



THE PLANNING BOARD OF WEST BOYLSTON

140 WORCESTER STREET
WEST BOYLSTON, MASSACHUSETTS 01583

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

September 25, 2019

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

Applicant: Humboldt Masters, LLC
Owner: Daniels Nominee Trust-2015
Proposal: Marijuana Cultivation-Indoor, and Product Manufacturing Establishment
Site: 215 Shrewsbury 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 a 10,550 square foot greenhouse for indoor cultivation and manufacturing of marijuana products at the above-noted location including site improvements with the conditions listed below at a duly called and properly posted meeting of said Planning Board, held on **August 21, 2019**. The Planning Board, acting as the Town of West Boylston's Special Permit Granting Authority, voted to **GRANT the Special Permit** requested under Sections 3.2.1 and 3.6.B.3. and 5. of the Zoning Bylaws for a marijuana facility for indoor cultivation and manufacturing of marijuana products located at 215 Shrewsbury Street. The Planning Board, acting as the Town of West Boylston's Stormwater Authority's designee under General Bylaw XXXIII, Stormwater Bylaw, voted to **APPROVE WITH CONDITIONS** the Stormwater Management Permit for the Site at the same time.

The Approved Site Plan is entitled "Site Plan of Land at 215 Shrewsbury Street" and contains 6 sheets dated May 8, 2019 with revisions through September 3, 2019, prepared by Thompson-Liston Associates, Inc. of Boylston, MA. The Approved Site Plan is stamped by Robert Nunnemacher, P.L.S., Land Surveyor License #28977, and Patrick J. Healy, P.E., Civil License #39804. The Site Plan was originally filed with the Planning Board on May 8, 2019, concerning the proposed change of use from manufacturing to a marijuana facility at 215 Shrewsbury Street. The public hearing was opened on June 12, 2019, then continued to July 10, 2019, August 21, 2019, and September 11, 2019; and closed on September 11, 2019.

Findings:

1. The Applicant is Humboldt Masters, LLC, 149 Parsons Street, Brighton, Massachusetts 02135 (hereinafter "Applicant").
2. The Owner is Daniels Nominee Trust-2015, 15 Old Hamilton Road, Sturbridge, Massachusetts (hereinafter "Owner").
3. The improvements presented by the Applicant are relative to the site area (hereinafter "Site Area") located at 215 Shrewsbury Street, West Boylston, containing approximately 10,550 sf of greenhouse, 22,495 sf building, and site improvements for indoor marijuana cultivation and manufacturing of marijuana products.
4. The location of the proposed building with associated site improvements at 215 Shrewsbury Street is 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 215 Shrewsbury Street lot depicts 22 spaces, which is more than the zoning-required amount of 21 spaces.
6. Since this application depicts new construction, the Applicant's engineer has submitted a stamped/signed design for stormwater management to the Planning Board. The West Boylston Conservation Commission has indicated agreement that the project complies with the MassDEP Stormwater Standards and the West Boylston Stormwater Bylaw.
7. Regular maintenance of the Stormwater Management system is required. The Operation and Maintenance Plan for the Stormwater Management system is shown on Sheet C3 of the Approved Plan, is documented in the Stormwater Report, and is part of the site manager's required operations and maintenance procedures. The Owners have committed to executing it.
8. This approval specifically notes all waivers that were granted by the Planning Board. No other reductions or changes are allowed.
9. Comment letters/emails were received from the Fire Department, Police Department, Water District, and Building Department, who all recommended conditional approval.
10. A Memorandum of Understanding was signed by and between the land owners, Daniels Nominee Trust-2015 and the Town of West Boylston on September 3, 2019, concerning the removal of encroachments from the adjacent Town-owned property.

Waivers

The Applicant requested the following waivers from the West Boylston Planning Board and a decision was positively voted by said board on September 25, 2019:

1. Section 3.6.D.1.e. to limit the existing conditions survey to the extent shown on plans.
2. Section 3.6 D.1.g. to waive the requirement to submit a full existing conditions survey of off-site properties within 200 feet of the site.
3. Section 3.6.D.1.i. to waive the requirement to show structures on off-site properties on the plan.
4. Section 3.6 D.1.m. to waive the requirement for the preparation of a traffic analysis for the existing developed site.
5. Section 3.6.D.2.c. to waive the requirement for projected traffic flow patterns, pedestrian movements, and such other information as is required by this section.

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. 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 fees with the town.
3. The Applicant shall comply with the requirements of the DCR Asian Longhorn Beetle eradication program when removing vegetation from the site.
4. The Applicant shall comply with the Water District's requests to update with fire alarm and sprinkler protection before a building permit is issued.
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.
6. All lighting at the site shall be directed down, be anti-glare, and be in compliance with the Zoning Bylaws. Excessive light should not be visible beyond the property boundaries.
7. All proposed signage shall comply with the Signs and Billboards regulations in Section 5.6 of the West Boylston Zoning bylaws.
8. All proposed parking shall be set back at least 10' from the property boundaries. No parking is allowed on Town of West Boylston property. The existing improvements that encroach on the adjacent Town-owned property shall be removed in accordance with the Zoning Bylaws and the Memorandum of Understanding by and between Daniels Nominee Trust-2015 and the Town of West Boylston dated September 3, 2019. The agreed upon work shall be completed prior to the issuance of a Certificate of Occupancy for the project.
9. 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 the issuance of a Certificate of Occupancy.

10. The Applicant shall respond promptly to requested operational changes as required and determined by the West Boylston Police Chief based on facility operations.
11. There shall be no objectionable marijuana odor at the property line. Odor may be considered objectionable if it is detectable by the zoning enforcement officer (ZEO) or when detected at a reasonable threshold using a sensing device such as a "Nasal Ranger." If a complaint is made, the ZEO shall investigate and if an objectionable odor is detected, shall order that corrective measures be taken within 72 hours or sooner as deemed by the ZEO.
12. The Applicant shall provide the Zoning Enforcement Officer with a "Nasal Ranger" device and provide training as needed to properly operate the device.
13. No materials, equipment, or supplies shall be staged or stockpiled within the areas where the stormwater management systems are proposed to infiltrate into the ground. These areas shall not be used as temporary sediment storage areas during construction operations.
14. Any additions or changes to the proposed exterior signage, other than signs required under the Building Code, must comply with Section 5.6 of the West Boylston Zoning bylaws, be submitted to the Building Inspector and Planning Board, and receive approval from both prior to installation.
15. The Owner is responsible for obtaining all other State and Federal permits necessary to conduct the proposed work.
16. Construction is allowed only between the hours of 7:00 am and 6:00 pm Monday through Saturday. No construction is allowed on Sunday.
17. The proposed operation will have security employees on site 24-hours a day, but business operations are allowed only between the hours of 8:00 AM and 8:00 PM.
18. Once notice of no appeal is received from the Town Clerk, one set of plans will be signed by the Planning Board at a meeting, after all applicable fees are paid. 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.
19. 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 and the Planning Board's 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 \$3,500, said account to be administered in accordance with MGL c. 44, §53G.

20. 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)

21. 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.

22. 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.

23. 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.
24. 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.I.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.
25. 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 As Follows regarding Site Plan Review, Special Permit and Stormwater Management Permit (waivers notwithstanding):

Sarah K. Miles, Chair

Paul R. Anderson

Marc S. Frieden

Barur R. Rajeshkumar

Vincent P. Vignaly

yes
abstain
YES
yes
yes

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:



Sarah K. Miles, Chair

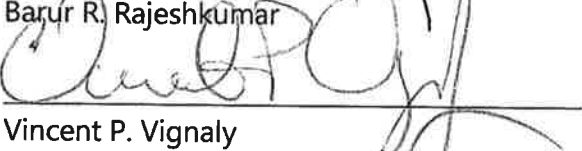
Paul R. Anderson



Marc S. Frieden



Barur R. Rajeshkumar



Vincent P. Vignaly

Filed with the Town Clerk on 9/26/19

This Site Plan Approval will not be released from the Town until the Applicant has paid all applicable fees, scheduled a Preconstruction meeting with the Planning Board's Consulting Engineer, and submitted a tentative Construction Schedule for the project.