

Received by the Town Clerk: _____ Date: _____

Application complete _____

Signed: _____

Application incomplete _____

APPLICATION COVER PAGE

Date: _____ 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) 490-0359

Name of Owner and Mailing Address (If not Applicant): Cedar Box MV, LLC

455 State Road, Vineyard Haven, MA 02568

Map and Lot #: Map 16, Lot 101

Street Address of Subject Property: 510 State Road, West Tisbury, MA 02575

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

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

Applicable Section of Zoning Bylaw: Section 3.1.1; 9.2.2

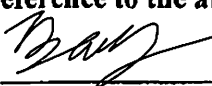
Date of Denial by Building Inspector, Zoning Inspector, or Planning Board
(If Applicable): _____

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: 
Benjamin Zachs

Title(s): President

Application fee of \$200.00 is required. Date Paid: _____

FOR ZONING BOARD USE

Size of Subject Lot: _____ **Zoning District:** _____

Registry Book and Page #'s and Date _____

Other Boards Involved with the Permitting:

Within an Overlay District?

Martha's Vineyard Commission Referral Required? _____ **If So, MV Checklist Items:**

Introduction

FFD Enterprises MA, Inc. ("FFD") seeks a Special Permit for the operation of an Adult/Recreational Use Marijuana Dispensary (RMF) and a Registered Medical Marijuana Use Dispensary (RMD) at 510 State Road, West Tisbury, MA 02575. ("the Property"). See, 935 CMR 500.000 and 501.000.¹ See Site Plans appended hereto as Exhibit A.

On October 29, 2020, the West Tisbury Zoning Board of Appeals (ZBA) granted a Special permit to Patient Centric of Martha's Vineyard, (PCMV), with conditions, for the operation of an RMF and an RMD at 510 State Road, West Tisbury, MA. (ZBA Case File 2020-47). The ZBA had referred this project to the Martha's Vineyard Commission (the "MVC") which approved the project, with conditions, on September 10, 2020. (DRI #696). Copies of the ZBA Special Permit Decision and the MVC Decision are appended hereto as Exhibits B and C.

The Property is located in the Mixed Use Business ("MB") District. Pursuant to Section 3.1-1 of the West Tisbury Zoning Bylaw, the use of the Property for these purposes is permitted subject to the issuance of a Special Permit from the Zoning Board of Appeals. In accordance 935 CMR 502.110(3), the Property is not located within 500 feet of a preexisting public or private school providing education in kindergarten or any of grades one through 12.

FFD is negotiating a Host Community Agreement ("HCA") with the Town of West Tisbury, which is referenced in Exhibit D and will be forwarded to the ZBA when completed and signed, and FFD has submitted an application to the Cannabis Control Commission to operate an Adult/Recreational Use Marijuana and Medical Use Marijuana Retail Establishment at the Property. The application to the Cannabis Control Commission has been approved and is within Final License status for Medical Marijuana and in Provisional License status for Adult/Recreational Marijuana. The review of the application for Change of Ownership from PCMV to FFD is underway; the application has been deemed "complete", and the change of ownership is awaiting approval from the CCC

FFD does not propose major modifications from the Special Permit previously granted to PCMV for a Marijuana Dispensary at this facility, except to allow for both medical and also retail sales of cannabis to eligible consumers. FFD will comply with all of the conditions imposed by the MVC in its Decision in DRI #696 and by the ZBA in its Decision approving the Special Permit to Patient Centric in ZBA Case File 2020-47. Copies of the Conditions imposed by the MVC and by the ZBA in connection with the Patient Centric Special Permit request to operate a marijuana facility at 510 State Road, West Tisbury, MA are appended hereto as Exhibit E. Absolutely no cultivation, manufacturing, or social consumption uses will occur on site.

¹ In a separate application, FFD is seeking A 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.

I. Project Narrative

Exterior Project Description

All public access to the facility shall occur through a secure entry vestibule in which patients and customers must demonstrate proof that they have the appropriate government issued identification to gain access into the facility. Product will be transported into the facility through the secure entry vestibule in a secure fashion as outlined in PCMV's security measures.

FFD will install signage and other pedestrian cues throughout the parking lot to ensure that pedestrians are able to traverse the lot safely. FFD will post signage stating that no loitering is prohibited in the parking area and that persons respect must be shown to the neighbors as this is a mixed business area that includes residential properties.

Facility signage will be discrete and utilized for the purpose of wayfinding only. Pursuant to 935 CMR 500.105, FFD will not install neon signage or illuminated exterior signage, signs or other printed matter advertising marijuana products; display marijuana products that are visible to a person from the exterior of the MRF; or utilize a logo or symbols that has images of marijuana and/or colloquial references to cannabis.

Interior Project Description

Qualified customers will only have access to a small portion of the Property. The proposed dispensing area will include (1) a secure entry and exit vestibule in which patients and customers must demonstrate proof that they have the appropriate credentials to gain access into the facility; (2) a general sales floor with point-of-sale terminals; (3) a secure patient consultation area; and (4) a secured exit and vestibule.

The rest of the facility shall only be accessible to staff and includes (1) a receiving area and a secured vault; (2) staff offices; (3) a break room; (4) a mechanical room; (5) an IT room; (6) a security room and (7) employee restroom.

Security

FFD prioritizes ensuring the safety and security of its customers, staff, neighbors, and the surrounding community. The applicant's security measures will exceed the requirements set forth in 935 CMR 500.00 *et seq.* FFD is employing Michael Boyle as its Director of Security and Compliance. Mr. Boyle spent 28 years as a special agent in the DEA. Upon his retirement, he worked for the Massachusetts DPH and CCC as an inspector within the medical marijuana program. He has spent one year with FFD. In addition to Mr. Boyle, FFD will incorporate the previously approved plans by FFD utilizing Sounder Security and KM Security, two companies that have received over ten approvals on security plans with the CCC, to provide engineering and logistics support, and system testing. FFD will submit confidential information about its security plans and operating procedures to the West Tisbury Police Department for review and feedback.

FFD will employ live, on-site security during all opening hours to ensure the safety of the perimeter and maintain access control to the facility. FFD will also invest in state-of-the-art security

infrastructure to prevent and detect potential loss and diversion of marijuana. This equipment will include perimeter alarms, failure notification systems, panic alarms connected to local law enforcement, and video cameras in all areas that contain marijuana as well as all points of entry and exit that are instantly accessible to local law enforcement. Redundant alarm systems will be installed to ensure that security features will remain operational in instances of power outages or system failure.

Staff access within the dispensary will be monitored by a keycard program, with different levels of access granted to different staff members. Only essential staff will be granted access within limited access areas such as the vault.

Security personnel will be trained in the security industry and crime prevention standards and will have experience in the surveillance of highly regulated retail operations. All staff will receive comprehensive training relative to standard operating procedures in the unlikely case of a security incident. FFD's operating policies and procedures ensure the prevention of diversion, theft, and illegal or unauthorized conduct.

Operations

Dispensing Procedures

In accordance with 935 CMR 500.140(3), access to FFD's facility is limited to individuals 21 years of age and older or patients and caregivers that are 18 years of age or older with an active Medical Use of Marijuana Program card. Upon a customer's entry into the premises, an agent will immediately inspect the customer's proof of identification and determine the individual's age. An individual will not be admitted to the premises unless the retailer has verified that the individual is a valid age to enter pursuant to the inspection of individual's proof of identification and, when applicable, Medical Use of Marijuana Program Card. Patients who have signed up online for a discrete consultation will be directed to the patient consultation room. Patients may also utilize a separate medical-only point-of-sale terminal.

Once inside the sales area, customers will enter a queue to obtain individualized service where they may select any of the products available to them with the help of an agent. Once a patient or customer has selected a product for purchase, an agent will collect the chosen items from the designated product storage area. An agent will then scan each product barcode into the point of sale system. An agent will affix a label, as generated by the point of sale system, indicating the date, strain name, cannabinoid profile, and all applicable warnings detailed in 935 CMR 500.105.

Upon checkout, customers will be required to confirm their identities and age a second time. Check out also activates the seed-to-sale tracking system that is compliant with 935 CMR 500.105(8). Per M.G.L. c. 94G § 7, Adult Use sales are limited to one ounce of marijuana flower or five grams of marijuana concentrate per transaction. All required taxes for Adult Use will be collected at the point of sale. In the event an agent determines an individual would place themselves or the public at risk, the agent will refuse to sell any marijuana products to the consumer.

FFD will use the point of sale security system to accept payment and complete sales. The system can back up and securely cache each sale for inspection.

Customer Education

Within its affiliate facilities in Connecticut, FFD employs full time pharmacists with expertise in drug interaction and education and all FFD employees, whether for medical or recreational marijuana, will be trained through materials built by pharmacists to enable them to understand and teach customers and patients about marijuana.

FFD's customers will receive substantive educational materials relative to compliant and safe storage, use, and transport of their products. The educational material must include at least the following:

- (a) A warning that marijuana has not been analyzed or approved by the FDA, that there is limited information on side effects, that there may be health risks associated with using marijuana, and that it should be kept away from children;
- (b) A warning that when under the influence of marijuana, driving is prohibited by M.G.L. c. 90, § 24, and machinery should not be operated;
- (c) Information to assist in the selection of marijuana, describing the potential differing effects of various strains of marijuana, as well as various forms and routes of administration;
- (d) Materials offered to consumers to enable them to track the strains used and their associated effects;
- (e) Information describing proper dosage and titration for different routes of administration. Emphasis shall be on using the smallest amount possible to achieve the desired effect. The impact of potency must also be explained;
- (f) A discussion of tolerance, dependence, and withdrawal;
- (g) Facts regarding substance abuse signs and symptoms, as well as referral information for substance abuse treatment programs;
- (h) A statement that consumers may not sell marijuana to any other individual;
- (i) Information regarding penalties for possession or distribution of marijuana in violation of Massachusetts law; and
- (j) Any other information required by the Cannabis Control Commission.

FFD's customer service agents will receive substantial training about how to appropriately and effectively educate customers during a point-of-sale transaction. Employee training subjects will range from the types of products that are available; safe and compliant use, transport, and storage of products; and the consequences of diversion of products to unauthorized parties.

Trash Management

In accordance with the regulations set by the CCC, all trash containing marijuana or marijuana products is required to be stored securely on site within the dispensary vault. The products will be securely transported back to FFD's licensed cultivation and product manufacturing facility from which they emanated and where they may be disposed of safely.

Minimal amounts of non-marijuana business related waste will be generated from the facility and disposed of by commercial trash pickup.

Deliveries

Product deliveries will occur between two to three times each week in unmarked Ford 150 vans. Pursuant to 935 CMR 500.105, there will be no advertising, markings, or branding indicating that the vehicle is being used to transport marijuana. Routes and times used for the transportation of marijuana and marijuana products are randomized. Marijuana and marijuana products will be transported in secure, locked storage compartments that are a part of the vehicle transporting the marijuana products and cannot be easily removed. At least two agents will staff vehicles transporting marijuana. One agent will remain in the vehicle at all times, and the other will be accompanied by a dispensary staff member into the facility and within the vault through the entry area designated for staff. Within eight hours after arrival, FFD will weigh, inventory, and account for, on video, all marijuana and marijuana products received. An armored car service will pick up monetary instruments, as needed each week.

Traffic, Parking and Facility Operation

FFD recognizes the importance of operational planning and coordination with the Town to insure that its opening operation of the facility at 510 State Road and its first full summer season run smoothly and efficiently.

FFD has 23 designated customer-only spaces for its exclusive use. FFD has taken great care to develop procedures to ensure that there are traffic controls that allow for safe navigation of the parking area and for safe parking at the facility. In addition, it has developed controls and procedures at the facility to ensure that customer visits within the facility are short in duration and will not result in lines or other congestion to enter or exit the facility. Operational procedures will be adjusted as needed to ensure optimal function of the facility, and, as stated above, FFD will comply with the conditions imposed by the MVC and by the ZBA in connection with the Patient Centric Special Permit request to operate a marijuana facility at 510 State Road. See Exhibit A.

Please see the enclosed traffic impact statement prepared by Hayes Engineering, attached hereto as Exhibit F. FFD respectfully submits that its proposed use of the Property will not disturb the existing right of way, pedestrian access, and will not cause a serious hazard to vehicle or pedestrian traffic. Traffic generated and patterns of access and egress will not cause congestion, hazard, or a substantial change to the neighborhood character.

II. Compliance with West Tisbury Zoning Bylaw Section 9.2-2(A) and 9.2-2(B)

A. General Findings: The Zoning Board of Appeals may approve a Special Permit application only if it makes written findings that:

1. The proposed use is in harmony with the general purpose and intent of this bylaw.

FFD's proposed Property is located within the MB Zone, which expressly allows for the operation of Marijuana Retail Facilities by special permit. Further, in accordance 935 CMR 502.110(3), the Property is not located within 500 feet of a preexisting public or private school providing education in kindergarten or any of grades one through 12.

2. The benefits of the proposed use to the Town outweigh its adverse effects.

FFD's proposed use of the Property for a co-located medical marijuana facility and recreational marijuana retailer is desirable to public welfare for the following reasons:

- 1) The proposed use will offer adults over the age of 21 and qualifying patients and caregivers access to lab-tested, consistent, and high quality marijuana and marijuana products. Its operations will also assist in the elimination of the illicit cannabis market by providing access to marijuana and marijuana products that are regulated and tested for cannabinoid content and contaminants;
- 2) FFD's operations will positively impact the community through the creation of additional employment opportunities and reliance on local vendors;
- 3) FFD will make an annual Community Impact payment to the Town to mitigate any additional expenses incurred by the Town related to FFD's operations equal to three (3) percent of its gross sales revenue;
- 4) FFD does not propose substantive exterior modifications to the Property, which was previously designed to be congruent with surrounding uses; and
- 5) FFD will mitigate public safety concerns through compliance with all applicable regulations set forth at 935 CMR 502.000, *et seq.*, and the specific requirements set forth by the Town regarding adult use and medical marijuana establishments.

3. The proposed use is consistent with the West Tisbury Master Plan.

FFD's proposal furthers the goals of the West Tisbury Master Plan. Specifically, FFD's MRF will assist in working towards a sustainable, year-round employment pattern; bolster the seasonal economy; and provide economic benefits as a new retail use on the island. It does not propose any modifications that would alter housing density, energy use, circulation, municipal services, cultural resources, or natural resources.

B. Specific Findings: In order to approve a Special Permit, the ZBA shall also make specific written findings that the proposed use, with appropriate conditions:

1. Is consistent with the purposes and requirements of the applicable land use district, overlay districts, and other specific provisions of this bylaw (including Site Plan Review

requirements) and of other applicable laws and regulations.

The Property is located within the MB Zone, which expressly allows for the operation of Marijuana Retail Facilities by special permit. Further, in accordance 935 CMR 502.110(3), the Property is not located within 500 feet of a preexisting public or private school providing education in kindergarten or any of grades one through 12.

2. Is compatible with surrounding uses and protective of the natural, historic, and scenic resources of the Town.

FFD's proposed use will not be substantially different from nearby commercial properties, which include banks, hotels, retail stores, food service establishments, and markets. The West Tisbury Zonin Bylaw expressly allows FFD's proposed use within the MB Zone.

3. Is accessible to fire, police, and other emergency vehicles.

FFD's Property is accessible to fire, police, and other emergency vehicles. FFD will work in close collaboration with the Police Department to ensure it is operating in a manner that is safe and in full compliance with 935 CMR 502 *et seq.*

4. Will not create excessive off-premises noise, dust, odor, or glare.

FFD does not seek to make modifications to the exterior of the facility or any construction that would cause change to existing noise, dust, odor, or glare conditions.

5. Will not cause traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition.

Please see the enclosed traffic impact statement prepared by Hayes Engineering, attached hereto as Exhibit F. FFD respectfully submits that its proposed use of the Property will not disturb the existing right of way, pedestrian access, and will not cause a serious hazard to vehicle or pedestrian traffic. Traffic generated and patterns of access and egress will not cause congestion, hazard, or a substantial change to the neighborhood character.

6. Will not overload any municipal facility or any public or private water, sewage disposal, or drainage system.

FFD does not propose any modifications to the existing site plan that would result in modifications to existing drainage and sewer systems. FFD's operations will be limited to dispensing marijuana and marijuana products, and will not impose any increased demand on public utilities other than that of a typical retail use.

7. Will not adversely affect the availability or cost of housing for year-round residents of West Tisbury.

FFD's proposal maintains existing housing that was previously available onsite.

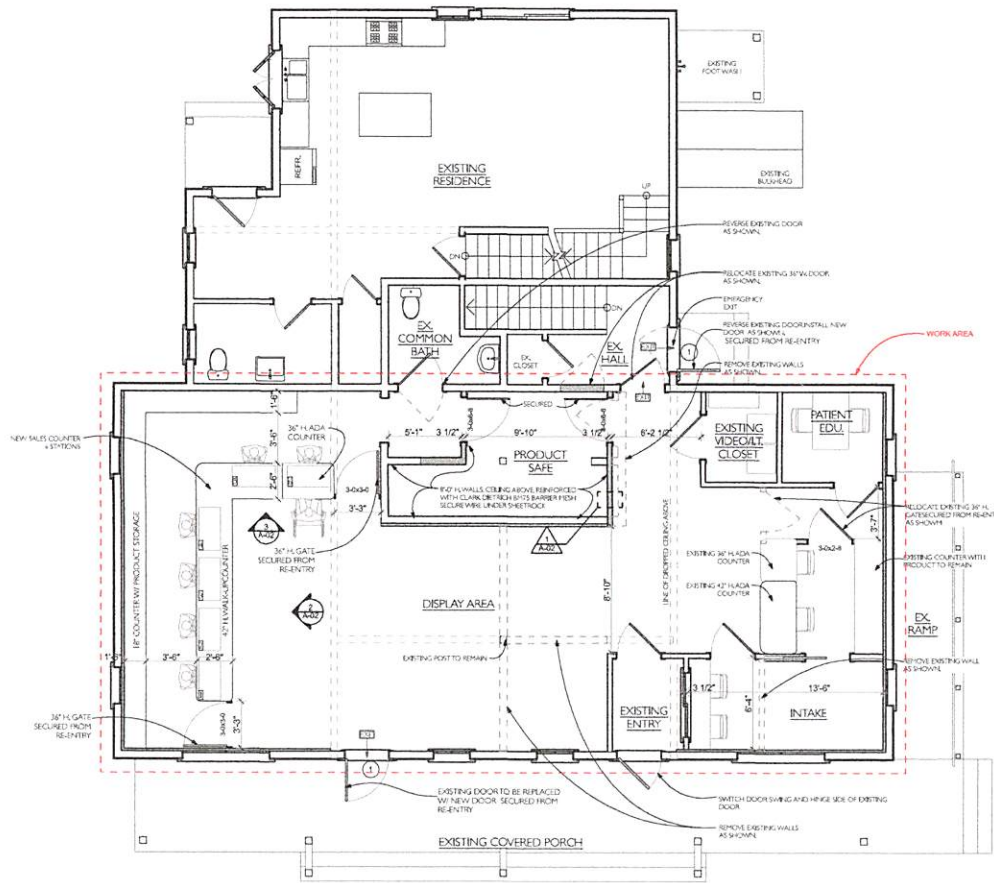
8. Will not cause significant environmental damage due to flooding, wetland loss, habitat or ecosystem disturbance, or damage to valuable trees.

FFD does not seek to make modifications to the exterior of the facility or any construction that would cause significant environmental damage due to flooding, wetland loss, habitat or ecosystem disturbance, or damage to valuable trees.

9. Will not cause other adverse environmental effects. Such effects may include: Pollution of surface water or groundwater; Salt-water intrusion in public or private domestic water supply wells; Inadequate water supply to meet the anticipated demand of the proposed activity or use or reduction of water supply to other properties; Noise and air pollution; Destruction of wildlife habitats and damage to wetlands or littoral ecology; Damage to marine fisheries and shellfish; Construction which unnecessarily damages the visual amenities of the site and which is not in harmony with the landscape type; Unnecessary decreases in agricultural use or potential productivity of land; or Erosion resulting from or caused by development.

FFD does not seek to make modifications to the exterior of the facility or any construction that would result in the pollution of surface water or groundwater; salt-water intrusion in public or private domestic water supply wells; inadequate water supply to meet the anticipated demand of the proposed activity or use or reduction of water supply to other properties; noise and air pollution; destruction of wildlife habitats and damage to wetlands or littoral ecology; damage to marine fisheries and shellfish; construction which unnecessarily damages the visual amenities of the site and which is not in harmony with the landscape type; unnecessary decreases in agricultural use or potential productivity of land; or erosion resulting from or caused by development.

Exhibit A
Site Plans



PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'-0"

CODE REVIEW

EXISTING CONDITIONS:

The existing building is a one and a half story wood framed structure with a concrete foundation and full basement, constructed in 2010 and consisting of +/- 2,912 Net Square Feet (NSF). It is a Mixed Use building with a first floor business (B) use of +/- 1,410 NSF, accessed off State Road, and one, two story residential (R3) apartment of +/- 1,502 NSF accessed from the rear. The building has a basement footprint of +/- 1,895 Gross Square Feet (GSF), a first floor of +/- 1,895 GSF occupied by both the B and R3 uses, and a second floor of +/- 990 GSF which is the upper level of the R3 use. The original plans show both vertical and horizontal fire separation, noted as '5/8 sheetrock', at all of the areas where the B use and the R3 use abut. Approximately one half (705 NSF) of the B use was demised and built out as a marijuana dispensary in 2019. The remaining half of the B use is currently vacant. The building has a compliant sized handicapped accessible restroom for the B use. There is a conforming 1:12 wood ramp with handrails for access from the parking area to the building. The ramp is accessible by a concrete walkway that is 5 feet by 5 feet, connected to a designated handicapped parking space that is 13 feet wide by 20 feet long, and has a stone dust surface and a permanent sign.

Construction Type: 5B

Fire Sprinklers: None. Fire sprinklers were required when the building was constructed but were not installed. The existing first floor tenant received a waiver to the sprinkler requirement at a hearing of the Building Code Appeals Board on 3/19/2019.

Use Groups: B – Business + R3 Residential (IBC 2015 – 310.5)

Hazard Index: 4 for both uses (IBC 2015 – Table 1012.4)

Accessibility: Compliant

SCOPE OF WORK:

The first floor business space is currently demised into two equal spaces. These spaces will be combined into a single, open, sales space of +/- 1,410 GSF. The Level 2 Work Area is approximately 705 SF, and there is no change to the building envelope or footprint. The proposed work involves the removal of several non-bearing G.W.B. partitions, the relocation of a door, the extension of the existing security and fire protection systems, the installation of millwork, and new interior finishes as needed. There is no proposed work in the existing residential unit or the basement.

PROPOSED CONDITIONS:

Construction Type: 5B (No Change)

Use Groups: B – Business + R3 - Residential (No Change)

Hazard Index: 4 - No Increase in Hazard Index. Full compliance with IBC 2015 not required.

Accessibility: No Change

IEBC 2015 COMPLIANCE METHOD: Alteration Level 2; Work Area Compliance

BUSINESS USE EGRESS, Occupancy Load: Business Use - 100 S.F. Gross / 1,410 = 14

Minimum Required Exits: 1 in each business space by occupancy load (IBC 2015 – Table 1006.3.1).

Exits Provided: 2 in each business space.

Minimum Egress Door Width: 32 inches clear (IBC 2015 – TABLE 1010.1).

BUSINESS USE Fire Protection Requirements:

Fire Extinguishers: 1 Required in each space / 1 Provided (IBC 2015 – 906.1.1)

Exit Signs: Required (IBC 2015 – 1013.1)

Emergency Lighting: Required (IBC 2015 – 1008.2)

RESTROOM FIXTURES (248 CMR):

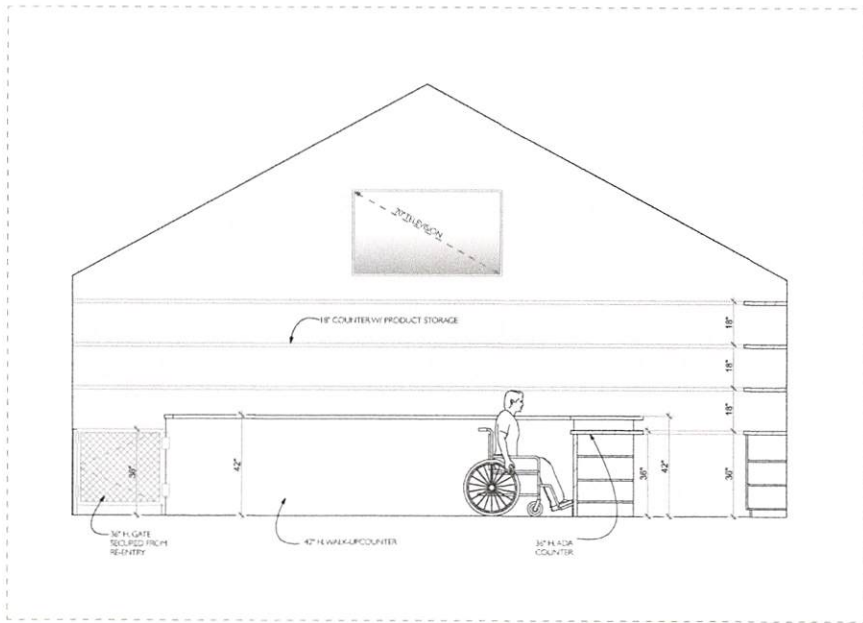
There is an existing, single user, restroom on the first floor, which is not accessible to the public. There is no requirement for more than one restroom. The business space is under 20 occupants and 2,000 S.F. (248 CMR – 10.10.18.1.4).

SHEET INDEX	
ID	NAME
A-01	PROPOSED FLOOR PLAN
A-02	INTERIOR ELEVATION & WALL DETAILS
E-01	ELECTRICAL PLAN

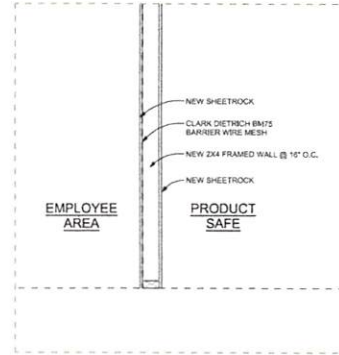


FOR PERMIT ONLY

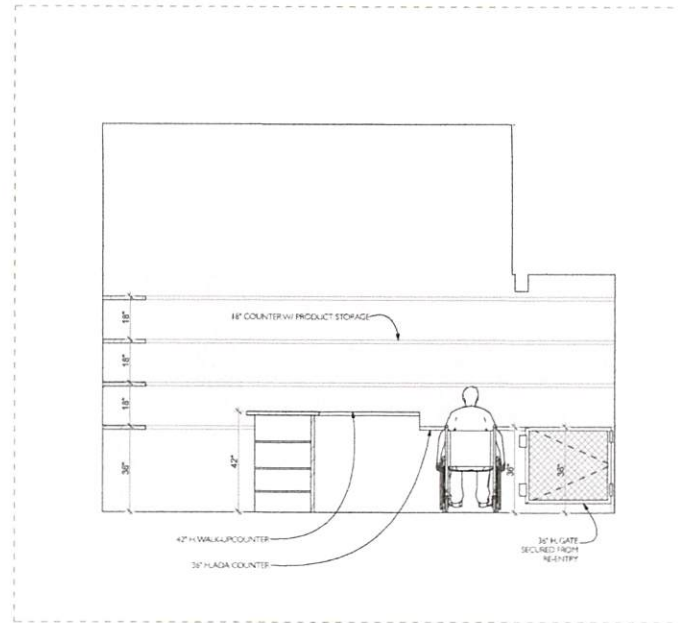
sullivan + associates
 ARCHITECTS
 508 693 0500
 510 STATE ROAD, WEST TISBURY, MA 02755
 PATIENT CENTRIC OF MV
 510 STATE ROAD, WEST TISBURY, MA 02755
 PROPOSED FLOOR PLAN
 PROJECT NAME
 ADDRESS
 SHEET TITLE
 DRAWN BY: MT
 DATE: 2021-02-04
 REV: M-P
 JOB #: 18P05
 DRAWING #: A-01



2 COUNTER ELEVATION#1
SCALE: 1/4" = 1'-0"



1 INTERIOR WALL DETAIL @ PRODUCT SAFE
SCALE: 1/4" = 1'-0"



3 COUNTER ELEVATION#2
SCALE: 1/4" = 1'-0"



SET	DATE

PROJECT NAME	PATIENT CENTRIC OF MV
ADDRESS	510 STATE ROAD, WEST TISBURY, MA 02575
SHEET TITLE	INTERIOR ELEVATION & WALL DETAILS

PROJ. NO.	MT
DATE	2021-02-04
DRAWN BY	M-P
CHECKED BY	18PDS
DRAWING #	

Exhibit B
Patient Centric Special Permit Decisions
9/28/2017 and 10/29/2020

COPY

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST TIS BURY
ZONING BOARD OF APPEALS

DECISION OF THE BOARD OF APPEALS ON THE PETITION OF Patient Centric of Martha's Vineyard c/o Geoffrey Rose. Filed with the West Tisbury Town Clerk on October 12, 2017. Special Permit 2017-19.

Applicant: Patient Centric of Martha's Vineyard, P.O. Box 1323, West Tisbury, MA 02575, leasee. of a portion of a building on property described below.

Property Owner: G. S. McArthur & V.E. Thurber Trustees, 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. A dis portion of said property to be leased to Patient Centric of Martha's Vineyard for a Medical Marijuana Dispensary.

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

Locus: 510 State Road, West Tisbury, Map 16 Lot 101, MB District. 0.405 +/- acres.

Plans: 1) Floor plans detailing the Patient Centric of Martha's Vineyard dispensary.
2) Sketch plan of the property, including landscape plan. All plans on file at the Zoning Board of Appeals Office.

Notice: Certified abutters list mailed on September 13, 2017, and advertised in the Martha's Vineyard Times on September 14 and September 21, 2017.

Hearing & Request:

The hearing opened September 28, 2017: on an application for a special permit from Patient Centric of Martha's Vineyard c/o Geoffrey Rose to operate a Registered Marijuana Dispensary (RMD) under West Tisbury Zoning Bylaw 3.1-1 (Use Table).

Requirement: Section 3.1-1 (use table- business use): Registered Marijuana Dispensary (RMD).

Present: Nancy Cole, Tony Higgins, Larry Schubert, Julius Lowe, Toni Cohen, Roger Hubbell and Robert Schwier.

Absent:

Decision: On September 28, 2017, the Zoning Board of Appeals voted to GRANT with CONDITIONS a special permit to operate a Medical Marijuana Dispensary allowed under 3.1-1 and 9.2-2 of the West Tisbury Zoning Bylaws.

Vote for: Nancy Cole, Tony Higgins, Larry Schubert, Julius Lowe and Toni Cohen.

Vote Against:

Findings:

- 1) A medical marijuana dispensary operations/business are allowed in the Mixed Business District under 3.1-1 of the West Tisbury Zoning Bylaws (enacted in November 5, 2013). (Definition: A facility for the cultivation, production, processing, assembling, packaging, retail or wholesale, trade, distribution or dispensing of Marijuana for Medical Use, whether located inside a structure or building or not). As stated in the West Tisbury Zoning Bylaws.

- 2) On August 17, 2017, special permit 2017-03 was granted to Patient Centric of Martha's Vineyard to operate a Registered Medical Marijuana Cultivation operation/business at 90 Dr. Fisher Road, West Tisbury, located in the Light Industrial District.
- 3) Patient Centric of Martha's Vineyard is licensed and regulated by the Department of Public Health.
- 4) The leased property is a non-conforming, pre-existing lot located in the mixed business district: the front of the building (a total of 705 sq. ft.) designed for retail space, where the dispensary will be located. The rear and second floor of the structure is a private residence.
- 5) The dispensary will operate on an appointment only basis, with a maximum of seven patients per hour. Home delivery will be provided to authorized patients with a medical marijuana card and proper photo identification.
- 6) The applicant estimates approximately four hundred patients at the end of a three year period. Total number of employees will be 2.5 at the end of the same three year period.
- 7) Hours of Operation: Monday thru Friday 9:00 am to 6:00 pm and Saturday 10:00 am to 5:00 pm, closed on Sundays.
- 8) There will be a total of seven parking spaces, four for patients (including a handicap space), and three for employees. The dispensary/retail is ADA compliant.
- 9) Once a day delivery of products from the cultivation center to the dispensary location will take place, including the possible removal of marijuana/ infused products back to the cultivation facility. All marijuana/infused products will be returned to a secure, locked and designated area. (see plan).
- 10) The application was considered under the review criteria of Section 9.2-2 of the West Tisbury Zoning Bylaws. The Zoning Board found that the proposed use is in harmony with the general purpose and intent of this bylaw as the use is consistent with other uses in the Mixed Business District, and is consistent with the West Tisbury Master Plan.
- 11) The applicant complies with all lighting requirements under WTZBL 8.6-2.
- 12) The security system will meet all the requirements of the Department of Public Health regulations.
- 13) Landscaping of the property will meet all state requirements as outlined through the DPH.

Conditions:

- 1) This special permit for the business use as an RMD is for the applicant's use only. Any transfer of state licensing for the RMD or the lease of the commercial space to another entity for the use as an RMD must return to the ZBA with a new application. The special permit pertains to the dispensing of **Medical Marijuana only**.
- 2) The dispensary will operate by appointment only, with no more than seven patients per hour. Hours: Monday thru Friday 9:00 am to 6:00 pm and Saturday 10:00 am. to 5:00 pm, closed Sunday.
- 3) The applicant will post signage stating no loitering in the parking area and to respect the neighbors as this is a mixed business area which includes residential properties. The applicant will comply with all local and state "no smoking requirement" within the parking area and the perimeter of the dispensary business.

The applicant will obtain all other permits or authorization required by the Town of West Tisbury before proceeding with any work.

NO VARIANCE OR A 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. 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.

3. 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.
4. 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 October 12, 2017.

Tara Gillig Oct 19 2017

I certify that no appeal has been made _____

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 November 12, 2020 ZBA Case File 2020-47

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

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

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

Plans: 1) Site Plan prepared by Hayes Engineering, Inc. dated October 14, 2020.
2) Floor plans and elevations prepared by Atmosphere Design Group.
All plans on file at the Zoning Board of Appeals office.

Notice: Certified abutters notified on January 22, 2020 and legal notice advertised in the Martha's Vineyard Times on January 23rd and January 30th, 2020.

Hearing & Request: A Public Hearing was held on an application for a Special Permit from Patient Centric of Martha's Vineyard, Ltd. to amend Special Permit #2017-19 to allow the operation of an Adult/Recreational Use Registered Marijuana Dispensary, along with the Registered Medical Marijuana Dispensary previously approved at this location under Sections 9.3-3 and 3.1-1 (Use Table) of the Zoning Bylaws, Map 16, Lot 101, 510 State Rd., MB District.

The hearing was continued without testimony until April 9, 2020 and referred to the Martha's Vineyard Commission for review on February 24, 2020. The hearing was continued without testimony to May 7, 2020, June 11, 2020, July 23, 2020, September 24, 2020, October 22, 2020 and decided on October 29, 2020.

Requirement: Sections 9.3-3 (Amendment to a Special Permit) and 3.1-1 (Use Table) of the Zoning Bylaws.

Present: Nancy Cole, Larry Schubert, Julius Lowe, Deborah Wells, John Rau, Andy Zaikis and Jeffrey Kaye.

Decision: On October 29, 2020 the Zoning Board of Appeals voted to GRANT a Special Permit with CONDITIONS to allow the operation of an Adult/Recreational Use Registered Marijuana Dispensary, along with the Registered Medical Marijuana Dispensary previously approved at this location.

Vote to Approve: Nancy Cole, Larry Schubert, Julius Lowe, Deborah Wells and John Rau.

Findings:

- 1) On September 28, 2017, the Zoning Board of Appeals voted to grant, (with conditions), a special permit to Patient Centric of Martha's Vineyard, Ltd. to operate a medical marijuana dispensary allowed under Section 3.1-1 of the Zoning Bylaws at this location.
- 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, Section 3.1-1 of the Zoning Bylaws.
- 3) Patient Centric of Martha's Vineyard, Ltd. is licensed and regulated by the Department of Public Health.
- 4) Sales will be "by appointment only".
- 5) Applicant agrees that all promotional material will clearly state that sales are "by appointment only".
- 6) Applicant has agreed to submit a parking/landscape plan which complies with Sections 8.2-1 and 8.2-2 of the Zoning Bylaws.
- 7) The security system will meet all the requirements of the Department of Public Health regulations

- 8) "The premises", includes the building and the parking lot.
- 9) 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 Patient Centric of Martha's Vineyard, Ltd. or for other year round workforce housing.
- 10) Stockade fencing 6' high and running the length of the rear property line will be constructed.
- 11) Farm fencing will be constructed along the boundary of the lot and the abutting 504 State Rd. lot.
- 12) Screening trees will be planted along the boundary with 504 State Rd. and shall be maintained by both parties.
- 13) The applicant will comply with all lighting requirements under Section 8.6-2 of the Zoning Bylaws.
- 14) 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 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.
- 2) Hours and days of operation are allowed as follows; September 1st through April 30th Monday through Saturday 9:00 am to 6:00 pm. and May 1st through August 31st 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) Prior to the issuance of a use permit, the applicant will submit to the Zoning Board of Appeals a parking/landscape plan which has been approved by the Building Inspector.
- 7) 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.
- 8) No more than five (5) appointments allowed per fifteen (15) minute period, with an additional sixth (6) appointment reserved for express orders.
- 9) 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.

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 November 12, 2020

Sara Pyllis November 12, 2020
I certify that no appeal has been made *Sara Pyllis* December 2, 2020

TOWN CLERK
WEST TISBURY
MASS. 02575

Case: 2020-47
Date: October 29, 2020
Map & Lot: 16-101

WEST TISBURY ZONING BOARD OF APPEALS
RECORD OF VOTE

The following members of the Board of Appeals vote to grant a Special Permit subject to the above stated term (see decision attached).

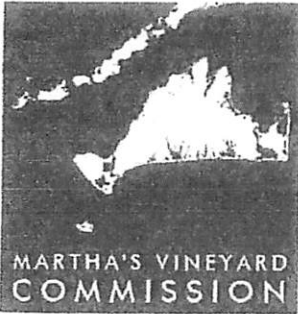
<u>Nancy Cole</u> (P)	<u>Deborah Wells</u> (P)
<u>Randy Schukert</u> (P)	<u>John Rau</u> (P)
<u>Julius Rowe</u> (P)	_____

The following members of the Zoning Board of Appeals are in opposition to the grant of the Special Permit:

_____	_____
_____	_____
_____	_____

Exhibit C

Martha's Vineyard Commission Decision 9/10/2020



P.O. BOX 1447 • 33 NEW YORK AVENUE • OAK BLUFFS • MA • 02557
508.693.3453 • FAX: 508.693.7894
INFO@MVCOMMISSION.ORG • WWW.MVCOMMISSION.ORG



Bk: 1543 Pg: 133 Doc: DECIS
Page: 1 of 10 09/17/2020 03:00 PM

Decision of the Martha's Vineyard Commission

DRI 696 PCMV West Tisbury Recreational Dispensary

1. SUMMARY

Referring Board: Zoning Board of Appeals, Town of West Tisbury

Subject: Development of Regional Impact #696 Patient Centric of Martha's Vineyard West Tisbury Recreational Dispensary

Project: Proposal to operate a recreational marijuana facility at the existing registered marijuana facility.

Owner: Gordon S. McArthur & Victoria E. Thurber, Trustees of the 510 Nominee Trust

Applicant: Patient Centric of Martha's Vineyard, Geoff Rose (CEO); Phil Silverman (Attorney)

Applicant Addresses: P.O. Box 1323 West Tisbury, MA 02575
2 Seaport Lane, 11th Floor Boston, MA 02210

Project Location: 510 State Road, West Tisbury, MA. Map 16, Lot 101 (0.405 acres)

Deed: Book 1294, Page 754

Decision: The Martha's Vineyard Commission (the Commission) approved the application for the project as a Development of Regional Impact with conditions, at a vote of the Commission on August 13, 2020.

Written Decision: This written decision was approved by a vote of the Commission on September 10, 2020.

The permit-granting authorities of the Town of West Tisbury may now grant the request for approval of the Applicant's proposal in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law, or may deny the request for approval.

2. FACTS

The exhibits listed below including the referral, the application, the notice of public hearing, the staff report, the plans of the project, and other related documents are incorporated into the record herein by reference. The full record of the application is kept on the premises of the Martha's Vineyard Commission.

2.1 Referral

The project was referred to the Commission on February 24, 2020 by the Zoning Board of Appeals of the Town of West Tisbury, MA for action pursuant to Chapter 831 of the Acts of 1977, as amended (the Act) and the Commission's Standards and Criteria Administrative Checklist for Developments of Regional Impact, DRI Checklist Items 3.1f (Commercial Development - Change of Use); 3.1g (Increased Intensity of Use); 3.1h (Parking for 10 or more vehicles); 3.1i (High Traffic Generator), all of which are Concurrence Reviews. The Applicant decided to opt for a Public Hearing review as a Development of Regional Impact after the Land Use Planning Committee meeting on March 9, 2020.

2.2 Hearings

Notice: Public notice of the public hearing on the Application of DRI 696 was published in the MV Times on June 11, 2020; notice was also published in the Vineyard Gazette on June 12, 2020. Abutters within 300 feet of the property were notified by mail on June 2, 2020.

Hearings: The Commission held a public hearing on the Application that was conducted pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831 on June 18, 2020, which was continued to July 2, 2020, continued to July 9, 2020 without taking public testimony, and continued again to July 30, 2020. The hearing was closed on July 30, 2020 with the exception of the written record which was left open until August 6, 2020 at 5:00 pm and closed at that time. The hearings were held entirely using remote conference technology as allowable under Chapter 53 of the Acts of 2020.

2.3 The Plan

The following plans and documents submitted by the Applicant and contained in the Commission's project file constitute "the Plan." Pages are 8.5" x 11" unless otherwise noted.

- P1. "Sketch Parking Plan in West Tisbury, Mass." consisting of one (1) 17" x 11" site plan prepared by Vineyard Land Surveying & Engineering P.O. Box 421 West Tisbury, MA 02575, scale 1" = 30', dated October 10, 2019.
- P2. Interior Floor Plans: "A-1 Ground Floor Plan" and "A-2 Basement Plan" consisting of two (2) 17" x 11" pages showing areas for public access, limited access and restricted access prepared by Atmosphere Design Group LLC, scale 1/8" = 1'0", received February 24, 2020.
- P3. Exterior Elevations: "A202 North & East Elevations" scale 1/4" = 1'0"; "A301" scale 1/2" = 1'0"; "A304" scale 1/2" = 1'0" consisting of three (3) 17" x 11" pages prepared for Vicki Thurber, received February 24, 2020.
- P4. Revised Interior Floor Plans: "A-01 Proposed Floor Plan" consisting of one (1) 24 x 36" plan prepared by Sullivan and Associates Architects, scale 1/4" = 1'0", dated March 16, 2020.
- P5. "Schematic Site Plan in West Tisbury, Mass - Site Plan" consisting of one (1) 24" x 36" plan prepared by Hayes Engineering, Inc. Civil Engineers & Land Surveyors 603 Salem Street Wakefield, MA 01880, scale 1"=20', dated June 29, 2020; revised July 21, 2020.

- P6. "Schematic Site Plan in West Tisbury, Mass - Lighting Plan" consisting of one (1) 24" x 36" plan showing proposed locations and specifications for outdoor lighting, prepared by Hayes Engineering, Inc. Civil Engineers & Land Surveyors 603 Salem Street Wakefield, MA 01880, scale 1"=20', dated June 29, 2020; revised July 21, 2020.
- P7. "Schematic Site Plan in West Tisbury, Mass - Landscaping Plan" consisting of one (1) 24" x 36" plan showing proposed locations and types of plantings, prepared by Hayes Engineering, Inc. Civil Engineers & Land Surveyors 603 Salem Street Wakefield, MA 01880, scale 1"=20', dated June 29, 2020; revised July 21, 2020.
- P8. "Schematic Site Plan in West Tisbury, Mass - Vehicle Turning Paths" consisting of one (1) 24" x 36" plan prepared by Hayes Engineering, Inc. Civil Engineers & Land Surveyors 603 Salem Street Wakefield, MA 01880, scale 1"=20', dated June 29, 2020; revised July 21, 2020.
- P9. "Patient Centric Narrative" consisting of seven (7) pages submitted February 24, 2020.
- P10. "Patient Centric Narrative" consisting of three (3) pages prepared by Phil Silverman, Esq. of Vincent Sederberg LLP dated July 24, 2020.
- P11. "Opening Day Plan" consisting of four (4) pages outlining plan goals, parking lot management, soft opening period, floor plan capacity, queuing, customer flow and plan evaluation, submitted on February 24, 2020.
- P12. "Traffic Impact Statement" consisting of three (3) pages prepared by Hayes Engineering for Patient Centric of Martha's Vineyard 510 State Road West Tisbury, MA dated December 15, 2019.
- P13. "Housing, Employees and Hours Statement" consisting of one (1) page prepared by Geoff Rose received February 25, 2020.
- P14. "Customer Demand Management Protocols" consisting of five (5) pages prepared by Phil Silverman Esq. of Vincent Sederberg LLP outlining a comprehensive plan to commence operations using a controlled appointment-only system, dated June 30, 2020; and revised on July 24, 2020.

2.4 Other Exhibits

- E1. Referral to the MVC from the West Tisbury Zoning Board of Appeals, including ZBA Application and 2017 ZBA Special Permit Decision received February 24, 2020.
- E2. Staff Report for C.R.2-2020 PCMV West Tisbury Recreational Dispensary dated March 3, 2020.
- E3. Staff Report for DRI 696 PCMV West Tisbury Recreational Dispensary dated June 18, 2020; updated on August 10, 2020.
- E4. Host Community Agreement between the Town of West Tisbury, Massachusetts and Patient Centric of Martha's Vineyard, Ltd. consisting of eight (8) pages, signed October 23, 2019.
- E5. Draft Memorandum of Understanding between the Town of West Tisbury, MA, the Martha's Vineyard Commission, and Patient Centric of Martha's Vineyard, consisting of four (4) pages received July 21, 2020.
- E6. Letter from Abby Rabinovitz dated March 20, 2020.
- E7. Letter from Constance Goodwin and Richard Cascarino dated June 22, 2020.
- E8. Letter from Elissa Lash dated July 2, 2020.

- E9. Letter from Hunter Moorman dated July 9, 2020.
- E10. Letter from Michele Brescia, Richard Cascarino, Constance Goodwin, Christopher Gorman, Craig Miner, Abby Rabinovitz & Leslie D. Pearlson (Owners of Tea Lane Associates, 504 State Road) dated July 21, 2020.
- E11. Minutes of the Commission's Land Use Planning Committee Meeting, March 9, 2020.
- E12. Minutes of the Commission's Public Hearing, June 18, 2020.
- E13. Minutes of the Commission's Continued Public Hearing, July 2, 2020.
- E14. Minutes of the Commission's Continued Public Hearing, July 30, 2020.
- E15. Minutes of the Commission's Post-Public Hearing Review, August 10, 2020.
- E16. Minutes of the Commission's Deliberation and Decision, August 13, 2020.
- E17. Minutes of the Commission's Approval of the Written Decision, September 10, 2020.

2.5 Summary of Testimony

The following gave testimony during the public hearing on June 18, 2020:

- Staff presentation by Adam Turner
- Presentation of the project by Geoff Rose and Phil Silverman
- Oral testimony from Public Officials speaking for their Boards: None
- Oral testimony from the Public: Constance Goodwin, Abby Rabinovitz, Christopher Gorman, Chris Egan, Craig Miner, Leslie Pearlson

The following gave testimony during the continued public hearing on July 2, 2020:

- Presentation of the project by Geoff Rose and Phil Silverman
- Oral testimony from Public Officials speaking for their Boards: None
- Oral testimony from the Public: Constance Goodwin, Abby Rabinovitz

The following gave testimony during the continued public hearing on July 30, 2020:

- Staff presentation by Mike Mauro, Transportation Program Manager
- Presentation of the project by Phil Silverman
- Oral testimony from Public Officials speaking for their Boards: None
- Oral testimony from the Public: Abby Rabinovitz, Constance Goodwin, Chris Egan
- Closing Statement by Geoff Rose and Phil Silverman

3. FINDINGS

3.1 Project Description

- In 2017, Patient Centric of Martha's Vineyard was awarded a Special Permit by the Zoning Board of Appeals of the Town of West Tisbury to operate a Registered Marijuana Dispensary (medical-only) at the property.
- The proposal would allow Patient Centric of Martha's Vineyard to operate a Recreational Marijuana Facility in conjunction with the existing medical-only facility.
- Patient Centric of Martha's Vineyard does not propose any major modifications from the Special Permit from 2017.

- No construction or exterior alterations to the building are proposed.
- No cultivation, manufacturing, or social consumption will occur on site.

3.2 Statutory Authority

The purpose of the Commission, as set forth in Section 1 of the Act, is to “protect the health, safety and general welfare of island residents and visitors by preserving and conserving for the enjoyment of present and future generations the unique natural, historical, ecological, scientific and cultural values of Martha’s Vineyard which contribute to public enjoyment, inspiration and scientific study by protecting these values from development and uses which would impair them, and by promoting the enhancement of sound local economies.”

The Commission has reviewed the proposal as a Development of Regional Impact, using the procedures and criteria that the Commission normally uses in evaluating the benefits and detriments of such a proposal. The Commission has considered the Application and the information presented at the public hearing, including listening to all the testimony presented and reviewing all documents and correspondence submitted during the hearing and review period.

3.3 Benefits and Detriments

Based on the record and testimony presented therein, the Commission finds the following pursuant to Sections 14 and 15 the Act.

A. THE COMMISSION FINDS THAT THE PROBABLE BENEFITS OF THE PROPOSED DEVELOPMENT WOULD EXCEED THE PROBABLE DETRIMENTS, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(a) OF THE ACT.

A1 The Commission finds that the proposed development at this location is appropriate in view of the available alternatives (Section 15(a) of the Act.)

Marijuana is a legal, permitted use that must be carefully regulated and sited. The proposed site has already been approved for medical marijuana sales by the Town of West Tisbury. The existing building is already permitted for medical marijuana as an approved use in the zoning district. The site is not large, and this approval permits recreational marijuana to be offered for sale but restricts the operation in terms of appointments per hour and the opportunity to expand.

A2 The Commission finds that the proposed development would have a neutral impact upon the environment relative to other alternatives (Section 15(b) of the Act).

With respect to Open Space, Natural Community and Habitat, the Commission finds a neutral impact given that the building and parking areas already exist on site. The Applicant proposes no further clearing and has submitted a Landscaping Plan.

With respect to Wastewater and Groundwater, the project utilizes an installed permitted septic tank and no additional facilities are proposed.

A3 The Commission finds that the proposed development would have a mixed effect upon other persons and property (Section 15(c) of the Act).

With respect to Traffic and Transportation, the Commission finds a negative impact on an important regional roadway. The project will add additional trips to the roadway. The project as conditioned by the Commission will result in a few trips delaying roadway operations, although only in peak seasons and at certain times. The Applicant has agreed to limit the hours of operation, but the development will still

result in additional traffic and noise. The parking lot is limited in size and additional trips may cause an issue if a higher number of appointments are permitted.

With respect to Night Lighting and Noise, the Commission notes that there will be security lighting on the premises. The Commission also notes that the Applicant has pledged Dark Sky compliance.

With respect to Scenic Values, Character, and Identity, the Commission notes that the physical landscape of the property will not change, and the building size will not increase, so scenic values are not to be affected. The existing vegetative screening will be preserved. The Commission notes that the building is already used for medical marijuana services and the proposed use is provided for in the zoning district by Special Permit. The Commission also notes that the building is surrounded by other non-residential uses including a grocery store and a bank. There are lower impact businesses in the area as well.

With respect to the Impact on Abutters, the Commission notes that the use has the potential to increase the intensity of use when compared to abutting uses. The Commission also notes that the property is limited in size. As a mitigation, the Applicant has offered to limit customers, and the Commission has placed conditions on this approval to limit the detrimental impacts.

A4 The Commission finds that the proposed development would have a neutral impact upon the supply of needed low- and moderate-income housing for Island residents (Section 15(d) of the Act).

With respect to the Impact on Low- and Moderate-Income Housing, the building lease includes a 1-bedroom unit that could be used for employee housing. Once the current tenants move (possibly Fall 2020), the Applicant has offered to use it for year-round housing.

A5 The Commission finds that the proposed development would have a beneficial impact on the provision of municipal services or burden on taxpayers in making provision therefore (Section 15(e) of the Act).

With respect to the Use Efficiently or Unduly Burden Other Public Facilities, the Commission notes that traffic evaluation and mitigation might be required for higher numbers of customer appointments. All other municipal services are already provided to the medical marijuana facility. The Applicant will make regular Community Impact Payments to the Town to mitigate additional expenses, if any, caused by the operation of this facility.

A6 The Commission finds that the proposed development would use efficiently and would not unduly burden existing public facilities (other than municipal) or those that are to be developed within the succeeding five years. (Section 15(f) of the Act).

A7 The Commission finds that the proposed development would not interfere with the ability of the municipality to achieve some of the objectives set forth in the municipal general plan. (Section 15(g) of the Act).

With respect to Consistency with/and Ability to Achieve Town Objectives, the Commission finds that the site was evaluated and permitted for medical marijuana sales by the West Tisbury Zoning Board of Appeals in 2017. The project will return to the Zoning Board of Appeals for additional review.

A8 The Commission finds that the proposed development would largely contravene some land development objectives and policies developed by regional or state agencies. (Section 15(h) of the Act).

The project is heavily regulated and has received approval from State Agencies.

- B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WOULD BE CONSISTENT WITH THE LAND DEVELOPMENT OBJECTIVES OF THE COMMISSION, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(b) OF THE ACT.**
- C. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH MUNICIPAL DEVELOPMENT ORDINANCES AND BY-LAWS, TO THE BEST OF THE COMMISSION'S KNOWLEDGE.**
- D. THE COMMISSION FINDS THAT THE SITE IS IN CONFORMANCE WITH THE REGULATIONS OF DISTRICTS OF CRITICAL PLANNING CONCERN, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(d) OF THE ACT.**

The Commission finds that the property is not located in any DCPC.

In sum, after careful review of the Plan and its attendant submittals and the testimony presented by the Applicant and others, the Commission has concluded that the benefits of this proposed development in this location exceed its probable detriments in light of the considerations set forth in section 14(a) of the Act.

4. DECISION

The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on August 13, 2020 and made its decision at the same meeting.

The following Commissioners, all of whom participated in all hearings and deliberations participated in the decision on August 13, 2020:

- Voting to approve the project with conditions: Gail Barmakian; Trip Barnes; Christina Brown; Robert Doyle; Josh Goldstein; Fred Hancock; James Joyce; Joan Malkin; Kathy Newman; Ben Robinson; Doug Sederholm; Ernest Thomas; Christine Todd; and James Vercruysse.
- Voting against: None.
- Abstentions: None.
- Recused: Linda Sibley.

Based on this vote, the Commission approved the application for the project as a Development of Regional Impact with the conditions listed in Section 5 below.

This Written Decision is consistent with the vote of the Commission on August 13, 2020 and was approved by vote of the Commission on September 10, 2020.

5. CONDITIONS

After reviewing the proposal for this Development of Regional Impact, the Commission imposes the following conditions in order to increase the benefits and minimize the detriments of the project. The analysis of the benefits and the resulting decision to approve the project is based on the proposal as modified by the conditions. The conditions form an integral and indispensable part of this decision.

1. Business Operations

1.1 As offered by the Applicant, there shall be no walk-in sales. All sales are to be made by appointment only.

1.2 As offered by the Applicant, the hours of operation shall be limited to no more than 10 am to 6 pm (7 pm Daylight Savings Time) Sunday through Thursday; and 10 am to 7 pm (8 pm Daylight Savings Time) on Friday and Saturday.

- 1.3 As offered by the Applicant, there shall be no more than five (5) appointments per fifteen (15) minute period, with an additional sixth (6th) appointment reserved for express orders.
- 1.4 Any change in operating procedures (sales by appointment only, hours of operation, number of appointments per hour, engagement of a parking attendant, etc.) shall require a modification to this Decision. 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.

2. Parking Management

- 2.1 As offered by the Applicant, for at least the first three months of operation (and possibly longer, as determined by the Town of West Tisbury), PCMV shall employ two (2) parking attendants to allow for the safe and efficient flow of traffic. The Applicant shall, at all times, engage at least one parking attendant to monitor parking and traffic on the site and to ensure that no unauthorized use of the adjacent premises by patrons of the Applicant's business.
- 2.2 As offered by the Applicant, PCMV shall install signage and other pedestrian cues throughout the parking lot to ensure that pedestrians are able to traverse the lot safely.
- 2.3 Subject to the West Tisbury zoning bylaws, the Applicant shall install a sign at the entrance to the premises saying, among other things, that sales are by appointment only, no walk-ins. All advertising and media must include this notice as well, provided that such media may note that sales may be made on-line for delivery or for express-line pick-up (subject to an appointment for pick-up).
- 2.4 To enhance safe movement of vehicles entering State Road, a stop bar and accompanying stop sign shall be installed at an exit location that maximizes drivers' views to the left.
- 2.5 Striping shall be applied to delineate in and out lanes. This shall help guide exiting drivers in keeping to the right and avoid blocking incoming vehicles.

3. Housing

- 3.1 On expiration of the current lease of the 1-bedroom unit on the premises, the Applicant shall make the unit available for lease to an employee of the business. If no employee is interested in leasing the unit, the unit shall otherwise be leased for year-round workforce housing.

4. Landscaping and Lighting

- 4.1 Landscape and Lighting Plans shall be provided to the Land Use Planning Committee for approval before the issuance of a Certificate of Occupancy.
- 4.2 Trees on the abutting parcel to the north are to be maintained in perpetuity, and the addition of fencing to shield abutting properties.

These conditions are an essential part of this decision and shall be enforced as written. Any modification of these conditions requires a modification request to the DRI. The primary enforcement agent for the compliance of these conditions is the Building and Zoning Enforcement Officer of the Town. If the Commission or the Town finds it necessary to seek judicial relief to enforce the condition, the Applicant, or its successors in title at the time of such proceedings, shall pay the Commission's and/or Town's attorney's fees and costs incurred in obtaining judicial relief.

6. CONCLUSION

6.1 Permitting from the Town

The Applicants must, consistent with this Decision, apply to the appropriate Town of West Tisbury Officers and Boards for any local development permits which may be required by law.

The permit-granting authorities of the Town of West Tisbury may now grant the request for approval of the Applicant's proposal in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law or may deny the request for approval. Any permit issued by the Town shall incorporate the plan approved by the Commission and the conditions above.

6.2 Notice of Appellate Rights

Any party aggrieved by a determination of the Commission may appeal to Superior Court within twenty (20) days after the Commission has sent the development Applicant written notice, by certified mail, of its Decision and has filed a copy of its Decision with the West Tisbury Town Clerk.

6.3 Length of Validity of Decision

The Applicant shall have two (2) years from the date of receipt of the Decision of the Martha's Vineyard Commission contained in this document to begin substantial construction. Should substantial construction not occur during said two (2) year period, this Decision shall become null and void and have no further effect. This time period may be extended upon written request from the Applicant and written approval from the Martha's Vineyard Commission.

[The remainder of this page is intentionally left blank]

6.4 Signature Block

[Handwritten Signature]

E. Douglas Sederholm, Chairman

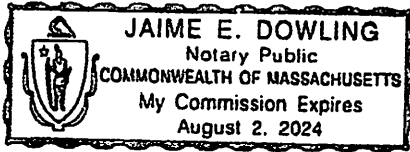
9/17/20

Date

6.5 Notarization of Decision

Commonwealth of Massachusetts
County of Dukes County, Mass.

On this 17th day of September, 2020, before me,
E. Douglas Sederholm, the undersigned Notary Public, personally
appeared _____, proved to me through satisfactory evidence of
identity, which was/were personal knowledge to be the person(s)
whose name(s) was/were signed on the preceding or attached document in my presence, and who
swore or affirmed to me that the contents of the document are truthful and accurate to the best of
his/her/their knowledge and belief.



[Handwritten Signature]

Signature of Notary Public

Jaime Dowling

Printed Name of Notary
My Commission Expires 8.2.2024

6.6 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: September 17, 2020

Deed: Book 1543, page 133

Document Number: 00005628

ATTEST: Paulo C. DeOliveira, Register
Dukes County Registry of Deeds

Exhibit D
Community Host Agreement

Exhibit E

Martha's Vineyard Commission and West Tisbury ZBA Conditions

Martha's Vineyard Commission Conditions - Case #696 510 State Road, West Tisbury

After reviewing the proposal for this Development of Regional Impact, the Commission imposes the following conditions in order to increase the benefits and minimize the detriments of the project. The analysis of the benefits and the resulting decision to approve the project is based on the proposal as modified by the conditions. The conditions form an integral and indispensable part of this decision.

1. Business Operations

1.1 As offered by the Applicant, there shall be no walk-in sales. All sales are to be made by appointment only.

1.2 As offered by the Applicant, the hours of operation shall be limited to no more than 10 am to 6 pm (7 pm Daylight Savings Time) Sunday through Thursday; and 10 am to 7 pm (8 pm Daylight Savings Time) on Friday and Saturday.

1.3 As offered by the Applicant, there shall be no more than five (5) appointments per fifteen (15) minute period, with an additional sixth (6th) appointment reserved for express orders.

1.4 Any change in operating procedures (sales by appointment only, hours of operation, number of appointments per hour, engagement of a parking attendant, etc.) shall require a modification to this Decision. 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.

2. Parking Management

2.1 As offered by the Applicant, for at least the first three months of operation (and possibly longer, as determined by the Town of West Tisbury), PCMV shall employ two (2) parking attendants to allow for the safe and efficient flow of traffic. The Applicant shall, at all times, engage at least one parking attendant to monitor parking and traffic on the site and to ensure that no unauthorized use of the adjacent premises by patrons of the Applicant's business.

2.2 As offered by the Applicant, PCMV shall install signage and other pedestrian cues throughout the parking lot to ensure that pedestrians are able to traverse the lot safely.

2.3 Subject to the West Tisbury zoning bylaws, the Applicant shall install a sign at the entrance to the premises saying, among other things, that sales are by appointment only, no walk-ins. All advertising and media must include this notice as well, provided that such media may note that sales may be made on-line for delivery or for express-line pick-up (subject to an appointment for pick-up).

2.4 To enhance safe movement of vehicles entering State Road, a stop bar and accompanying stop sign shall be installed at an exit location that maximizes drivers' views to the left.

2.5 Striping shall be applied to delineate in and out lanes. This shall help guide exiting drivers in keeping to the right and avoid blocking incoming vehicles.

3. Housing

3.1 On expiration of the current lease of the 1-bedroom unit on the premises, the Applicant shall make the unit available for lease to an employee of the business. If no employee is interested in leasing the unit, the unit shall otherwise be leased for year-round workforce housing.

4. Landscaping and Lighting

4.1 Landscape and Lighting Plans shall be provided to the Land Use Planning Committee for approval before the issuance of a Certificate of Occupancy.

4.2 Trees on the abutting parcel to the north are to be maintained in perpetuity, and the addition of fencing to shield abutting properties.

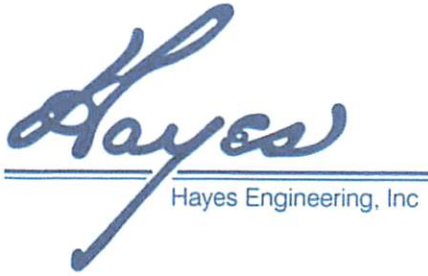
These conditions are an essential part of this decision and shall be enforced as written. Any modification of these conditions requires a modification request to the DRI. The primary enforcement agent for the compliance of these conditions is the Building and Zoning Enforcement Officer of the Town. If the Commission or the Town finds it necessary to seek judicial relief to enforce the condition, the Applicant, or its successors in title at the time of such proceedings, shall pay the Commission's and/or Town's attorney's fees and costs incurred in obtaining judicial relief.

WEST TISBURY ZBA CONDITIONS 10.29.2020 (Case File 2020-47)

- 1) 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.
- 2) Hours and days of operation are allowed as follows; September 1st through April 30th Monday through Saturday 9:00 am to 6:00 pm, and May 1st through August 31st 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 previous 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) Prior to the issuance of a use permit, the applicant will submit to the Zoning Board of Appeals a parking/landscape plan which has been approved by the Building Inspector.
- 7) This special permit is restricted by all conditions of the Martha's Vineyard Commission decision on DRI 696 dated August 13, 2010 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.
- 8) No more than five (5) appointments allowed per fifteen (15) minute period, with an additional sixth (6) appointment reserved for express orders.
- 9) No request for modification shall be filed until at least six (6) months after commencement of operation, and this six (6) month period shall include July and August.

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.

Exhibit F
Traffic Impact Statement 12/15/2019



603 Salem Street
Wakefield, MA 01880
Tel: (781) 246-2800
Fax: (781) 246-7596

Traffic Impact Statement

Nantucket, MA 02554
Tel: (508) 228-7909

Refer to File No. TIS-0003

TO: Town of West Tisbury Zoning Board of Appeals
FROM: Tony Capachietti, *Project Manager*
DATE: December 15, 2019
SUBJECT: Patient Centric of Martha's Vineyard
Proposed Marijuana Dispensary
510 State Road
West Tisbury, MA

Hayes Engineering, Inc. (HEI) has prepared this Traffic Impact Statement in support of the proposed marijuana dispensary at 510 State Road, pursuant to the request of the Project Proponent, Patient Centric of Martha's Vineyard (PCMV). The purpose of this Impact Statement is to evaluate the anticipated Average Daily and Peak Hour trip generation for the facility operating as a marijuana dispensary. The proposed dispensary will occupy approximately 1,410± sf. of floor area on the first floor.

Trip Generation

Average Daily Vehicle Trips and Peak Hour Trips for the project are calculated using data published by the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, unless otherwise specified.

The proposed RMD use classified as Institute of Transportation Engineers (ITE) Land Use Code (LUC) 882, Marijuana Dispensary, defined in the ITE Trip Generation Manual, 10th Edition as being:

"... a standalone facility where cannabis is sold to patients or consumers in a legal manner."

Trip Generation rates for the proposed 6,173[±] -sf. dispensary use is summarized in Table 2, below. It should be noted that the ITE cautions the use of its Marijuana Dispensary data, as it was derived from studying only four (4) dispensaries in Colorado and Oregon. Trip generation estimates for this project were interpolated using the average rate for the most-similar establishment by size in the ITE study data set.



Traffic Impact Statement
510 State Road
Vineyard Haven, MA
December 15, 2019

TABLE 1

Trip Generation, 882 – *Marijuana Dispensary*

<u>Time Period</u>	<u>LUC 882 – Marijuana Dispensary Average Trip Ends per 1,000 sf. GFA⁽²⁾</u>	<u>LUC 882 – Marijuana Dispensary Vehicle Trip Ends⁽¹⁾</u>
Weekday Daily	252.70	356
Weekday AM Peak Hour	20.88	29
Weekday PM Peak Hour	29.93	42
Saturday Daily	259.31	366
Saturday Peak Hour	36.43	51

⁽¹⁾ Based on 1,410± -sf.of floor area

It is our opinion that this early data obtained by ITE is representative of additional trip generation due to curiosity and the scarcity of the use. This is evidenced by actual data obtained by monitoring existing and operational dispensaries in the Commonwealth. One of the most recent dispensaries to open in Lynn, Massachusetts processed 282 individual transactions on its opening day of Saturday, October 26, 2019. The facility is 4,631-sf. with a corresponding Saturday (daily) trip generation rate of 121.79 trip ends per 1,000-sf. of floor area. This observed rate is less than half the ITE projected rate. This same dispensary processed 270 individual transactions on Monday, October 28, 2019 with a corresponding weekday (daily) trip generation rate of 116.61 trip ends per 1,000-sf. of floor area. This observed rate is again less than half of the ITE projected rate. Table 2, below, estimates projected trip ends for the proposed PCMV facility using these observed rates:

TABLE 2

Trip Generation: *Observed Data, Lynn, MA*

<u>Time Period</u>	<u>Observed Trip Ends per 1,000 sf. GFA</u>	<u>Project Vehicle Trip Ends⁽¹⁾</u>
Weekday Daily	116.61	164
Saturday Daily	121.79	172

⁽¹⁾ Based on 1,410± -sf.of floor area

Off Street Parking:

The proposed facility is served by 23 off street parking spaces. There will be five (5) spaces dedicated to employee parking with the remaining 18 spaces available for customers. Four (4) of these 18 spaces will be reserved for medical customers. The retail parking requirement for the facility under the zoning regulations is one space per 150 sf. of floor area, or 9 spaces.

Parking for the facility should accommodate the worst-case peak hour demand of 51 vehicle trip ends (26 vehicles) on Saturdays. Typical transaction time at the dispensary is anticipated to be



Traffic Impact Statement
510 State Road
Vineyard Haven, MA
December 15, 2019

between 10 and 15 minutes per customer. The turnover rate is between 4 and 6 times per hour. The 18 customer spaces, based on this turnover rate, can accommodate between 72 and 108 vehicles in the peak hour.