



## THE PLANNING BOARD OF WEST BOYLSTON

140 WORCESTER STREET  
WEST BOYLSTON, MASSACHUSETTS 01583

### CERTIFICATE OF SITE PLAN REVIEW APPROVAL, SPECIAL PERMIT, AND STORMWATER MANAGEMENT APPROVAL

July 14, 2021

Elaine Novia, Town Clerk  
Municipal Offices  
140 Worcester Street  
West Boylston, MA 01583

**Applicant:** Evergreen Strategies, LLC.  
**Owner:** JH Energy USA, LLC  
**Proposal:** Marijuana Growing and Cultivation Facility  
**Site:** 166 Hartwell Street, West Boylston

In conformance with the West Boylston Zoning Bylaws, Section 3.6, Site Plan Review, and section 3.13, Adult Use Marijuana Establishments, the Planning Board of West Boylston, Massachusetts hereby certifies that it voted to **APPROVE** the Site Plan Review Application for construction of a marijuana growing and cultivation facility and associated parking & services at the above-noted location with the conditions listed below at a duly called and properly posted meeting of said Planning Board, held on **July 14, 2021**. The Planning Board, acting as the Town of West Boylston's Special Permit Granting Authority, voted to **GRANT the Special Permit** requested under Section 3.2.1 and 3.6.B.3.5 of the Zoning Bylaws for a marijuana facility located at 166 Hartwell Street on July 14, 2021. The Planning Board, acting as the Town of West Boylston's Stormwater Authority's designee, voted to **APPROVE** the Stormwater Management Plan for these lots at the same time.

The Approved Site Plan is entitled 'Site Plan/Special Permit Approval Documents' and contains 16 sheets, dated January 13, 2021 with revisions through June 11, 2021; Detail Sheet, dated January 13, 2021, Revised June 11, 2021; and Pump station calculation, dated April 14, 2021, Revised June 15, 2021, prepared by McCarty Engineering, Inc. of Leominster, MA. The Approved Site Plan is stamped by Brian Marchetti, PE 46279, and Kevin J. Jarvis, P.L.S #40044. The Site Plan Review Application was originally filed with the Planning Board on February 10, 2021, concerning the proposed construction of a marijuana growing and cultivation facility at 166 Hartwell Street. The public hearing was opened on March 24, 2021, then continued to and closed on April 14, 2021.

#### Findings:

1. The Applicant is Evergreen Strategies, LLC, 118 Great Road, Suite 220, Stow, Massachusetts (hereinafter "Applicant").
2. The Owner is JH Energy USA, LLC, 1285 Baring Blvd, Sparks, Nevada (hereinafter "Owner").

3. The improvements presented by the Applicant are relative to the site area (hereinafter "Site Area") located at 166 Hartwell Street, West Boylston, containing approximately 16.4 acres of land.
4. The proposed buildings with associated site improvements at 166 Hartwell Street are located in the Industrial Zoning District of the Town of West Boylston. The proposed use "Adult Use Marijuana Establishment" requires the Planning Board to grant a Special Permit.
5. The parking area proposed at the site depicts 110 spaces, which is more than the zoning-required amount of 31 spaces.
6. Since this application depicts new construction, the Applicant's engineer has submitted a stamped/signed and completed Stormwater Report to the Planning Board that indicates that the project complies with the MassDEP Stormwater Standards and was reviewed by VHB who concurs that the design meets the West Boylston Stormwater Bylaw.
7. All catch basins and stormwater inlets will contain a watertight outlet hood and minimum 4' deep sumps.
8. Regular maintenance of the Stormwater Treatment system is required. The Operation and Maintenance Plan for the Stormwater Treatment system is shown on Sheet 15 of the Approved Plan, is documented in the Stormwater System Analysis report, and is part of the site manager's required operations and maintenance procedures. The Owners have committed to executing it.
9. This approval specifically notes all waivers that were granted by the Planning Board. No other reductions or changes are allowed.
10. Comment letters/emails were received from the Fire Department, Police Department and Water District, and all recommended approval.

#### **Waivers**

The Applicant requested the following waivers from the West Boylston Planning Board and a decision was voted by said board on July 14, 2021.

1. 3.6.C.2.a- An applicant for a Site Plan Review under this section shall file...the site plan drawn at a scale of 1"=20', or other approved scale...  
The submitted plans were drawn at 1"=40' to accommodate the scope of work proposed on the site to be shown on a single sheet.
2. 3.6.D.1.d A waiver is requested to waive the requirement all natural features including watercourses and waterbodies, tree lines, significant trees, and other significant vegetative cover, topographic features, soil properties, and any other environmental features of the landscape that are important to the design process. This specifically relates to the inclusion of all trees as the site was heavily wooded.

#### **The following conditions shall apply to the development:**

1. The final grading of the area shall not worsen any existing drainage flow or drainage patterns onto any abutting properties.

2. The Applicant shall provide proof that this Special Permit, along with the complete set of the approved/signed Site Plans, has been recorded at the Worcester Registry of Deeds before the issuance of any building permits on the site.
3. Prior to the release of this Approval, the Applicant shall reimburse the Town for all professional review fees in excess of the amount originally posted, and deposit the Construction Inspection fee of \$ 7,500.00 with the town.
4. The Applicant shall comply with the requirements of the DCR Asian Longhorn Beetle eradication program when removing vegetation from the site.
5. This Special Permit, pursuant to Section 6.2.G, shall lapse after one (1) year, not including such time required to pursue or await the determination of an appeal from a grant thereof, if construction has not begun by such date. Extensions of this one (1) year can be applied for by the Applicant if needed.
6. A copy of the Stormwater Pollution Prevention Plan and the EPA National Pollution Discharge Elimination System Construction General Permit (CGP) shall be submitted to the Planning Board and Building Inspector before the start of construction. Weekly reports AND reports following storm events of greater than 0.25 inches, as required under the CGP, shall be transmitted electronically to the Planning Board within a week of their completion.
7. All lighting at the site shall be directed down and be anti-glare in compliance with the Zoning Bylaws.
8. All proposed parking shall be set back at least 10' from the property boundaries unless an executed agreement, approved by Town Counsel, is recorded with the deeds for the site property and the affected abutting property.
9. No materials, equipment, or supplies shall be staged or stockpiled within 10' of the areas where the stormwater treatment systems are proposed to infiltrate into the ground. These areas shall not be used as temporary sediment storage areas during construction operations.
10. All proposed signage shall comply with the Signs and Billboards regulations in Section 5.6 of the West Boylston Zoning bylaws. Any additions or changes to the proposed exterior signage, other than signs required under the Building Code, must comply with zoning requirements, be submitted to the Building Inspector and Planning Board, and receive approval from both prior to installation.
11. The Applicant shall provide a copy of the Cannabis Control Commission (CCC) license to the Board for its records when it is issued and before a building permit is issued.
12. The Applicant shall coordinate with the West Boylston Police Chief as the project moves forward regarding site security and the security for the transportation of marijuana. The Applicant will send the Planning Board a copy of the Police Chief's final approval before a request for a Certificate of Occupancy is issued.
13. Applicant will submit for approval an updated phasing plan to address trash and recycling handling, and utility and roof drainage connections for each phase of the construction. No

building permit shall be issued before an approval is issued by the Planning Board, as the current plan is reflective of only the full build-out. A formal revised Phasing Plan shall be submitted to the Planning Board that reflects final edits made during the peer review process.

14. Prior to the issuance of any building Certificate of Occupancy permit, the Applicant will add double-solid yellow centerline and solid-white line edge line striping on each approach to the bridge on Hartwell Street (Bridge Department Number W-17-006 / Bridge\_Identification\_Number B 22U) for a length of 150 feet. A corresponding "ONE LANE BRIDGE" sign (W5-3) shall be posted on both Hartwell Street bridge approaches. Also, a Stop sign should be installed corresponding with the Stop line at the proposed site driveway.
15. The Applicant will submit to the Planning Board and Building Inspector, official approval from the Water District for the first building phase prior to issuance of any Certificate of Occupancy.
16. The Applicant shall submit updated plans and specifications for the wastewater pump system for approval by the Board's Peer Reviewer, to the Planning Board and Building Inspector prior to the issuance of any Building Permit.
17. The Applicant is responsible for obtaining all other State and Federal permits necessary to conduct the proposed work. Permits from the Massachusetts Department of Conservation and Recreation are needed for work proposed within their jurisdiction.
18. Construction is allowed only between the hours of 7:00 am and 6:00 pm Monday through Saturday. No construction is allowed on Sunday or State Holidays.
19. Scheduling of deliveries, trash removal, and all commercial truck traffic is allowed only between the hours of 7:00 am and 7:00 pm.
20. One set of plans will be signed by the Planning Board at a meeting, once 'notice of no appeal' is received from the Town Clerk. The applicant will be responsible for providing 7 paper copies along with an electronic copy sent to the Planning Board as well as one to the Planning Board's review engineer within 10 days of signing. A Building Permit will not be issued until signed plan sets are received by the Building Commissioner and the Board.
21. The Applicant shall provide the Board with monthly written progress updates summarizing project and site activities during construction. The Applicant acknowledges that they will be responsible to reimburse the Town for the Planning Board's Engineer to conduct regular inspections of the site. The inspections will be performed by its Engineer at least once every month (or as agreed to by the Applicant and the Planning Board and determined based on the construction schedule for the site) to monitor the progress of site activities and stabilization. All utility and roadwork within the site shall be inspected and approved by the DPW/Planning Board's selected inspecting engineer/inspector. Prior to both the first inspection and to Planning Board endorsement of the Site Plan, the applicant shall establish and maintain a Town account for Town inspections and peer reviews beginning with an initial deposit of \$7,500 for payment of inspections, said account to be administered in accordance with MGL c. 44, §53G.
22. The Applicant and its successors and assigns shall give timely and adequate prior notice to the Planning Board inspectors and the DPW to permit adequate processes and to conduct all inspections. In the event work is completed and backfilled without the proper notice to allow the Planning Board's consultant to perform the required inspection, the Board reserves the right to allow its consultant to require excavation or third-party testing of the completed work so the required inspection can be performed to the satisfaction of the inspector. The construction

observed shall include, but not necessarily be limited to, the construction of all site work, grading, drainage and Stormwater management measures, dust control measures, erosion control measures, minimization of adverse impacts to the residential abutters, and general adherence to the Approved Site Plan. Job site safety is specifically excluded from the scope of these construction observations. Inspections by the Town, include but may not be limited to:

- a) Site Clearing and sedimentation control (silt fence, entrance, silt sacks)
- b) Drainage, water, sewer and other utility construction (first day to confirm correct installation procedures and then periodic inspections to monitor installation)
- c) Grading (random visits to assure correct drainage patterns)
- d) Sub-base material for roadway, parking lots and sidewalk areas (periodic visits) (compaction tests, proctor number and gradation tests required for Town-owned roadway and sidewalks)
- e) Detention Basin/Infiltration System construction (bottom area and periodic visits)
- f) Paving operations (first day to confirm correct methods then periodic inspections to monitor construction)
- g) Pavement Markings, if applicable (periodic visits)
- h) Sidewalks/Wheelchair Ramps, if applicable (periodic visits)
- i) Soil Stabilization, if applicable (periodic visits)
- j) Lighting and landscaping (periodic visits)
- k) Construction of Structural walls or other Structural items if applicable (as needed)
- l) Utility testing (if required)

23. The Planning Board may require the Applicant to replenish the inspection fund in the event construction continues longer or is more involved than originally anticipated, and more observation and/or inspection time is required.
24. Construction shall conform to the Approved Site Plan and specifications submitted to the Planning Board and be in conformance with good industry practices. The Approved Site Plan shall not be changed, amended or modified without advance approval of the Planning Board. Any significant changes to the Approved Site Plan shall require a formal re-submittal of the proposed changes to the Board prior to implementation. Failure to abide by this requirement may result in the Board rescinding its Site Plan Review Approval.
25. Construction must be started within one (1) year from the date of this Certificate of Site Plan Review Approval. This approval may be extended for up to one year if an acceptable reason and written request is received by the Board at a meeting before the end of the approval period. Construction must be completed within three (3) years from the date of this approval. If the Applicant fails to meet either of these conditions, this Certificate of Site Plan Approval shall become null and void without further action of this Board and an Amended Site Plan Review application will be required to be approved before a permanent occupancy permit may be issued.
26. Certified "As-Built" Site Plans and a written certification by a professional engineer noting any discrepancies between the actual construction and the approved plans shall be stamped by the engineer. These Certifications that construction was completed in accordance with the Approved Site Plan shall be submitted to the Planning Board for review and approval before a Certificate of Completion may be issued. **In accordance with Section 3.6.1.7 of the Zoning By-laws, a Certificate of Completion is required before a permanent occupancy permit may be issued by the Building Inspector.** The Applicant shall reimburse the Board for engineering and consulting services to review and verify that the As-Built Plans conform to the Approved Site Plan.



27. This Special Permit granted under Section 3.13 shall have a term limited to the duration of the applicant's ownership of the premises as a Marijuana Establishment. This Special Permit may be transferred only with the approval of the Planning Board in the form of an amendment to the Special Permit with submittal of all information required in Section 3.13.F.4., including holding a public hearing with notifications sent by the applicant to abutters and posted in the newspaper as is required for Site Plan Reviews.

**VOTED regarding requested waivers as follows:**

|                         |                   |
|-------------------------|-------------------|
| Paul R. Anderson, Chair | <u>Yes</u>        |
| Marc S. Frieden         | <u>YES</u>        |
| Sarah K. Miles          | <u>YES</u>        |
| Barur R. Rajeshkumar    | <u>yes</u>        |
| Vincent P. Vignaly      | <u>          </u> |

**VOTED As Follows regarding Site Plan Review, Special Permit and Stormwater Management Review (waivers notwithstanding):**

|                         |                   |
|-------------------------|-------------------|
| Paul R. Anderson, Chair | <u>Yes</u>        |
| Marc S. Frieden         | <u>YES</u>        |
| Sarah K. Miles          | <u>YES</u>        |
| Barur R. Rajeshkumar    | <u>yes</u>        |
| Vincent P. Vignaly      | <u>          </u> |

No permit to build or alter any building or structure or change of use requiring a Site Plan Review shall be issued by the Building Inspector without a Certificate of Site Plan Review Approval. No changes to the Approved Site Plan may be made without Planning Board approval.

**Consented to by the West Boylston Planning Board:**

Paul R. Anderson  
Paul R. Anderson, Chair

Marc S. Frieden  
Marc S. Frieden

Sarah K. Miles  
Sarah K. Miles

Barur R. Rajeshkumar  
Barur R. Rajeshkumar

Vincent P. Vignaly  
Vincent P. Vignaly

Filed with the Town Clerk on 7/15/21

**This Site Plan Approval will not be released from the Town Clerk until the Applicant has Scheduled a Preconstruction meeting with the Planning Board's Consulting Engineer, submitted all required outstanding information, and submitted a tentative Construction Schedule for the project.**

RECEIVED

JUL 15 2021

*Lynna Haley McDaniel*  
TOWN CLERK'S OFFICE  
WEST BOYLSTON, MA

*Edward P. Han*  
Attest True Copy



**Office of the Town Clerk**  
Town of West Boylston  
140 Worcester Street  
West Boylston, MA 01583

August 06, 2021

**Certificate of No Appeal – Planning Board**  
**Notice of Decision to Grant a Special Permit**

**Evergreen Strategies, LLC. JH Energy USA, LLC. 166 Hartwell Street,  
West Boylston, MA**

The undersigned, being the Town Clerk of the Town of West Boylston, hereby certifies that the foregoing decision was filed with the Town Clerk on July 15, 2021, that twenty (20) days have elapsed after the filing of the decision, and NO notice of any action appealing the decision was filed with the Office of the Town Clerk during the twenty day period.

Certified this 6<sup>th</sup> day of August 2021

Elaine S. Novia  
Town Clerk