** Larry Schubert, Julius Lowe, Deborah Wells, John Rau, Andy Zaikis, Jeffrey Kaye and Casey Decker.

**Findings:**

- 1) On November 5, 2013, the town voted to add "Registered Marijuana Dispensary (RMD) to the Definitions, Use Table and Dimensional Table Sections of the Zoning Bylaws.
- 2) On April 10, 2018, the town voted to add "Recreational Marijuana Sales allowed in the Mixed Business District only by Special Permit from the Zoning Board of Appeals", to the Business Uses in the Use Table of the Zoning Bylaws.
- 3) FFD Enterprises MA, Inc. is licensed and regulated by the Department of Public Health.
- 4) The Community Host Agreement with the Town has been transferred to FFD Enterprises, Inc. contingent upon approval of the Cannabis Control Commission.
- 5) The Martha's Vineyard Commission has approved the change in ownership of 510 State Rd. (DRI #696) to FFD Enterprises MA, Inc.
- 6) All sales will be "by appointment only".
- 7) All promotional material will clearly state that sales are "by appointment only".

- 8) Applicant has submitted a parking/landscape plan which was reviewed by the Building Inspector and complies with Sections 8.2-1 and 8.2-2 of the Zoning Bylaws.
- 9) The security system will meet all the requirements of the Department of Public Health regulations
- 10) "The premises", includes the building and the parking lot.
- 11) The leased property is a pre-existing, non-conforming lot in the Mixed Business District with a building consisting of retail space and a private residence which will be utilized by an employee of FFD Enterprises MA, Inc. or for year-round workforce housing.
- 12) Stockade fencing 6' high and running the length of the rear property line will be constructed.
- 13) Farm fencing will be constructed along the boundary of the lot and the abutting 504 State Rd. lot.
- 14) Screening trees will be planted along the boundary with 504 State Rd. and shall be maintained by both parties.
- 15) The applicant will comply with all lighting requirements under Section 8.6-2 of the Zoning Bylaws.
- 16) All procedures will be adhered to according to the submitted Narrative.
- 17) The application was considered under the review criteria of Section 9.2-2 of the Zoning Bylaws and the use found to be in harmony with the intent of this bylaw and to be consistent with other uses in the Mixed Business District.

**Conditions:**

- 1) This special permit is restricted by all conditions of the Martha's Vineyard Commission decision on DRI 696 dated August 13, 2020 and recorded on September 17, 2020 in Book 1543, Page 133, to the extent that they do not specifically conflict with the conditions set forth in this special permit.
- 2) Hours and days of operation are allowed as follows; September 1<sup>st</sup> through April 30<sup>th</sup> Monday through Saturday 9:00 am to 6:00 pm. and May 1<sup>st</sup> through August 31<sup>st</sup> 9:00 am to 7:00 pm. No Sunday hours allowed.
- 3) Sales are to be "by appointment only"; no walk-in sales allowed.
- 4) No vehicles are permitted on the premises without a previously scheduled appointment.
- 5) A sign at the entrance to the parking lot and all promotional material will clearly state the "by appointment only" restriction.
- 6) No more than five (5) appointments allowed per fifteen (15) minute period, with an additional sixth appointment reserved for express orders.
- 7) No request for modification shall be filed until at least six (6) months after commencement of operations, and this six (6) month period shall include July and August.
- 8) This special permit for the business use as a medical marijuana and adult use marijuana dispensary is for the applicant's use only. Any transfer of state licensing for the dispensary or the lease of the commercial space to another entity for use as a marijuana dispensary must return to the Zoning Board of Appeals with a new application.

**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.**

Filed with the West Tisbury Town Clerk on April 22, 2021

I certify that no appeal has been made

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