

Martha's Vineyard Commission – Referral Form for Developments of Regional Impact

RETURN THIS FORM WITH DRI REFERRAL

STATEMENT FROM MUNICIPAL LAND USE REGULATORY AGENCY: This Board has determined that the proposed project, for which application for a development permit has been made, is one of regional impact using the following criteria from Version 14 of the DRI Standards and Criteria:

(Please circle each of the applicable thresholds triggered by the proposed project)

Italicized triggers are those that have maps to aid determination.

- | | |
|--|--|
| 1.3 C) Discretionary Referral – “In-Town” | 4.1 c) 5 or more Dwelling Units or Rooms |
| 1.3 C) Discretionary Referral – “Between-Town” | 5.1 a) Dev. in/within 25' of Harbor |
| 1.3 C) Discretionary Referral – “Island-Wide” | 5.1 b) <i>Dev. in/within 25' of 10+ Acre Body of Water</i> |
| 1.3.D) Previous DRI's – Modification | 5.1 c) Dev. in/within 25' of the Ocean |
| 2.1 <i>Division of Commercial Land</i> | 5.2 Change in Use/Intensity of Commercial Pier |
| 2.2 a) Division of Land – 5 or more parcels | 5.3 a) New Commercial Facilities on Pier |
| 2.2 b) <i>Division of Rural Land – 3 or more parcels</i> | 5.3 b) Expansion of Comm. Facilities on Pier |
| 2.3 a) Division of Land – 10-16 acres, 2+ parcels | 5.3 c) Change in Intensity of Use of Pier |
| 2.3 b) Division of Land – 16-22 acres, 3+ parcels | 6.1 a) Private Place Assembly – 3,500+ ft ² |
| 2.3 c) Division of Land – 22-30 acres, 4+ parcels | 6.1 b) Private Place Assembly – 50+ seats |
| 2.3 d) Division of Land – 30+ acres, 5+ parcels | 6.2 a) Public Place Assembly – 3,500+ ft ² |
| 2.4 a) <i>Division of Farmland</i> | 6.2 b) Public Place Assembly – 50+ seats |
| 2.4 b) <i>Division of Farmland – Prime Ag. Soil</i> | 7.1 a) Transportation Facility to or from M.V. |
| 2.5 <i>Division of Significant Habitat</i> | 7.1 b) Transportation Facility 2+ Town Network |
| 2.6 a) ANR with 3 or more parcels in past 5 yrs | 7.1 c) Expansion/Alt. of any principal road |
| 2.6 b) ANR in Island Road or Coastal DCPC | 8.1 a) Demolition/Ext. Alt. of MACRIS Structure |
| 3.1 a) Dev. of Commercial – 2,500-3,500 ft ² | 8.1 b) Demolition/Ext. Alt Structure > 100 years |
| 3.1 b) Dev. of Comm – 3,500+ ft ² | 8.2 a) Subdivision of Archeological Significance |
| 3.1 c) Dev. of Comm – Addition of 1,000 ft ² | 8.2 b) Disturbance of Archeological Significance |
| 3.1 d) Dev. of Comm – Combination 2,500 ft ² | 8.3 <i>Significant Habitat – Site Alterations 1+ acre</i> |
| 3.1 e) Dev. of Comm – 6,000 ft ² Outdoor Use | 8.4 a) <i>Coastal DCPC – New access to coast</i> |
| 3.1 f) Dev. of Comm – Change of Use/Intensity | 8.4 b) <i>Coastal DCPC – New hard surface</i> |
| 3.1 g) Dev. of Comm – Reduced Dwelling Units | 8.4 c) <i>Coastal DCPC – New parking for 5 vehicles</i> |
| 3.1 h) Dev. of Comm – Parking 10+ Vehicles | 8.4 d) Coastal DCPC – Development on Noman's |
| 3.1 i) Dev. of Comm – Expansion of Parking 10+ | 8.5 Development per Town DCPC Regulation |
| 3.1 j) Dev. of Comm – High Traffic Generator | 8.6 a) <i>Development Current/Former Farmland</i> |
| 3.4 a) Vehicular repair/refueling/junkyard | 8.6 b) <i>Development of Prime Agricultural Soils</i> |
| 3.4 b) Storage of fuel/hazardous materials | 9.1 a) Telecommunications Tower over 35 feet |
| 3.4 c) Drive-thru window service | 9.1 b) Tower Reconstruction/Replacement |
| 3.4 d) Restaurant in B-I not on sewer 50-99 seat | 9.2 a) Wind Energy Facilities over 150 ft |
| 3.4 e) Restaurant in B-I 80-99 seats | 9.2 b) <i>Wind Energy Facilities in Ocean Zone</i> |
| 3.4 f) Restaurant in B-I 100+ seats | 9.2 c) <i>Wind Energy Facilities in Land Zone</i> |
| 3.4 g) Restaurant outside commercial district | 9.2 d) Wind Energy Facilities near Town Bound |
| 3.4 h) Formula Retail | 9.2 e) Wind Energy Facilities – other |
| 3.4 i) Visible storage container/vehicle/trailer | 9.3 Solar Facilities greater than 25,000 ft ² |
| 4.1 a) 5 or more Dwelling Units | |
| 4.1 b) 5 or more Rooms for Rent | |

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MARTHA'S VINEYARD COMMISSION • SERVING AQUINNAH, CHILMARK, EDGARTOWN, GOSNOLD, OAK BLUFFS, TISBURY & WEST TISBURY

Martha's Vineyard Commission – Referral Form for Developments of Regional Impact

RETURN THIS FORM WITH DRI REFERRAL

Name of Applicant: Noah Eisendrath Main Street Medicinals LLC

Name of Project: Main Street Medicinals LLC

Brief Project Description: renovation and expansion of commercial struction for use as a Registered Medical Marijuana Dispensary and a Recreational Marijuana Establishment

Address: 65 Mechanics Street, Vineyard Haven MA AP 22A18.1

AGENT: Reid Silva, VLSE 508-693-3774 Phone: 508-693-3774 Fax: _____ Email: Reid@VLSE.NET

This project will require the following permits from the following local Agencies: (Please Specify)

Building Inspector: Yes

Board of Selectmen: Host Community Agreement

Board of Health: Depends on existing disposal works system

Conservation Commission: No

Planning Board: Special Permit

Zoning Board of Appeals: No

Other Boards: ~~***MAILING ELECTRONICALLY: application, DRI Referral~~

Please include any narratives, plans, or other materials associated with this proposal before sending

For Town Use Only

Referring Board or Agent: PATRICIA HARRIS for Tisbury Planning Board

I have reviewed the development application and have determined that it meets one or more of the items contained in the Standards & Criteria, I am therefore sending, via certified mail, the development application to the Martha's Vineyard Commission as a Development of Regional Impact.

Signature: 

Print Name: PATRICIA HARRIS

Board: Tisbury Planning Board

Town: Town of Tisbury

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September 19, 2019

Via Hand Delivery

Town of Tisbury
Attn: John Grande, Town Administrator
PO Box 1239
Vineyard Haven, MA 02568

Re:	Registered Marijuana Dispensary and Recreational Marijuana Establishment Proposal
Property Address:	65 Mechanic's Street, Vineyard Haven, MA 02568
Applicant:	Main Street Medicinals LLC

Dear Mr. Grande and the Honorable Members of the Board of Selectmen:

This firm represents Main Street Medicinals LLC (the "**Applicant**") in connection with its proposal to operate a Registered Marijuana Dispensary and Recreational Marijuana Retailer (the "**Facility**") at 65 Mechanic's Street, Vineyard Haven, MA 02568 (the "**Property**"). The Property is located in the Business District 2 (B-2) zoning district and pursuant to Section 5.23.02 of the Amherst Zoning Bylaw (the "**Ordinance**") the use of the property for a Registered Marijuana Dispensary ("**RMD**") and a Recreational Marijuana Establishment ("**RME**") is a permitted use, subject to the granting of a Special Permit by the Planning Board (the "**Board**") and the execution of a HCA with the Town of Tisbury (the "**Town**"). Please accept this summary supporting statement as an overview of the Facility and Applicant, as well as an overview of the Facility's compliance with the state and local guidelines governing RMD's and RME's.

I. Background

Main Street Medicinals LLC is committed to providing the highest quality marijuana and marijuana products to its customers and the residents of the Commonwealth of Massachusetts, while maintaining a positive and beneficial relationship with its host community and neighbors.

Founded by Noah Eisendrath and Nicholas Catt, Main Street Medicinals LLC has built a team with deep ties to the Tisbury community, experience in other regulated industries, and the experience and capabilities to successfully open and operate a RMD and RME at the Property. Additionally, and as described in greater detail below, Noah and Nicholas have tapped the executive team from Silver Therapeutics Inc., which currently operates a RME in Williamstown Massachusetts, to provide expert advice and guidance on navigating this new and heavily regulated industry.

Noah Eisendrath, Managing Member: Born in Cambridge MA, Noah has been a life-long summer resident of Martha's Vineyard residing at his family's property at 74 Middle Road in West Tisbury. Since 2005, Noah has been the sole owner and operator for Wonder Bar in Allston, MA with a full CV-7 Liquor License in the City of Boston. Last year, Noah also became the Principal owner of The Coolidge Corner Clubhouse with a full liquor license in the Town of Brookline, MA.

Nicholas Catt, Member, has been a year-round island resident for over 20 years. In that time, he has founded several businesses on the island including Lighthouse Taxi, Porto Pizza and Cottage City Bicycle. In addition, Nick is the current operator of Takemmy Linen Rental and the Airport Laundromat, island businesses that he formed over 15 years ago.

Silver Therapeutics Inc., founded by Brendan McKee, Josh Silver and Joshua Ferranto, recently opened a Recreational Marijuana Establishment in Williamstown MA. Brendan, Josh and Joshua are the majority owners and executive operating team for Silver Therapeutics Inc. Their experience in successfully opening and operating a RME in Williamstown MA has provided them with unparalleled hands on experience in this industry. They have been able to build and foster strong relationships with the regulatory agencies overseeing this nascent industry, as well as a strong working knowledge of the rules and regulations governing this industry.

Brendan McKee, CFO of Silver Therapeutics and Member of the Applicant, is a lifelong Massachusetts resident and was educated at Deerfield Academy and Amherst College. He is an entrepreneur that has founded several start-ups, including a textile company that makes high-quality socks for the armed forces of the US Government. Brendan formerly worked as the media coordinator for the BMW Park Ave Auto Group where he authored an online marketing campaign that resulted in 10% growth for the dealership in 2016, notwithstanding 11% downturn in BMW's national sales.

Josh Silver, CEO of Silver Therapeutics and Member of the Applicant, has been a practicing lawyer since 2008. His legal practice consists of regulatory and real estate matters with a focus on municipal permitting. He has seven years of experience in representing telecommunications companies in their efforts to obtaining municipal approvals for the installation of cell towers. Having been responsible for the successful local and state permitting and licensing efforts for Silver Therapeutics Inc., Josh is uniquely positioned to provide expert advice and guidance to the Applicant on how to successfully navigate the regulatory hurdles that face this new industry.

Joshua Ferranto, Cultivations Manager for Silver Therapeutics and Member of the Applicant, is from Brookline Massachusetts, and currently resides in Barwick Maine where he has been a licensed medical marijuana caregiver since 2013. As a Maine caregiver, Josh cultivates marijuana at his 3000-square foot facility on behalf of card carrying medical marijuana patients. He has developed environmentally friendly cultivation methods using only organic nutrients. He also owned 15,000 square feet of outdoor cultivation space in Northern California.

II. Project Description

The Applicant has identified 65 Mechanic's Street as an ideal location in which to establish its proposed Facility. The Property is located in the B-2 zoning district and pursuant to Section 5.23.02 of the Ordinance, the use of the Property for the Facility is a permitted use, subject to the granting of a Special Permit by the Board and the execution of a HCA with the Town.

The Property is currently improved by a 4,900 square foot building (the "**Building**") and the Applicant proposes to purchase, renovate and convert the Building for the Facility. The Applicant is proposing to utilize no more than 2,500 square feet of the Building as its Marijuana Cultivation Area¹ for the cultivation of medical and adult use marijuana (the "**Marijuana Cultivation Area**"), approximately 1,000 square feet of space for processing and testing of products in a state-of-the art laboratory and commercial grade kitchen, and the remainder of the Building will be developed into a retail storefront from which marijuana and marijuana infused products will be dispensed. Additionally, the Applicant will

¹ Marijuana Cultivation Area is defined in the Ordinance as the land area and space within a building (excluding the areas used for processing or dispensing) where plants are cultivated.

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be constructing a new retail storefront façade to add additional space and give the existing building a more welcoming retail storefront area for customers. This new addition will be constructed on the existing loading dock area. The Applicant will make necessary improvements to the Building, including comprehensive state-of-the-art security systems, limited access areas, secure loading and storage areas and high-quality amenities and finishes for its sales floor, cultivation, processing and testing areas.

The Property will be made safe and secure through reinforced construction materials and technology, cameras and remote monitoring, and on-site security personnel. The project will include various security and safety equipment and technology, including but not limited to secure sally port, or access control vestibules, customer entrance protocols, and redundant security alarms and controls. In addition, all personnel will undergo extensive training both before starting and annually. The Facility and operation will fully comply with Massachusetts regulations and guidelines.

Furthermore, the Property is also ideally located in that it will not adversely impact the character of the neighborhood in which it will be located. The Property is part of an established commercial district in Vineyard Haven surrounded by numerous other commercial uses including, but not limited to, various industrial uses, retailers, professional offices, and restaurants, and is easily accessible by car, public transit (via the Tisbury Park-n-Ride Lot), bicycle or on foot.

Additionally, the Property is currently improved by thirty (30) parking spaces on site. The Applicant believes that this is a critical component of the proposed Facility as it will provide consistent available parking for the projected customer throughput. The Applicant will require that its employees travel to work via public transit, further ensuring that its on-site parking will be made available to customers. As described in more detail in the traffic study included herewith and incorporated herein by reference, the Applicant respectfully submits that its thirty (30) spaces will accommodate all employees and customers at peak volume.

The Property is strategically situated in Vineyard Haven and as such can serve residents and visitors of Tisbury and other areas of Martha's Vineyard while not being located in the heavily trafficked and frequented tourist areas. Furthermore, the Property is located in a business district in Tisbury, specifically targeted for the MMTC and RME uses.

Please also see the engineering and architectural plans and renderings attached hereto and incorporated herein by reference (the "Plans") for additional project details.

III. Economic Value

The Applicant respectfully submits that as a RMD and RME it will provide the most economic value to the Town, compared to other Marijuana Establishments. As a retail establishment, the Facility will generate the highest gross revenue figures because it will be selling products to consumers at retail market prices. Market prices in this industry, similar to others, are typically double the wholesale prices that the Marijuana Cultivation or Marijuana Product Manufacturing establishments would be charging, thus generating double the gross revenue (the basis for community impact fees). Furthermore, pursuant to Chapter 64N, only Marijuana Retailers are subject to the additional 3% local sales tax, Marijuana Cultivators and Marijuana Product Manufacturers are not.

Accordingly, the Town has the potential to receive up to 6% of the Marijuana Retailers income through the 3% local sales tax option and an impact fee payable to the Town of up to 3% of its gross revenue. With projected average annual revenues of \$6,000,000.00 - \$8,000,000.00 per year the Applicant submits that the Town has the potential to receive an average of \$300,000.00 and \$480,000.00 annually (inclusive

of both the HCA fee and local sales tax). Please also note that although the majority of its revenue will be derived from retail sales, the Applicant's proposed cultivation and production facility will sell marijuana and marijuana infused products to other RME's on island, providing an additional source of revenue for the Host Community Agreement impact fee.

The Applicant proposes to hire up to 40 employees (no more than 12 employees will be on site at any given time), which it intends to source locally to the extent permitted by law. The Applicant will be investing a significant amount of capital into the development of the Building and submits that it will endeavor to utilize local businesses for such construction. Finally, the Applicant respectfully submits that as a Marijuana Retailer, the proposed project will bring additional customers to the area generating more potential business for other local businesses.

See also the Applicant's Business Plan attached hereto and incorporated herewith.

IV. Consistency with Community Values

The Applicant's goal is always to improve any neighborhood in which it operates a business. The Applicant has an established practice of proactive outreach out to all community stakeholders, local law enforcement personnel, business and civic groups, and elected officials. Nicholas Catt, a year-round island resident for over twenty years has also founded several businesses on the island including Lighthouse Taxi, Porto Pizza and Cottage City Bicycle. Nick is the current operator of Takemmy Linen Rental and the Airport Laundromat, island businesses that he formed over 15 years ago. Nick will be instrumental in developing community support for this project and ensuring that the Facility is seamlessly integrated into the fabric of the community.

The Applicant has also included a copy of its proposed Equity and Diversity Plan, attached hereto and incorporated herewith, evidencing its commitment to diversity and equity as an employer. Please see the attached Equity and Diversity Plan for additional information on this topic.

Pursuant to 935 CMR 500.000, and its enabling legislation M.G.L. 94G, the Applicant shall also host a community outreach meeting, publicly noticed at least seven days in advance by posting notice at town hall, in a newspaper of general circulation and mailing notice to abutters within five hundred (500) feet of the Property.

The Applicant will create a site-specific, comprehensive presentation covering the following topics:

- Location of the proposed Marijuana Establishment;
- The type of Marijuana Establishment proposed;
- Compliance with local bylaws and ordinances, including but not limited to local zoning bylaws or ordinances, licensing regulations and board of health regulations;
- Compliance with local buffer zones from existing public or private K-12 school buildings;
- Compliance with the security requirements set forth in 935 CMR 500.000
- Diversion Prevention;
- Nuisance Prevention; and
- Community Benefits.

The Applicant respectfully submits that its proposed Facility, if ultimately approved, will be the result of extensive input from residents pursuant to the community outreach meeting described above and any

other meetings held with local neighborhood groups, input from local elected and appointed officials, and input from other community stakeholders and interested parties.

The Applicant shall also:

- Provide a 24-hour a day, 7-day a week contact number on its website so that any issues or problems can be reported, recorded and resolved;
- Commit to join local business, civic and neighborhood safety associations and to have the Community Engagement Officer, Store Manager or Assistant Store Manager regularly attend meetings; and
- Participate in and provide sponsorship of community events, e.g. clean-ups, road races, holiday events, etc.

V. Experience

As described herein, Josh Silver, Brendan McKee and Joshua Ferranto are the majority owners of Silver Therapeutics Inc. and will be providing advice and guidance on regulatory, licensing and operational matters for this project. Silver Therapeutics Inc. currently operates a RME in Williamstown, MA and has recently been approved to operate a second marijuana establishment with cultivation, processing and retail in Orange, MA. This experience is limited to only a select few other companies across the commonwealth and provides a verifiable track record for the Applicant's team of advisors. The members of the Applicant's team have proven that they have the ability to not only pass muster with the Massachusetts Cannabis Control Commission with respect to receiving initial licenses, but also successfully implement those licenses and approvals, and build out and open a facility. This experience cannot be understated. There are many prospective entrepreneurs in the marijuana industry in Massachusetts that, while experienced in other industries, lack the requisite knowledge to finalize and follow through on their projects without hitting significant hurdles along the way, some of which may not be able to be overcome. The Applicant's ability to successfully open a RME, and operate said retailer in Massachusetts, is critically important, and again, cannot be understated.

VI. Educational Material

Pursuant to 935 CMR 500.000 *et. seq.* the Applicant has prepared extensive customer education materials that have been vetted and approved by the Massachusetts Cannabis Control Commission. The Applicant has included these materials as an attachment to this filing.

Additionally, the Applicant is committed to working with the Town in its efforts to monitor and mitigate health impacts to the Town. The Applicant shall work closely with the Town in further developing its comprehensive customer and patient education materials to hand out at the RME and also post on its website. Additionally, the Applicant shall implement additional public health safeguards including but not limited to:

- Ensuring that labeling and packaging of all marijuana products complies with state and local requirements, including but not limited to the use of opaque, tamper or child resistant, packaging;
- Assistance with and resources for substance abuse education and prevention programming; and
- Providing supplemental information to company-produced materials for the customer regarding safe consumption, transportation and storage of marijuana products.

VII. Special Permit Criteria

The Applicant respectfully submits that it shall satisfy the criteria for obtaining a Special Permit from the Board as set forth in the Ordinance as follows:

Section 05.23.03 General Requirements and Conditions for all Registered Marijuana Dispensaries and Recreational Marijuana Establishments:

- 1. No application for a special permit is complete without the applicant demonstrating that they have acquired all licenses and permits as required by 105 CMR 725.000 for RMD's or MGL Chapter 94G, and the regulations of the Massachusetts Cannabis Control Commission for RME's.**

The Applicant respectfully submits that if the Town approves the execution of a Host Community Agreement for the proposed facility it will promptly seek applications for, and diligently pursue licenses from the Massachusetts Cannabis Control Commission (the "**Commission**") to operate a Marijuana Retailer, Marijuana Cultivator, Marijuana Product Manufacturer and Registered Marijuana Dispensary (each as defined in 935 CMR 500 *et. seq.* and 935 CMR 501 *et. seq.* respectively) at the Property.

Accordingly, upon receipt of a provisional license from the Commission, the Applicant will be in compliance with this requirement and will submit a complete application to the Board for a special permit.

Furthermore, as described in more detail above, the Applicant's team has the requisite experience necessary to receive a provisional license from the Commission. In Massachusetts, over 4,000 applications have been submitted for various marijuana establishment licenses in MA. Of those 4,000 applications only 64, or approximately 1.6%, of applications have been authorized to commence operations. The Applicant's team has secured one of those coveted commence operations due to their extensive industry experience, highly professional and thorough work product, combined with their ability to run a compliant business in a highly regulated industry.

- 2. All RMDs and RMEs shall be contained within a building or structure.**

The Applicant respectfully submits that it is in compliance with this requirement.

The Applicant is proposing to purchase, renovate and convert a 4,900 square foot building on the Property for the Facility. All RMD and RME uses shall be contained within the Building. The Applicant is proposing to utilize no more than 2,500 square feet of the Building for its Marijuana Cultivation Area, approximately 1,000 square feet of space for processing and testing of products in a state-of-the art laboratory and commercial grade kitchen, and the remainder of the Building for a retail storefront from which marijuana and marijuana infused products will be dispensed. Additionally, the Applicant will be constructing a new retail storefront façade to add additional space and give the existing building a more welcoming retail storefront area for customers. This new addition will be constructed on the existing loading dock area. The Applicant will make necessary improvements to the Building, including comprehensive state-of-the-art security systems, limited access areas, secure loading and storage areas and high-quality amenities and finishes for its sales floor, cultivation, processing and testing areas.

The Property will be made safe and secure through reinforced construction materials and technology, cameras and remote monitoring, and on-site security personnel. The project will include various security

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and safety equipment and technology, including but not limited to secure sally port, or access control vestibules, customer entrance protocols, and redundant security alarms and controls. In addition, all personnel will undergo extensive training both before starting and annually and the operation will fully comply with Massachusetts regulations and guidelines.

3. **The maximum allowance for the cultivation of medical or recreational marijuana shall not exceed 2500 sq. ft.**

The Applicant hereby state that it is proposing a Marijuana Cultivation Area that will utilize no more than 2,500 square feet.

4. **The hours of operation of a RMD or RME shall be set by the Planning Board, but in no event shall a RMD or RME be open and/or operating between the hours of 8:00 PM and 8:00 AM.**

The Applicant hereby states that it will work with the Board to develop appropriate hours of operation for the RMD and RME, and in no event will it be open and/or operating between the hours of 8:00 PM and 8:00am.

[Remainder of Page Intentionally Left Blank]

5. Any RMD, RME or similar facility shall not be located within 100 feet of an existing school, daycare facility, playground, public park, public athletic field or similar public recreation facility, or any place where children commonly congregate, and a half-way house.

The Applicant respectfully submits that it is in compliance with this requirement. Please see the google map image below with approximate distance measurements identifying the 100' buffer zone from the Facility.



6. No smoking or burning or consumption of marijuana or marijuana related products shall be permitted on the premises of an RMD or RME.

The Applicant hereby states that it will adhere to and enforce this requirement. Additionally, the Applicant respectfully submits that should a customer smoke, burn or consume marijuana on the Property, the Applicant would be in violation of 935 CMR 500.050(5)(a)(1) and would be at subject to an enforcement action and license revocation from the Commission.

7. Signage for a RMD shall be limited to one (1) sign, fixed flat against the building up to one (1) square foot of sign for each lineal foot of building frontage, not to exceed ten (10) square feet in area. Said sign shall include the following language "Only individuals with a registration card issued by the state Department of Public Health may obtain cannabis from medical cannabis dispensaries". The required text shall be a minimum of two inches in height. A RME shall comply with the sign regulations in Section 07.06.00.

The Applicant hereby states that it will comply with this requirement.

8. All print and electronic advertisements for Medical marijuana facilities, including but not limited to flyers, general advertising signs, and newspaper and magazine advertisements, shall include the following language "Only individuals with a registration card issued by the state Department of Public Health may obtain cannabis from medical cannabis dispensaries". Oral advertisements for Registered Marijuana Dispensaries, including but not limited to radio and television advertisements shall include the same language. Recreational Marijuana Establishments must clearly advertise that "only those 21 and older may enter or purchase product".

The Applicant hereby states that it will comply with this requirement. Additionally, the Applicant respectfully submits that it will not conduct any of the following advertising, marketing and branding activities:

- i. advertising, marketing, and branding in such a manner that is deemed to be deceptive, false, misleading, or untrue, or tends to deceive or create a misleading impression, whether directly, or by ambiguity or omission;
- ii. advertising, marketing and branding by means of television, radio, internet, mobile applications, social media, or other electronic communication, billboard or other outdoor advertising, or print publication, unless at least 85% of the audience is reasonably expected to be 21 years of age or older as determined by reliable and current audience composition data;
- iii. advertising, marketing, and branding that utilizes statements, designs, representations, pictures or illustrations that portray anyone younger than 21 years old;
- iv. advertising, marketing, and branding including, but not limited to, mascots, cartoons, brand sponsorships and celebrity endorsements, that is deemed to appeal to a person younger than 21 years old;
- v. advertising, marketing, and branding, including statements by a licensee, that makes any false or misleading statements concerning other licensees and the conduct and products of such other licensees;
- vi. advertising, marketing, and branding through certain identified promotional items as determined by the Commission including, but not limited to, gifts, giveaways, coupons, or "free" or "donated" marijuana;
- vii. advertising, marketing, and branding by a licensee that asserts that its products are safe, or represent that its products have curative or therapeutic effects, other than labeling required pursuant to M.G.L. c. 94G, § 4(a½)(xxvi), unless supported by substantial evidence or substantial clinical data with reasonable scientific rigor as determined by the Commission;
- viii. installation of any neon signage or any illuminated external signage which fails to comply with all local ordinances and requirements;
- ix. installation of any external signage that is illuminated beyond the period of 30 minutes before sundown until closing;

- x. the use of vehicles equipped with radio or loud speakers for the advertising of marijuana;
- xi. the use of radio or loud speaker equipment in any Marijuana Establishment for the purpose of attracting attention to the sale of marijuana;
- xii. advertising, marketing, and branding at, or in connection with, a charitable, sporting or similar event, unless at least 85% of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, current audience composition data;
- xiii. operation of any website of a Marijuana Establishment that fails to verify that the entrant is 21 years of age or older;
- xiv. use of unsolicited pop-up advertisements on the internet;
- xv. any advertising, marketing, and branding materials for marijuana products that fails to contain the standard health warning developed by the DPH;
- xvi. any advertising of an improper or objectionable nature including, but not limited to, the use of recipe books or pamphlets for marijuana products which contain obscene or suggestive statements;
- xvii. advertising, marketing or branding of marijuana products, on clothing, cups, drink holders, apparel accessories, electronic equipment or accessories, sporting equipment, novelty items and similar portable promotional items;
- xviii. advertising, marketing or branding on or in public or private vehicles and at bus stops, taxi stands, transportation waiting areas, train stations, airports, or other similar transportation venues including, but not limited to, vinyl-wrapped vehicles or signs or logos on transportation vehicles or company cars;
- xix. signs or other printed matter advertising any brand or kind of marijuana product that are displayed on the exterior or interior of any licensed premises wherein marijuana products are not regularly and usually kept for sale;
- xx. advertising or marketing of the price of marijuana products, except that the Marijuana Establishment shall provide a catalogue or a printed list of the prices and strains of marijuana available at the Marijuana Establishment to consumers and may post the same catalogue or printed list on its website and in the retail store; and
- xxi. display of marijuana products so as to be clearly visible to a person from the exterior of a Marijuana Establishment.

9. **RMDs and RMEs shall provide the Special Permit Granting Authority with the name, phone number and email address of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the establishment.**

The Applicant hereby states that it: (a) shall provide all hours of operation and after-hours contact information to the Board and the Commission; (b) shall make the same information available to all law enforcement officials upon request; and (c) shall update this information as required under 935 CMR 500.000 *et. seq.* and the Ordinance.

The Company's after-hours contact information is:

Name: Noah Eisendrath
Cell: 617-894-1857
Email: noah@wonderbarboston.com

Additionally, and in furtherance of the Town's review of its request, the Applicant has submitted a copy of its security narrative herewith.

10. No person who is not at least 18 years of age shall be permitted on the premises of a RMD during hours of operation unless that person is a qualified patient or caregiver with a valid registration card. No person under 21 may enter, or purchase product at a RME.

The Applicant hereby states that it shall enforce and comply with this requirement. The Applicant submits that it will implement industry best practices to ensure that no person under 21 enters the Facility unless they are 18 years of age or older and are a qualified patient or caregiver with a valid registration card. The Applicant shall refuse to sell marijuana to any customer, registered qualifying patient or personal caregiver who is unable to produce a registration card and valid proof of identification, or who does not have a valid certification. The identification shall contain a name, photograph, and date of birth, and shall be limited to one of the following:

1. A drivers license;
2. A government issued identification card;
3. A military identification card; or
4. A passport.

The Applicant shall positively identify customers prior to entry into the facility, and again at the point of sale. The Applicant will utilize identification scanning technology that has been approved by the Commonwealth, the Town and its security team. The identification scanning technology must also be routinely updated by its manufacturer to ensure that it is up to date and has access to the most up to date information on valid forms of identification.

The Applicant will also implement thorough storage, security, employee training, transportation, and marketing policies and procedures designed to prevent diversion to persons under age 21.

In support of this response, the Applicant respectfully submits a copy of its Commission approved diversion prevention plan and security policy.

11. The potential discharge of THC and nitrogen into wastewater shall be addressed with the Board of Health for a remediation plan, and submitted to the Planning Board, if required.

The Applicant hereby states that it shall enforce and comply with this requirement. Additionally, in support of this requirement, the Applicant respectfully submits a copy of its Wastewater Plan.

Section 05.23.04 Special Permit Conditions & Restrictions for all Registered Marijuana Dispensaries and Recreational Marijuana Establishments. A RMD and RME may only be allowed by special permit from the Special Permit Granting Authority (the Planning Board) in accordance with MGL c.40A s.9, subject to the following statements, regulations, requirements, conditions and limitations:

1. The applicant shall provide a copy of its Articles of Organization or equivalent documents, a current Certificate of Legal Existence from the Secretary of the Commonwealth, and the most recent annual report. If the applicant is a public agency, evidence of the agency's authority to engage in the development of the RMD or RME as proposed by the application must be provided.

The Applicant respectfully submits that it shall provide the Board with a copy of its Certificate of Organization, a current Certificate of Legal Existence from the Secretary of the Commonwealth, and its most recent annual report in connection with its special permit application.

2. **The applicant shall provide copies of all licenses and permits issued by the Commonwealth of Massachusetts and any of its agencies for the RMD or RME.**

The Applicant respectfully submits that it shall provide copies of all licenses and permits issued by the Commonwealth of Massachusetts and any of its agencies for the proposed Facility in connection with its special permit application.

3. **The applicant shall provide evidence of the applicant's right to use the site of the RMD or RME for the RMD or RME, such as a deed, lease, purchase and sale agreement or other legally-binding document**

The Applicant respectfully submits that it is in control of the Property pursuant to a purchase and sale agreement with the current owner dated July 19, 2019. A copy of the Agreement will be provided to the Board in connection with the Applicant's special permit application.

4. **Special Permits shall remain exclusively with the applicant, who shall be the owner or lessee of the premises described in the application. The Special Permit shall terminate automatically on the date the applicant alienates that title or leasehold interest in the premises.**

The Applicant hereby states that it will comply with this requirement.

5. **Special Permits shall be valid for a period of one (1) year from the date of the decision. Not less than three (3) months prior to the expiration of the special permit, it shall be incumbent upon the applicant to apply to the Tisbury Planning Board for a renewal of the special permit. Said permit shall be valid for a five (5) year term, and renewable for successive five (5) year periods provided that a written request for renewal is made to the Tisbury Planning Board not less than three (3) months prior to the expiration of the then-existing five (5) year period.**

The Applicant hereby states that it will comply with this requirement.

VIII. Summary

The Applicant hereby requests that the Town determine that its proposed Facility will be in harmony with the purpose and intent of the Ordinance and will not have any adverse effect on the neighborhood within which the Property is located in particular, and the Town as a whole. The findings are made in view of the particular characteristics of the Property and of the Applicant's proposed Facility, as detailed above and herein. That the Property is the most appropriate location for the Facility and that adequate and appropriate facilities will be provided for the proper operation of the use of the Property as a RME and RMD, and finally that such a use will not create any nuisance.

For the foregoing reasons the Applicant respectfully requests that the Town make a recommendation to the Board of Selectmen to start HCA negotiations with the Applicant for its proposed Facility.

Sincerely,

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