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

### 1. SUMMARY

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

The permit-granting authorities of the Town of West Tisbury may now grant the request for approval of the Applicant's proposal in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law, or may deny the request for approval.

## **2. FACTS**

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The exhibits listed below including the referral, the application, the notice of public hearing, the staff report, the plans of the project, and other related documents are incorporated into the record herein by reference. The full record of the application is kept on the premises of the Martha's Vineyard Commission.

### **2.1 Referral**

The project was referred to the Commission on March 21, 2017 by the Zoning Board of Appeals of the Town of West Tisbury, MA for action pursuant to Chapter 831 of the Acts of 1977, as amended (the Act) and the Commission's Standards and Criteria Administrative Checklist for Developments of Regional Impact, Section 1.2 (Modification to a Previous DRI). The project was also referred under Section 3.1c (construction of 3,000 sf. of Mixed Use) which requires a mandatory DRI review, however, it was determined that this trigger did not apply to this project and the project was reviewed as a modification to a previously approved DRI. After the Land Use Planning Committee (LUPC) Meeting on April 10, 2017 the Applicant chose to go straight to a public hearing review as a Development of Regional Impact and the project was reviewed as such by the Martha's Vineyard Commission.

### **2.2 Hearings**

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

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

### **2.3 The Plan**

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

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

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

#### **2.4 Other Exhibits**

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

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

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

**2.5 Summary of Testimony**

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

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

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

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

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

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

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

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

### **3. FINDINGS**

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#### **3.1 Project Description**

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

### **3.2 Statutory Authority**

The purpose of the Commission, as set forth in Section 1 of the Act, is to “protect the health, safety and general welfare of island residents and visitors by preserving and conserving for the enjoyment of present and future generations the unique natural, historical, ecological, scientific and cultural values of Martha’s Vineyard which contribute to public enjoyment, inspiration and scientific study by protecting these values from development and uses which would impair them, and by promoting the enhancement of sound local economies.”

The Commission has reviewed the proposal as a Development of Regional Impact, using the procedures and criteria that the Commission normally uses in evaluating the benefits and detriments of such a proposal. The Commission has considered the Application and the information presented at the public hearing, including listening to all the testimony presented and reviewing all documents and correspondence submitted during the hearing and review period.

### **3.4 Benefits and Detriments**

Based on the record and testimony presented therein, the Commission finds the following pursuant to Sections 14 and 15 the Act.

**A. THE COMMISSION FINDS THAT THE PROBABLE BENEFITS OF THE PROPOSED DEVELOPMENT WOULD EXCEED THE PROBABLE DETRIMENTS, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(a) OF THE ACT.**

**A1 The Commission finds that the proposed development at this location is appropriate in view of the available alternatives (Section 15(a) of the Act.)**

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

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

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

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

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

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

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

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

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

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

**A5 The Commission finds that the proposed development would have a small beneficial impact on the provision of municipal services or burden on taxpayers in making provision therefore (Section 15(e) of the Act).**

With respect to impact on services and burden on taxpayers the Commission finds that the proposal is a benefit because it will generate increased property tax for the town. The Commission notes that there may be an increased need for police in the area.

**A6 The Commission finds that the proposed development would use efficiently and not unduly burden existing public facilities (other than municipal) or those that are to be developed within the succeeding five years. (Section 15(f) of the Act).**

**A7 The Commission finds that the proposed development does not interfere with the ability of the municipality to achieve the objectives set forth in the municipal general plan. (Section 15(g) of the Act).**

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

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

**B. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT WOULD BE CONSISTENT WITH THE LAND DEVELOPMENT OBJECTIVES OF THE COMMISSION, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(b) OF THE ACT.**

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

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

**C. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH MUNICIPAL DEVELOPMENT ORDINANCES AND BY-LAWS, TO THE BEST OF THE COMMISSION'S KNOWLEDGE.**

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

**D. THE COMMISSION FINDS THAT THE SITE IS IN CONFORMANCE WITH THE REGULATIONS OF DISTRICTS OF CRITICAL PLANNING CONCERN, AS EVALUATED IN LIGHT OF THE CONSIDERATIONS SET FORTH IN SECTION 14(d) OF THE ACT.**

The Commission finds that part of the project is within the Dr. Fisher Special Way DCPC.

#### **4. DECISION**

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

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

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

Based on this vote, the Commission approved the application for the project as a Development of Regional Impact with the conditions listed in section 5 below.

This written Decision is consistent with the vote of the Commission June 22, 2017 and was approved by vote of the Commission on July 13, 2017.

#### **5. CONDITIONS**

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

These conditions are an essential part of this decision and shall be enforced as written. The primary enforcement agent for the compliance of these conditions is the building and zoning enforcement



officer of the Town. If the Commission or the Town finds it necessary to seek judicial relief to enforce the condition, the Applicant, or its successors in title at the time of such proceedings, shall pay the Commission's and/or Town's attorney's fees and costs incurred in obtaining judicial relief.

**1 Transportation:**

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

**2 Marijuana Cultivation:**

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

**3 Landscaping:**

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

#### **4 Noise**

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

#### **5 Exterior Lighting**

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

#### **6 Affordable Housing**

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

#### **7 Wastewater:**

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

#### **8 Future Use:**

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

#### **9 Architectural Detailing**

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

## **10 Fire Code**

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

## **11 Substantial Alterations**

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

## **6. CONCLUSION**

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### **6.1 Permitting from the Town**

The Applicant must, consistent with this Decision, apply to the appropriate Town of West Tisbury Officers and Boards for any local development permits which may be required by law.

The permit-granting authorities of the Town of West Tisbury may now grant the request for approval of the Applicant's proposal in accordance with the conditions contained herein and may place further conditions thereon in accordance with applicable law, or may deny the request for approval. Any permit issued by the Town shall incorporate the plan approved by the MVC and the above conditions.

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

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

### **6.2 Notice of Appellate Rights**

Any party aggrieved by a determination of the Commission may appeal to Superior Court within twenty (20) days after the Commission has sent the development Applicant written notice, by certified mail, of its Decision and has filed a copy of its Decision with the West Tisbury Town Clerk.

### **6.3 Length of Validity of Decision**

The Applicant shall have two (2) years from the date of receipt of the Decision of the Martha's Vineyard Commission contained in this document to begin substantial construction. Should substantial construction not occur during said two (2) year period, this Decision shall become null and void and have no further effect. This time period may be extended upon written request from the Applicant and written approval from the Martha's Vineyard Commission.

**6.3 Signature Block**

James Vercruysse  
James Vercruysse, Chairman

July 18, 2017  
Date

**6.4 Notarization of Decision**

Commonwealth of Massachusetts  
County of Dukes County, Mass.


On this 18<sup>th</sup> day of July, 2017, before me,  
Donna Lee Stewart, the undersigned Notary Public, personally  
appeared James Vercruysse, proved to me through satisfactory evidence of  
identity, which was/were Driver's license to be the person(s)  
whose name(s) was/were signed on the preceding or attached document in my presence, and who  
swore or affirmed to me that the contents of the document are truthful and accurate to the best of  
his/her/their knowledge and belief.

Donna Lee Stewart  
Signature of Notary Public

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

**6.5 Filing of Decision**

Filed at the Dukes County Registry of Deeds, Edgartown, on: July 20, 2017  
Deed – Book 1444, page 88

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