

Zoning Board of Appeals

From: Abby Rabinovitz <abbyrabinovitzmv@gmail.com>
Sent: Tuesday, July 21, 2020 10:31 AM
To: 'Pam Thors'
Cc: cag@cgoodwinassociates.com; 'Richard Cascarino'; cfogorman106@gmail.com; 'Michele Brescia'; 'Craig Miner'; ldpearlson@yahoo.com
Subject: Patient Centric Proposal: Letter from Abutters
Attachments: Letter from Abutters 7.20recreationalcannabis DRI696.docx

Dear Pam,

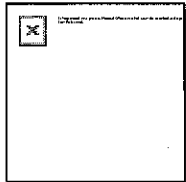
Yesterday we were told that on July 24 the ZBA will be reviewing an agreement drafted by Patient Centric. This review will be in advance of the MVC hearing July 30. It is our understanding that while no final decision will be made by the ZBA on July 24, there will be discussion. For that reason, I am sharing this letter from abutters. It is addressed to the commission and was submitted to them today (well in advance of the July 30 hearing). It seems that it is timely for the ZBA as well.

We are asking that members of the ZBA receive a copy of our letter in advance so that they can consider abutters' concerns and proposals on July 24 at the same time they are reviewing the agreement and any other materials from Patient Centric.

Thank you for your help facilitating this.

Best,

Abby



ABBY RABINOVITZ | Owner/Principal Broker

Tea Lane Associates

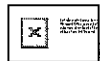
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July 21, 2020

To the Martha's Vineyard Commission;

As the abutters to 510 State Road, we wish to go on record as opposed to the use of this site for the recreational sale of cannabis. It is inappropriate due to size, location, security and impact to the community.

510 State Rd. is a non-conforming lot of .405 acres in a district where a conforming lot is .918 acres. Almost every commercial property on State Rd. in the mixed business district is a conforming lot. The applicant's current proposal calls for twenty two parking spaces on this undersized lot. This is more parking per square foot of land than any other existing business (office or retail) in this district.

We all know that a recreational marijuana shop has the potential to generate significant traffic. There is only one entrance in and out of this site, unlike Cronigs, the post office, Vineyard Take Out, MV Savings Bank and Conroys...the five other high traffic retail businesses in the area. These businesses are all located on larger lots and have AT LEAST two exits/entrances.

What precedent is being established here? How will the MVC treat the next applicant who wants a high traffic business in this district? The MVC has never allowed such heavy usage on a small lot in the West Tisbury mixed business district before. The lot next door (Tea Lane Associates) was permitted fifteen-twenty one parking spaces by the MVC. This was for a conforming lot more than double the size.

Will this proposed permit signal a new standard by the MVC? What future businesses will be considered and on what grounds can you reject them once you accept this? The MVC is supposed to protect the island from growth at any cost, not encourage it.

The West Tisbury mixed -use business district has striven to be one that provides essential services that reflect the needs of our community. Whether it be the support services such as police, fire, market, post office, apothecary, medical

offices, physical fitness, and gardening centers, this range comprises those services that anyone could use on a daily basis. Businesses are sited appropriately and the feeling of our rural community has been maintained. We urge you not to jeopardize this now. We are not opposed to a medicinal marijuana dispensary at 510 State Rd., but we believe that the addition of recreational marijuana here is a mistake and a change of direction for this district that the town, and the island, will come to regret.

What is your vision for this district? Yes, we realize that the increased revenue for the Town of West Tisbury is an attraction but we ask what is more important: increased tax revenue or the precedent this proposal creates for the future of our rural community and mixed-use business district? We have lost our way when this door opens.

Should this plea go unanswered, we as abutters urge that the following conditions be included as part of any permit the MVC grants in order to protect our abutting properties and offset some of the dramatic impact of this proposal.

1) BY APPOINTMENT ONLY:

a) No Walk-in Appointments

All appointments to be made by phone, online or by pre-scheduling a customer's next appointment while on site. No appointments to be booked after walking or driving in and inquiring if there is an opening. This policy should be clearly stated on the Patient Centric website, all promotional materials and by displaying signage on the property which makes it clear that it is ONLY by appointment. Note that the current Patient Centric proposal (6/30/2020) allows for a customer to drive in and book an appointment on site. It reads:

"If a Customer/Patient Does Not Have an Appointment: Should a customer/patient arrive at PCMV's facility without an

appointment, either on foot or by vehicle, they will be granted access if an appointment time is available.”

This policy will encourage traffic to the site and undercut the idea of by-appointment only. **It is at odds with the MVC traffic study (6/27/2020) which reads “The applicant has stated that in order to mitigate any traffic concerns, customers will have to make an appointment prior to arriving.”**

We urge that customers be required to make an appointment prior to arriving. Customers who arrive without an appointment should not be allowed to book one. “By-appointment only” should be clearly defined not to include walk-in traffic, this restriction to be in effect for at least the first year of operation after which it could be reviewed and re-evaluated by the MVC at Patient Centric’s request.

b) No Removal of Appointment-Only for First Year of Operations:

The Patient Centric proposal (6/30/2020) reads: “Should PCMV seek to remove appointment-only operations altogether, it must provide notice of its intention to abutters within 300 feet of the facility at least 21 days prior to the proposed increase and first obtain the approval of the MV Commission. In the event that the MV Commission allows for the removal of appointment-only operations altogether, it reserves the right to re-implement appointment-only operations upon appropriate evidence of the need for same.”

We respectfully observe that the MVC does not want to be the ongoing arbiter of this process. This is understandable. Abutters, also, do not want to make monitoring an ongoing project. If a recreational marijuana business is going to happen here, we want it to go smoothly and look forward, personally, to moving on with our lives.

We are open to the suggestion that the West Tisbury police chief or another designated official monitor the appointment level for a year, with input and adjustments from Patient Centric and abutters as needed. However, **we propose that any application to remove appointment-only operations be entertained by the MVC only after a full year of operations.**

During the first year of operations, Patient Centric should keep a record of appointments so that we can all see when the peaks and drops occur. For instance, off-season traffic may be low in general but may spike on holidays or on Friday afternoons. Summer may be busier than expected. It is not reasonable that we, as abutters, are adjusting (and giving feedback) after bearing the consequences of removing appointment-only operations. **Give Patient Centric the option to apply to remove appointment-only operations once we have a full year of data but not before.**

- 2) FEWER PARKING SPACES:** We propose six fewer customer parking spaces for a total of thirteen customer spaces. (We are comfortable with the three proposed employee spaces as they will not require the same freedom of movement). We are proposing a total of sixteen parking spaces as opposed to the twenty two currently in the application. Sixteen parking spaces on this .4 acre lot is proportionally more than the fifteen-twenty one parking spaces allowed by the MVC on the .9 acre lot next door. **(If we were to hold with this precedent, 510 State Rd. should be allowed no more than eleven spaces in total).**

Of particular concern are the seven parking spaces proposed along the boundary with Tea Lane Associates. We propose limiting parking along that boundary to four spaces (three employee parking spaces and one customer space). The two spaces close to State Rd. perpendicular to the boundary would be eliminated as would one of the parallel parking spaces. One benefit of eliminating these three spaces would be less parking and

traffic close to the well. (See Commonwealth of MA private well guidelines, page 17. <https://www.mass.gov/doc/private-well-guidelines>). A second benefit would be less visible parking from State Rd., in keeping with what has been required by the MVC for other landscape plans in recent years. We also propose eliminating three additional parking spaces from the main customer parking area. The goal is to create an efficient flow of traffic in the parking area itself as well as in and out of the one entrance/exit to and from State Road.

- 3) **NO SUNDAY HOURS:** 510 State Rd. abuts two homes in the neighboring Island Farm residential neighborhood. Only three businesses in the mixed business district have Sunday hours and, of these, Cronigs and Conroy's are essential businesses and do not abut residences. The third business, Vineyard Gardens, abuts residences but closes retail operations during the off season, reducing the impact on abutters. Recreational marijuana is not an essential service. Why is it so important that a recreational marijuana business be open throughout the year on Sunday at the expense of residential neighbors? These hours will impact the quiet enjoyment of homeowners outside the mixed business district and, again, there is no precedent for it.
- 4) **WEEKDAY/SATURDAY HOURS:** We understand and appreciate that Patient Centric has offered to reduce weekday hours but are not clear what their current proposal is. We propose Monday -Saturday hours of 9:00 am-6PM (EST) and 9:00 am-7 PM (DST). Note that their original proposal of 7 PM (EST) and 8 PM (DST) continues operations after sunset for a significant portion of the year. For security reasons, we do not want an abutting high traffic business operating next door to us after dark. We believe that the hours we are proposing are in keeping (and even more generous) than many other businesses in the area, with the sole exception of Cronigs, which is an essential business and in a category of its own.

5) **FENCING AND SCREENING:** (which Mr. Rose has already agreed to) for all adjoining abutters. This fencing and screening to be detailed in the landscaping plan. As understood at the time of this letter, Patient Centric will install and maintain at their own cost:

a) A stockade fence along the borders with Cascarino/Goodwin (16-37) and Gorman (16-39).

b) A farm fence along the border with Tea Lane Associates (16-100). The trees and bushes which have already been planted along this border for screening will be protected and maintained by both parties.

b) There will be additional plantings along State Rd. These will be native plantings. The intent will be to screen parking, beautify the property and add to the rural character of the neighborhood.

6) **SECURITY:** A Security plan that will allow for the comfort of abutters who work in the evenings (which Mr. Rose has already agreed to). Patient Centric will ensure that there is no overflow traffic into the Tea Lane Associates parking area. It is proposed by Mr. Rose that the parking attendant on site at 510 State Rd. be responsible to enforce this and the applicant has continually stated that they do not believe this will be an issue. We sincerely hope that they are right. Our hope is that the by-appointment process suggested above, the earlier closing time and the fence between the properties will make the enforcement proposed by Patient Centric unnecessary but we do value their offer and will take them up on it if it is needed.

Medical sales of cannabis feels like an essential service for those up-islanders who have difficulty travelling distances; recreational sales does not.

We implore the MVC to realize that their decision will impact this area for the future .

Respectfully,

Michele Brescia

Richard Cascarino

Constance Goodwin

Christopher Gorman

Craig Miner

Abby Rabinovitz and Leslie D. Pearlson,

(Owners of Tea Lane Associates, 504 State Rd.)