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Martha's Vineyard Commission

DRIs 618-M5 and 696-M Fine Fettle Dispensary and Cultivation Modifications

MVC Staff Report – 2022-3-31

1. DESCRIPTION

- 1.1 Applicant:** Fine Fettle Dispensary (FFD); Ben Zachs (COO), Ellen Kaplan (agent)
Proposal: Modifications related to cultivation (DRI 618-M5), and hours and operations (DRI 696-M)
Local Permits: Special permit modifications

DRI 618-M5

Owner: KAYSKY LLC

Project Location: 90 Dr. Fisher Road (Map 21, Lot 12), West Tisbury

Zoning: Light Industrial (LI)

Surrounding Land Uses: Other light industrial uses in the LI district and residential uses in the abutting rural district

DRI 696-M

Owner: Cedar Box MV LLC

Project Location: 510 State Road (Map 16, Lot 101), West Tisbury

Zoning: Mixed Business (MB)

Surrounding Land Uses: Business and residential uses in the MB district

- 1.2 Project History:** The MVC approved DRI 618-M in 2010 (DRI 618 had been withdrawn), allowing the construction of a 9,600 ft² (footprint) building at 90 Dr. Fisher Road for Big Sky Tents. The project was modified in 2017 to allow for medical marijuana cultivation in the building, which was not yet constructed; in 2019 to allow for adult-use cultivation, increase employees, and add vegetation space; and in 2021 to allow for temporary storage units on the property.

The MVC approved DRI 696 in 2020, allowing for recreational sales at an existing registered marijuana facility at 510 State Road. The applicant at the time was Patient Centric of Martha's Vineyard, which later sold the facility and state Cannabis Control Commission licenses to Fine Fettle Dispensary (FFD), which also acquired the cultivation facility at 90 Dr. Fisher Road. The dispensary at 510 State Road began operations in July 2021.

- 1.3 Project Summary:** The proposal is to modify each DRI as follows:

DRI 618-M5: According to the applicant, state regulations have changed since 2020 so that marijuana cultivated under a medical license may be produced and sold for either medical or adult-use. However, the current MVC approval allows for only 1,000 ft² of medical-use canopy (crop

area) and 2,000 ft² of adult-use canopy, which creates logistical issues because the state still requires those uses to be kept separate. The proposal is to increase the allocated medical-use canopy to 3,000 ft², which would eliminate the need for two systems and improve efficiency. The applicant would then grow the entire crop under an existing medical-use license, for both medical and adult-use sales. There would be no net increase in cultivation area.

DRI 696-M: The proposal is to modify the following conditions:

- 1.1 As offered by the Applicant, there shall be no walk-in sales. All sales are to be made by appointment only. **DELETE**
- 1.2 As offered by the Applicant, the hours of operation shall be limited to no more than 10AM to 6PM (7PM Daylight Savings Time) Sunday through Thursday; and 10AM to 7PM (8PM Daylight Savings Time) on Friday and Saturday.
CHANGE TO: From Labor Day through Memorial Day, Monday through Saturday 9AM to 6PM; from the day after Memorial Day through the day before Labor Day, Monday through Saturday 9AM to 7PM and Sunday 12PM to 6PM.
- 1.3 As offered by the Applicant, there shall be no more than five appointments per fifteen-minute period, with an additional sixth appointment reserved for express orders. **DELETE**
- 2.1 As offered by the Applicant, for at least the first three months of operation (and possibly longer, as determined by the Town of West Tisbury), PCMV shall employ two parking attendants to allow for the safe and efficient flow of traffic. The Applicant shall, at all times, engage at least one parking attendant to monitor parking and traffic on the site and to ensure that no unauthorized use of the adjacent premises by patrons of the Applicant's business [occurs]. **DELETE**
- 2.3 Subject to the West Tisbury zoning bylaws, the Applicant shall install a sign at the entrance to the premises saying, among other things, that sales are by appointment only, no walk-ins. All advertising and media must include this notice as well, provided that such media may note that sales may be made online for delivery or for express-line pickup (subject to an appointment for pickup). **DELETE**

2. ADMINISTRATIVE SUMMARY

- 2.1 DRI Referral:** Self-referred, Feb. 18, 2022
- 2.2 DRI Trigger:** 1.3D (Previous DRI)
- 2.3 LUPC:** April 4, 2022
- 2.4 Public Hearing:** To be determined

3. PLANNING CONCERNS

- 3.1 Traffic and Transportation:** The applicant has provided the following data from the first nine months of operations at 510 State Road (transactions generally correspond to the number of vehicle trips):

Summer

Peak day: 111 transactions (110 recreational, 1 medical)

Peak hour: 25 transactions (11AM-12PM)

Off-season

Peak day: 37 transactions (30 recreational, 7 medical)

Peak Hour: 11 transactions (4-5PM)

Average daily customers

32.4 (27.7 recreational, 4.7 medical)

The applicant has stated that the 26 parking spots at 510 State Road have been ample, including in the summer. Parking attendants have been employed as required by condition 2.1, along with the installation of a stop bar and stop sign (condition 2.4) and striping for the in and out lanes (condition 2.5). The West Tisbury Policy Chief has stated that there have been no issues with the dispensary since it opened, including in regard to traffic.

- 3.2 Economic Development:** The applicant has stated that conditions 1.1 and 1.3-2.3 above have created an unnecessary burden for customers, patients, and staff in terms of scheduling, navigating the reservation system, and restricting visits to 15 minutes, as outlined in the request for modification. The applicant also notes that the town has allowed the separate Island Time dispensary on Mechanic Street to shift from appointment-only to walk-ins. The applicant has stated that the modifications are intended to improve efficiency and eliminate logistical issues and are not expected to lead to any increase in customers or employees.