



THE PLANNING BOARD OF WEST BOYLSTON

140 WORCESTER STREET
WEST BOYLSTON, MASSACHUSETTS 01583

CERTIFICATE OF SITE PLAN REVIEW APPROVAL AND SPECIAL PERMIT

December 11, 2019

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

Applicant: Ganesh Wellness, Inc.
Owner: The Wexford Group Inc., Michael V. Marino, Trustee
Proposal: Marijuana Retailer and Marijuana Product Manufacturing Establishment
Site: 65 West Boylston 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 use of an existing 4,418 square foot building for retail sales 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 **September 25, 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.I and 3.13.F.3 of the Zoning Bylaws for a marijuana facility for retail sales and manufacturing of marijuana products located at 65 West Boylston Street.

The Approved Site Plans are entitled "Ganesh Wellness, 65 Boylston Street, West Boylston, Massachusetts," and includes four sheets: the "Overall Site Plan" (Sheet 2.10), "Site Layout Plan" (Sheet 2.11), "ADA Compliant Plan" (Sheet 2.21,) and "Detail Sheet" (Sheet 3.01). The Approved Site Plans are dated 11/15/19 and are stamped by Kevin M. Solli, P.E., Civil License #51952, of Solli Engineering, Newbury Street, Boston, MA. The Site Plan was originally filed with the Planning Board on August 20, 2019, concerning the proposed change of use from unoccupied to a marijuana retail and manufacture facility at 65 West Boylston Street. The public hearing was opened on August 21, 2019, then continued to September 11, 2019; and closed on September 11, 2019.

Findings:

1. The Applicant is Ganesh Wellness Inc., 50 Congress Street, Suite 420, Boston, Massachusetts 02109 (hereinafter "Applicant").
2. The Owner is The Wexford Group, Inc., Michael V. Marino, Trustee, 49 Junction Sq. Drive, Concord, Massachusetts 01742 (hereinafter "Owner").
3. The improvements presented by the Applicant are relative to the site area (hereinafter "Site Area") located at 65 West Boylston Street, West Boylston, containing approximately 4,418 sf building, and site improvements for a marijuana retail and manufacture facility.
4. The Site Area is located in the Business 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 for the site does not include parking required for 10-15 employees, which will be transported to the site. The parking proposed depicts 93 parking spaces, which is more than the zoning-required amount of 87 spaces for the whole shopping mall.
6. The Applicant has submitted a signed certification from Kevin M. Solli, P.E., that the existing stormwater management system is in compliance 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 for the Stormwater Management system is the responsibility of the Owner.
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.

Waivers

The Applicant requested the following waivers from the West Boylston Planning Board and a decision was positively voted by said board on December 11, 2019:

1. 3.13.E.12.i) "no Special Permit application shall be deemed complete by the Planning Board until this information (proof that the application to the Commission has been deemed complete pursuant to 935 CMR 500.102) is provided."

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. All woody vegetation shall be removed from within the stormwater treatment basin and on its slopes, and properly disposed of before a certificate of occupancy 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. The existing cut-through pedestrian path leading to the southeast shall be blocked using at least five 6' tall evergreen trees per approved Site Layout Plan (Sheet 2.11), prepared by Solli Engineering.
8. 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.
9. The Applicant shall respond promptly to requested operational changes as required and determined by the West Boylston Police Chief based on facility operations.
10. The Applicant shall comply with the requirement from the Police Chief and the Planning Board to operate under a 'soft opening' procedure as stated to be 'by appointment only' until the Police Chief determines that this procedure is no longer necessary. If the Police Chief or the Planning Board deems that additional parking is needed, the 'soft opening' procedures will be implemented until an amended Site Plan Review process is completed.
11. The applicant shall submit to the Police Chief and Planning Board a summary of the operation and future parking needs 45 days after the Certificate of Occupancy is issued. At a subsequent Planning Board meeting, it will be decided if changes to the parking are needed.
12. There shall be no objectionable odor at the property line. Odor may be considered objectionable if it is detectable by a person with 'normal' sense of smell or by the zoning enforcement officer or

when detected at a reasonable threshold using a sensing device such as a "Nasal Ranger." If a complaint is made, the Zoning Enforcement Officer 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 Zoning Enforcement Officer.

13. All proposed signage shall comply with the Signs and Billboards regulations in Section 5.6 of the West Boylston Zoning bylaws.
14. Any additions or changes to the 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 Applicant is responsible for obtaining all other State and Federal permits necessary to conduct the proposed work. Permits from the Massachusetts Department of Transportation, District 3, are needed for work on all State highways.
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 may 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 Site Inspection Review 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 operation 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 the Site Plan Review and Special Permit (waivers notwithstanding):

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

Sarah K. Miles
Sarah K. Miles, Chair

Paul R. Anderson
Marc S. Frieden
Marc S. Frieden

Barur R. Rajeshkumar
Vincent P. Vignaly
Vincent P. Vignaly

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Filed with the Town Clerk on 12/11/19

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.