

VICENTE SEDERBERG

BOSTON | DENVER | JACKSONVILLE | LOS ANGELES

LLP

2 SEAPORT LANE, 11TH FLOOR
BOSTON, MA 02210
TEL: 617.934.2121

March 3, 2020

Chairman Daniel Seidman
Tisbury Planning Board
PO Box 602 - 66 Highpoint Lane
Tisbury, MA 02568

Dear Chairman Seidman:

Please accept this correspondence on behalf of Patient Centric of Martha's Vineyard, Ltd. ("PCMV"). PCMV seeks to operate a co-located adult use and medical Marijuana Retail Establishment ("MRE") at 15 Mechanic's Street, Tisbury, MA, 02568 ("the Property") and submits the enclosed documentation as an application for a Special Permit.

I. Suitability of Property

As outlined in the enclosed Special Permit application, PCMV has identified 15 Mechanic's Street as an ideal location at which to establish its MRE. The Property is located in an area designated by local zoning for the aforementioned use, allows for easy access for customers and employees, and is located within a commercial area with other business uses. PCMV proposes to retrofit the existing commercial structure which comprises approximately 2,400 SF. PCMV only intends to utilize this Property for the retail sale of cannabis to eligible patients and consumers. Absolutely no cultivation, manufacturing, or social consumption uses will occur on site.

II. Background of Operator

Geoff Rose, Chief Executive Officer

Geoff Rose is the founder and Chief Executive Officer of Patient Centric of Martha's Vineyard. 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. He is also a caregiver to a Medical Use of Marijuana patient on the Island.

Mr. Rose is a 18 year resident of Martha's Vineyard and a 14 year resident of Oak Bluffs. He is the co-founder of the Our Island Club, a community-based cooperative that has raised over \$750,000

for local charities and scholarship funds on Martha's Vineyard. He served as an Advisory Board Member of the Daybreak Clubhouse, a day program for mental illness rehabilitation in Tisbury. Mr. Rose also served as the Vice President of Women Empowered which seeks to support Islanders in gaining control over their lives by helping them develop the skills to manage money, resolve debt, explore job options, and identify resources.

Mr. Rose's broadcast career included sales management and management positions with WTXX, Hartford-New Haven and WPGH, Pittsburgh. As General Manager, he managed a staff of over 50 that worked on projects ranging from programming and production to promotion and sales. He was also responsible for managing the successful transition of the television station to a FOX affiliate. Geoff continued his career in broadcasting with Renaissance Communications as Executive Vice President of a five-station Connecticut based television group. He managed operating budgets, negotiated multi-market program contracts, and spearheaded the acquisition of over \$100 million in assets. He also helped manage a successful transition of the company after it was sold to the Tribune Company for \$1.1 billion in 1997.

Following his career in broadcasting he founded JT Associates, a consulting company that provided programming, marketing, planning and advertising sales development to companies seeking to develop new media consumer video services.

Frank Matthews, Security

Frank Matthews is the Chief Security Officer for a number of existing and in-development cannabis operations in Massachusetts. Until 2015, Frank Matthews was the Lieutenant Colonel, Commanding Officer of the Investigative Division of the Massachusetts State Police. In that role he directed all criminal, forensic, and Homeland Security investigations while maintaining command over 700 sworn and civilian members assigned to 41 separate units. Matthews has 33 years of experience in coordinating with federal, state and local law enforcement agencies as well as private organizations to lead and institute crime prevention, investigation, training and response.

With overall responsibility for all safety and security aspects of these operations, Matthews evaluates and directs the physical security developments, technology enhancements, testing and strict regulation compliance across all cultivation and dispensary operations. Having developed a robust employee training and background investigation platform, Matthews also oversees all hiring background investigations and continued safety education for all employees. Matthews coordinates with law enforcement and emergency services agencies to ensure direct communication and information sharing regarding the security of cultivation and dispensary matters, including anti-diversion, theft and robbery prevention.

South Shore Bio Pharma

PCMV's consulting services provider, South Shore Bio Pharma LLC ("SSBP"), has acquired expertise in the full scope of cannabis operations as well as medicine, research, philanthropy, nutrition, and alternative therapy from long-time industry veterans and pioneers working to contribute knowledge and intellectual property. South Shore Bio Pharma is wholly owned by Acreage Holdings, one of the nation's largest cannabis businesses with operations in over 20 states.

SSBP will help PCMV develop operational policy and procedures that are among the most in-depth in the industry and are designed to promote successful, compliant business practices with top-tier quality assurance, and a focus on positive customer experience.

These policies, procedures, and training modules include:


- Employee best practices
- Facility specific controls
- Access controls
- Security and site control
- Employee procedures and practices
- Customer service
- Operations
- Inventory: control and compliance
- Security and safety
- Specialized education in cannabis use and dispensing
- Research and development participation
- Ongoing patient survey and monitoring

III. Moving Forward in Tisbury

Led by local residents with a unique understanding of the immediate community, PCMV believes it is uniquely suited to operate a safe, compliant, and state-of-the-art facility in Tisbury. The Town of Tisbury stands to benefit substantially from PCMV's proposed operations at 15 Mechanic's Street.

Thank you for your attention to this matter.

Sincerely,



Phil Silverman, Esq.

PS/rr

Patient Centric of Martha's Vineyard, Ltd. ("PCMV") seeks to operate a co-located adult use and medical Marijuana Retail Establishment ("MRE") at 15 Mechanic's Street, Tisbury, MA, 02568 ("the Property"). The Property is located in the Business District - 2. Pursuant to Section 5.20 of the Tisbury Zoning By-Law, the use of the Property for these purposes is permitted subject to the issuance of a Special Permit from the Planning Board. In accordance with the Zoning Bylaw and as outlined in the enclosed site plan documentation attached hereto as **Exhibit A**, the Property is not 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.

PCMV has entered into a Host Community Agreement ("HCA") with the Town of Tisbury. PCMV has applied for an Adult Use Marijuana Retail Establishment license from the Massachusetts Cannabis Control Commission to be located at the Property in accordance with M.G.L. ch. 94G and 935 CMR 500.000 *et seq* as well as a license to dispense medical marijuana through the Medical Use of Marijuana Program in accordance with 935 CMR 501.000 *et seq*. 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 proposes to retrofit the existing commercial structure which comprises approximately 2,400 SF. 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

PCMV has identified 15 Mechanic's Street as an ideal location at which to establish its MRE. The Property is located in an area designated by local zoning for the aforementioned use, allows for easy access for customers and employees, and is located within a commercial area with other business uses.

Exterior Project Description

PCMV's proposed modifications to the Property are designed to maximize site security and promote operational efficiency in and around to the facility.

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.

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 beyond the period of 30 minutes before sundown until closing; signs or other printed matter advertising marijuana products; display marijuana products that are visible to a person from the exterior of the MRE; 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 customer restroom and (4) a secured exit and vestibule.

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

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 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. Customers can indicate at this time that they are interested in seeing a discrete consultation in a secured patient consultation area.

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

With numerous parking spaces located on the premises, there is ample parking to accommodate PCMV'S projected customers. PCMV has nine designated customer only spaces for its exclusive use, as outlined in the enclosed property control documentation as well as 12 additional spaces located at 330 State Road. PCMV has taken great care to develop operational procedures to ensure that customer visits within the MRE 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 B**. 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 C**.

II. Compliance with Tisbury Zoning Bylaw Section 05.23.03 – General Requirements & Conditions

- 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 RMDs or MGL Chapter 94G, and the regulations of the Massachusetts Cannabis Control Commission for RMEs.**

PCMV entered into a Host Community Agreement (“HCA”) with the Town of Tisbury. PCMV has applied for an Adult Use Marijuana Retail Establishment license from the Massachusetts Cannabis Control Commission to be located at the Property in accordance with M.G.L. ch. 94G and 935 CMR 500.000 *et seq* as well as a license to dispense medical marijuana through the Medical Use of Marijuana Program in accordance with 935 CMR 501.000 *et seq*. 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.

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

PCMV's proposed marijuana establishment will be fully contained within the existing

structure located at 15 Mechanic's Street.

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

PCMV does not seek to cultivate recreational or medical marijuana at this location.

- 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.**

PCMV proposes hours of operation between 9:00 AM – 8:00 PM daily.

- 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.**

In accordance with the Zoning Bylaw and as outlined in the enclosed site plan documentation, the Property is not 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.

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

PCMV strictly prohibits on-site consumption in or around its facility by customers, employees and visitors. No smoking, burning or consumption of any product containing marijuana or marijuana related products shall be permitted on the premises.

- 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.**

PCMV will fully comply with the sign regulations outlined above and in Section 07.07.00. Further, exterior signage will be discrete and utilized for the purpose of wayfinding only. Pursuant to state regulations, PCMV will not install neon signage or illuminated exterior signage beyond the period of 30 minutes before sundown until closing; display signs or other printed matter advertising marijuana products; display marijuana products that are visible to a person from the exterior of the establishment; or utilize a logo or symbols that has images of marijuana and/or colloquial references to

cannabis. No signage shall be utilized that contains designs or symbols that depict or display in any way marijuana products, equipment or plants, or other similar materials.

- 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”.**

Pursuant to 935 CMR 500.105(4), PCMV will not engage in any marketing, advertising or branding practices that are targeted to, deemed to appeal to or portray minors under the age of 21. PCMV will not engage in any advertising, marketing and branding by means of television, radio, internet, mobile applications, social media, or other electronic communication, billboard or other outdoor advertising, including charitable, sporting or similar events, 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. In accordance with 935 CMR 500.105(4)(a)(5), any marketing, advertising and branding materials for public viewing will include a warning stating, “Please Consume Responsibly” and at minimum two of the following statements:

- “This product may cause impairment and may be habit forming.”
- “Marijuana can impair concentration, coordination and judgment. Do not operate a vehicle or machinery under the influence of this drug.”
- “There may be health risks associated with consumption of this product.”
- For use only by adults 21 years of age or older. Keep out of the reach of children.”
- “Marijuana should not be used by women who are pregnant or breastfeeding.”

Further, PCMV will not manufacture or sell any edible products that resemble a realistic or fictional human, animal or fruit, including artistic, caricature or cartoon renderings, pursuant to 935 CMR 500.150(1)(b). In addition, pursuant to 935 CMR 500.105(6)(b), PCMV’s packaging for any marijuana or marijuana products will not use bright colors, resemble existing branded products, feature cartoons or celebrities commonly used to market products to minors, feature images of minors or other words that refer to products commonly associated with minors or otherwise be attractive to minors. PCMV’s website will require all online visitors to verify they are 21 years of age or older prior to accessing the website, in accordance with 935 CMR 500.105(4)(b)(13).

- 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.

Geoff Rose, the CEO and founder of Patient Centric of Martha's Vineyard, Ltd., shall serve as the on-site community contact. He may be reached via email at geoff@pcmv.com or via phone at (774) 836-4397.

- 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.**

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. Customers can indicate at this time that they are interested in seeking a discrete consultation in a secured patient consultation area.

PCMV will not hire any individuals who are under the age of 21. In addition, pursuant to 935 CMR 500.002, all visitors must be 21 years of age or older. Identification of all such visitors will be verified as described above and retained by PCMV security agents until the visitor is properly logged out.

- 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.**

PCMV does not propose any activity that would result in the discharge of THC or nitrogen into the wastewater.

III. Compliance with Tisbury Zoning Bylaw Section 05.23.04.2,3,4 – Special Permit Conditions & Restrictions

- 2. The applicant shall provide a copy of its Articles of Organization, a current Certificate of Legal Existence from the Secretary of the Commonwealth, and the most recent annual report. The applicant shall in addition provide a copy of its Articles of Incorporation or equivalent documents, a current Certificate of legal Existence from the Secretary of the Commonwealth, and the most recent annual report.**

The corporate documents outlined above are enclosed as **Exhibit D**.

3. 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.

A copy of PCMV's existing licenses for the Medical Use of Marijuana Program and Priority Status are enclosed as **Exhibit E**. PCMV has applied for an Adult Use Marijuana Retail Establishment license from the Massachusetts Cannabis Control Commission to be located at the Property in accordance with M.G.L. ch. 94G and 935 CMR 500.000 *et seq.* as well as a license to dispense medical marijuana through the Medical Use of Marijuana Program in accordance with 935 CMR 501.000 *et seq.* A timeline has been incorporated into **Exhibit E**.

4. 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

Documentation of site control is enclosed as **Exhibit F**.