

February 22, 2022

VIA ELECTRONIC MAIL TO [elvin@mvcommission.org](mailto:elvin@mvcommission.org) AND FIRST CLASS MAIL

Martha's Vineyard Commission  
33 New York Avenue  
P.O. Box 1447  
Oak Bluffs, MA 02557

Re: DRI Nos. 696, 618-M2 and 618-M3  
FFD Enterprises MA, Inc.

Dear Commission Members and Staff:

FFD Enterprises MA, Inc. (FFD), successor to Patient Centric of Martha's Vineyard, requests modification of certain conditions contained in DRI decision 696 approving the proposal to operate a recreational marijuana facility at the existing, registered medical marijuana facility located at 510 State Road, West Tisbury, MA (DRI 696) and in DRI decisions 618-M2 and 618-M3 approving proposals to establish a medical marijuana cultivation operation (DRI-M2) and also an adult use marijuana cultivation operation (DRI-M3) at 90 Dr. Fisher Road, West Tisbury, MA.

With respect to DRI 696, FFD requests modification of the following conditions:

- 1.1 Sales are to be "by appointment only"; no walk-in sales allowed. **DELETE**
- 1.2 Hours and days of operation are allowed as follows: September 1<sup>st</sup> through April 30<sup>th</sup> Monday through Saturday 9:00 am to 6:00 pm. and May 1<sup>st</sup> through August 31<sup>st</sup> 9:00 am to 7:00 pm. No Sunday hours allowed.  
  
Change to: From Labor Day through Memorial Day, Monday through Saturday 9:00 AM to 6:00 PM; From the day after Memorial Day through the day before Labor Day, Monday through Saturday 9:00 AM to 7:00 PM and Sunday, 12:00 Noon to 6:00 PM.
- 1.3 No more than five (5) appointments allowed per fifteen (15) minute period, with an additional sixth appointment reserved for express orders. **DELETE**
- 2.1 At least 1 parking attendant shall be on the premises at all times to monitor parking and traffic on the site and to ensure that there is no unauthorized use of the adjacent premises by patrons of the dispensary business. **DELETE**

- 2.3 A sign at the entrance to the parking lot and all promotional material will clearly state the "by appointment only" restriction. **DELETE**

The bases for the requests are:

Since the opening of the dispensary at 510 State Road, West Tisbury, Fine Fettle has had zero compliance infractions in the town or with the Cannabis Control Commission. There have been no complaints regarding traffic; no customers have left the facility and gone onto neighbors' properties; there have not been any traffic incidents within Fine Fettle's parking lot or upon exiting the parking lot onto State Road. Fine Fettle believes that this data from its seven months of operations represent its ability to manage traffic and to be trusted as an operator of a new and unique business in West Tisbury.

In its first year of operation, Fine Fettle has been completing the average order for customers and patients with an online pre-order in 2 minutes and 15 seconds; it has been completing the average order for a customers who order in store in 3 minutes and 40 seconds. Fine Fettle's request to remove Condition nos. 3 through 6 of the Special Permit that sales be "by appointment only" and not to walk-in customers, that no vehicles enter onto the premises without a previously scheduled appointment, that a sign at the entrance to the parking lot and all promotional materials state that customers must make an appointment to come onto the premises and into the dispensary, and that only 5 appointments are allowed in every 15 minute period, is based on its experience that the appointment only designation is an unnecessary burden for both customers and also for patients, and creates difficulties for customers and staff to place orders, to fit within the schedule, and to be able to choose the proper products and increases the transaction time. Elderly customers and new customers, especially, have been unable to make a reservation online, let alone ask questions about product in a telephone conversation.

With the current system of sales by appointment only, appointments made on-line or via telephone consume incredibly more time when compared against the average transaction time and the system is limiting customers' ability to come into the dispensary and make a purchase. As it is federally illegal to transport cannabis over federal water, residents and visitors of the island are only allowed to purchase cannabis from Fine Fettle or the other dispensary on the island. The more burdensome system of sales "by appointment only" makes that purchase significantly more difficult.

Additionally, Vineyard Haven has allowed "Island Time" to remove the appointment-only designation with approval from its police department, which was quickly granted after opening.

As FFD has proven its ability to safely operate its dispensary at 510 State Road, West Tisbury and has been a good and quiet neighbor, it believes it should be able to open for limited hours on Sundays. FFD is not requesting to open in the morning or to stay open late on Sunday, so that traffic to the dispensary will be in mid-day and daylight hours. These hours would match the times that Island Time in Vineyard Haven is open on Sundays.

FFD has installed signage and other pedestrian cues in the parking lot to ensure that pedestrians are able to traverse the lot safely and has posted signage stating that loitering is prohibited in the parking area and that respect must be shown to the neighbors in this mixed business/residential area.

FFD presently employs live, on-site security during all opening hours to ensure the safety of the perimeter and maintain access control to the facility. Its cameras keep coverage above and beyond the 90 day requirement of the CCC and its facility is under 360 degree surveillance day and night. With respect to DRI-M3, FFD requests the following modification::

The current approvals from West Tisbury and the MVC, permit FFD to grow 1,000 square feet of canopy for medical use and 2,000 square feet of canopy for adult use. As explained below, FFD requests approval to grow 3,000 sf of canopy under its medical use license.

When Massachusetts first legalized marijuana for adult use sales, it was unclear whether cultivation and inventory needed to be separated or combined under medical and adult use cultivation. Guidance and regulation subsequently made clear that marijuana could be cultivated under a medical use license and sold in both medical and adult use dispensaries under the same license and seed to sale tracking.

Under FFD's license from the Cannabis Control Commission ("CCC"), it is able to use its full facility at 90 Dr. Fisher Road, West Tisbury, MA under its medical use license. The separate canopy limits set by the MVC create logistical issues within its cultivation facility that will be eliminated if all product is grown within one seed to sale license as overseen by the CCC.

This modification, if approved by the MVC, will ease the operational burden and lessen the chance of problems and/or loss of product, while not affecting the interior of the FFD building, layout, or inventory available to both patients and customers on Martha's Vineyard.

FFD understands that all of the requests in this letter will also need to be presented to the Town of West Tisbury Zoning Board of Appeals for requested changes to FFD's special use permits.

Please contact me with any questions and/or to discuss how the Commission wishes to proceed in this matter. Thank you.

Very truly yours,

Ellen B. Kaplan  
Attorney for FFD Enterprises MA, Inc.