TOWN OF GRAFTON

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PLANNING DEPARTMENT

COPY

MEMORANDUM

EXHIBIT 6

TO:	Planning Board
FROM:	Joseph Laydon, Town Planner
CC:	File
DATE:	December 6, 2019
SUBJECT:	Staff Review of 8 Millennium Drive

The following comments reflect staff's review of the submitted application and accompanying material:

Location: 8 Millennium Drive, Map 5, Lot 1.J
Zoning: Office Light Industrial (OLI); Campus Development Overlay District (CDO)
Existing Use: Vacant Lot
Proposed Use: Approved for Registered Marijuana Dispensary (SP 2017-5)
Requested Use: One Year Extension of SP 2017-5.1 and Modification of SP 2017-5 to allow adult marijuana cultivation, processing, and manufacturing

Summary: The Board approved a special permit application for the construction of a 32,500-square foot building structure (26,100 s.f. for the initial phase) Registered Marijuana Dispensary in its September 27, 207 decision. The Applicant requested a one-year extension to construct a Registered Marijuana Dispensary in their July 25, 2018 application submittal. 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. The Board approved a decision (SP 2017-5.1) to grant an extension of the time period to construct extending the deadline for completion to September 27, 2019.

Waivers: Applicant has not submitted waiver lists since this is a modification of a previously approved decision and the sections being requested to be modified do not propose physical modifications of the site.

Neighborhood Setting: Located in Centech Park and abut industrial and commercial properties.

Requested Action: The Applicant is requesting a one-year extension of time to construct a facility and to modify the Board's decision (SP 2017-5) and to permit adult marijuana cultivation, processing, and manufacturing.

SP 2017-5 Decision: See attached.

Required Findings: The Board must make findings under Section 1.5.5 of the Zoning Bylaws.

Section 1.5.5

a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.

b. Off-street parking and loading areas where required, with particular attention to the items in paragraph (a) above, and the economic, noise, glare, or odor effects of the special permit on adjoining properties and properties generally in the district.

c. Refuse collection or disposal and services areas, with particular reference to items in paragraphs (a) and (b) above.

d. Screening and buffering with reference to type, dimensions and character.

e. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.

f. Required yards and other open space; and

g. General compatibility with adjacent properties and other property in the district.

h. There will not be any significant adverse impact on any public or private water supply.

i. If the subject site is located within the Water Supply Protection Overlay District, there will not be any significant or cumulative impact upon municipal water supplies, and the Board shall give appropriate consideration to contamination by nitrate-nitrogen loading in making this determination.
(T.M. 10-28-86)

j. Protect important historic, cultural and scenic landscapes. (TM 10-18-99)

Thank you.

DECISION

GRAFTON PLANNING BOARD
SPECIAL PERMIT (SP 2017-5) & SITE PLAN APPROVAL

Registered Marijuana Dispensary

8 Millennium Drive
Natures Remedy, Inc. (Applicant)
85 Green Street Limited Partnership (Owner)

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 Special Permit & Site Plan Approval 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 85 Green Street Limited Partnership (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds Book 30622, Page 198.

I. BACKGROUND

The application for the Special Permit and Site Plan Approval (hereinafter Application) was filed with the Planning Board on May 10, 2017. Notice of the public hearing and the subject matter thereof was published in the Grafton News on May 25 and June 1, 2017, and posted with the Town Clerk's Office on May 23, 2017. Abutters were notified by First Class Mail.

A public hearing on the Application was opened on June 12, 2017 and continued to June 26, July 10, July 24, August 14, and August 28, 2017. The following Board members were present throughout the public hearing process where testimony was received: Chair Michael Scully (Mullen Certification for August 28, 2017 hearing), Vice Chair Robert Hassinger, Clerk Daniel Graham, Member David Robbins, Member Linda Hassinger, and Associate Member Sharon Carroll-Tidman. Throughout the public hearing, all those wishing to speak to the petition were heard. Following public input the hearing was closed on August 28, 2017.

II. SUBMITTALS

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

EXHIBIT 1. Original Application Submission, received on May 10, 2017:

a. Application Packet, Stamped by the Town Clerk's Office on May 18, 2017, Dated May 10, 2017; 15 pages.
b. Site Plan Set, prepared by Heritage Design Group, stamped by Erick J. Bazzett and Walter R. Kyark, dated May 8, 2017; 12 pages.
c. Stormwater Management Report, prepared by Heritage Design Group, stamped by Erick J. Bazzett, dated May 8, 2017; 100 pages.

EXHIBIT 2. Public Hearing Notice, stamped by the Town Clerk's office on May 23, 2017; 1 page.

EXHIBIT 3. Email, Subject: Special Permit & Site Plan Approval – Natures Remedy – 8 Millennium Drive, From K. Koshivos, ZBA, dated and received May 23, 2017; 1 page.

EXHIBIT 4. Email, Subject: Special Permit & Site Plan Approval – Natures Remedy – 8 Millennium Drive, From Maria Mast, Conservation Agent, dated and received May 23, 2017; 1 page.

EXHIBIT 5. Revised Waiver Request, Traffic Study Requirement – Zoning Bylaw Section 8.2, received May 23, 2017; 1 page.

EXHIBIT 6. Email, Subject: Special Permit & Site Plan Approval – Natures Remedy – 8 Millennium Drive, From Matt Pearson, dated June 1, 2017, received June 2, 2017; 1 page.

EXHIBIT 7. Memo from Devin Clarke, Planning Intern, SUBJECT: Completeness of application – 8 Millennium Drive – Registered Marijuana Dispensary, dated June 2, 2017; 4 pages.

EXHIBIT 8. Public Hearing Sign-In Sheet, dated June 12, 2017; 1 page.

EXHIBIT 9. Public Hearing Continuance request for June 26, 2017, dated June 12, 2017; 1 page.

EXHIBIT 10. Peer Review, Graves Engineering, Inc., Subject: Proposed Registered Marijuana Facility, dated June 21, 2017; 4 pages.

EXHIBIT 11. Traffic Impact Analysis for the Nature's Remedy, submitted by Pare Corporation, dated June 2017; 58 pages.

EXHIBIT 12. Site Plan, prepared by Heritage Design Group, revised through June 19, 2017; 12 pages.

EXHIBIT 13. Public Hearing Continuance request for July 10, 2017, dated June 23, 2017; 1 page.

EXHIBIT 14. Correspondence, Re: Site Plan Review – Special Permit, from Heritage Design Group, dated and received July 7, 2017; 4 pages.

EXHIBIT 15. Stormwater Management Report; submitted by Heritage Design Group, stamped by Eric J. Bazzett, dated and received July 7, 2017; 117 pages.

EXHIBIT 16. Public Hearing Continuance request for July 24, 2017, dated July 10, 2017; 1 page

EXHIBIT 17. Construction Phases, dated June 9, 2017, received July 12, 2017; 1 page.

EXHIBIT 18. Site Plan, prepared by Heritage Design Group, stamped by Eric J. Bazzett, dated May 8, 2017, revised through July 7, 2017; received July 12, 2017; 14 pages.

EXHIBIT 19. Community Benefit Agreement, signed by the Board of Selectmen, no date, received on July24, 2017; 7 pages.

EXHIBIT 20. Letter of Non-Opposition, Signed by the Board of Selectmen, dated October 4, 2017, received July 24, 2017; 1 page.

EXHIBIT 21. Peer Review, Graves Engineering, Inc., Subject: Proposed Registered Marijuana Facility, dated July 24, 2017; 6 pages.

EXHIBIT 22. Traffic Impact Analysis Review, Subject: Transportation Consulting Services, Nature's Remedy Facility 8 Millennium Drive, Grafton, MA, prepared by MDM Transportation Consultants, Inc., dated and received July 24, 2017; 6 pages.

EXHIBIT 23. Public Hearing Sign-In Sheet, dated July 24, 2017; 1 page.

EXHIBIT 24. Public Hearing Continuance request for August 14, 2017, dated July 24, 2017; 1 page.

EXHIBIT 25. Public Hearing Continuance request for August 28, 2017, dated August 10, 2017; 1 page.

EXHIBIT 26. Peer Review, Graves Engineering, Inc., Subject: Proposed Registered Marijuana Facility, dated and received August 23, 2017; 4 pages. Provisional Certification of Registration for Marijuana Dispensary for a Dispensary, Cultivation and Processing Facility in Grafton, From Charles D. Baker, Governor, dated November 16, 2016; received August 25, 2017, 4 pages.

EXHIBIT 27. Revised Site Plan, Prepared by Heritage Design Group, Stamped by Eric J. Bazzett, Dated May 8, 2017, revised through August 14, 2017, received August 25, 2017; 13 pages.

EXHIBIT 28. Public Hearing Sign-In Sheet, dated August 28, 2017; 1 page

EXHIBIT 29. Mullen Certification for public hearing missed on August 28, 2017 signed by Michael Scully on September 5, 2017.

III. DISCUSSION

On June 12, 2017 Chairman Scully opened the hearing. Mr. Graham read the Legal Notice. Present for the hearing was Robert Carr, President of Nature's Remedy, Phil Silverman, legal counsel for the applicant and Eric Bazzett, of Heritage Design Group, LLC. Mr. Carr introduced the outline of the scope of the plans. Mr. Silverman noted the regulatory system of medical marijuana specifically the process of "vertical integration" consisting of cultivation, processing and dispensing the product. He noted the strict access regulations and security for dispensaries like the proposed for patients and workers. John Brady, Operations Manager of the facility spoke to the Board Members on the research and development that will be conducted at the facility. The facility will be built to minimize the carbon footprint on the environment. Mr. Brady spoke to the Board on the average foot traffic of the site along with the services patients' services available. He noted the legal agreement with the Town of Grafton to come before the Town and reapply in the case that the law allows for a recreational use for previously existing medical facility.

Mr. Bazzett reviewed the site plan with Board Members, noting the present fence and compost area. He reviewed the topography and plans for drainage with respects to the open stormwater design at the site. Mr. Bazzett also reviewed the light and landscaping plan for the site. Mr. Laydon requested a demonstration of compliance for the regulations as set by the Department of Public Health pertaining to composting and disposal of any materials containing active ingredients. The potential for delivery of medical items was discussed.

Mr. Laydon noted the changes needed for the following:

- Relocation of the proposed fence to comply with setback requirements.
- Landscaping
- Grading on the south side of the property to provide some sort of a buffer from abutting properties looking down.

Applicant was asked to provide information as requested by WBDC pertaining to the exterior of the building in order to comply with the restrictive covenant on the site design. Mr. Carr provided details on

the structure of the Butler building proposed. Once the application of the detailed security plan is finalized the applicant will consult Chief of Police, Normand Crepeau.

Applicant stated that the projected time line for opening the site if all goes well would be July 1, 2018.

The Board voted 5 to 0 to continue the public hearing to June 26, 2017 at 7:30 p.m.

On June 26, 2017 Chairman Scully opened the public hearing and noted the applicant has submitted a written request to continue the hearing. Mr. Laydon stated the applicant is requesting a continuance in order to finalize plans for the Conservation Commission and Planning Board. The Board voted 5 to 0 to grant the applicant's written request to continue the Public Hearing to July 10, 2017.

On July 10, 2017 Chairman Scully opened the public hearing and noted the applicant has submitted a written request to continue the hearing. The Board voted 5 to 0 to grant the applicant's written request to continue the Public Hearing to July 24, 2017.

On July 24, 2017 Chairman Scully opened the public hearing. Present for the hearing was Bob Carr and Eric Bazzett representing the applicant. Mr. Carr and Mr. Bazzett discussed the following:

- Composting area at the site
- Traffic study was submitted as well as a service analysis.
- Worcester Development Corp suggested changes to the plan and provided guidance with Conservation Commission submission.
- Drainage
- Fencing along the back side of property.
- Dumpster pad was added to the plans along with landscaping between Primary Colors property.

The Board discussed the need for a peer review of the traffic study. Mr. Laydon recommended that in the future, a count at the entrance could be conducted, however that a peer review in addition to the original traffic study with in the master plan be unnecessary. The Board agreed that there was not a need for a peer review of the traffic study at this time.

The Board discussed the implications of potential and recent changes to the legislature pertaining to the sale of recreational marijuana. Mr. Hassinger noted that though the applicant is required to come back before the Board of Selectmen for a letter of support/non-opposition in order to include the sale of recreational marijuana, it is the job of the Planning Board to have the applicant come back with any request of sales other than medical products in order to give the public a chance to comment on the changes.

Mr. Laydon noted that a condition be added to state that any changes to the sale of marijuana products, other than those for medical purposes, require the applicant come back before the Board for modification of the special permit. Mr. Carr agreed with the Board that such a condition be added to the decision. Mr. Carr expressed his intent to be a positive business member of the community.

Mr. Laydon added that the last outstanding items consisted of updates to the wetland layer of the plan set, including erosion control lines and flag locations. Since the base plans for the project will not change outside of the mentioned items, Mr. Laydon advised the board to keep the hearing open to receive that documentation and that he would begin drafting a decision for the next upcoming meeting.

The Board voted 5 to 0 to grant the applicant's written request to continue the Public Hearing to August 14, 2017 and to direct staff to draft the decision for the next meeting based on the testimony and discussion heard.

On August 14, 2017 Chairman Scully opened the public hearing and noted the applicant has submitted a written request to continue the hearing. Mr. Laydon stated the applicant is requesting a continuance in order to finalize their storm water management plans for the Conservation Commission. The Board voted 5 to 0 to grant the applicant's written request to continue the Public Hearing to August 28, 2017

On August 28, 2017, Vice-Chairman Hassinger opened the public hearing.

Present for the hearing was Robert Carr of Nature's Remedy and Eric Bazzett of Heritage Design Group. Mr. Laydon stated that the Board has received revised plans and a peer review letter from Graves Engineering that states all previous comments had been addressed. He stated that the Conservation Commission had closed the hearing and was drafting an Order of Conditions. Mr. Laydon added that Mr. Carr submitted a letter from the Department of Public Health indicating approval of their application.

Mr. Carr spoke to the Board about the State's Approval Letter received by the Board of Health. Mr. Carr and Mr. Bazzett spoke to the Board about the changes made to the plan as a result of going before the Conservation Commission. Mrs. Carrol-Tidman noted that the plan is pending the sale of the small triangle of land and completion of an Approval Not Required (ANR). Mr. Laydon stated he would prepare a condition within the decision regarding the necessary of the triangular piece of land for the project to proceed to construction otherwise an amendment of the decision would be required.

The Board voted 4 to 0 to close the hearing, Mr. Scully was not in attendance (see Exhibit #29).

III. FINDINGS

At their meeting of September 5, 2017 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 Mrs. Hassinger) voted 5-0 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 the Application.

F2.) That determinations regarding the following findings are also predicated upon satisfactory completion of the work and site improvements shown on the Plans and maintenance of the Site

in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.

F3.) That the 10.6-acre site is located in an Office / Light Industrial (OLI) zoning district. The site is not located within the Water Supply Protection Overlay District. The Applicant is seeking a Special Permit for a Registered Marijuana Dispensary as defined in Section 2.1 of the Grafton Zoning By-law which defines the use as such: *"A use operated by a not-for-profit entity registered and approved by the MA Department of Public Health on accordance with 105 CMR 725.000, and pursuant to all other applicable state laws and regulations, also to be known as a Medical Marijuana Treatment Center, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. A RMD shall explicitly include facilities which cultivate and process medical marijuana, and which may also dispense and deliver medical marijuana and related products. The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not agriculturally exempt from zoning."* Said use is allowed by Special Permit in an OLI zone and is further subject to Site Plan Approval as required by the Zoning By-law.

F4.) For the purposes of the Zoning Bylaw, a Registered Marijuana Dispensary is not considered a pharmaceutical use pursuant to Section 9.4.B and therefore Section 9 entitled Campus Development Overlay is not applicable as it related to the use. Other applicable section of Section 9 such as but not limited to setback, signage, and design guidelines do apply.

F5.) The proposed scope of work involves the construction of a 32,500-square foot building structure (26,100 s.f. for the initial phase) housing a Registered Marijuana Dispensary; gravel and paved areas for access, parking, and vehicle storage; supporting utilities and a stormwater management system (see Exhibit #1a and Exhibit #17).

F6.) The proposed Marijuana Dispensary will be used for the following activities: planting, cultivation, processing, composting, storage of various marijuana plants. Processing includes trimming, cooking, extracting, packaging, and storing of finished and partly finished products. The retail dispensary will be used for meeting with qualified patients and sale of products to qualified patients (see Exhibit #1a).

F7.) The Town of Grafton Board of Selectmen signed a letter of Non-Opposition for Nature's Remedy to operate a Registered Marijuana Dispensary as taken by vote on October 4, 2016 (see exhibit #20).

F8.) Testimony was received by the Applicant that a condition requiring the modification of this Decision would be acceptable and that modification of the decision would be required prior to any sale of recreational marijuana.

F9.) The Department of Public Health for the Commonwealth of Massachusetts issued a provisional certificate of registration for a Registered Marijuana facility in Grafton dated November 18, 2016 (see Exhibit #27).

F10.) The proposed hours of operation for the cultivation facility shall be 9:00 AM to 5:00 PM, seven days a week. The proposed hours of operation for the retail dispensary to qualified patients shall be 10:00 AM to 7:00 PM Monday through Friday and Saturday and Sunday 10:00 AM to 3:00 PM.

F11.) The maximum number of employees for a single shift shall be 16; 11 for the cultivation and 5 for the retail dispensary for the initial construction phase. Future growth of the structure will add 16 employees to the cultivation facility.

F12.) The Applicant requested two waivers as part of the application submission. A waiver was requested from Section 4.4.3.4.4.2 pertaining to maximum size of a free-standing sign (see Exhibit #1a). A second waiver was requested from the submission of a traffic study (see Exhibit #5). No action on the waiver request was taken by the Board as the sign dimensions were governed by Section 9.6.4 which permitted the requested sign and the Applicant submitted a traffic study (see Exhibit #11) thereby withdrawing the waiver request.

F13.) That during the public hearing the Board and the Applicant discussed the access to the site, site circulation, fencing, and the composting area. The Applicant noted that they had reviewed the plans with the Police Department, who were concerned about security and response to the site by emergency personnel.

F14.) At the August 28, 2017 hearing, the Applicant stated the revised stormwater management system required the transfer of a triangular piece of land from Worcester Business Development Corporation measuring 110.00 feet by 122.11 feet by 164.73 feet in dimension (see Exhibit #26). Without the triangular piece of land, the stormwater system would need to be redesigned. The Board stated that should the transfer of the land not occur; the decision will need to be amended. The Applicant stated they would seek to submit an Approval Not Required Plan to the Planning Board for endorsement.

F15.) The Board notes that it has received a peer review report from Graves Engineering which addressed outstanding issues identified at the June 21 and July 24, 2017 hearing dates. The Board notes that all items and issues had been addressed to the satisfaction of the peer review engineer and that no outstanding issues remain with regards the submission materials and specifically to the plan set revised through August 14, 2017 (see EXHIBIT #26). The Board notes that the Applicant submitted a final revised plan set which reflects the changes required by the Conservation Commission and incorporated all changes required by the Planning Board (see EXHIBIT #28).

At their meeting of September 5, 2017 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 Mrs. Hassinger) voted 5-0 to make the following Findings with regard to the specific issues listed in Section 1.5.5 of the ZBL:

F16.) With regard to Section 1.5.5(a), the Board finds that based on Exhibits and Findings stated within this Decision, ingress and egress to the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe, is adequate. The Board notes that the site circulation was discussed and that no adjustments to the site plan were required based on the location of the site and nature of the proposed use.

F17.) With regard to Section 1.5.5(b), the Board finds that based on the Exhibits and the Findings stated within this Decision, that off-street parking is adequate. The Board further finds with regard to Section 1.5.5(b) that the economic, noise, glare, or odor effects of the special permit on adjoining properties and properties generally in the district are satisfactory. The Board notes that the site is located within an Office / Light Industrial (OLI) and the Campus Development Overlay District (CDOD) zones as are the abutting properties.

F18.) With regard to Section 1.5.5(c), the Board finds that based on the Exhibits and the Findings stated within this Decision, that refuse collection or disposal and service areas are satisfactory. The Board notes that the Applicant addressed the refuse collection by noting that there will be an external composting area for management of marijuana plan remains from processing and composting procedures shall be consistent with Department of Public Health requirements.

F19.) With regard to Section 1.5.5(d), the Board finds that based on the Exhibits and the Findings stated within this Decision, screening and buffering with reference to type, dimensions and character are adequate. The Board notes that the Applicant addressed the issue about landscaping along the southern property line in the site plan to the satisfaction of the Board given the nature of the proposed use and site location (see EXHIBIT #28). No public comment was received on this matter.

F20.) With regard to Section 1.5.5(e), the Board finds and based upon on the Exhibits and the Findings stated within this Decision, signs and exterior lighting with reference to glare, traffic safety, economic effect is compatible and in harmony with properties in the district. One sign is proposed as part of this Application as depicted on the approved site plan and the Applicant has demonstrated the exterior sign shall be in conformance with sign requirements pursuant to Section 9.6.4. Exterior lighting will be limited to four (4) lamp posts and wall mounted lights at building entrances and garage doors (see EXHIBITS #28). Applicant did not address Planning Department comment #3 on page 4 of the memo dated June 2, 2017 which states the light pole fixture is inconsistent with Centech Park and should examine alternative fixture designs (see Exhibit #7).

F21.) With regard to Section 1.5.5(f), the Board finds that based upon on the Exhibits and the Findings stated within this Decision, the required yards and other open space requirements are adequate (see EXHIBIT #28).

F22.) With regard to Section 1.5.5(g), the Board finds that based upon on the Exhibits and the Findings stated within this Decision, that the proposed use of the facility is generally compatible with adjacent properties and other properties in the Office / Light Industrial (OLI) and the Campus Development Overlay District (CDOD) zones. The site is located in Centech Park which contains industrial, commercial, professional uses with similar or greater intensity of use than the proposed Registered Marijuana Dispensary. No public comment was received regarding this condition for granting.

F23.) With regard to Section 1.5.5(h), the Board finds that based upon on the Exhibits and the Findings stated within this Decision and upon satisfying and complying with all applicable requirements of the Massachusetts DEP, Grafton Water District, and all other applicable agencies, the proposed facility will not have any significant adverse impact on any public or private water supply. The Board notes that the Applicant adequately satisfied this required through the peer review process (see EXHIBIT #26).

F24.) With regard to Section 1.5.5(i), the Board finds that the site is not located within the Water Supply Protection Overlay District. The Board further finds that, based upon on the Exhibits and the Findings stated within this Decision, and upon satisfying and complying with all applicable requirements of the Massachusetts DEP, Grafton Water District, and all other applicable agencies, there will not be any significant adverse impact upon municipal water supplies (see FINDING #F26).

F25.) With regard to Section 1.5.5(j), the Board finds that important historic, cultural and scenic landscapes are protected. It was noted that the site is located within an existing industrial park and involves the construction of a Registered Marijuana Dispensary on an undeveloped parcel and therefore does not impact any historic, cultural, or scenic resource. No comments were received from potentially interested parties in this matter.

F26.) With regard to Section 1.5.5(k), the Board finds that the proposed Registered Marijuana Dispensary has satisfied that it is compliance with 105 CMR 725.000 and approved regulations of the MA Department of Public Health (see Exhibit #27). Specifically, the Board finds that the proposed Registered Marijuana Dispensary is located greater than 500 feet a school, daycare center, or any facility in which children commonly congregate.

At their meeting of September 5, 2017 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 Mrs. Hassinger) voted 5-0 to make the following Findings:

F27.) That Section 1.3.3.2 of the ZBL requires that the procedure for the Site Plan Review, as defined in the ZBL, be incorporated into the procedure for reviewing Special Permits.

F28.) That Section 1.3.3.3 of the ZBL defines the procedure for Site Plan Review, including a description of the plans and materials to be submitted to the Planning Board.

F29.) The Board finds that Section 1.3.3.4 of the ZBL allows an applicant to request waivers from certain requirements of the Site Plan Review procedure. The Board finds that the Applicant did not submit waiver requests from Section 1.3.3 of the Grafton Zoning By-Law (see EXHIBIT #1).

IV DECISION

At their meeting of September 5, 2017 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 Mrs. Hassinger) voted 5-0 to **APPROVE** the Special Permit (SP 2017-5) & Site Plan Approval with the following conditions:

A. Standard Conditions

1. This Special Permit and Site Plan Approval specifically authorizes the construction of a registered marijuana dispensary as described within the EXHIBITS and FINDINGS of this Decision (EXHIBITS #1 and #28).
2. This special permit authorizes uses associated with a registered marijuana dispensary and does not permit the sale of recreational marijuana. Any alteration, expansion, or change in use shall require modification of this decision (see Finding #8).
3. The work authorized by this Special Permit and Site Plan Approval shall be solely for the purposes noted within Condition #A1 of this Decision. Changes to plan presented in this Application may be made only upon authorization from the Planning Board. Such authorization shall only be granted provided the Board finds that any change requested by the Applicant is not substantially different than the plan presented within the EXHIBITS of this Decision, and is consistent with the intent and purpose of this Decision. Requests for such change(s) shall be submitted in writing to the Planning Board.
4. Construction of the improvements shown on the Plans approved as part of this Decision is subject to approval by the Grafton Conservation Commission. Any Order of Conditions and/or permits issued by the Conservation Commission with respect to this Application are hereby incorporated by reference. If such Order of Conditions and/or permits require substantial modifications to any of the plans approved by the Planning Board, the Board may, upon its determination, require a modification of this Decision if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision.
5. Signage for, and associated with, the use authorized by this Decision shall be installed in accordance with this decision, and conform to, the Town of Grafton Zoning By-law. This Decision shall not be construed as approving or authorizing any directional such signage, which may be permitted in conformance with the Zoning By-law.
6. All lighting shall be dark sky compliant and direct light downward. Prior to the installation of lamp posts, the Applicant shall provide information that demonstrates that the light pole fixture on Sheet 13 (see Exhibit 28) comply with this condition. Alternative fixture designs shall be submitted to the Planning Board and or its Agent to determine compliance with this condition.

7. 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.
8. This Special Permit and Site Plan Approval shall not take effect until the Decision has been recorded at the Worcester District Registry of Deeds (WDRD) and provided the Planning Board and the Building Department with a copy of such recording, including the WDRD Book and Page Number and/or Instrument Number.
9. By recording this Special Permit and Site Plan Approval Decision in the WDRD, the Applicant agrees to and accepts the conditions set forth in this Special Permit and Site Plan Approval Decision.

B. Conditions to be Met Prior to the Start of Construction

1. Prior to the issuance of a Building Permit, the Applicant shall provide a copy of the recorded Approval Not Required Plan, or similar plan demonstrating the transfer of land required for the construction of the stormwater management system (see Finding #13).
2. Prior to the commencement of work, the Planning Board shall be provided with the following:
    a. Six (6) full size copies of the plan set, 24" x 36", one of which shall be sent directly to the Town's peer review consulting engineer.
    b. An electronic copy of the plan set. The electronic copy shall be in a "PDF" compatible format.
3. Prior to any clearing the site shall be inspected by the Planning Board or its designee to review the delineated limits of work, erosion control and site stabilization measures.

C. Conditions to be Met During Construction

1. Hours of construction and earthwork proposed shall only occur Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. and Saturdays from 8:00 a.m. and 5:00 p.m. There shall be no construction activity on Sundays or state and federal holidays.
2. All grading and construction shall be performed in accordance with the approved Plans, as well as all applicable Federal, State and Local regulations, and shall be accomplished so as not to discharge any pollutants or siltation into waterways or resource areas during construction, and after completion, from the site and its associated improvements.

D. Conditions to be Met After Construction

1. The Applicant / Owner shall ensure that the landscaping is maintained for the life of the permit. order to ensure a healthy landscape screening and buffering plan. The Applicant will adhere to the following:

a. Ensure that the plant material is maintained properly especially during the first three years after installation.

b. Replace any plant material that fail to thrive either through death or disease in a timely manner. Replacement material shall be in kind. Any change in plant material must be approved by the Board or its Agent.

c. Regular Inspections – the Planning Board or its Agent reserves the right to inspect the site, with particular attention to the landscaping, to ensure continued compliance with this Special Permit and Site Plan Approval.

d. Maintain the landscaping and fencing.

2. Hours of operation for the uses authorized by this Decision shall be limited to proposed hours of operation for the cultivation facility shall be 9:00 AM to 5:00 PM, seven days a week. The proposed hours of operation for the retail dispensary to qualified patients shall be 10:00 AM to 7:00 PM Monday through Friday and Saturday and Sunday 10:00 AM to 3:00 PM (see Finding #10). No sign may be illuminated more than thirty (30) minutes after closing of any store or business in accordance with Section 4.4.2 of the Grafton Zoning By-Law.

3. Prior to certification that the project is complete and all elements of this decision have been complied with, Applicant shall submit an as-built plan that shall contain infrastructure such as water, sewer, stormwater management, edge of pavement, foundation, signs, and other improvements. As-built Plan shall be provided electronically in PDF format and in a CAD format that complies with MassGIS standards.

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 Application with Conditions to construct a contractor's yard based on the information received at the public hearing and the aforementioned findings.

Michael Scully, Chair	AYE	Robert Hassinger, Vice Chair	AYE
Daniel Graham, Clerk	AYE	David Robbins Member	AYE
Linda Hassinger, Member	AYE		

DATE OF FILING OF DECISION: **BY ORDER OF THE BOARD**

_____ _____
Joseph Laydon, Town Planner Date

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

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 Lavallee, Interim Town Clerk

_____
Date