



Patient Centric of Martha's Vineyard, Ltd. ("PCMV") seeks a Special Permit to operate a and Recreational Marijuana Facility ("RMF") at its existing facility located at 510 State Road, West Tisbury, MA 02568 ("the Property"). In 2017, PCMV was awarded a Special Permit from the Zoning Board of Appeals to operate a Registered Marijuana Dispensary ("RMD") at the Property, which PCMV envisions operating contemporaneously with its proposed RMF subject to the Cannabis Control Commission's regulations for Co-located Marijuana Operations ("CMO") outlined in 935 CMR 502.000 *et seq.*

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

PCMV has negotiated a Host Community Agreement ("HCA") with the Town of West Tisbury, enclosed hereto as Exhibit A, and has submitted an application to the Cannabis Control Commission to operate an Adult Use Marijuana Retail Establishment at the Property. PCMV is a vetted applicant that has received priority status from the Cannabis Control Commission as a result of its exhaustive application with the Massachusetts Department of Public Health.

PCMV does not propose major modifications from the Special Permit granted for a Registered Marijuana Dispensary at this facility, enclosed here to as Exhibit B. PCMV only intends to utilize this Property for the retail sale of cannabis to eligible consumers. Absolutely no cultivation, manufacturing, or social consumption uses will occur on site.

I. Project Narrative

Exterior Project Description

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

PCMV will install signage and other pedestrian cues throughout the parking lot to ensure that pedestrians are able to traverse the lot safely. As outlined in its previous Special Permit filings, PCMV will post signage stating that no loitering is prohibited in the parking area and to respect the neighbors as this is a mixed business area that includes residential properties.

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

Interior Project Description

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

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

Security

PCMV prioritizes ensuring the safety and security of its customers, staff, neighbors, and the surrounding community. The applicant's security measures will exceed the requirements set forth in 935 CMR 500.00 *et seq.* PCMV has retained Frank Matthews, one of the Commonwealth's leading security consultants, to develop our security policies, provide engineering and logistics support, and system testing. PCMV will submit confidential information about its security plans and operating procedures to the West Tisbury Police Department for review and feedback.

PCMV will employ live on-site security during all opening hours to ensure the safety of the perimeter and maintain access control to the facility. PCMV will also invest in state-of-the-art security infrastructure to prevent and detect potential loss and diversion of marijuana. This equipment will include perimeter alarms, failure notification systems, panic alarms connected to local law enforcement, and video cameras in all areas that contain marijuana as well as all points of entry and exit that are instantly accessible to local law enforcement. Redundant alarm systems will be installed to ensure that security features will remain operational in instances of power outages or system failure.

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

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

Operations

Dispensing Procedures

In accordance with 935 CMR 500.140(3), access to PCMV's facility is limited to individuals 21 years of age and older or patients and caregivers that are 18 years of age or older with an active

Medical Use of Marijuana Program card. Upon a customer's entry into the premises, an agent will immediately inspect the customer's proof of identification and determine the individual's age. An individual will not be admitted to the premises unless the retailer has verified that the individual is a valid age to enter pursuant to the inspection of individual's proof of identification and, when applicable, Medical Use of Marijuana Program Card. Patients who have signed up online for a discrete consultation will be directed to the patient consultation room. Patients may also utilize a separate medical-only point-of-sale terminal.

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

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

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

Customer Education

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

- (a) A warning that marijuana has not been analyzed or approved by the FDA, that there is limited information on side effects, that there may be health risks associated with using marijuana, and that it should be kept away from children;
- (b) A warning that when under the influence of marijuana, driving is prohibited by M.G.L. c. 90, § 24, and machinery should not be operated;
- (c) Information to assist in the selection of marijuana, describing the potential differing effects of various strains of marijuana, as well as various forms and routes of administration;
- (d) Materials offered to consumers to enable them to track the strains used and their associated effects;

- (e) Information describing proper dosage and titration for different routes of administration. Emphasis shall be on using the smallest amount possible to achieve the desired effect. The impact of potency must also be explained;
- (f) A discussion of tolerance, dependence, and withdrawal;
- (g) Facts regarding substance abuse signs and symptoms, as well as referral information for substance abuse treatment programs;
- (h) A statement that consumers may not sell marijuana to any other individual;
- (i) Information regarding penalties for possession or distribution of marijuana in violation of Massachusetts law; and
- (j) Any other information required by the Cannabis Control Commission.

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

Trash Management

Any trash containing marijuana or marijuana products is required to be stored securely on site within the dispensary vault. The products will be securely transported back to PCMV's licensed cultivation and product manufacturing facility from which they emanated and where they may be disposed of safely.

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

Deliveries

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

An armored car service will pick up monetary instruments as needed each week.

Traffic and Parking

PCMV has 23 designated customer-only spaces for its exclusive use. PCMV has taken great care to develop operational procedures to ensure that customer visits within the RMF are short in duration and will not result in lines or other congestion to enter or exit the facility. Operational procedures will be adjusted as needed to ensure optimal function of the facility.

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

Opening Day Plan

PCMV recognizes the critical importance of operational planning and collaboration with the Town to ensure that its fledgling months of operation and first high season are efficient. Please see PCMV's proposed Opening Day Plan, attached hereto as Exhibit D.

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

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

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

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

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

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

- 1) The proposed use will offer adults over the age of 21 and qualifying patients and caregivers access to lab-tested, consistent, and high quality marijuana and marijuana products. Its operations will also assist in the elimination of the illicit cannabis market by providing access to marijuana and marijuana products that are regulated and tested for cannabinoid content and contaminants;
- 2) PCMV's operations will positively impact the community through the creation of additional employment opportunities and reliance on local vendors;
- 3) PCMV will make an annual Community Impact payment to the Town to mitigate any additional expenses incurred by the Town related to PCMV's operations equal to three (3) percent of its gross sales revenue;

- 4) PCMV does not propose substantive exterior modifications to the Property, which was previously designed to be congruent with surrounding uses; and
- 5) PCMV will mitigate public safety concerns through compliance with all applicable regulations set forth at 935 CMR 502.000, *et seq.*, and the specific requirements set forth by the Town regarding adult use and medical marijuana establishments.

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

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

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

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

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

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

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

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

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

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

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

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

Please see the enclosed traffic impact statement prepared by Hayes Engineering, attached hereto as Exhibit C. PCMV respectfully submits that its proposed use of the Property will not disturb the existing right of way, pedestrian access, and will not cause a serious hazard to vehicle or

pedestrian traffic. Traffic generated and patterns of access and egress will not cause congestion, hazard, or a substantial change to the neighborhood character.

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

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

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

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

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

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

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

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