Main Street Medicinals
CR 1-2021
Land Use Planning Committee
March 7, 2022
Main Street Medicinals

Applicant:  Noah Eisendrath, Main Street Medicinals LLC
Owner:  Mechanic Street RE Holdings LLC
Address:  65 Mechanic Street, Tisbury
Checklist:  3.1f (change of use/intensity), 3.1j (high traffic generator) – with concurrence
Permits:  Tisbury Planning Board Special Permit for marijuana cultivation and sale
  Building Permit

LUPC: 2/8/21, 3/7/22
Mandatory referral requiring MVC concurrence

3.1 DEVELOPMENT OF COMMERCIAL, STORAGE, INDUSTRIAL, AND OFFICE USES INCLUDING MIXED WITH RESIDENTIAL

Checklist 3.1f
a Change of Use (either partial or complete), or any Change in Intensity of Use, such that the new use on its own would trigger any threshold in this DRI Checklist

Checklist 3.1j
high traffic-generating business, such as a drive-In bank, convenience market, fast food or take-out restaurant, coffee or donut shop, or service station
Proposal

• Renovate and repurpose existing 7,448 ft² (4,900 ft² footprint) sheet metal building previously occupied by an auto repair shop

• Total proposed floor area = 7,964 ft²

• Produce and sell marijuana and marijuana-infused products for medical and recreational use, and to other RMEs on Island

• Security: Video cameras, remote monitoring, alarms, onsite security personnel, sally port, access control vestibules, and other protocols for customer entrance
Proposal

Proposed main level: 4,553 ft²
• Main level retail (dispensary): 680 ft²
• Main level cultivation: 2,732 ft²
• Common areas: 1,141 ft²

Proposed basement: 3,411 ft²
• Basement cultivation, processing, and testing: 2,212 ft²
• Common areas: 1,199 ft²
Proposed main level

Building Square Footage:
Existing Total: 4,900 SF
Proposed Total: 7,964 SF
  Proposed Total Retail: 680 SF
  Proposed Total Cultivation: 4,944 SF
  Proposed Total Common Area: 2,340 SF

Proposed Basement Square Footage: 3,411 SF
  Basement Retail: 0 SF
  Basement Cultivation: 2,212 SF
  Basement Common Area: 1,199 SF

Proposed Main Level Square Footage: 4,553 SF
  Main Level Retail: 680 SF
  Main Level Cultivation: 2,732 SF
  Main Level Common Area: 1,141 SF

RETAIL
CULTIVATION
COMMON AREA
Earlier rendering
Issues raised by LUPC 2/8/21

- Nitrogen loading rates, and plan to contain runoff
- Breakout of wastewater reduction
- Access and circulation along Mechanic Street
- Details about hours, walk-ins, etc.
- More info about traffic impacts
- Housing proposal

Voted 9-0 to recommend a public hearing based on available information
Planning Board hearing has continued
New material since Feb. 2021

- Host Community Agreement 4/7/20
- Info about Clean Harbors 3/4/21
- Proposed right of way improvements 6/2/21
- Draft license agreement regarding proposed exit 8/27/21
- Wastewater flow calculations 11/9/21
- Traffic analysis, peer review and other communications regarding traffic Aug. 2021 – Jan. 2022
- Parking and drainage plans 5/19/21, 1/20/22
- Response to staff questions 11/19/21, 2/5/22
- Letter of intent regarding workforce housing 1/24/22
- Tisbury Police Chief comments 2/4/22
- Tight tank details 2/5/22
- Septic tank location 2/18/22
- Proposed floorplans and uses 3/4/22
Planning concerns

• Town regulation and review
• Traffic and transportation
• Environment (wastewater, prior uses, energy)
• Stormwater and drainage
• Economic development
• Island housing needs
• Municipal services
• Safety and health
• Night lighting
Town regulation and review

- Tisbury has adopted bylaws related to registered marijuana establishments (RMEs), and registered marijuana dispensaries (RMDs), which are allowable by special permit.
- The applicant has outlined how it will comply with the various criteria for obtaining a special permit, and has proposed additional restrictions related to the advertisement, marketing, and branding of products.
- The applicant has obtained a Host Community Agreement from the Town of Tisbury.
  - Host Community Impact Fee ($20,000 initial payment, plus 3% of gross sales annually, with quarterly payments)
  - Property and excise taxes
  - Contributions to the Tisbury Affordable Housing Trust, and other fees
  - Annual written reports to the Town selectmen
  - Work with the Tisbury Police Department to prevent diversion of marijuana products to ineligible users and to review security plans
  - Annual inspections by Town departments
  - Community Outreach Meeting prior to the start of operations
  - Local Labor Hiring Preference
  - Other requirements
- As part of its ongoing public hearing for the project, the Tisbury Planning Board has discussed issues related to traffic, infrastructure, housing, public space, and drainage.
Traffic and transportation

Fuss & O’Neill traffic analysis on behalf of the applicant:
- Project would generate 28 vehicle trips (14 each way) during the weekday afternoon peak hour, and 48 trips (24 each way) during the Saturday peak hour (a 1% and 2% increase, respectively)
- Highest impact would be on the northbound approach of the Mechanic Street – State Road intersection
- Project would not have a significant impact on traffic in the area

Fraser Poly-Engineering Services (FPES) peer-review at request of Planning Board:
- Included field reconnaissance
- Concluded that the project would “adversely affect all the intersections” in the project area
- Sited a need for expanded rights of way and other travel demand and safety measures including two-way turn lanes
- Focused largely on a proposed egress-only driveway onto Eleanor Street

Revised Fuss & O’Neill analysis:
- Noted that peer review did not challenge the projected peak-hour trip generation
- Maintained that the project would have no significant impact on existing conditions
- Revisions primarily dealt with the projected east-west trip distribution (50/50 vs. 75/50), and incorporation of the particular geometry of existing intersections
<table>
<thead>
<tr>
<th>Two-Way Stop Controlled Intersections (Critical Movements)</th>
<th>Friday Afternoon Peak Hour</th>
<th>Saturday Midday Peak Hour</th>
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<tr>
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<td>No-Build</td>
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<td>Northbound Approach</td>
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<td>Pine Tree Road at State Road</td>
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<td>Evelyn Way at State Road</td>
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<td>Westbound Left Turn</td>
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<td>Northbound Approach</td>
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<td>Café Drive at State Road</td>
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<td>Colonial Drive at State Road</td>
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<td>Northbound Approach</td>
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Fuss & O’Neill revised level of service (LOS) impacts

LOS is measurement of operating conditions based on factors such as speed, travel time, maneuverability, delay, and safety.
Traffic and transportation

Fuss & O’Neill letter to Planning Board in Jan. 2022 stated that the following conclusions had been reached by both parties:

- East-west trip generation is adequately addressed in the revision
- Pre-existing and projected traffic congestion in the area in general is not attributed to the proposed development
- The proposed egress-only driveway is feasible, but FPES has requested more detailed plans
Traffic and transportation: Mitigation

• Applicant has proposed **widening Mechanic Street** to the north (while avoiding existing maple trees) and extending the street to include a **one-way driveway** for customers that would exit onto Eleanor Street. The extension would provide access back onto State Road via High Point Lane. (Draft license agreement with Select Board is pending final Planning Board review.)

• Applicant will fund the **reconstruction of an existing sidewalk** on State Road within 500 linear feet of Mechanic Street along State Road, and the **refreshment of pavement markings and signage** at key points along State Road, subject to approval by the MA Dept. of Transportation.

• **Employees** will be issued discounted bus passes and encouraged to park offsite, and bike racks could potentially be installed on the property. Employees would be required to commute by public transit or bicycle, or to use off-site parking. (Planning Board has some concerns about this.)
Proposed extension
Environment

**Wastewater**

- The property is within the Tashmoo Pond watershed
- Existing 1,000-gallon septic system rated for 210 gallons per day (GPD)
- Proposed wastewater flow would be reduced from 210 to 190 GPD
  - Up to 12 employees working onsite at once
  - Commercial kitchen: 50 GPD
  - Retail space: 50 GPD
  - Warehouse staff: 60 GPD
  - Testing and kitchen staff: 30 GPD
- About 161 pounds of nitrogen per year would be applied in the cultivation area, with about 75% of runoff reused for irrigation, and the rest discharged into a tight tank inside the building for disposal off-Island by Clean Harbors Environmental Services (as requested by the Tisbury Planning Board), or potential agricultural use on the Island.

**Staff review:**

- *Projected wastewater flow will be less than existing, which means less nitrogen.*
- *The nutrient-rich water from cultivation must be removed from the watershed. The proposal for removal by Clean Harbors will be sufficient. If effluent will be used for local agriculture, applicant should return to LUPC.*
Environment

Prior uses

A 2021 Phase 1 Environmental Site Assessment by Green Environmental Inc. on behalf of the applicant noted the use of motor oil, brake fluid, and other substances associated with the auto repair shop, but found no evidence of Recognized Environmental Conditions (RECs) in connection with the property.

Energy

The building is currently heated by propane. The applicant has stated that the renovated building will be all-electric with rooftop solar panels and an HVAC system that includes a desiccant wheel (dehumidifier) to increase efficiency. LED lighting would be used throughout, including for cultivation.
Stormwater and drainage

• Parking area would remain impervious
• Drainage plan designed for a 25-year storm
  • One proposed drainage basin in the parking area north of the building
  • Four proposed drainage basins, along with a proposed catch basin, in the southeast corner of the lot
  • Planning Board has stated that it will require confirmation from a licensed engineer that the plan is adequate for the proposed commercial use
Economic development

• Applicant intends to hire up to 21 employees (up to 12 onsite at once), including managers, sales agents, drivers, and others.
• The Host Community Agreement requires that the applicant hire on-Island workers wherever possible.
• Employees would receive training through the MA Cannabis Control Commission, either onsite or remotely.
• Applicant also intends to utilize local businesses for construction.
• Proposed hours of operation are 10AM–8PM, seven days a week.
• Retail operation would be on a walk-in basis, although the applicant plans to work with the town on determining a traffic level above which the model would switch to appointment-only.
Island housing needs

• Applicant has signed a non-binding letter of intent to lease a four-bedroom house in Tisbury (with occupancy of up to eight people and parking for five cars) to house four Main Street Medicinals employees year-round.

• If housing cannot be obtained, the applicant will contribute $20,000 per year, pro-rated against the number of housing units the applicant has provided in a given year, to the Dukes County Regional Housing Authority.

• Under the Host Community Agreement, the applicant must also contribute at least $25,000 annually to the Tisbury Affordable Housing Committee. The required contribution would increase 2.5% annually.
Municipal services

• The applicant has stated that the Town could receive up to 6% of the projected annual retail income associated with the business, through the 3% local sales tax option and the additional Host Community Impact Fee of up to 3%.
• Annual revenues are projected at $6–$8 million, so Town receipts could fall in the range of $300,000–$480,000.
• The impact fee is intended to defray “additional expenses and impacts upon the Town's road system, law enforcement, fire protection services, inspectional services and permitting services, public health services, and other additional unforeseen impacts.”
Safety and health

• The applicant has prepared consumer and patient education materials and has offered to work with the Town to monitor and mitigate potential health impacts related to marijuana consumption. (Sample materials have been provided.)
• Health measures would also include labelling and packaging to comply with state and local requirements, and efforts to support substance abuse education and prevention programs.
• Host Community Agreement requires the applicant to work with the Tisbury Policy Department on a Diversion Plan to prevent the diversion of marijuana and related products to ineligible users, and to review the security plan, to the extent required by the department.
• Proposed security at the site currently includes cameras, remote monitoring, alarms, onsite security personnel, a sally port, access control vestibules, and other protocols for customer entrance.

The Tisbury Police Chief provided the following statement to the applicant:

In my opinion based on calls for service and traffic data so far compiled, traffic generated by the Island Time dispensary has not been problematic or caused concerns for our agency. I do not currently have any concerns about the operation of your proposed facility as I am aware that this type of business is regulated by state statute and local licensing. I will reserve the right to review any security protocols and bring up any concerns that I may have later, if applicable.
Night lighting

- The applicant had provided a preliminary lighting plan with downward shielded area lighting in three locations around the building, and downward shielded parking lights at 10 locations around the parking areas. (Spec sheets not provided.)
- Security cameras proposed for the site will have infrared technology, which may allow for lower lighting conditions, although the applicant has stated that the minimum amount of lighting for safety and security will be provided.
Planning board comments (summary)

Traffic
- Location of two marijuana businesses on the same road
- Impacts on State Road and the area in general
- Proposed extension should be monitored at six- and 12-month periods
- Biking and walking to the site is not realistic for customers
- Need to determine Park and Ride capacity
- Project would need to be monitored to determine if appointment-only model is needed

Other
- Sign-off from engineer on drainage plan
- Ventilation and related impacts to neighborhood
- Clarity on the use of social media and advertising
- Clarification of any limits on the HCA fees
- Is the housing proposal adequate?
- Implications for future planning the area