

Received by the Town Clerk: _____ Date: _____

Application complete _____

Application incomplete _____

Signed: _____

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): Kaysky, LLC,

PO Box 4835, Vineyard Haven, MA 02568

Map and Lot #: Map 21, Lot 12

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

Narrative

FFD seeks 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. ("the Property"). See, 935 CMR 500.000 and 501.000.¹ See Site Plans appended hereto as Exhibit A.

On August 17, 2017, the West Tisbury Zoning Board of Appeals ("ZBA") granted a Special Permit with conditions to Patient Centric of Martha's Vineyard ("PCMV") for the cultivation of Medical Marijuana at 90 Dr. Fisher Road, West Tisbury, MA. (Special Permit 2017-03). The ZBA had referred this project to the Martha's Vineyard Commission ("MVC") on February 23, 2017. On June 22, 2017, the MVC approved the project, with conditions. (DRI #618-M2); on February 6, 2020, the MVC issued a Decision modifying DRI #618-M2 1) to include marijuana cultivation for recreational/adult use along with marijuana cultivation for medical use at 90 Dr. Fisher Road, 2) to increase the number of allowable employees from 9 to 10 and 3) to allow the conversion of 209 square feet of second floor space from storage space to a vegetation room. (DRI #618-M3)

On February 6, 2020, the ZBA granted a Special Permit to Patient Centric of Martha's Vineyard, amending Special Permit 2017-03 to allow the cultivation and production of Adult/Recreational Use Marijuana in the same facility as the Medical Marijuana cultivation at 90 Dr. Fisher Road, West Tisbury, MA. (ZBA Case File 2020-3). Copies of the ZBA Special Permit Decisions and the Martha's Vineyard Commission Decisions are appended hereto as Exhibits B and C.

The Property is located in the Light Industrial ("LI") District of West Tisbury. Pursuant to Section 3.1-1 of the West Tisbury Zoning Bylaw, the use of the Property for the purposes requested is permitted subject to the issuance of a Special Permit from the ZBA. 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 for a license for marijuana cultivation and production for Adult/Recreational Use and for Medical Use 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.

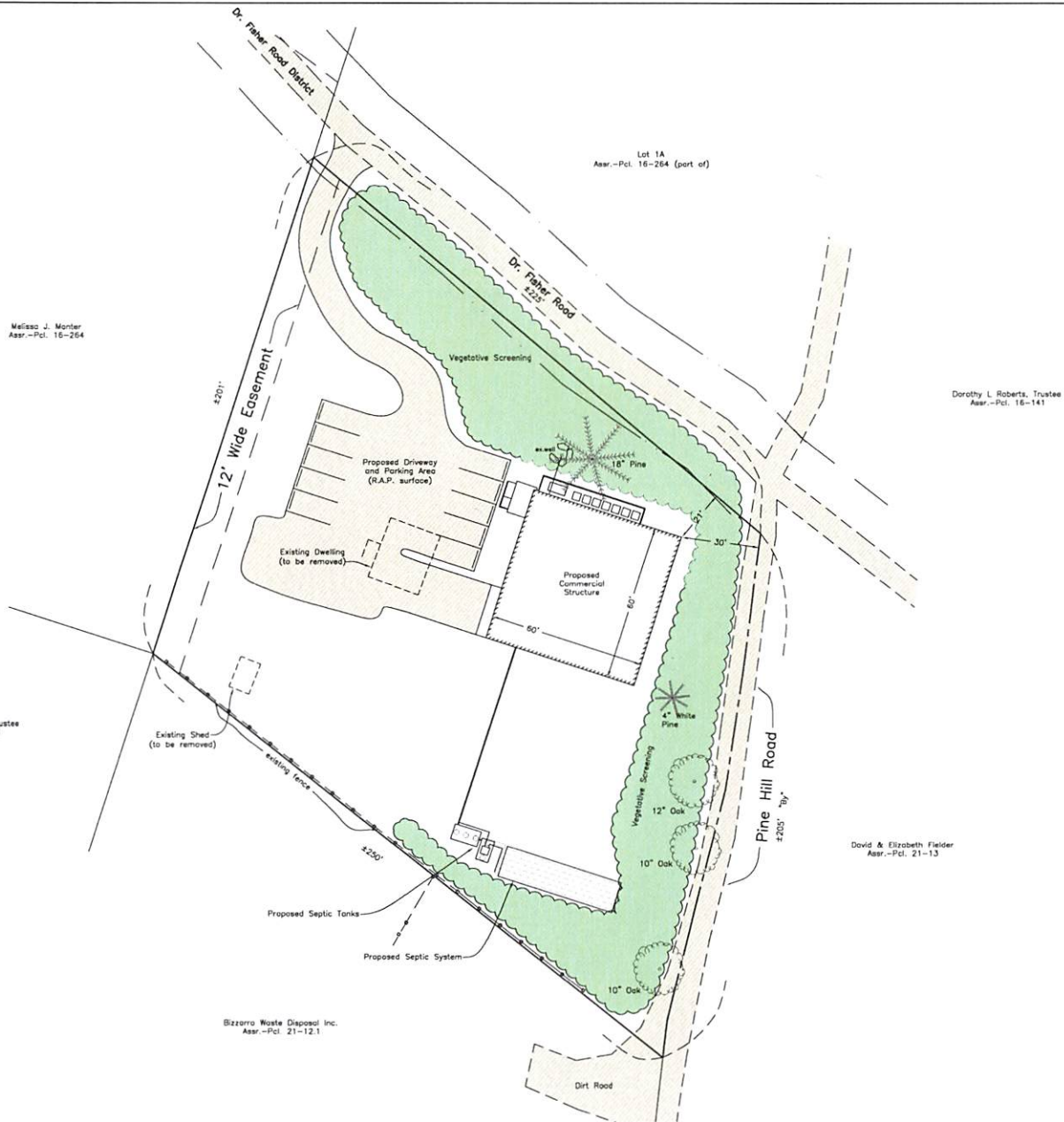
¹ In a separate application, FFD is seeking a Special Permit for the operation of an Adult/Recreational Use Marijuana Dispensary (RMF) and a Registered Medical Marijuana Use Dispensary (RMD) at 510 State Road, West Tisbury, MA 02575.

FFD does not propose major modifications from the Special Permit previously granted to PCMV for marijuana cultivation and production at this location. FFD will comply with all of the conditions imposed by the MVC in its Decision in DRI #696 and by the ZBA in its Decisions approving the Special Permit to Patient Centric in ZBA Case File 2020-03. Copies of the Conditions imposed by the MVC and by the ZBA in connection with the Patient Centric Special Permit requests to operate a marijuana cultivation and production facility at 90 Dr. Fisher Road, West Tisbury, MA are appended hereto as Exhibit E.

As of this date, the cultivation and production facility has been built out by PCMV in accordance with the plans submitted with its Applications and approved by the ZBA and the MVC; the landscaping has been installed and the grounds have been prepared as approved. The West Tisbury Building Department has issued a CO for the building, and the marijuana cultivation and production is taking place in the facility. FFD will continue the operations as being performed by PCMV.

Exhibit A
Site Plans

d



Malissa J. Monter
Asst.-Pcl. 16-264

Lot 1A
Asst.-Pcl. 16-264 (part of)

Dorothy L. Roberts, Trustee
Asst.-Pcl. 16-141

Marjorie M. Rogers, Trustee
Asst.-Pcl. 21-8.1

David & Elizabeth Fielder
Asst.-Pcl. 21-13

Bizzorri Waste Disposal Inc.
Asst.-Pcl. 21-12.1

Notes:

1. Vegetative screening to consist of existing native vegetation with planted white pine clusters. Only trees and brush located within the building envelope, driveway, and parking areas will be removed, the remaining vegetation will be supplemented with buffer plantings.

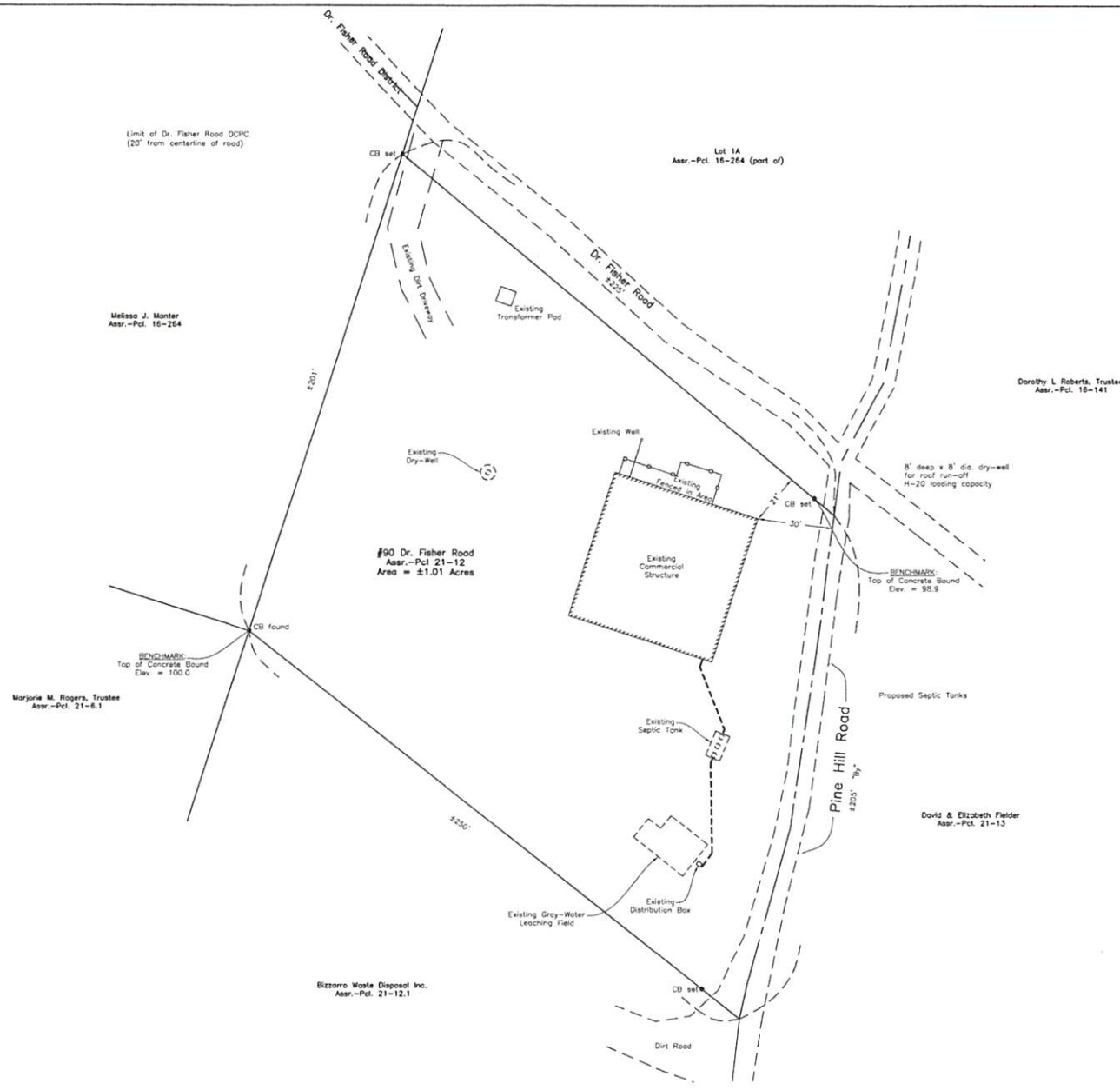
Being Lot 18 shown on a plan filed with the Dukes County Registry of Deeds in Plan Book 15 Page 137

This lot is in the Light Industrial Zoning District
A portion of this lot is in the Dr. Fisher Road DCPC

Site Plan in
West Tisbury, Mass.
Prepared for
James Eddy
May 24, 2017 Scale: 1 inch = 20 feet

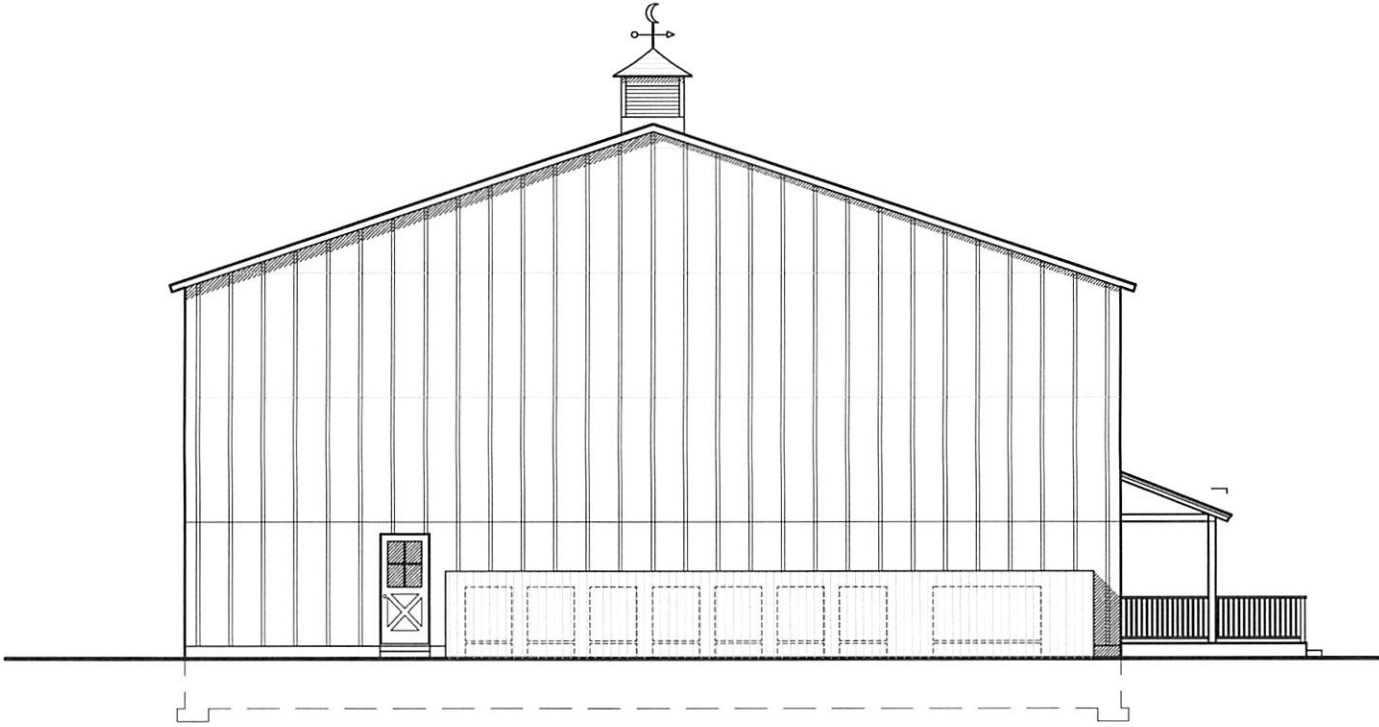
VINEYARD
LAND SURVEYING
& ENGINEERING

19 Cummeye Road
PO Box 427
West Tisbury, MA 02575
P: 508-623-3774 • 508-629-0461
VLSF.net

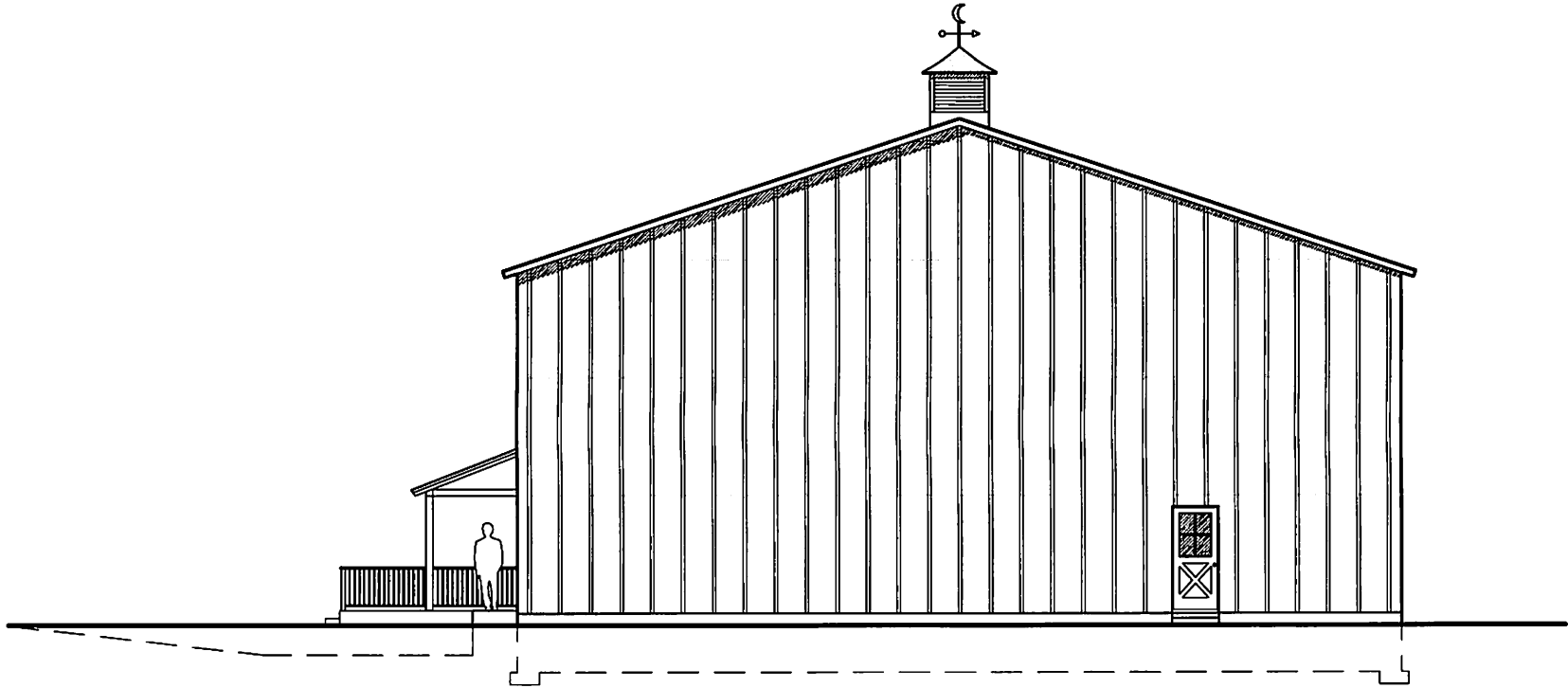


Site Plan in
 West Tisbury, Mass.
 Prepared for
James Eddy
 May 15, 2019 Scale: 1 inch = 20 feet

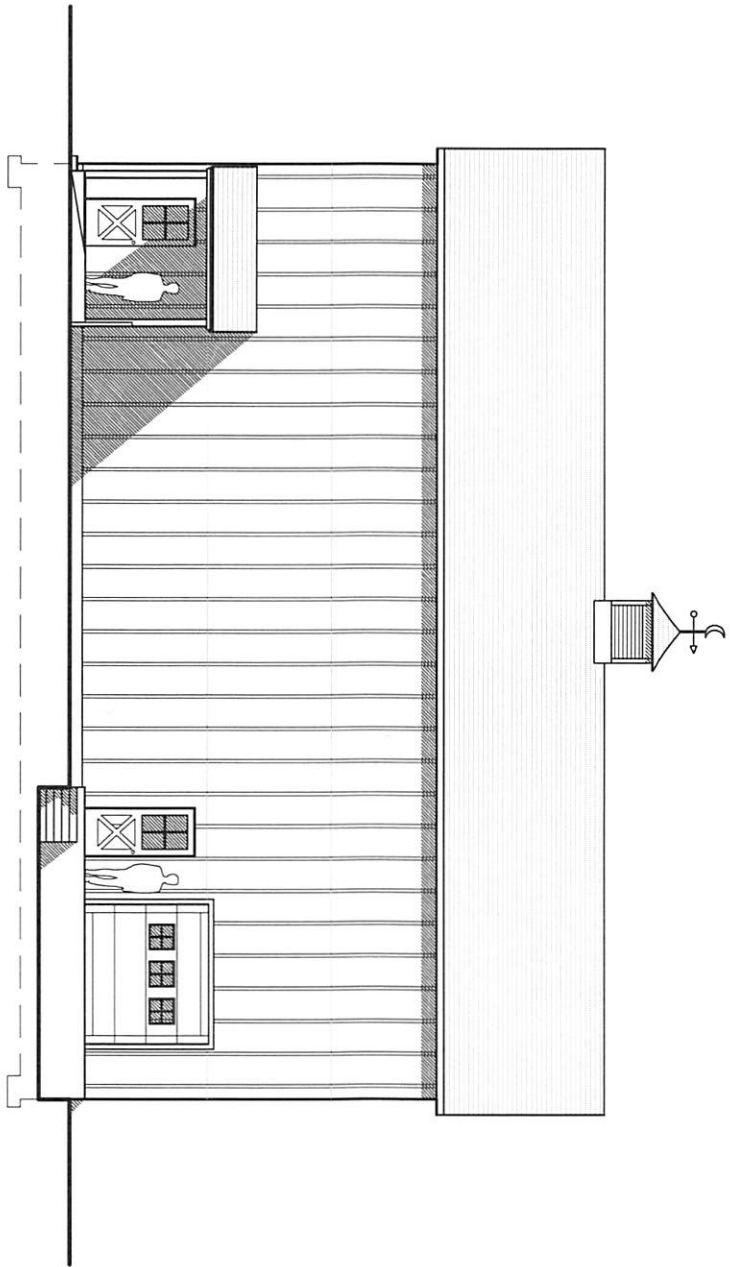




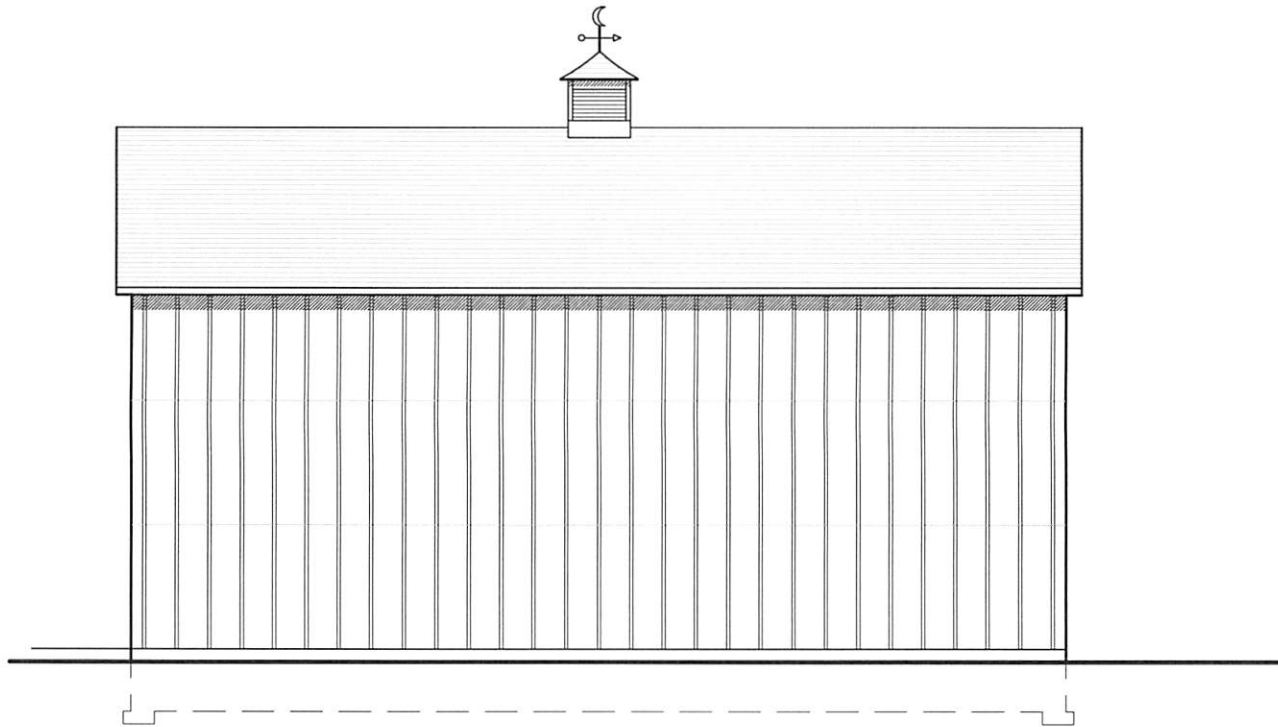
① NORTH ELEVATION
Scale 1/8" = 1'-0"



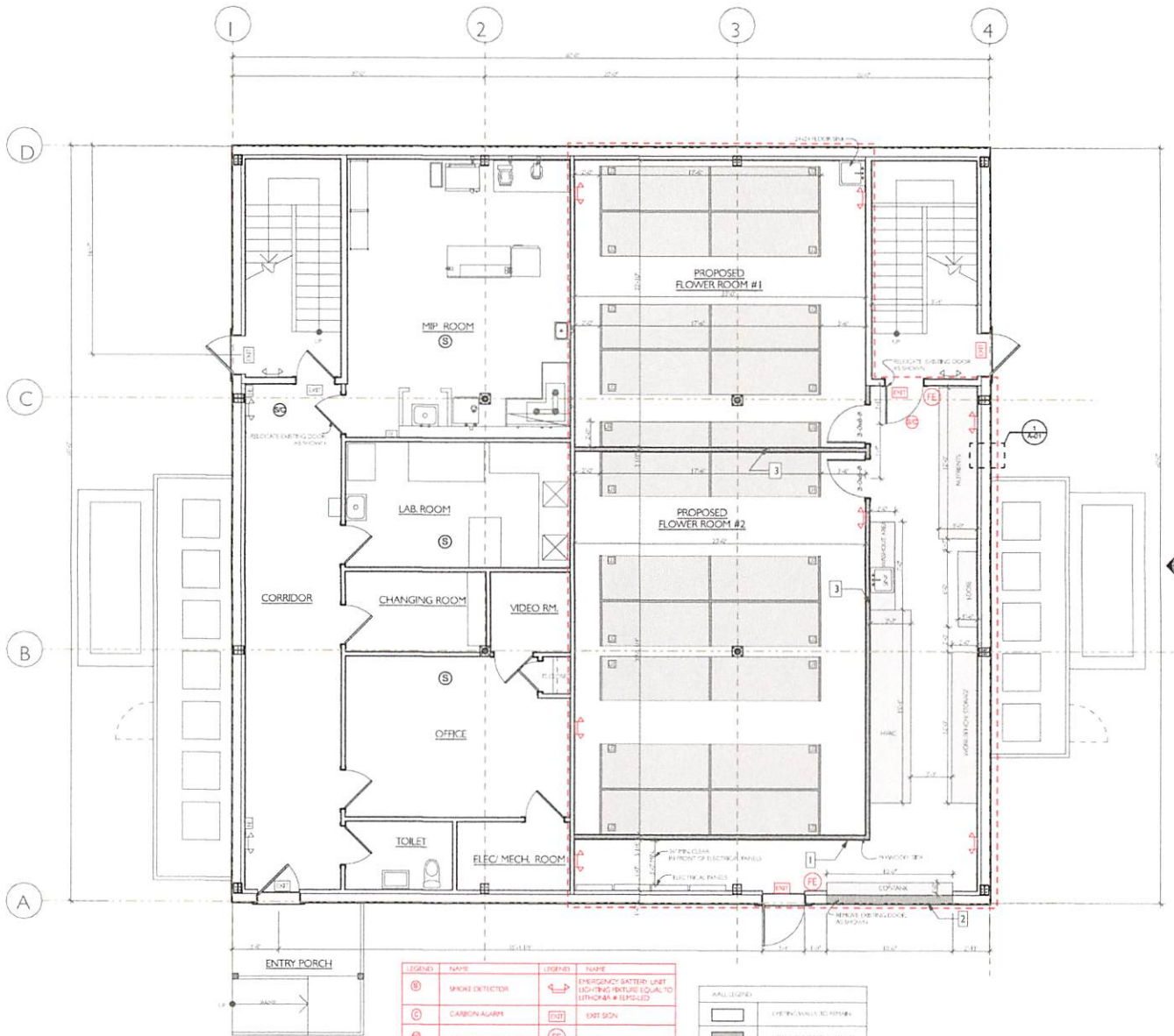
① SOUTH ELEVATION
Scale 1/8" = 1'-0"



① WEST ELEVATION
Scale 1/8" = 1'-0"

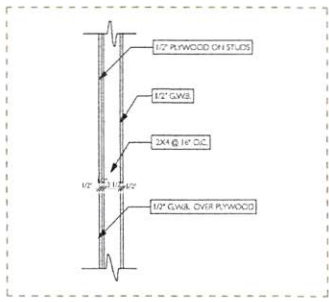


① EAST ELEVATION
Scale 1/8" = 1'-0"

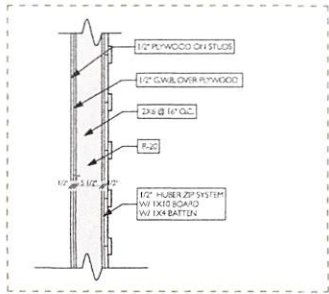


LEGEND	NAME	LEGEND	NAME
(SD)	SMOKE DETECTOR	(E)	EMERGENCY BATTERY UNIT LIGHTING FIXTURE (EQUAL TO UTENSILS & REPOSED)
(C)	CARBON MONOXIDE	(EXT SIGN)	EXIT SIGN
(SC)	SMOKE CARBON MONOXIDE	(FE)	WET EXTINGUISHER

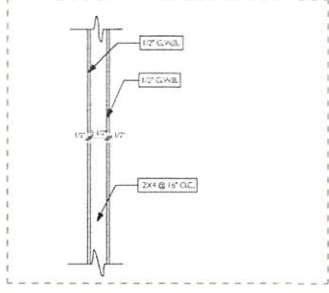
AS-BUILT	DESCRIPTION
[Symbol]	EXISTING WALLS & DOORS
[Symbol]	NEW CONSTRUCTION WALLS



1 INTERIOR WALL DETAIL
SCALE: 1/2"



2 EXTERIOR WALL DETAIL
SCALE: 1/2"



3 INTERIOR WALL DETAIL
SCALE: 1/2"

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

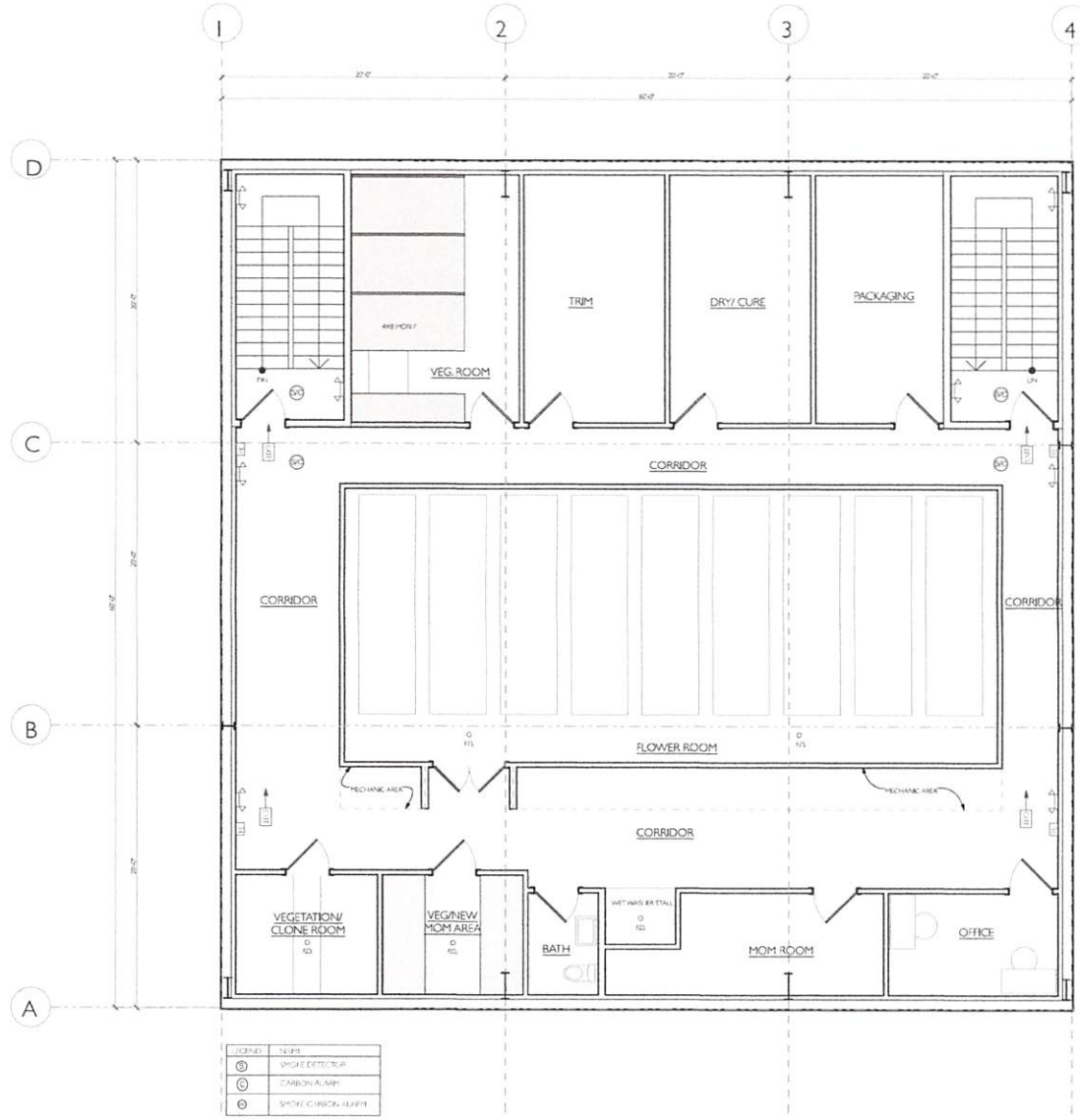


PERMIT SET
NOT FOR CONSTRUCTION

sullivan + associates
ARCHITECTS

PROJECT NAME: **PCMV - WEST TISBURY**
ADDRESS: **9 DR. FISHER ROAD, WEST TISBURY, MA**
DATE: **2020-10-21**
DRAWN BY: **MT**
DATE: **21-12-1**
SHEET # **19P03**
SHEET TITLE **FIRST FLOOR PLAN**
DRAWING # **A-01**

508 693 0500
sullivanassociates.com



SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"

EXISTING BUILDING EVALUATION AND CODE REVIEW

APPLICABLE CODES AND REGULATIONS

MA State Building Code, 780 CMR, 9 th Edition (IEBC 2015)	(IEBC - Sect.)
MA Existing Building Code, 780 CMR, 9 th Edition (IEBC 2015)	(IEBC - Sect.)
MA General Laws - 14B CMR: Fire Prevention	(MGL, 14B Sect.)
MA Fire Prevention Regulations, 827 CMR	(MFR)
MA Architectural Access Board, 822 CMR	(MAAB)

EXISTING BUILDING DESCRIPTION:

The existing building consists of two stories with no basement. It contains approximately 7,200 gross square feet (G.S.F.) and sits on a 1.21 acre parcel (Parcel 21-121). It is comprised of Type 2B construction / ungrouted, with a steel frame and purlin exterior, wood siding, and a concrete foundation. The building was constructed in approximately 2017 (Assessment for a Mixed Use of Factory (Use Group F-1 Moderate Hazard) and Storage (Use Group S-1 Moderate Hazard)). The Factory portion contains approximately 5,400 G.S.F. on both the first and second floors, and is occupied by Patient Centric for the cultivation of marijuana. The Storage portion contains approximately 1,800 G.S.F., which is located on the first floor and was previously used by Big Sky. Trunks full to row vacant.

Existing Building Description:

Zoning: LI - Light Industrial	Use 2: Tenant - Patient Centric Marijuana Cultivation and Big Sky Storage
Use Group: Mixed Use - Use Group F-1 and S-1	Use Group: Mixed Use - Use Group F-1 and S-1
Approx. Square Footage/Floor: +/- 3,600	Total Usable Square Footage: +/- 7,200
Construction Classification: Type 2B	Handicapped Accessible: Yes
Town Water / Sewer: Yes / No	Sprinkler System: No

PROPOSED SCOPE OF WORK:

The Work Area consists of alterations to the +/- 1,800 S.F. first floor S-1 area into space that will become part of the F-1 use by Patient Centric. When the project is completed the building will be entirely occupied by Patient Centric. The work involves the construction of approximately 50 linear feet of non-bearing interior floor to ceiling G.W.B. partitions to generate two new Flower Rooms for Patient Centric. There will be two new interior doors installed, as well as M.E.P. equipment and fire safety devices which will be tied into the existing Patient Centric systems. The only change to the building envelope is the removal of the existing overhead door serving the storage area, which will be infilled with a new insulated exterior wall per the plans. There is no work planned for the second floor, but an existing room will become a Vegetation Room with the placement of some tables as shown on the second floor plan.

CODE REQUIREMENTS:

The Code Analysis of the proposed work consists of meeting the requirements of the IEBC 2015 for a Change of Occupancy within an existing building to create a single user F-1 building.

Proposed Building Description:

Use 1: Tenant - Patient Centric Marijuana Cultivation	Use Group: Factory F-1 Moderate Hazard
Construction Classification: Type 2B - No Change	Sprinkler System: No
Approx. Square Footage/Floor: No Change	Total Usable Square Footage: No Change
Egress Hazard Index: No change S-1 to F-1 (IEBC 2015, Table 1012.4)	Height Hazard Index: No change S-1 to F-1 (IEBC 2015, Table 1012.5)
Exterior Hazard Index: No change S-1 to F-1 (IEBC 2015, Table 1012.6)	

IEBC 2015 - CHAPTER 8 - WORK AREA COMPLIANCE - LEVEL 2, COMPLY WITH CHAPTERS 7, 8 AND 10.

FIRE RESISTANCE RATINGS OF BUILDING ELEMENTS - (IEBC 2015 - Table 601 / 602)

Element	Rating
Primary Structural Frame	0 (Unprotected)
Bearing Walls - Exterior and Interior	0
Exterior Non-Bearing Walls	0
Interior Non-Bearing Walls	0
Floor Construction Including Beams	0
Roof Construction Including Beams, Framing	0

IEBC 2015, CHAPTER 8 - ALTERATIONS LEVEL 2

- Automatic Sprinkler Systems (IEBC 2015 - 804.2): A sprinkler system is required if the Work Area is required to have a sprinkler system per IEBC 2015 - Chapter 9. A sprinkler system is not required in a Group F-1 occupancy under 12,000 S.F. in the proposed configuration. Further, it is not required by 14B CMR - 26G, Standpipes (IEBC 2015 - 804.3). Standpipes are not required by the scope of the project. There are no exits shared by more than one tenant that are located more than 50 feet above the designated access.
- Fire Alarms (IEBC 2015 - 805.4): A fire alarm system will be installed in the Work Area and connected to the existing Patient Centric addressable system. Shop drawings will be submitted.
- Means of Egress (IEBC 2015 - 805.1): The Occupancy Load for the proposed building is 38 (7,200 G.S.F. @ 200 S.F. per occupant in a Group F-1 occupancy (IEBC 2015 - Table 1003.1.2)). Two means of egress are required from the Work Area based on travel distance and there are two existing compliant means of egress provided.

IEBC 2015, CHAPTER 10 - CHANGE OF OCCUPANCY

- Expansion of an existing occupancy does not trigger separation. (IEBC 1012.1.1.1)
- There is no fire separation required in a single use of this size. (IEBC TABLE 506.4)
- As mentioned above, fire sprinklers and alarms will be provided. (IEBC 1012.2.1 + 1012.2.2)
- There are no compliance requirements triggered by a change in Hazard Index.

IEBC 2015 - FIRE PROTECTION SYSTEMS

- Portable fire extinguishers are required in Group F occupancy. Locate at each egress. (IEBC 905.1.1)



PERMIT SET
NOT FOR CONSTRUCTION

sullivan + associates
ARCHITECTS

508 693 0500

PCMV - WEST TISBURY
9 DR. FISHER ROAD, WEST TISBURY, MA
SECOND FLOOR PLAN

PROJECT NAME: M1
DATE: 2020-10-21
DRAWING NO.: 21-12-1
DATE: 19P03
DRAWING #: A-02

Exhibit B
Patient Centric Special Permit Decisions
8/17/2017 and 2/6/2020



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 c/o Geoffrey Rose. Filed with the West Tisbury Town Clerk on August 25, 2017. Special Permit 2017-03.

Applicant: Patient Centric of Martha's Vineyard, P.O. Box 1323, West Tisbury, MA 02575.
Owner: Kaysky, LLC, P.O. Box 4835, Vineyard Haven, MA 02568, whose title to the property is recorded at the Dukes County Registry of Deeds and described in Book 1405 Page 219, dated May 10, 2016.
Agent: Geoffrey Rose, P.O. Box 1323, West Tisbury, MA 02575.
Locus: 90 Dr. Fisher Road, West Tisbury, Map 21 Lot 12, LI District, 1.01 acres
Plans: 1) Floor plans including elevations prepared by Crawford Design Associates, dated May 24, 2017. Plans on file at the Zoning Board Appeals office.
Notice: Certified abutters list mailed on February 7, 2017, and advertised in the Martha's Vineyard Times on February 9 and February 16, 2017.

Hearing & Request:

The hearing opened February 23, 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)

The hearing was continued to the following dates, March 23, April 27, June 8, June 29, July 13, July 27, 2017.

On August 17, 2017, the application was revised to remove the dispensary part of the project.

Requirement: Section 3.1-1 (use table- business use); Registered Marijuana Dispensary (RMD) (see definition above).
Present: Nancy Cole, Tony Higgins, Larry Schubert and Julius Lowe.
Absent: Toni Cohen, Roger Hubbell and Robert Schwier.
Decision: On August 17, 2017, the Zoning Board of Appeals voted to GRANT with CONDITIONS a special permit to operate a Medical Marijuana Cultivation operation business allowed under 3.1-1 of the West Tisbury Zoning Bylaws.
Vote for: Nancy Cole, Tony Higgins, Larry Schubert and Julius Lowe.
Vote Against:

Findings:

- 1) At a meeting on February 23, 2017, of the West Tisbury Zoning Board of Appeals the board voted unanimously to refer the application to the Martha's Vineyard Commission as a Development of Regional Impact (DRI), under the provisions of 1.2 and 3.1 of the DRI checklist.

- 2) On August 17, 2017, the application was revised to consist of a Medical Marijuana Cultivation operation sole purpose to cultivate and process medical marijuana. The dispensary portion of the project was withdrawn.
- 3) A medical marijuana cultivation operation/business is allowed in the Light Industrial District under West Tisbury Zoning Bylaws (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.)
- 4) Upon the removal of the dispensary portion of the project the board was in agreement that the applicant had worked to alleviate excess traffic and noise in the neighborhood.
- 5) Under the West Tisbury Zoning Bylaws under the Dimensional Table: the maximum cultivation area for medical marijuana shall not exceed 1,000 square feet.
- 6) Patient Centric of Martha's Vineyard is licensed and regulated by the Department of Public Health.
- 8) The operation includes a laboratory as required by Department of Public Health which requires periodic testing for quality control.
- 9) The building is a total of 7,200 square feet. The applicant will share the first floor with Big Sky Tent: a total of 1,800 sq. ft. Patient Centric will occupy the second floor, totaling 3,600 sq. ft.
- 10) The application was referred to the Martha's Vineyard Commission as a DRI which voted to approve the project on July 13, 2017.
- 11) Throughout its deliberations the Zoning Board had taken statements by the applicant and comments from the general public and parties of interest.
- 12) Parking: A total of ten parking spaces: nine for Patient Centric and one for Big Sky.
- 13) Hours of Operation: Monday thru Friday 8:30 am to 5:00 pm and Saturday & Sunday 12 noon thru 3:00 pm.
- 14) The exterior HVAC equipment is low noise units. Both the HVAC equipment and backup generator will be located on the north side of the building

Conditions:

- 1) All employees and company vehicles, including all regular vendors use Old Stage Road as the access to the facility. The applicant will make a best effort to notify other vendors to access the facility through Old Stage Road.
- 2) Subject to the Martha's Vineyard Commission decision (under condition 6.1) the monetary contribution of \$5,800.00 will be awarded to the West Tisbury Affordable Housing Trust.
- 3) The applicant must obtain all permits or authorizations required by the Town of West Tisbury. The building inspector shall not issue a certificate of occupancy until all conditions have been satisfied. The applicant will be subject to annual inspections by the Zoning Inspector, Board of Health and the Fire Department.
- 4) All conditions set forth in the Martha's Vineyard Commissions decision dated July 18, 2017. (DRI 618-121), shall be complied with by the applicant. (See attached)

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.
5. Note well: You must obtain a Building Permit from the Building/Zoning Inspectors Office prior to construction of the project.

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 August 25, 2017

Tara J. Wilby August 22, 2017

I certify that no appeal has been made

Tara J. Wilby September 18, 2017

TOWN CLERK
WEST TISBURY
MASS 02576

Case: 2017-03
Date: 8/17/17
Map & Lot: 21-12

WEST TISBURY ZONING BOARD OF APPEALS
RECORD OF VOTE

The following members of the Zoning Board of Appeals vote to grant a Special Permit
subject to the above stated terms:

<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	_____
<u>[Signature]</u>	_____
_____	_____

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

_____	_____
_____	_____
_____	_____

CONDITIONS

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

These conditions are an essential part of this decision and shall be enforced as written. 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.

1 Transportation:

- 1.1 As offered by the Applicant, the applicant shall retain much of the existing vegetation along Dr. Fisher and Pine Hill Roads for natural native buffer. Subject to the approval of the Department of Public Health.
- 1.2 As offered by the Applicant, the applicant shall grant a recorded permanent easement to the neighboring property (Map 21 Lot 12.1) currently used by Bizzarro to create and allow use of an access way through the property to help relieve vehicular traffic that currently uses Pine Hill Road, before issuance of a Certificate of Occupancy.

2 Marijuana Cultivation:

- 2.1 As offered by the Applicant, no chemical pesticides shall be used in the cultivation process.
- 2.2 As offered by the Applicant, the cultivation process shall utilize a closed loop system in which Each bank of tables will have a reservoir containing a nutrient solution. (Notes.) Based on the size of our proposed tables, each reservoir would contain approx 50 Gals of solution. On a regular, scheduled basis, a pump would deliver a small amount of nutas through a series of tubes and drip emitters to each growing site along the table. As the solution runs through the pots, it is collected and returned to the reservoir. This cycle continues with the addition of only water to keep the nutrient content at the desired level. After 2 weeks, the solution shall be replaced with a fresh solution.

3 Landscaping:

- 3.1 As offered by the Applicant, a final landscaping plan, including an implementation timetable, showing plant species and locations is to be submitted for the review and approval of LUPC before construction begins.
- 3.2 As offered by the Applicant, all fertilizers shall be slow-release, water-insoluble nitrogen source types. No synthetic pesticides including herbicides, fungicides and/or insecticides shall be used in the maintenance of landscaping.
- 3.3 As offered by the Applicant, landscaping shall utilize low maintenance and/or native plant materials to limit annual fertilization.
- 3.4 As offered by the Applicant, total impervious and low permeability surfaces to remain at about 15,000 square feet. Runoff from all impervious and low permeability surfaces shall be directed towards natural vegetation to recharge.
- 3.5 As offered by the Applicant, parking areas will be surfaced with RAP.
- 3.6 As offered by the Applicant, tree and brush removal shall be limited to that which is necessary to construct the structure and install the driveway and parking areas.
- 3.7 As offered by the Applicant, buffer screening shall be provided by supplementing the existing vegetation. A 20-foot buffer along Dr. Fisher and Pine Hill Roads shall be flagged before construction and no vegetation shall be cut within this buffer.

4 Noise

- 4.1 As offered by the Applicant, the Applicant shall utilize exterior mechanicals with low db levels. HVAC (65 db). Backup generator (69 db).
- 4.2 As offered by the Applicant, due to the sensitivity of the abutting residential neighborhood, hours of operation for the proposed Marijuana cultivation operation shall be limited to Monday through Friday from 8:30 am to 5:00 pm and Saturday/Sunday, 12 noon-3:00 pm (for cultivation personnel).

5 Exterior Lighting

- 5.1 As offered by the Applicant, the perimeter of the building and parking lot will utilize passive infrared sensor (PIR) for surveillance purposes that will emit no visible light.
- 5.2 As offered by the Applicant, parking lot lighting shall meet Town code.

6 Affordable Housing

- 6.1 As offered by the Applicant, the applicant shall make the recommended monetary contribution for a development project of 7,200 square foot building is \$5,800.00 to an island affordable housing organization approved by the MVC before a Certificate of Occupancy is issued.

7 Wastewater:

- 7.1 As offered by the Applicant, the building shall utilize only composting toilets.
- 7.2 As offered by the Applicant, waste water from cultivation will be collected in an industrial waste holding tank and disposed of by a licensed contractor.
- 7.3 As offered by the Applicant, all cuttings and clippings are to be disposed of by a certified composter, subject to Department of Public Health approval.
- 7.4 As offered by the Applicant, the cultivation, processing and administration shall be limited to 9 employees.
- 7.5 As offered by the Applicant, the tent rental business shall not clean dishes, tents, or other rental equipment on this property and the property shall be restricted from any outdoor hanging or drying of tents.

8 Future Use:

- 8.1 As offered by the Applicant, this application is for the cultivation and processing of medical marijuana only.

9 Architectural Detailing

- 9.1 As offered by the Applicant, the siding on the building shall be board and batten.
- 9.2 As offered by the Applicant, the building shall be designed with architectural details resembling a typical West Tisbury barn, in order to promote a rural/barn façade and to minimize the building's visual impact on the neighborhood.
- 9.3 As offered by the Applicant, the final architectural details shall be submitted for the review and approval of the LUPC before a Certificate of Occupancy will be issued.

10 Fire Code

10.1 As offered by the Applicant, the Applicant will voluntarily comply with Chapter 36 of the 2018 edition of NFPA 1: Fire Code

11 Substantial Alterations

11.1 As offered by the Applicant, should the applicant substantially alter the use of the premises from the proposed uses it shall return to the Martha's Vineyard Commission to request approval of said alteration.



2020 00001583

Bk: 1523 Pg: 63 Doc: DECIS
Page: 1 of 3 03/09/2020 01:41 PM

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF WEST TISBURY
ZONING BOARD OF APPEALS

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

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

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

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

Locus: 90 Dr. Fisher Rd, West Tisbury, MA. Assessors Map 21 Lot 12, L11 district, 1.01 acres.

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

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

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

The hearing was continued to February 6, 2020.

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

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

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

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

Findings:

- 1) The cultivation and product manufacturing of recreational marijuana is allowed in the L1 Zone by Special Permit from the Zoning Board of Appeals. (April 9, 2019).
- 2) The Applicant submitted an application to the Martha's Vineyard Commission to modify existing DRI 618-M2 on August 29, 2019.
- 3) Modifications were approved by the Martha's Vineyard Commission on September 19, 2019, resulting in DRI 618-M3 Marijuana Cultivation Building Modifications.
- 4) There will be no change to the size of the existing structure.
- 5) The cultivation of Adult/Recreational Use Marijuana will occupy approximately 1,200 sf. of an area previously utilized by Big Sky Tent and Party Rental.
- 6) Security systems currently in place will be extended to the new cultivation area by the installation of 20 additional security cameras.
- 7) The application complies with Section 9.2-2 Review Criteria, of the Zoning Bylaws.

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

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

NO VARIANCE OR SPECIAL PERMIT SHALL TAKE EFFECT UNTIL:

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

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

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

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

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

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

I certify that no appeal has been made

[Handwritten Signature] February 14, 2020

Case: _____

Date: _____

Map & Lot: _____

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 terms (see decision attached):

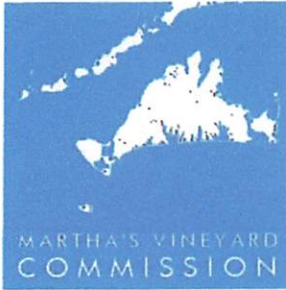
Mary W. [Signature]
[Signature]
[Signature]

[Signature]

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

ATTEST Paul C. DeOliveira, Register
Dukes County Registry of Deeds

Exhibit C
Martha's Vineyard Commission Decisions
6/22/2017 and 2/6/2020



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

Decision of the Martha's Vineyard Commission DRI 618-M2 – Medical Marijuana Cultivation Building

1. SUMMARY

- Referring Board: West Tisbury Zoning Board of Appeals, Town of West Tisbury, MA
- Subject: Development of Regional Impact #618-M2
- Project: To establish a Registered Medical Marijuana cultivation operation with modifications to a previously approved but not yet built building in the W.T. Light-Industrial Dist.
- Owner: Kaysky LLC (James R. Eddy – Registered Agent).
- Applicant: Geoffrey Rose (Applicant – Patient Centric); Jim Eddy (Big Sky Tents).
- Applicant Address: P.O. Box 1323, West Tisbury, Massachusetts 02575.
- Project Location: 90 Dr. Fisher Road, West Tisbury Map 21 Lot 12 (1.01 acres).
- Description: The proposal is to establish a Medical Marijuana cultivation operation with modifications to a previously approved but not yet built building in the West Tisbury L-I District. During the DRI review process the proposal was revised to remove the dispensary part of the original DRI Application. The revised physical modifications are for a smaller footprint 60' by 60' with a full second floor. The revised use modifications are for Patient Centric to have a year round Medical Marijuana cultivation operation and Big Sky Tents to have a seasonal storage area.
- 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 June 22, 2017.
- Written Decision: This written decision was approved by a vote of the Commission on July 13, 2017.

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 March 21, 2017 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, Section 1.2 (Modification to a Previous DRI). The project was also referred under Section 3.1c (construction of 3,000 sf. of Mixed Use) which requires a mandatory DRI review, however, it was determined that this trigger did not apply to this project and the project was reviewed as a modification to a previously approved DRI. After the Land Use Planning Committee (LUPC) Meeting on April 10, 2017 the Applicant chose to go straight to a public hearing review as a Development of Regional Impact and the project was reviewed as such by the Martha's Vineyard Commission.

2.2 Hearings

Notice: Public notice of a public hearing on the Application was published in the Martha's Vineyard Times, April 20, 2017.

Hearings: The Commission held a public hearing on the Application that was conducted by the Commission pursuant to the Act and M.G.L. Chapter 30A, Section 2, as modified by Chapter 831 on May 4, 2017; which was continued to May 18, 2017; and continued again to June 1, 2017; and continued again to June 15, 2017 and closed on that date.

2.3 The Plan

The following plans and documents submitted by the Applicant and contained in the Commission's project file constitute "the Plan."

- P1 "Site Plan in West Tisbury, Mass. Prepared for James Eddy" consisting of one 24" by 36" sheet showing the proposed building, easement, septic system, landscaping and vegetative screening with notes, and parking locations. Plan prepared by Vineyard Land Surveying & Engineering, Inc., 12 Cournoyer Road, P.O. Box 421, West Tisbury, MA 02575 dated May 24, 2017. Scale: 1 inch = 20 feet.
- P2 "Floor Plans: A2" consisting of one 24" by 36" sheet showing proposed first and second floor plans for Big Sky Tent/ Patient Centric Building. Plan prepared by Crawford Design Associates Inc., 10 State Road, P.O. Box 2153, Vineyard Haven, MA 02568 dated May 24, 2107. Scale ¼" = 1'-0".
- P3 "Site Plan – Lighting Bollards: A1" consisting of one 24" by 36" sheet showing locations of six (6) light bollards in the parking area for Big Sky Tent/ Patient Centric Building. Prepared by Crawford Design Associates Inc., 10 State Road, P.O. Box 2153, Vineyard Haven, MA 02568. Scale ¼" = 1'-0". Dated May 24, 2107
- P4 "Elevations" consisting of four 11" by 17" sheets showing proposed North, East, South and West elevations. Stamped received by MVC May 26, 2017.

- P5 "Offers" consisting of two 8.5" by 11" sheets listing specific aspects of the plan including transportation, marijuana cultivation, landscaping, noise, exterior lighting, affordable housing, wastewater, future use, architectural detailing, fire code and substantial alterations that will be carried out in order to improve the project and mitigate any negative impacts. Signed by Jim Eddy and Geoff Rose on May 25, 2017.

2.4 Other Exhibits

- E1. Referral to the MVC from the West Tisbury Zoning Board of Appeals; March 21, 2017.
- E2. Staff Reports, by Paul Foley, MVC DRI Coordinator, with the assistance of other staff members, April 25, 2017; revised May 4, 2017; revised May 18, 2017; revised June 1, 2017.
- E3. MVC Power Point slide show with images of the site, plans, elevations, GIS maps, aerials and other images illustrating the site and the proposal, by Paul Foley, MVC DRI Coordinator, with the assistance of other staff members, April 10, 2017; revised May 4, 2017; revised June 1, 2017.
- E4. Photographs of the site taken on May 4, 2017 by MVC staff.
- E5. Letters from Town Officials.
a. Joseph Tierney, Jr. (W.T. Building Inspector) & Manuel Estrella, III (W.T. Fire Chief)
- E6. Letter from the following citizens:
a. Ellen Wolfe;
b. Vivian Stein;
c. Steven Anagnos;
d. Elaine Barse & Chris Egan;
e. William Coogan;
f. Glenn DeBlase;
g. Martha Sullivan;
h. Melissa Manter;
i. Farley & Daryl Pedlar;
j. Constance Breese;
k. Renee Balter;
l. Wendy Weldon;
m. Albert & Linda Fischer;
n. Linda Fischer;
o. Dan Vanlandingham;
p. Helen DeBlase;
q. Juleann VanBelle;
r. Nolan Pavlik;

- s. Elizabeth & David Fielder.
- t. Ginger Norton;
- u. Joseph Tierney, Jr to Nancy Cole;
- v. Nancy Cole;
- w. Margery Meltzer;
- x. Margaret Emerson;
- y. Eleanor Beth;
- z. Constance Breese (2).

- E7. Minutes of the Commission’s Land Use Planning Committee (LUPC) meeting, April 10, 2017.
- E8. Minutes of the Commission’s Land Use Planning Committee meeting, June 19, 2017.
- E9. Minutes of the Commission’s Public Hearing, May 4, 2017.
- E10. Minutes of the Commission’s Continued Public Hearing, May 18, 2017.
- E11. Minutes of the Commission’s Continued Public Hearing June 1, 2017.
- E12. Minutes of the Commission’s Continued Public Hearing June 15, 2017.
- E13. Minutes of the Commission’s LUPC Post Public Hearing Review meeting, June 19, 2017.
- E14. Minutes of the Commission Meeting of June 22, 2017 – Deliberations and Decision.
- E15. Minutes of the Commission Meeting of July 13, 2017 – Approval of the Written Decision.

2.5 Summary of Testimony

The following is a summary of the principal testimony given during the public hearing on May 4, 2017.

- Presentation of the project by Geoff Rose (Patient Centric) and Jim Eddy (Property Owner).
- Staff reports by Paul Foley, MVC DRI coordinator; Sheri Caseau, MVC Water Planner.
- Oral testimony from Town Officials: Nancy Cole (Chairman of the West Tisbury Zoning Board of Appeals); Larry Schubert (Vice Chairman of the West Tisbury Zoning Board of Appeals).
- Oral testimony from Public: Martha Sullivan; Dan Larkosh; Elizabeth Fielder; Jim Bishop; David Fielder; Sumer Silverman; Steven Anagnos; Chris Egan; Diana DeBlase; and Farley Pedlar.

The following is a summary of the principal testimony given during the public hearing on May 18, 2017.

- Presentation of the project by Geoff Rose (Patient Centric); Jim Eddy (Property Owner); and Mark Daniels (Lighting Consultant).
- Staff reports by Paul Foley, MVC DRI coordinator; and Dan Doyle, MVC Transportation Planner.
- Oral testimony from Town Officials: Matt D’Andrea (Superintendent of Public Schools);
- Oral testimony from Public: Dan Larkosh; David Fielder; Chris Egan; Elizabeth Fielder; Nolan Pavlik; Farley Pedlar.

The following is a summary of the principal testimony given during the public hearing on June 1, 2017.

- Presentation of the project by Geoff Rose (Patient Centric) and Jim Eddy (Property Owner).
- Staff reports by Paul Foley, MVC DRI coordinator.
- Oral testimony from Town Officials: Nancy Cole (Chairman of the West Tisbury Zoning Board of Appeals).
- Oral testimony from Public: Chris Egan.

The following is a summary of the principal testimony given during the public hearing on June 15, 2017.

- Presentation of the project by Geoff Rose (PatientCentric).
- Staff reports by Adam Turner (MVC Executive Director).

3. FINDINGS

3.1 Project Description

- The proposal is to establish a Medical Marijuana cultivation operation with modifications to a previously approved but not yet built building in the West Tisbury L-I District. The building would also house storage for a tent rental company.
- During the DRI review process the proposal was revised to remove the dispensary part of the original DRI Application. The proposal does not include the location of the dispensary.
- The proposal includes an independent laboratory as required by Massachusetts Department of Public Health regulations that require periodic testing for contaminants and quality assurance and which is paid for by the RMD.
- The property was subject to DRI Review in 2010 and was approved with conditions as a DRI which is still valid. The 2010 DRI 618-M review for Big Sky Tents was for a tall single-story a 9,600 sf building (80' by 120' footprint) with architectural details to look like an agricultural building with clapboard and shingle. Big Sky Tents is a primarily seasonal business from May through the Christmas which was going to use the building for active storage during the season.
- The revised physical modifications are for a smaller footprint 60' by 60' (3,600 sf footprint building with a full second floor.
 - Big Sky tents would share the first floor with an 1,800 sf storage area. PatientCentric would occupy 1,800 sf of the first floor with their office, laboratory and storage.
 - PatientCentric would occupy 3,600 sf of the second floor with limited access to the Flower Room (736 sf), the Vegetation room (134 sf), the Mother Room (97 sf), the Clone Room (20 sf), the Trim Room (294 sf), Packaging (192 sf), the Cure Room (294 sf) and office and storage. The Building would be a total of 7,200 gsf.
- The revised use modifications are for Patient Centric to have a year round cultivation operation and Big Sky Tents to have a seasonal storage area.
- Patient Centric is licensed and regulated by the Department of Public Health (DPH). The Registered Marijuana cultivation operation will be built for the sole purpose of cultivating and processing marijuana. Dispensing would occur elsewhere to patients with a Medical Marijuana Card issued by DPH.

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.

3.4 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.)

The Commission finds that the proposed development is appropriate in this location. The Commission notes that the Applicant made revisions through the process which make the proposal appropriate. The Commission notes that the proposal will provide a service that is needed.

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

With respect to Wastewater and Groundwater, the Commission finds that the project is a benefit. The Commission notes that the Applicant will utilize composting toilets and that the proposed uses are less intense than the project previously approved on this property.

With respect to Open Space, Natural Community and Habitat, the Commission finds that the proposal the proposal is in light industrial zone and that the building is smaller than the project previously approved on this property.

With respect to Night Lighting and Noise, the Commission finds that the proposal responded to neighbors concerns with regard to lighting, which is now minimal, and that with respect to noise the Commission finds that with the hours of operation the proposal is neutral.

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

With respect to Traffic and Transportation, the Commission finds that the project is no more intensive than the DRI 618-M proposal that was previously approved on this site.

With respect to Scenic Values, Character, and Identity, the Commission finds that the proposal is a slight benefit because the proposed building is smaller than the previously approved building and also intended to fit in with a rural neighborhood. The Commission notes that the Applicant has retained vegetative buffers along the two Special Ways.

With respect to the Impact on Abutters, the Commission finds that some of the concerns of the residential neighbors have been largely addressed through the offers and through revisions to the plan during the DRI review process.

A4 The Commission finds that the proposed development would have a positive impact upon the supply of needed low and moderate income housing for Island residents (Section 15(d) of the Act). The Commission finds that the Applicant has offered to mitigate monetarily in line with the MVC Affordable Housing recommendation.

A5 The Commission finds that the proposed development would have a small 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 impact on services and burden on taxpayers the Commission finds that the proposal is a benefit because it will generate increased property tax for the town. The Commission notes that there may be an increased need for police in the area.

A6 The Commission finds that the proposed development would use efficiently and 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 does not interfere with the ability of the municipality to achieve the objectives set forth in the municipal general plan. (Section 15(g) of the Act).

A8 The Commission finds that the proposed development would not contravene land development objectives and policies developed by regional or state agencies. (Section 15(h) of the Act).

In sum, after careful review of the plan and its attendant submittals and the testimony presented by the Applicant and others, and the addition of conditions such as those relating to wastewater and future traffic mitigation, the Commission has concluded that the probable benefits of this proposed development in this location exceed its probable detriment in light of the considerations set forth in section 14(a) of the Act.

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.

The requested project, as a whole, advances the Commission's land development objectives, as outlined in the Martha's Vineyard Commission Regional Policy Plan adopted by the Commission in

June 1991 and the Island Plan adopted by the Commission in December 2009 and as noted previously in section A8 of this decision.

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.

The Commission finds that the town of West Tisbury designated the Light-Industrial Zone for this type of use and that the project is subject to Special Permit review by the Zoning Board of Appeals. The Commission notes that specific requirements in the West Tisbury Zoning Bylaws with respect to this use and the size of certain types of rooms in the interior of the building will be reviewed and if necessary revised at the town level.

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 part of the project is within the Dr. Fisher Special Way DCPC.

4. DECISION

The Martha's Vineyard Commission deliberated about the application at a duly noticed meeting of the Commission held on June 22, 2017 and made its decision at the same meeting.

The following Commissioners, all of who participated in all hearings and deliberations on this project, or became rehabilitated to the public hearing process per Section 6.2.2.2 of the MVC Bylaws (Christina Brown; Josh Goldstein, Doug Sederholm, and James Vercruysse), participated in the decision on June 22, 2017.

- Voting in favor: Clarence 'Trip' Barnes III; Christina Brown; Robert Doyle; Josh Goldstein; Fred Hancock; Joan Malkin; Kathy Newman; Doug Sederholm; Linda Sibley; Ernest Thomas; and James Vercruysse.
- Voting against: Lenny Jason.
- Abstentions: None.

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 June 22, 2017 and was approved by vote of the Commission on July 13, 2017.

5. CONDITIONS

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

These conditions are an essential part of this decision and shall be enforced as written. 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.

1 Transportation:

- 1.1** As offered by the Applicant, the applicant shall retain much of the existing vegetation along Dr. Fisher and Pine Hill Roads for natural native buffer. Subject to the approval of the Department of Public Health.
- 1.2** As offered by the Applicant, the applicant shall grant a recorded permanent easement to the neighboring property (Map 21 Lot 12.1) currently used by Bizzarro to create and allow use of an access way through the property to help relieve vehicular traffic that currently uses Pine Hill Road, before issuance of a Certificate of Occupancy.

2 Marijuana Cultivation:

- 2.1** As offered by the Applicant, no chemical pesticides shall be used in the cultivation process.
- 2.2** As offered by the Applicant, the cultivation process shall utilize a closed loop system in which Each bank of tables will have a reservoir containing a nutrient solution, (Nutes.) Based on the size of our proposed tables, each reservoir would contain approx 50 Gals of solution. On a regularly scheduled basis, a pump would deliver a small amount of nutes through a series of tubes and drip emitters to each growing site along the table. As the solution runs through the pots, it is collected and returned to the reservoir. This cycle continues with the addition of only water to keep the nutrient content at the desired level. After 2 weeks, the solution shall be replaced with a fresh solution.

3 Landscaping:

- 3.1** As offered by the Applicant, a final landscaping plan, including an implementation timetable, showing plant species and locations is to be submitted for the review and approval of LUPC before construction begins.
- 3.2** As offered by the Applicant, all fertilizers shall be slow-release, water-insoluble nitrogen source types. No synthetic pesticides including herbicides, fungicides and/or insecticides shall be used in the maintenance of landscaping.
- 3.3** As offered by the Applicant, landscaping shall utilize low maintenance and/or native plant materials to limit annual fertilization.
- 3.4** As offered by the Applicant, total impervious and low permeability surfaces to remain at about 15,000 square feet. Runoff from all impervious and low permeability surfaces shall be directed towards natural vegetation to recharge.
- 3.5** As offered by the Applicant, parking areas will be surfaced with RAP.
- 3.6** As offered by the Applicant, tree and brush removal shall be limited to that which is necessary to construct the structure and install the driveway and parking areas.
- 3.7** As offered by the Applicant, buffer screening shall be provided by supplementing the existing vegetation. A 20-foot buffer along Dr. Fisher and Pine Hill Roads shall be flagged before construction and no vegetation shall be cut within this buffer.

4 Noise

- 4.1 As offered by the Applicant, the Applicant shall utilize exterior mechanicals with low db levels. HVAC (65 db). Backup generator (69 db).
- 4.2 As offered by the Applicant, due to the sensitivity of the abutting residential neighborhood, hours of operation for the proposed Marijuana cultivation operation shall be limited to Monday through Friday from 8:30 am to 5:00 pm and Saturday/Sunday, 12 noon-3:00 pm (for cultivation personnel).

5 Exterior Lighting

- 5.1 As offered by the Applicant, the perimeter of the building and parking lot will utilize passive infrared sensor (PIR) for surveillance purposes that will emit no visible light.
- 5.2 As offered by the Applicant, parking lot lighting shall meet Town code.

6 Affordable Housing

- 6.1 As offered by the Applicant, the applicant shall make the recommended monetary contribution for a development project of 7,200 square foot building is \$5,800.00 to an island affordable housing organization approved by the MVC before a Certificate of Occupancy is issued.

7 Wastewater:

- 7.1 As offered by the Applicant, the building shall utilize only composting toilets.
- 7.2 As offered by the Applicant, waste water from cultivation will be collected in an industrial waste holding tank and disposed of by a licensed contractor.
- 7.3 As offered by the Applicant, all cuttings and clippings are to be disposed of by a certified composter, subject to Department of Public Health approval.
- 7.4 As offered by the Applicant, the cultivation, processing and administration shall be limited to 9 employees.
- 7.5 As offered by the Applicant, the tent rental business shall not clean dishes, tents, or other rental equipment on this property and the property shall be restricted from any outdoor hanging or drying of tents.

8 Future Use:

- 8.1 As offered by the Applicant, this application is for the cultivation and processing of medical marijuana only.

9 Architectural Detailing

- 9.1 As offered by the Applicant, the siding on the building shall be board and batten.
- 9.2 As offered by the Applicant, the building shall be designed with architectural details resembling a typical West Tisbury barn, in order to promote a rural/barn façade and to minimize the building's visual impact on the neighborhood.
- 9.3 As offered by the Applicant, the final architectural details shall be submitted for the review and approval of the LUPC before a Certificate of Occupancy will be issued.

10 Fire Code

10.1 As offered by the Applicant, the Applicant will voluntarily comply with Chapter 38 of the 2018 edition of NFPA 1: Fire Code.

11 Substantial Alterations

11.1 As offered by the Applicant, should the applicant substantially alter the use of the premises from the proposed uses it shall return to the Martha's Vineyard Commission to request approval of said alteration.

6. CONCLUSION

6.1 Permitting from the Town

The Applicant 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 MVC and the above conditions.

The Town' building inspector shall not issue a Building Permit until it has received a Certificate of Compliance issued by the Executive Director or DRI Coordinator of the Martha's Vineyard Commission confirming that the following conditions in this Decision have been satisfied: 1.2; 6.4; and 7.4.

The Town' building inspector shall not issue a Certificate of Occupancy until it has received a Certificate of Compliance issued by the Executive Director or DRI Coordinator of the Martha's Vineyard Commission confirming that the following condition in this Decision has been satisfied: 1.1; 1.2; 3.1; 3.4; 3.5; 3.6; 3.7; 4.1; 5.1; 6.1; 7.1; 9.1; 9.2; 9.3; and 10.1.

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.

6.3 Signature Block

James Vercruyse
James Vercruyse, Chairman

July 18, 2017
Date

6.4 Notarization of Decision

Commonwealth of Massachusetts
County of Dukes County, Mass.

On this 18th day of July, 2017, before me,
Donna Lee Stewart, the undersigned Notary Public, personally
appeared Jim Vercruyse, proved to me through satisfactory evidence of
identity, which was/were driver's license 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.

Donna Lee Stewart
Signature of Notary Public

Donna Lee Stewart
Printed Name of Notary
My Commission Expires Feb. 24, 2023

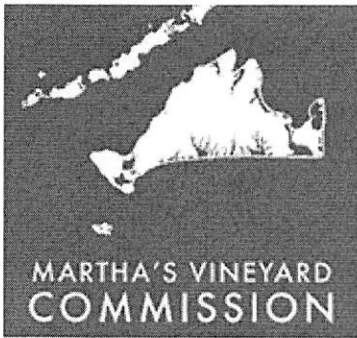
6.5 Filing of Decision

Filed at the Dukes County Registry of Deeds, Edgartown, on: July 20, 2017

Deed – Book 1444, page 88



DONNA-LEE STEWART
Notary Public
Commonwealth of Massachusetts
My Commission Expires
February 24, 2023



- Translate
- Contact Us

[Home](#) [About the MVC](#) [Calendar](#) [DRI](#) [DCPC](#) [Planning](#) [Resource Center](#) [Housing Production Plan](#)

Search 

Marijuana Cultivation Building

Name: Marijuana Cultivation Building

Address: 90 Dr. Fisher Road, West Tisbury

Town: West Tisbury

Description:

2019: Modifications to DRI Decision 618-M2 to include marijuana cultivation for recreational adult use, and to increase the total number of allowable employees from 9 to 10. 2020: Further modification to convert 209 square feet of a second floor room from storage to a vegetation room.

Status: Approved

Decision Date: 2020-02-06T00:00:00

Office location:

The Stone Building
33 New York Avenue
Oak Bluffs, MA 02557

Telephone: 508-693-3453
Fax: 508-693-7894

Mailing address:

Martha's Vineyard Commission
P.O. Box 1447
Oak Bluffs, MA 02557

[About the MVC](#)

[Calendar](#)

[DRIs](#)

[DCPCs](#)

[Planning](#)

[Resource Center](#)

[Site Map](#)

© 2008 - 2021

Martha's Vineyard Commission
All Rights Reserved

Exhibit D
Community Host Agreement

Exhibit E

Martha's Vineyard Commission and West Tisbury ZBA Conditions

CONDITIONS

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

These conditions are an essential part of this decision and shall be enforced as written. 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.

1 Transportation:

- 1.1 As offered by the Applicant, the applicant shall retain much of the existing vegetation along Dr. Fisher and Pine Hill Roads for natural native buffer. Subject to the approval of the Department of Public Health.
- 1.2 As offered by the Applicant, the applicant shall grant a recorded permanent easement to the neighboring property (Map 21 Lot 12.1) currently used by Bizzarro to create and allow use of an access way through the property to help relieve vehicular traffic that currently uses Pine Hill Road, before issuance of a Certificate of Occupancy.

2 Marijuana Cultivation:

- 2.1 As offered by the Applicant, no chemical pesticides shall be used in the cultivation process.
- 2.2 As offered by the Applicant, the cultivation process shall utilize a closed loop system in which Each bank of tables will have a reservoir containing a nutrient solution, (Nutes.) Based on the size of our proposed tables, each reservoir would contain approx 50 Gals of solution. On a regularly scheduled basis, a pump would deliver a small amount of nutes through a series of tubes and drip emitters to each growing site along the table. As the solution runs through the pots, it is collected and returned to the reservoir. This cycle continues with the addition of only water to keep the nutrient content at the desired level. After 2 weeks, the solution shall be replaced with a fresh solution.

3 Landscaping:

- 3.1 As offered by the Applicant, a final landscaping plan, including an implementation timetable, showing plant species and locations is to be submitted for the review and approval of LUPC before construction begins.
- 3.2 As offered by the Applicant, all fertilizers shall be slow-release, water-insoluble nitrogen source types. No synthetic pesticides including herbicides, fungicides and/or insecticides shall be used in the maintenance of landscaping.
- 3.3 As offered by the Applicant, landscaping shall utilize low maintenance and/or native plant materials to limit annual fertilization.
- 3.4 As offered by the Applicant, total impervious and low permeability surfaces to remain at about 15,000 square feet. Runoff from all impervious and low permeability surfaces shall be directed towards natural vegetation to recharge.
- 3.5 As offered by the Applicant, parking areas will be surfaced with RAP.
- 3.6 As offered by the Applicant, tree and brush removal shall be limited to that which is necessary to construct the structure and install the driveway and parking areas.
- 3.7 As offered by the Applicant, buffer screening shall be provided by supplementing the existing vegetation. A 20-foot buffer along Dr. Fisher and Pine Hill Roads shall be flagged before construction and no vegetation shall be cut within this buffer.

4 Noise

- 4.1 As offered by the Applicant, the Applicant shall utilize exterior mechanicals with low db levels. HVAC (65 db). Backup generator (69 db).
- 4.2 As offered by the Applicant, due to the sensitivity of the abutting residential neighborhood, hours of operation for the proposed Marijuana cultivation operation shall be limited to Monday through Friday from 8:30 am to 5:00 pm and Saturday/Sunday, 12 noon-3:00 pm (for cultivation personnel).

5 Exterior Lighting

- 5.1 As offered by the Applicant, the perimeter of the building and parking lot will utilize passive infrared sensor (PIR) for surveillance purposes that will emit no visible light.
- 5.2 As offered by the Applicant, parking lot lighting shall meet Town code.

6 Affordable Housing

- 6.1 As offered by the Applicant, the applicant shall make the recommended monetary contribution for a development project of 7,200 square foot building is \$5,800.00 to an island affordable housing organization approved by the MVC before a Certificate of Occupancy is issued.

7 Wastewater:

- 7.1 As offered by the Applicant, the building shall utilize only composting toilets.
- 7.2 As offered by the Applicant, waste water from cultivation will be collected in an industrial waste holding tank and disposed of by a licensed contractor.
- 7.3 As offered by the Applicant, all cuttings and clippings are to be disposed of by a certified composter, subject to Department of Public Health approval.
- 7.4 As offered by the Applicant, the cultivation, processing and administration shall be limited to 9 employees.
- 7.5 As offered by the Applicant, the tent rental business shall not clean dishes, tents, or other rental equipment on this property and the property shall be restricted from any outdoor hanging or drying of tents.

8 Future Use:

- 8.1 As offered by the Applicant, this application is for the cultivation and processing of medical marijuana only.

9 Architectural Detailing

- 9.1 As offered by the Applicant, the siding on the building shall be board and batten.
- 9.2 As offered by the Applicant, the building shall be designed with architectural details resembling a typical West Tisbury barn, in order to promote a rural/barn façade and to minimize the building's visual impact on the neighborhood.
- 9.3 As offered by the Applicant, the final architectural details shall be submitted for the review and approval of the LUPC before a Certificate of Occupancy will be issued.

10 Fire Code

10.1 As offered by the Applicant, the Applicant will voluntarily comply with Chapter 38 of the 2018 edition of NFPA 1: Fire Code.

11 Substantial Alterations

11.1 As offered by the Applicant, should the applicant substantially alter the use of the premises from the proposed uses it shall return to the Martha's Vineyard Commission to request approval of said alteration.

ZBA CONDITIONS

- All employees and company vehicles, including all regular vendors use Old Stage Road as the access to the facility. The applicant will make a best effort to notify other vendors to access the facility through Old Stage Road.
- Subject to the Martha's vineyard Commission decision (under condition 6.1) the monetary contribution of \$ 5,800.00 will be awarded to the West Tisbury Affordable Housing Trust.
- The applicant must obtain all permits or authorizations required by the Town of West Tisbury. The building inspector shall not issue a certificate of occupancy until all conditions have been satisfied. The applicant will be subject to annual inspection by the Zoning Inspection Board of Health and the Fire Department.
- All conditions set forth in the Martha's Vineyard Commission decision dated July 18, 2018 (DR1618-M2), shall be complied with by the applicant. (See attached).
- The driveway easement along the westerly lot line to Assessors May 21, Lots 12.1 must be cleared and prepared for use.