

DECISION
GRAFTON PLANNING BOARD
SPECIAL PERMIT (SP 2017-5) & SITE PLAN APPROVAL
MODIFICATION #1
Registered Marijuana Dispensary
8 Millennium Drive
Valiant Enterprises, LLC (Applicant/Owner)

RECEIVED TOWN CLERK
GRAFTON, MA
2019 JAN 16 AM 9:30

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Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the Board) on the petition of Valiant Enterprises, LLC (hereinafter the Applicant and Owner) for the Modification of a Special Permit & Site Plan Approval (SP 2017-5) to extend the period to construct to construct a Registered Marijuana Dispensary on property located at 8 Millennium Drive (hereinafter the Site) and shown on the Grafton Assessor's Map 5, Lot 1.J, and owned by Valiant Enterprises, LLC (hereinafter the Owner) by deed recorded in the Worcester District Registry of Deeds Book 57943, Page 270.

The Special Permit & Site Plan Approval decision, dated September 27, 2017, is recorded in the Worcester District Registry of Deeds (WDRD) in Book 57846, Page 219. Condition #A7 of said Approval decision requires the subdivision to be completed within one (1) year from the date of the end of the appeal period. The deadline for completion of the Special Permit was originally September 27, 2018.

I. BACKGROUND

The application for the Special Permit and Site Plan Approval (hereinafter Application) was filed with the Planning Board on July 25, 2018. Notice of the public hearing and the subject matter thereof was published in the Grafton News on August 9 and 16, 2018, posted with the Town Clerk's Office on August 7, 2018 and abutters were notified by First Class Mail.

A public hearing on the Application was opened on August 27, 2018. The following Board members were present during the entire public hearing process: Chairman Robert Hassinger, Vice Chairman Linda Hassinger, Members David Robbins and Michael Scully and Associate Member Paul Monroe. Throughout the public hearing, all those wishing to speak to the petition were heard. Following public input the hearing was closed on August 27, 2018.

II. SUBMITTALS

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

1. Application Submission, received July 25, 2018 to include the following;
 - Application for Special Permit, stamped by the Town Clerk on July 25, 2018, 1 page.
 - Letter from Robert C. Carr, Jr. of Nature's Remedy of Massachusetts, to the Grafton Board of Selectmen; 1 page.
 - Certificate of Good Standing, dated July 16, 2018; 1 page.
 - Certified Abutters List; dated July 16, 2018; 1 page.
2. Public Hearing Notice, stamped by Town Clerk on August 7, 2018, 1 page.
3. Email Correspondence: Board of Health; dated and received August 7, 2018; 1 page.
4. Email Correspondence: Zoning Board of Appeals; dated and received August 8, 2018; 1 page.
5. Email Correspondence: Police Chief; dated and received August 9, 2018; 1 page.
6. Public Hearing Notice, stamped by Town Clerk on August 7, 2018, 1 page.

III. FINDINGS

At their meeting of January 14, 2019 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 Mr. Robbins, seconded by Mr. Scully) voted 5-0 to make the following Findings:

1. 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 the Application.
2. That during the public hearing the Applicant presented the application. They are requesting an extension of the period to construct as delineated in Condition #7 of Special Permit SP 2017-5 which states:

In accordance with Section 1.5.8 of the ZBL, this Special Permit and Site Plan Approval shall lapse within one (1) year from the date of the expiration of the appeal period 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.

3. That during the public hearing the Applicant provided a project update and stated that they would like to finish their facility in Lakeville before starting construction in Grafton. The Board and Applicant discussed that they are still intending on keeping the facility as medical only and not looking to incorporate recreation sales.
4. That during the public hearing the Board solicited public comments from the audience. None was received.
5. Prior to the close of the public hearing the Board voted unanimously 4-0 that the request for an extension of time for period to construct was deemed a minor modification.

IV. DECISION

At their meeting of January 14, 2019 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 Mr. Robbins, seconded by Mr. Scully) voted 5-0 to **APPROVE** the Modification of the Special Permit (SP 2017-5) & Site Plan Approval with the following conditions:

1. This approval specifically modifies Condition #7 of Special Permit SP 2017-5, dated September 27, 2017, and is recorded in the Worcester Registry of Deeds, Book 56349, and Page 167. This approval as presented in this Decision specifically allows an extension of the time period to construct extending the deadline for completion to September 27, 2019.
2. Any request for additional extensions of said period of validity shall be considered a Modification of this Special Permit, and such request shall be filed and reviewed in accordance with the procedure in Section 1.5 of the ZBL.

3. This Modification of Special Permit (SP 2017-5) shall not take effect until the Decision has been recorded at the Worcester Registry of Deeds (WDRD) and a copy provided to the Planning Board and the Building Department. Said copy will include recording information such as the WDRD Book and Page Number /and/or Instrument Number.
4. All Conditions and requirements of Special Permit SP 2017-5, unless modified by this Decision, shall remain in full force and effect.

V. RECORD OF VOTE

Constituting a majority of the Planning Board, the following members voted 5-0 to **APPROVE** the Special Permit (SP 2017-5) & Site Plan Approval – Modification #1 with Conditions for and extension of time to construct a Registered Marijuana Dispensary based on the information received at the public hearing and the aforementioned findings.

<u>Robert Hassinger, Chair</u>	<u>AYE</u>	<u>Linda Hassinger, Vice Chair</u>	<u>AYE</u>
<u>Michael Scully, Member</u>	<u>AYE</u>	<u>David Robbins Member</u>	<u>AYE</u>
<u>Paul Monroe, Associate Member</u>	<u>AYE</u>		

DATE OF FILING OF DECISION: BY ORDER OF THE BOARD



Joseph Laydon, Town Planner

1-16-2019

Date

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

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