

**DECISION
GRAFTON PLANNING BOARD**

**SPECIAL PERMIT SP 2017-5 & SITE PLAN APPROVAL
MODIFICATION #3**

MEDICAL AND ADULT USE MARIJUANA CULTIVATION & PROCESSING

**NATURE'S REMEDY OF MASSACHUSETTS, 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. (hereinafter 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 facility 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 Book 57943, Page 270 and Book 57943, Page 275.

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 for a Registered Marijuana Dispensary. The approval allows the Applicant to engage in medical marijuana cultivation, processing, and dispensing.

On July 25, 2018 the Applicant 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 the applicant 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, the applicant submitted an Application for a Modification of the Special Permit (hereinafter Application) to request a one-year extension to construct its medical and adult use marijuana cultivation and processing facility. Notice of the public hearing and the subject matter thereof was published in the Grafton News on September 3 and 10, 2020, and posted with the Town Clerk's Office on August 31, 2020. Abutters received notification by First Class Mail.

A public hearing on the Application was opened on September 28, 2020. The following Board members were present throughout the public hearing process where testimony was received: Chair

Robert Hassinger, Vice Chair David Robbins, Clerk Justin Wood, Member Linda Hassinger, Member Prabhu Venkataraman, and Associate Member Vikram Dave. Throughout the public hearing, all those wishing to speak to the petition were heard. Following public input, the hearing was closed on September 28, 2020.

II. SUBMITTALS

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

EXHIBIT 1. Original Application Submission, received August 18, 2020 to include the following:

- a) Application for Modification of a Special Permit (SP 2017-5.3) received on August 18, 2020, 1 page.
- b) Letter from Joshua Lee Smith to Christopher McGoldrick, Town Planner, dated August 18, 2020, 2 pages.
- c) Certificate of Good Standing, signed by Beth Schrottman, dated August 17, 2020, 1 page.
- d) Certified Abutters List, signed by Mary M. Oliver, Principal Assessor, dated August 13, 2020, 1 page.
- e) Report: "Nature's Remedy of Massachusetts Inc.; Town of Grafton; 5.10.3 Application Requirements for a Marijuana Establishment", 92 pages.

EXHIBIT 2. Public Hearing Notice, for publication in the Grafton News on September 3 and 10, 2020, 1 page.

III. FINDINGS

At their meeting of October 5, 2020, 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 Linda 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. (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 and approval.

- 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, 2021.

IV. DECISION

At their meeting of October 5, 2020 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 Linda Hassinger) voted five (5) in favor and zero (0) opposed to **APPROVE** the application for Modification a Special Permit with the following conditions:

1. This approval specifically modifies the approved Special Permit SP 2017-5, dated September 5, 2017, recorded in the Worcester District Registry of Deeds (Bk: 57846 Pg: 227), as modified by Decision of the Planning Board, dated January 14, 2019, recorded in the Worcester District Registry of Deeds (Bk: 60033 Pg: 111), and Decision of the Planning Board, dated February 10, 2020, recorded in the Worcester District Registry of Deeds (Bk: 63045 Pg: 207), by modifying Condition 1 of the Conditions of Approval contained within the abovementioned Special Permit (SP 2017-5.2), to allow an extension of the time period to commence construction, to **September 27, 2021**.
2. 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.
3. In accordance with Section 1.5.8 of the ZBL, this Special Permit and Site Plan Approval shall lapse within one (1) year, on September 27, 2021, 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.
4. 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.
5. 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.
6. No retail sales to the public shall occur on the site.
7. 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.


8. 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.
9. This Modification of the Special Permit (SP 2017-5) shall not take effect until the Decision has been recorded at the Worcester District Registry of Deeds (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.
10. By recording this Special Permit and Site Plan Approval Decision in the Worcester District Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Special Permit and Site Plan Approval Decision.

V. RECORD OF VOTE

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

DATE OF FILING OF DECISION:

BY ORDER OF THE BOARD



Christopher McGoldrick, Town Planner

10/21/2020

Date

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

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Medical and Adult Use Marijuana Cultivation & Processing
8 Millennium Drive, North Grafton, MA
Nature's Remedy of Massachusetts, Inc. (Applicant)
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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 Lavalley, Town Clerk

Date