1. DESCRIPTION

1.1 Applicant: Noah Eisendrath, Main Street Medicinals LLC
1.2 Owner: Mechanic Street RE Holdings LLC
1.3 Project Location: 65 Mechanic’s Street, Tisbury, Map 22, Block A, Lot 18.1
1.4 Proposal: Renovation and expansion of a commercial structure for use as a medical marijuana dispensary and recreational marijuana establishment.
1.5 Zoning: Business District (B2)
1.6 Local Permits: Planning Board Special Permit for marijuana cultivation and sale
1.7 State and Federal permits: MA Cannabis Control Commission Provisional License
1.8 Surrounding Land Uses: Commercial uses, including light industry, retail (including Island Time marijuana dispensary, also on Mechanic Street), office space, restaurants, markets; Town property, including Park and Ride
1.9 Project History: Main Street Medicinals LLC includes founders Noah Eisendrath and Nicholas Catt, along with Brendan McKee, Josh Silver, and Joshua Ferranto of Silver Therapeutics Inc. Silver Therapeutics currently operates a recreational marijuana establishment (RME) in Williamstown, MA. The project came before LUPC in February 2021, and has since been under review by the Tisbury Planning Board, with updated information submitted to the MVC in 2021 and 2022.
1.10 Project Summary: The property includes a 7,448 ft² (4,900 ft² footprint) sheet metal building previously occupied by an auto repair shop. Based on the proposed floorplans dated March 4, 2022, the main level would be expanded by 1,046 ft². In total, 4,944 ft² would be used for cultivation, processing, and testing; 680 ft² for retail space in the new addition; and 2,340 ft² for other purposes (staff areas, loading, hallways, etc.). The new addition will replace an existing 1,533 ft² loading dock.

Proposed main level: 4,553 ft²
- Main level retail (dispensary): 680 ft²
- Main level cultivation: 2,732 ft²
- Common areas: 1,141 ft²

Proposed basement: 3,411 ft²
- Basement cultivation, processing, and testing: 2,212 ft²
- Common areas: 1,199 ft²

The facility will produce and sell marijuana and marijuana-infused products for medical and recreational use. Security at the site will include cameras, remote monitoring, alarms, onsite security personnel, a sally port, ID checks at the door, and other protocols for customer entrance. In a change from the original proposal, the applicant is not expecting to wholesale to other businesses.
2. **ADMINISTRATIVE SUMMARY**

2.1 **DRI Referral:** January 16, 2021

2.2 **DRI Trigger:** 3.1f (change of use/intensity), 3.1j (high traffic generator)

2.3 **LUPC:** February 8, 2021; March 7, 2022

2.4 **MVC Concurrence Review:** March 17, 2022

2.5 **Public Hearing:** April 28, 2022; May 12, 2022

3. **PLANNING CONCERNS**

3.1 **Town regulations and review**

Tisbury has adopted bylaws related to registered marijuana establishments (RMEs), and registered marijuana dispensaries (RMDs), which are allowable by special permit. The initial special permits for RMEs and RMDs are valid for one year, with the option of applying for renewal. The renewal permit is valid for five years and can also be renewed. The applicant has outlined how it will comply with the various criteria for obtaining a special permit, and has proposed additional restrictions related to the advertisement, marketing, and branding of products.

The applicant has obtained a Host Community Agreement from the Town of Tisbury, which requires the applicant to contribute an initial and annual Host Community Impact Fee ($20,000 initial payment, plus 3% of gross sales annually, with quarterly payments), as well as property taxes, excise taxes, voluntary contributions to the Tisbury Affordable Housing Trust (see Housing section below), and other fees; submit annual written reports to the Town selectmen; work with the Tisbury Police Department to prevent diversion of marijuana products to ineligible users and to review security plans; agree to annual inspections by Town departments; conduct a Community Outreach Meeting prior to the start of operations; apply a Local Labor Hiring Preference; and other requirements.

As part of its ongoing public hearing for the project, the Tisbury Planning Board has addressed issues related to traffic, infrastructure, housing, public space, and drainage.

3.2 **Traffic and Transportation**

A traffic analysis by Fuss & O’Neill on behalf of the applicant concluded in part that the project would generate 28 vehicle trips (14 each way) during the weekday afternoon peak hour, and 48 trips (24 each way) during the Saturday peak hour (a 1% and 2% increase, respectively), with the highest impact being on the northbound approach of the Mechanic Street – State Road intersection, and that the project would not have a significant impact on traffic in the area. (The weekday and Saturday peak hours were identified as 4-5PM.) It should be noted that in light of observed business at existing Island dispensaries, the applicant is expecting an average of 60 customers per day.

The Tisbury Planning Board later contracted Fraser Poly-Engineering Services (FPES) to peer-review the Fuss & O’Neill analysis, in part because the board felt the transportation modeling tools used in the analysis were not accurate to the Vineyard, and that an actual survey of the study area was needed. The peer review, which included field reconnaissance, concluded that the project would “adversely
affect all the intersections” in the project area, and sited a need for expanded rights of way and other travel demand and safety measures including two-way turn lanes.

Fuss & O’Neill revised its analysis in response to the peer review, noting that the peer review did not challenge the projected peak-hour trip generation, and maintaining that the project would have no significant impact on existing conditions. The revisions primarily dealt with the projected east-west trip distribution (50/50 vs. 75/50), and incorporation of the particular geometry of existing intersections. The peer review focused largely on a proposed egress-only driveway for Main St. Medicinals customers onto Eleanor Street, which is described below. The revised Fuss & O’Neill analysis regarding intersections in the project (75/50 east-west split) area are shown in figure 1 below.

A letter from Fuss & O’Neill to the Planning Board in Jan. 2022 regarding the peer review stated that the following conclusions had been reached by both parties:

• East-west trip generation is adequately addressed in the revision
• Pre-existing and projected traffic congestion in the area is not attributed to the proposed development
• The proposed egress-only driveway is feasible, but FPES has requested more detailed plans

In response to the traffic analysis and peer review, the applicant has also agreed to fund the reconstruction of an existing sidewalk on State Road within 500 linear feet of Mechanic Street along State Road, and the refreshment of pavement markings and signage at key points along State Road, subject to approval by the MA Dept. of Transportation.

The site currently has 19 parking spaces, not including several spaces that have been used along Mechanic’s Street, which is more than the applicant expects would be used. The applicant has stated that employees will also be issued discounted bus passes and encouraged to park offsite, and that bike racks could potentially be installed on the property. Employees would be required to commute by public transit or bicycle, or to use off-site parking.

The Planning Board has expressed concern that biking and walking to the site is not realistic for customers, since there would not be room for a sidewalk or bike lane on Mechanic Street, even if it is widened, and State Road currently has no bike lanes and only incomplete sidewalks. The board has also pointed out that the nearby Park and Ride has become a parking solution for Island Time, and further review is needed to determine if the Park and Ride has enough capacity for both establishments; and that Island Time has requested that its regulation to accept customers by appointment only be removed, which could further impact traffic in the area. However, the Tisbury Police Chief has stated that Island Time so far has not created any traffic problems.

A transportation demand management plan by Fuss & O’Neill, which aims to reduce the number of single-occupancy vehicle trips to and from the site, includes the following actions to be taken by Main St. Medicinals:

• Provide a pre-paid bus fare pass to any employee who is able to utilize the VTA system to commute to the dispensary.
• Prominently display all public transit schedules in a visible location at the dispensary.
• Provide VTA maps depicting station locations to both employees and customers in order to supply transit users with the information required to utilize the system.
• Require that employees park at the nearby park and ride and utilize an existing footpath to walk to the site.
• Incentivize employees to carpool with small bonuses or other programs as appropriate.
• Explore the possibility of implementing an appointment only restriction to limit the number of customers during peak periods as to alleviate any adverse traffic impacts.

The applicant is currently ineligible under the Host Community Agreement to provide delivery service.

Proposed improvements to Mechanic Street:

To address traffic impacts along Mechanic Street, and following discussions with town boards and departments, traffic consultants, and others in 2021, the applicant has proposed widening Mechanic Street to the north (while avoiding existing maple trees) and extending the street to include a driveway that would exit onto Eleanor Street to the east. The extension would provide access back onto State Road via High Point Lane. A license agreement between the applicant and the Select Board allowing the applicant to construct the extension over town-owned land has been drafted but not signed, since the Select Board wanted further input from the Planning Board on the final design. The Host Community agreement includes an easement for an egress-only driveway connecting to Eleanor Street. The planning board has recommended that in light of town planning efforts in that area, the extension be monitored at six- and 12-month periods to evaluate its success.

(Continued below)
3.3 Environment

Wastewater: The property is within the Tashmoo Pond watershed and has a 1,000-gallon septic system rated for 210 gallons per day (GPD). The proposed wastewater flow would be reduced from 210 to 190 GPD. The applicant has stated that 161 pounds of nitrogen per year would be applied in the cultivation area, with about 75% of runoff reused for irrigation, and the rest discharged into a tight tank inside the building for disposal off-Island by CleanHarbors Environmental Services (as requested by the Tisbury Planning Board), or potential agricultural use on the Island. The applicant has stated that the current septic system has passed inspection and is appropriately sized for the proposed uses. The proposed Policies and Procedures for Cultivation, including odor mitigation and waste disposal, have been provided.

Prior/current uses: A 2021 Phase 1 Environmental Site Assessment by Green Environmental Inc. on behalf of the applicant noted the use of motor oil, brake fluid, and other substances associated with the auto repair shop, but found no evidence of Recognized Environmental Conditions (RECs) in connection with the property.
Energy: The building is currently heated by propane. The applicant has stated that the renovated building will be all-electric with rooftop solar panels (capacity of about 30,000 kWh annually) and an HVAC system that includes a desiccant wheel to increase efficiency. LED lighting would be used throughout, including for cultivation.

3.4 Stormwater and drainage

The parking area would remain impervious. A drainage plan designed for a 25-year storm shows one proposed drainage basin in the parking area north of the building, and four proposed drainage basins, along with a proposed catch basin, in the southeast corner of the lot. The Planning Board has stated that it will require confirmation from a licensed engineer that the plan is adequate for the proposed commercial use.

3.5 Economic Development

The applicant intends to hire up to 21 employees, including managers, sales agents, drivers, and others. The Host Community Agreement also requires that the applicant hire on-Island workers wherever possible. Employees would receive training through the MA Cannabis Control Commission, either onsite or remotely. The applicant also intends to utilize local businesses for construction. The proposed hours of operation are 10AM–8PM, seven days a week. (The hours at Island Time are listed as 10AM-6PM, seven days a week.) The retail operation as proposed would be on a walk-in basis, although the applicant plans to work with the town on determining a traffic level above which the model would switch to appointment-only.

3.6 Island Housing Needs

To mitigate the impact on Island housing needs, the applicant has signed a non-binding letter of intent to lease a four-bedroom house in Tisbury (with occupancy of up to eight people and parking for five cars) to house four Main Street Medicinals employees year-round. The applicant has stated: “In the event that housing is not able to be obtained, the applicant will contribute $20k per year, pro rated against the number of housing units the applicant has actually provided in a given year, to the Dukes County Regional Housing Authority’s retail assistance program in order to mitigate its impact upon Martha’s Vineyard housing inventory.”

In addition, the Host Community Agreement requires that the applicant contribute at least $25,000 annually to the Tisbury Affordable Housing Committee. The required contribution would increase 2.5% annually.

3.7 Municipal Services

The applicant has stated that the Town could receive up to 6% of the projected annual retail income associated with the business, through the 3% local sales tax option and the additional Host Community Impact Fee of up to 3%. Annual revenues are projected at about $2.9 million in year one, with town receipts in the range of about $87,000. According to the Host Community Agreement, the impact fee is intended to defray “additional expenses and impacts upon the Town’s road system, law enforcement,
fire protection services, inspectional services and permitting services, public health services, and other additional unforeseen impacts.”

3.8 Safety and health

The applicant has prepared consumer and patient education materials and has offered to work with the Town to monitor and mitigate potential health impacts related to marijuana consumption. (Sample materials have been provided.) Health measures would also include labelling and packaging to comply with state and local requirements, and efforts to support substance abuse education and prevention programs. The Host Community Agreement requires the applicant to work with the Tisbury Policy Department on a Diversion Plan to prevent the diversion of marijuana and related products to ineligible users, and to review the security plan, to the extent required by the department. Proposed security at the site currently includes cameras, remote monitoring, alarms, onsite security personnel, a sally port, access control vestibules, and other protocols for customer entrance.

The Tisbury Police Chief has provided the following statement to the applicant:

In my opinion based on calls for service and traffic data so far compiled, traffic generated by the Island Time dispensary has not been problematic or caused concerns for our agency. I do not currently have any concerns about the operation of your proposed facility as I am aware that this type of business is regulated by state statute and local licensing. I will reserve the right to review any security protocols and bring up any concerns that I may have later, if applicable.

3.9 Night Lighting

The applicant has provided a preliminary lighting plan with downward shielded area lighting in three locations around the building, and downward shielded parking lights at 10 locations around the parking areas. Security cameras proposed for the site will have infrared technology, which may allow for lower lighting conditions, although the applicant has stated that the minimum amount of lighting for safety and security will be provided.