

Worcester South District Registry of Deeds Electronically Recorded Document

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Recording Information

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Worcester South District Registry of Deeds
Kathryn A. Toomey, Register
90 Front St
Worcester, MA 01608
(508) 798-7717

**DECISION
GRAFTON PLANNING BOARD**

RECEIVED
2021 AUG 27 10:09 AM

**SPECIAL PERMIT SP 2017-5 & SITE PLAN APPROVAL
MODIFICATION #4**

MEDICAL AND ADULT USE MARIJUANA CULTIVATION & PROCESSING

**NATURE'S REMEDY OF MASSACHUSETTS, INC. & JUSHI MA, INC. (APPLICANT)
8 MILLENNIUM DRIVE, NORTH GRAFTON, MA**

Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the BOARD) on the petition of Nature's Remedy of Massachusetts, Inc. ("Nature's Remedy") and Jushi MA, Inc. ("Jushi MA") (hereinafter collectively, the APPLICANT) for Modification of Special Permit & Site Plan Approval 2017-5 to extend the period to commence construction of a medical and adult use marijuana cultivation and processing on property located at 8 Millennium Drive (hereinafter the SITE) as shown on the Grafton Assessor's Map 5, Lot 1.J, and owned by Valiant Enterprises, LLC (hereinafter the OWNER) by deeds recorded in the Worcester District Registry of Deeds in Book 57943, Page 270 and Book 57943, Page 275 and to reflect the change of ownership and control from Nature's Remedy to Jushi MA upon the completion of the pending merger as described herein.

I. BACKGROUND

On September 5, 2017, the Planning Board approved a Special Permit and Site Plan Approval application for the construction of a 32,500-square foot building (26,100 square feet for the initial phase) for a Registered Marijuana Dispensary. The approval allows Nature's Remedy to engage in medical marijuana cultivation, processing, and dispensing.

On July 25, 2018 Nature's Remedy submitted an application for a Modification of the Special Permit to request a one-year extension to construct its Registered Marijuana Dispensary. On January 14, 2019 the Board voted to modify the special permit to extend the time for commencement of construction to September 27, 2019 (Special Permit 2017-5.1).

On November 12, 2019 Nature's Remedy submitted an Application for a Modification of the Special Permit and Site Plan Approval to: 1) request an additional one-year extension for commencement to September 27, 2020; and 2) to add adult use marijuana cultivation and processing. On February 10, 2020, the Board voted to modify the special permit to extend the time for commencement of construction to September 27, 2020 and add adult use marijuana cultivation and processing (Special Permit 2017-5.2).

On August 18, 2020, Nature's Remedy submitted an Application for a Modification of the Special Permit to request a one-year extension to commence construction of its medical and adult use marijuana cultivation and processing facility. On October 5, 2020, the Board voted to modify the special permit to extend the time for commencement of construction to September 27, 2021 (Special Permit 2017-5.3).

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On July 22, 2021, the Applicant submitted an Application for a Modification of the Special Permit & Site Plan Approval to request a one-year extension to commence construction of its medical and adult use marijuana cultivation and processing facility. In addition, Nature's Remedy and Jushi MA recently entered into an agreement under which Nature's Remedy will merge with and into Jushi MA, with Jushi MA as the entity surviving the merger, and, therefore, the Applicant has sought a modification of the Special Permit & Site Plan Approval to reflect the change of ownership and control from Nature's Remedy to Jushi MA upon the completion of the pending merger. Notice of the public hearing and the subject matter thereof was published in the Grafton News on August 5 and 12, 2021, and posted with the Town Clerk's Office on August 5, 2021. Abutters received notification by First Class Mail.

A public hearing on the Application was opened on August 23, 2021. The following Board members were present throughout the public hearing process where testimony was received: Chair David Robbins, Vice Chair Justin Wood, Clerk Linda Hassinger, Member Robert Hassinger, Member Prabhu Balaji Venkataraman, and Associate Member Maura McCormack. Throughout the public hearing, all those wishing to speak to the petition were heard. Following public input, the hearing was closed on August 26, 2021.

II. SUBMITTALS

The following items were submitted to the Board for its consideration of this application:

EXHIBIT 1. Original Application Submission, received July 22, 2021 to include the following:

- a) Application for Modification of a Special Permit & Site Plan Approval (SP 2017-5.4) received on July 21, 2021, 2 pages.
- b) Certificate of Good Standing, signed by Christine Atchue, dated July 20, 2021, 1 page.
- c) Certified Abutters List, signed by Tammy Kalinowski, Office Manager, dated July 20, 2021, 1 page.
- d) Letter from Joshua Lee Smith to Christopher McGoldrick, Town Planner, dated July 21, 2021, 3 pages.

EXHIBIT 2. Cannabis Control Commission Application Requirements (5.10.3) and associated documentation, 15 pages.

EXHIBIT 3. Report: "Management Plan", dated July 22, 2021, prepared by Nature's Remedy of Massachusetts, Inc., 19 pages.

EXHIBIT 4. Report: "Traffic Impact Analysis", dated June 2017, prepared by Pare Corporation, 8 Blackstone Valley Place, Lincoln, RI 02865, 53 pages.

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- EXHIBIT 5. Plan: "8 Millennium Drive", dated May 8, 2017, revised through August 8, 2017, prepared by Heritage Design Group, One Main Street, Whitinsville, MA, 14 sheets.
- EXHIBIT 6. Public Hearing Notice, for publication in the Grafton News on August 5 and 12, 2021, 1 page.
- EXHIBIT 7. Comment, Nancy Connors, Health Department, dated July 27, 2021, 1 page.
- EXHIBIT 8. Comment, Katrina Koshivos, Zoning Board of Appeals, dated July 27, 2021, 1 page.
- EXHIBIT 9. Comment, Michael Killeen, Fire Department, dated July 27, 2021, 1 page.
- EXHIBIT 10. Comment, Normand Crepeau, Police Chief, dated July 27, 2021, 1 page.
- EXHIBIT 11. Comment, Roy Colleen, 53 Elmwood Street, dated July 27, 2021, 1 page.
- EXHIBIT 12. Public Hearing Continuance Request, dated August 23, 2021.

III. FINDINGS

At their meeting of August 26, 2021, after due consideration of the Exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Justin Wood, seconded by Robert Hassinger), voted five (5) in favor and zero (0) opposed, to make the following findings:

- F1. That determinations regarding the following FINDINGS are based upon the documents and plans identified in this Decision, as well as the information and EXHIBITS submitted and presented in association with this application.
- F2. That during the public hearing Joshua Lee Smith, representing Nature's Remedy of Massachusetts, Inc. and Jushi MA, Inc. (Applicant) presented a project update. It was noted the Applicant is requesting a one-year extension as the Applicant is awaiting additional Cannabis Control Commission (CCC) review.
- F3. The applicant is requesting an extension of the time period for commencement of construction of its facility for one year from the previous deadline, to September 27, 2022 and approval of a modification of the Special Permit & Site Plan Approval to reflect the change of ownership and control from Nature's Remedy to Jushi MA upon the completion of the pending merger.

IV. DECISION

At their meeting of August 26, 2021 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Justin Wood, seconded by Robert Hassinger) voted five (5) in favor and zero (0) opposed to **APPROVE** the application for Modification a Special Permit with the following conditions:

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1. This approval specifically modifies the approved Special Permit SP 2017-5, dated September 5, 2017, recorded in the Worcester District Registry of Deeds (WDRD) (Bk: 57846 Pg: 227), as modified by Decision of the Planning Board, dated January 14, 2019, recorded in the WDRD (Bk: 60033 Pg: 111), Decision of the Planning Board, dated February 10, 2020, recorded in the WDRD (Bk: 63045 Pg: 207), and Decision of the Planning Board, dated October 21, 2020, recorded in the WDRD (Bk: 63878 Pg: 318) by modifying Condition 1 of the Conditions of Approval contained within the abovementioned Special Permit (SP 2017-5.3), to allow an extension of the time period to commence construction, to **September 27, 2022** and reflecting the change of ownership and control from Nature's Remedy to Jushi MA upon the completion of the pending merger.
2. The modification granted herein specifically with respect to the change of ownership and control from Nature's Remedy to Jushi MA (and not the extension of time period to commence construction) is conditioned upon the pending merger by and between Nature's Remedy and Jushi MA closing on or before December 31, 2021. In the event such merger does not close on or before December 31, 2021, the modification granted herein specifically with respect to such change of ownership and control shall be nullified (and revert back to the special permit in effect immediately prior to this specific modification) unless the Applicant obtains approval of an extension of time or other modification at a public hearing of the Planning Board. The Applicant shall provide a written notice to the Planning Board when and if the merger closes.
3. Unless modified by this Decision, all conditions of the previous Special Permit (2017.5) & Site Plan Approval DECISION, as modified, recorded in the WDRD and referenced herein, remain in full force and effect.
4. In accordance with Section 1.5.8 of the Grafton Zoning Bylaw (ZBL), this Special Permit and Site Plan Approval shall lapse within one (1) year, on September 27, 2022, or from the favorable outcome of an appeal, whichever is later, if substantial use, or construction, has not been commenced except in accordance with the law. Any request for an extension of said period of validity shall be considered a Modification of this Special Permit and Site Plan Approval, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.
5. Per ZBL Section 5.10.9.a, Special Permit 2017-5, as modified by this and prior Decisions, is non-transferable and shall have a term limited to the duration of the applicant's continued operation at the premises for the uses granted herein.
6. Per ZBL section 5.10.9.b, all material, plants, equipment, and other paraphernalia shall be removed from the facility in compliance with 105 CMR 725.105 (J) and (O) prior to the expiration of its DPH Registration, immediately following revocation or voiding of its DPH Registration, or following the expiration, revocation or voiding of its license issued by the CCC.
7. No retail sales to the public shall occur on the site.

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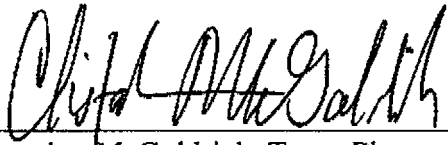
- 8. Changes to the plans or conditions (including hours of operation) authorized by SP 2017-5, as modified by this and prior Decisions, may be made only upon authorization from the Planning Board. Requests for such change(s) shall be submitted in writing to the Planning Board. Such authorization shall only be granted provided the Board finds that any change requested by the Applicant is not a substantial change and is consistent with the intent and purpose of this Decision. Any proposed change deemed substantial in nature shall require a modification of the original Special Permit and Site Plan Approval application and decision.
- 9. Per ZBL Section 5.10.8.b, copies of registrations and licenses and a copy of a signed Host Agreement with the Town of Grafton, in accordance with M.G.L. Chapter 94G and subsequent regulations, shall be provided to the Building Commissioner prior to the issuance of a Certificate of Occupancy.
- 10. This Modification of the Special Permit (SP 2017-5) shall not take effect until the Decision has been recorded in the WDRD and a copy provided to the Planning Board and the Building Department. Said copy shall include recording information such as the WDRD Book and Page Number and/or Instrument Number.
- 11. By recording this Special Permit and Site Plan Approval Decision in the WDRD, the Applicant agrees to and accepts the conditions set forth in this Special Permit and Site Plan Approval Decision.

V. RECORD OF VOTE

<u>David Robbins, Chair</u>	<u>AYE</u>	<u>Justin Wood, Vice Chair</u>	<u>AYE</u>
<u>Linda Hassinger, Clerk</u>	<u>AYE</u>	<u>Robert Hassinger</u>	<u>AYE</u>
<u>Prabhu Venkataraman</u>	<u>AYE</u>		

DATE OF FILING OF DECISION:

BY ORDER OF THE BOARD



 Christopher McGoldrick, Town Planner

8/26/2021

 Date

- Applicant / Owner
- Assessor
- Graves Engineering
- Building Inspector
- Conservation Commission

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To Whom It May Concern: This is to certify that the 20 day appeal period has passed and there have been no appeals made to this office.

Kandy L. Lavallee

Kandy Lavallee, Town Clerk

9/17/2021

Date

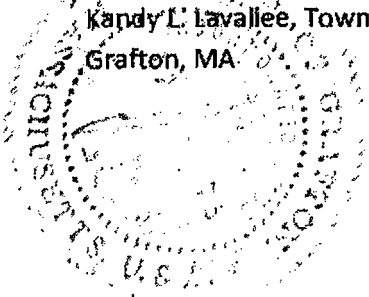
A true copy;

Attest:

Kandy L. Lavallee

Kandy L. Lavallee, Town Clerk

Grafton, MA





TOWN CLERK

Kandy L Lavallee
Town Clerk

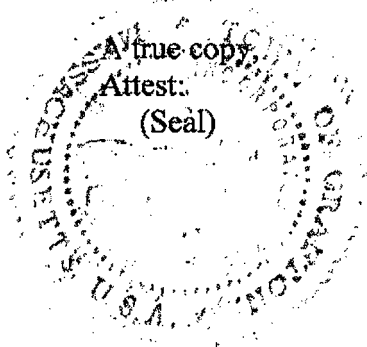
TOWN OF GRAFTON
GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
(508) 839-5335 ext. 1195
www.clerks@grafton-ma.gov

CERTIFICATE OF NO APPEAL

APPROVAL:	PLANNING BOARD Special Permit (SP 2017-5) & Site Plan Approval Modification #4
PETITIONER:	Nature's Remedy of Massachusetts, Inc. & Jushi MA, Inc 8 Millennium Drive, North Grafton, MA 01536
OWNER:	Valiant Enterprises, LLC 69 Milk Street, Suite 110, Westborough, MA 01581
DEED REFERENCE	8 Millennium Drive Assessors Map 5, Lot 1.J; Book 57943 Page 270 Worcester District Registry of Deeds

This is to certify that a copy of the Decision of the Planning Board of the Town of Grafton to extend the period to commence construction of a medical and adult use marijuana cultivation and processing on property located at 8 Millennium Drive, North Grafton, MA, was received and filed in the Office of the Town Clerk on August 27, 2021 at 9:19 A.M.

No Notice of Appeal of the Decision was filed within the twenty days next, the appeal period ending on September 16, 2021.



Kandy L. Lavallee
Town Clerk – Grafton, Massachusetts

ATTEST: WORC Kathryn A. Toomey, Register

E-recording Report of Recorded Documents

Itemized Fee View

Prepared for: Bowditch & Dewey (MAT74E)

Cost center: MAT74E

Report generated: 09/23/2021 07:47 AM MDT

Documents Recorded

NAME	TYPE	PG	ENTRY	RECORD DATE	SF	AMT	TOTAL PROCESSED
Worcester South County, MA							
Sep 22, 2021							
Jushi - 318278.0001 - Grafion							
Decision_with_Certificate_of_No_Appeal_ - FOR_RECORDING	Certificate	8	E 132805 B 66118 P 208	09/22/2021 01:54 PM EDT	Submission Fee	4.50	No fee
					Recording Fee	0.00	4.50
						105.00	105.00
						4.50	109.50
						105.00	109.50
						4.50	109.50
Totals for Worcester South County, MA							

Recording Fee Totals

COUNTY	RECORD DATE	SF	AMT	TOTAL
Worcester South County, MA	09/22/2021	4.50	105.00	109.50
Totals for Worcester South County, MA		4.50	105.00	109.50
Total of All Recording Fees		4.50	105.00	109.50

Document Count: 1

Package Count: 1

Questions Contact:

Simplifile Support 800.460.5657, option 3
 5072 North 300 West
 Provo, UT 84604