

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 2021-12

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

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

Locus: 90 Dr. Fisher Rd., West Tisbury, MA, Assessors Map 21 Lot 12, LI-1 district, 1.01 acres

Plans: 1) Site Plan prepared by Vineyard Land Surveying dated November 16, 2018.
2) Floor plan 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 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 Cultivation Facility under Sections 9.2-2 and 3.1-1 (Use Table) of the Zoning Bylaws on Map 21 Lot 12, 90 Dr. Fisher Rd, LI-1 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 Cultivation Facility under Sections 9.2-2 and 3.1-1 (Use Table) of the Zoning Bylaws on Map 21 Lot 12, 90 Dr. Fisher Rd, LI-1 District. This application seeks to transfer 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) The cultivation and product manufacturing of medical and adult use recreational marijuana is allowed in the LI Zone by Special Permit from the Zoning Board of Appeals, (April 9, 2019).
- 2) The Martha's Vineyard Commission has approved the change in ownership of 90 Dr. Fisher Rd. (DRI #618) to FFD Enterprises MA, Inc.
- 3) The Community Host Agreement with the Town has been transferred to FFD Enterprises, Inc. contingent upon approval of the Cannabis Control Commission.
- 4) There was no abutter correspondence in support of or in opposition to the application.
- 5) The application complies with Section 9.2-2 Review Criteria, of the Zoning Bylaws.

Conditions: 1) All conditions set forth in the attached Martha's Vineyard Commission decisions dated July 18, 2018, (DRI618-M2) and September 19, 2019, (DRI618-M3).

- 2) The driveway easement along the westerly lot line to Assessors Map 21, Lot 12.1 must be cleared and prepared for use.
- 3) All employees and company vehicles, including all regular vendors use Old Stage Road as the access to the facility. The applicant will make a best effort to notify other vendors to access the facility through Old Stage Road.
- 4) The applicant must obtain all permits or authorizations required by the Town of West Tisbury. The building inspector shall not issue a certificate of occupancy until all conditions have been satisfied. The applicant will be subject to annual inspection by the Zoning Inspector, Board of Health and Fire Department.
- 5) Hours and days of operation are as follows:
 - Monday through Friday from 8:30am to 5:00pm.
 - Saturday and Sunday from 12noon to 3:00pm.

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
