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FletcherTilton PC
Attorneys at law

January 22, 2020

HAND DELIVERED

John Vigliotti, Chairman
City of Worcester Planning Board
Worcester City Hall
455 Main Street
Worcester, MA 01608

RE: Amendment to Special Permit
143 Southwest Cutoff

Dear Chairman Vigliotti and Members of the Board:

On behalf of Evergreen Strategies, LLC, enclosed please find the following:

1. Original and fifteen (15) copies of Application for Amendment of Special Permit;

2. Original and fifteen (15) of Letter explaining proposed change;

3. Original and fifteen (15) copies of the Certified Map and List of Abutters;

4. Two (2) sets of stamped envelopes for each party on the Certified Abutters List; and

5. Fee in the amount of $330.00.

I look forward to the opportunity to present this matter to the Board at its first available hearing date.

Very truly yours,

Mark L. Donahue, Esq.
Director/Transactional Practice Group
Fletcher Tilton PC
The Guaranty Building
370 Main Street, 11th Floor
Worcester, MA 01608
Tel. 508.459.8029
Email mdonahue@fletchertilton.com

Enclosures

Please direct all correspondence to our Worcester office

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FletcherTilton PC
Attorneys at law

January 23, 2020

HAND DELIVERED

John Vigliotti, Chairman
City of Worcester Planning Board
Worcester City Hall
455 Main Street
Worcester, MA 01608

RE: Amendment to Special Permit
143 Southwest Cutoff

Dear Chairman Vigliotti and Members of the Board:

On behalf of Evergreen Strategies, LLC, we respectfully request a deletion of the parking conditions under Item No. 1 of the Conditions Approval of the Special Permit Decision dated June 5, 2019. During the approval process for the Special Permit, the operator of the cultivation facility located at 141 Southwest Cutoff, raised concerns about inadequate parking to support the dispensary use. Those concerns raised have been resolved with the abutting property owner and it is agreed that the auxiliary parking is no longer necessary due to the quantity of parking dedicated to the proposed use (which exceeds the parking requirements of the City of Worcester) and the availability of shared parking throughout the combined site.

For the convenience of the Board the Special Permit as granted June 5, 2019 and the proposed parking plan submitted therewith are attached.

Therefore, we respectfully request this Board to remove the condition Item #1 from the Special Permit.

Very truly yours,

Mark L. Donahue, Esq.
Director/Transactional Practice Group
Fletcher Tilton PC
The Guaranty Building
370 Main Street, 11th Floor
Worcester, MA 01608
Tel. 508.459.8029
Email mdonahue@fletchertilton.com
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CITY OF WORCESTER PLANNING BOARD

SPECIAL PERMIT APPLICATION FOR ADULT USE MARIJUANA CHECKLIST & REQUIREMENTS

Division of Planning & Regulatory Services
455 Main Street, Room 404, City Hall, Worcester, MA 01608
Office 508-799-1400 ext. 31440 – Fax 508-799-1406

One original and 15 copies of the following documents and plans:

A. Zoning Determination Form

- ❑ Form is provided by the Building & Zoning Division of Department of Inspectional Services located at 25 Meade Street.
- ❑ Form must be signed by an authorized Building & Zoning Division staff member. There is no fee for the zoning determination form.

B. Application

- ❑ An application with original signatures by all petitioners.
- ❑ If you are not the owner of the subject property and are a lessee or optionee, provide supporting information such as a lease or a purchase and sale agreement that shows your interest in the property, including confirmation of the lessor's consent to operate a Marijuana Establishment at the property.

C. Certification of Tax/Revenue Collection Compliance

- ❑ All current owners of subject property and applicants must certify that all local taxes, fees, assessments, betterments, or any other municipal charges of any kind are current with the City Treasurer's Office (part of the application).

D. Plan of Land - All applications that require site plan or parking plan approval shall include such plans as part of the special permit application. Applications that do not require site plan or parking plan approval shall include a plan of land meeting the following minimum requirements:

- ❑ The plan shall be at least 8.5" x 11" or 11" x 17", drawn to scale 1 inch equals 40 feet.
- ❑ A directional arrow indicating a north point.
- ❑ Names of streets.
- ❑ Summary of zoning classification requirements, parking requirements and minimum yard dimensions.
- ❑ Names of owners of properties up to abutters of abutters within 300 feet of the applicant's property lines,
- ❑ The location of any existing buildings or use of the property.
- ❑ Distances from adjacent buildings.
- ❑ Property lines shall be verified in the field and shown on the plan.
- ❑ Dimensions of the lot.
- ❑ Percentage of the lot covered by the principal and accessory buildings, proposed and existing.
- ❑ Existing rights of way, entrances and exits, circulation.
- ❑ Location, size and arrangement of lighting and signs.
- ❑ Fences (existing and proposed).

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- ☐ Walkways and sidewalks.
- ☐ Landscaped areas.
- ☐ Dumpster location.
- ☐ Parking and loading spaces, driveways, aisles.
- ☐ Security plan elements, including the arrangement of pedestrian circulation and access to the public points of entry to the premises from the nearest public or private street or off-street parking area, as well as the location of any walkway structures, lighting, gates, fencing, and landscaping (see item F below).
- ☐ Locus plan and legend.

E. **Certification of Minimum Distance Requirements** - A plan or written certification signed by a licensed surveyor demonstrating compliance with the 500 foot linear distance requirements from any public or private, primary or secondary school, licensed daycare center, public library, public park or playground, or any Marijuana Storefront Retailer (as applicable). The submitted plan shall include a map depicting the lines of measurement between the site and any of the aforementioned uses; if no such uses are located within 800 foot of the site, this map may be omitted. Linear distances are to be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Establishment.

F. **Security Plan** - Detail how the property will be monitored and secured so as to avoid, deter and prevent illegal activities from taking place upon or about the applicant' s premises. Security plan should reference the plan of land showing the arrangement of pedestrian circulation and access to the public points of entry to the premises from the nearest public or private street or off-street parking area, as well as the location of any walkway structures, lighting, gates, fencing, and landscaping.

G. **Odor Control Plan** - Plan demonstrating how all resulting odors, smoke, vapor, fumes, pesticides, insecticides or other chemicals, gases and particulate matter from marijuana or its processing or cultivation shall be effectively confined to the premises or so disposed. Said plan shall detail the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative and engineering controls that will be implemented to control such odors, including maintenance of such controls.

H. **CCC Documents** - Copies of all licenses, permits and documentation demonstrating application status, registration or licensure by the Commonwealth of Massachusetts Cannabis Control Commission.

I. **List of Management Personnel** - A list of all managers, officers, directors, persons or entities having direct or indirect authority over the management, policies, security operations or cultivation operations of the Marijuana Establishment.

J. **Disclosure of Financial Interest** - A list of all persons or entities contributing 10% or more of the initial capital to operate the Marijuana Establishment, including capital in the form of land or buildings.

K. **Business Registration** - Proof that the Marijuana Establishment is registered to do business in the Commonwealth of Massachusetts as a domestic business corporation or another domestic business entity in compliance with 935 CMR 500 and is in good standing with the Secretary of the Commonwealth and Department of Revenue.

L. **Executed Host Agreement** - Copy of the executed Host Agreement with the City of Worcester for the proposed use.

M. **Certified Map and List of Abutters**

- ☐ The original, signed by the Assessor (2nd Floor, City Hall at Room 209).

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N. Two Sets of Stamped Envelopes with Assessor's Address Labels for abutters and applicant.

- ❑ Request two (2) sets of Assessor's Address Labels (listing all abutters and abutters to abutters) from the Assessor's Office – there is a fee for this service.
- ❑ Create two (2) identical sets of stamped envelopes addressed to the abutters (using the Assessor's labels above).
- ❑ The return address on the envelopes should read: City of Worcester, Division of Planning and Regulatory Services; City Hall; 455 Main Street, Room 404; Worcester, MA 01608. (The office has a return address stamp if you'd like to use it).

These envelopes will be used by DPRS staff to send notices of the public hearing and its outcome.

O. Appropriate fee according to the most updated Fee Schedule. Please make checks payable to the City of Worcester.

P. Digital Copy. All applications, plans and materials must also be submitted as a PDF file to planning@worcesterma.gov prior to or at the time of application submittal to the office. All electronic files must be in the following format:

- ❑ Portable Document Format (.pdf), readable by Adobe Acrobat v.7.0 and later, named by project address and application type (ex. 455 Main Street – PB – SP)
- ❑ Minimum resolution of 200 dpi
- ❑ No single file should be greater than 50 MB (collections may be broken into separate files)

Failure to provide any part of these requirements deems this application incomplete.

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CITY OF WORCESTER PLANNING BOARD

SPECIAL PERMIT APPLICATION FOR ADULT USE MARIJUANA

Division of Planning & Regulatory Services
City Hall, 455 Main Street, Room 404, Worcester, MA 01608
Office 508-799-1400 ext. 31440 – Fax 508-799-1406

1. Street Address of the Property in this Application: 143 Southwest Cutoff

   Assessor's Map, Block & Lot: 34-035-00013

2. Name of Applicant: Evergreen Strategies, ILC
3. Address of Applicant: 52 Whispering Way, Stow, MA 01775
4. Telephone: 617-997-6888
5. E-mail: anthony@evergreenstrategiesllc.com
6. Interest in Property:

   A. Owner ☐ B. Developer ☐ C. Other ☒

7. Owner of Record, if different from Applicant: F. Carrier Realty,L LC
8. Address of Owner of Record: 11 Jamie Lane, Shrewsbury, MA 01545
9. *If the applicant is different from the owner, fill out the following:*

AUTHORIZATION: I, F. Carrier Realty LLC, Owner of Record of the property listed with the Assessing Division of the City of Worcester, Massachusetts as Map 34 Block 035 Lot(s) 00013, do hereby authorize Evergreen Strategies, LLC to file this application with the Division of Planning & Regulatory Services of the City of Worcester on this the 15th day of January, 2020.

On this 15th day of January, 2020, before me personally appeared Frank Carrier, Manager, F. Carrier Realty LLC, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

NOTARY PUBLIC

My Commission Expires: June 13 2025

TODD E. BRODEUR
MY COMMISSION EXPIRES JUNE 13, 2025
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS

(If there is more than one owner of the land to be considered in this application, a notarized authorization is required for each owner.)

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The 2019 Special Permit issued to Evergreen Strategies authorizes a Marijuana Retail Sales Establishment.

10. What type of Marijuana Establishment Special Permit/s Are You Applying For? (check all that apply):

- [ ] Club, lodge, other private grounds (non-profit and private) allowing on-site consumption of marijuana or marijuana products, but not operating as a licensed marijuana social consumption operator.
- [ ] Marijuana Cultivator
- [ ] Marijuana Delivery- Only Retailer
- [ ] Marijuana Independent Testing Laboratory
- [ ] Marijuana Product Manufacture (Greater than 5,000 SF)
- [ ] Marijuana Product Manufacture (5,000 SF in size or less)
- [ ] Marijuana Research Facility
- [x] Marijuana Storefront Retailer
- [ ] Marijuana Transporter
- [ ] Micro- Business

11. Zoning Classification(s) including overlay districts:

MG 2.0

12. Present Use:

Retail

13. Describe Proposed Use/General Description of Proposed Development of Property (include information about buildings (area, etc.) to be retained and proposed uses (in SF) of all buildings on site). Attach additional sheets if necessary:

2019 Special Permit to Evergreen Strategies authorizes a Marijuana Retail Sales Establishment

14. Proposed Hours and Days of Operation:

Monday-Saturday 9am-11pm; Sunday 10am-9pm

15. Land Use Approvals / Relief Previously Granted or Pending by other land use Boards:

None

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16. SPECIAL PERMIT FINDINGS OF FACT

The Board will make findings based on the criteria below to determine whether or not to approve the Special Permit. The Board may choose to adopt the findings of fact provided by the applicant or modify them based on public or staff comments, or Board discussion as needed.

In the spaces below, explain how the adverse effects of the proposed use will not outweigh its beneficial impacts to the City with respect to each of the following considerations per Article II, Section 6(A)(2) of the Zoning Ordinance. (Attach additional supporting documentation as necessary.)

a. Social, economic or community needs that are served by the proposal:

See letter explaining the proposed change

b. Traffic flow and safety, including access, parking and loading areas:

See letter explaining the proposed change

c. Adequacy of utilities and other public services:

See letter explaining the proposed change

d. Neighborhood character and social structure:

See letter explaining the proposed change

e. Impacts on the natural environment:

See letter explaining the proposed change

f. Potential fiscal impact, including city services needed, tax base, and employment:

See letter explaining the proposed change

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17. SUPPLEMENTARY SPECIAL PERMIT FINDINGS OF FACT

The Board will make findings based on the supplementary criteria below to determine whether or not to approve the Special Permit. The Board may choose to adopt the findings of fact provided by the applicant or modify them based on public or staff comments, or Board discussion as needed.

After notice and public hearing, and after due consideration of the evidence submitted, including the reports and recommendations of city departments, the SPGA, in addition to the special permit criteria under Article II, may grant such a special permit per the criteria of **Article IV, Section 15(H) of the Zoning Ordinance. (Attach additional supporting documentation as necessary.)**

a. The Marijuana Establishment does not derogate from the purposes and intent of this Section and the Zoning Ordinance:

See letter explaining the proposed change

b. The application information submitted is adequate for the SPGA to consider approving the special permit request:

See letter explaining the proposed change

c. The proposed establishment is designed to minimize any adverse impacts on abutting properties.

See letter explaining the proposed change

d. The security plan provides sufficient assurance that adequate security controls have been implemented to ensure the protection of the public health and safety during hours of operation and that any marijuana or marijuana related products are adequately secured on-site or via delivery.

See letter explaining the proposed change

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WHEREFORE, the applicant(s) requests that this Board grant the special permit (s) as requested above.

DocuSigned by:

By: _____
3EBB654FC1194A9...
(Signature of Applicant or Applicant's Agent)
If more than one applicant, all applicants must fill out information.

Evergreen Strategies, LLC
(Name of Applicant)

52 Whispering Way, Stow, MA 01775
(Address)

617-997-6888
(Contact Phone Number)

anthony@evergreenstrategiesllc.net
(Email)

6/5/2020
(Date)

By: _____
(Signature of Property Owner or Owner's Agent)
If more than one property owner, all owners must fill out information.

F. Carrier Realty, LLC
(Name of Property Owner)

11 Jamie Lane, Shrewsbury, MA 01545
(Address)

508-633-1440
(Contact Phone Number)

frank@fcarrier.com
(Email)

1/13/2020
(Date)

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CERTIFICATION OF COMPLIANCE WITH WORCESTER REVISED ORDINANCES GOVERNING REVENUE COLLECTION

***Note: This form must be completed and signed by both the applicant(s) and owner(s) of the property certifying payment of all local taxes, fees, assessments, betterments, or any other municipal charges of any kind. Failure to include a fully completed certification form with the application shall result in the application being deemed incomplete and ineligible for further processing by the Zoning Board of Appeals.**

Pursuant to Massachusetts General Law, Chapter 40, Section 57 and the City of Worcester General Revised Ordinance, Chapter 11, Section 26-28, the undersigned applicant and all parties having an ownership interest therein, hereby certify, under the pains and penalties of perjury, that the applicant(s) and owner(s) have complied with the laws of the Commonwealth of Massachusetts and the City of Worcester regarding payment of all local taxes, fees, assessments, betterments or any other municipal charges of any kind.

(Give first and last names in full. In case of a corporation give names of President, Treasurer and Manager; and in case of firms, give names of individual members.)

(1) If a Proprietorship or Single Owner of residential property:

Name of Owner _____

Business Address _____

Home Address _____

Business Phone _____ Home Phone _____

Signature of owner (certifying payment of all municipal charges):

_____ Date: _____

(2) If a Partnership or Multiple Owners of residential property:

Full names and address of all partners

Printed Names	Addresses
_____	_____
_____	_____
_____	_____
_____	_____

Business Address _____
Business Phone _____

Signature of all owners of property (certifying payment of all municipal charges -attach multiple pages if necessary)

_____ Date: _____
_____ Date: _____
_____ Date: _____
_____ Date: _____

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(3) If a Corporation:

Full Legal Name F. Carrier Realty, llC
State of Incorporation Massachusetts
Principal Places of Business 11 Jamie Lane, Shrewsbury, MA 01545
Place of Business in Massachusetts 11 Jamie Lane, Shrewsbury, MA 01545

Printed Names of Officers of Corporation:	Title
Frank J. Carrier	Manager

Owners of Corporation: Printed Names	Address	% of stock

Signature of all owners of property (certifying payment of all municipal charges -attach multiple pages if necessary)

Date:
Date:
Date:
Date:

(4) If a Trust:

Name of Trust
Business Address

Printed Names of Trustees:	Address

Printed Names of Beneficiaries:	Address

Signature of trustees of property (certifying payment of all municipal charges -attach multiple pages if necessary)

Date:
Date:
Date:
Date:

(5) Signature of Applicant (if different from owner, certifying payment of all municipal charges):

Printed Name of Applicant: Anthony Parrinello, Manager

Signature of Applicant: DocuSigned by: 3EBB654FC1194A9... Date: 6/5/2020

DocuSign Envelope ID: A1F4BE02-046D-4B78-9DE6-06EA32684B09

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DO NOT SUBMIT THIS PAGE – FOR YOUR INFORMATION ONLY

The City of Worcester, by this document, does not provide legal advice. Questions about Special Permits should be directed to your legal counsel.

If your special permit petition is approved, obtain a certified copy of the approved decision from the city clerk's office and record the decision at the registry of deeds.

Special Permit Decisions: Final decisions are typically signed at the next scheduled Board Meeting and filed the following day with the City Clerk. Typically, if there is no appeal of the decision after twenty days (20) has elapsed from the date the decision was filed with the City Clerk's office, the applicant may obtain a properly certified copy of the approved decision from the City Clerk (Massachusetts General Law, Chapter 40A, Section 11).

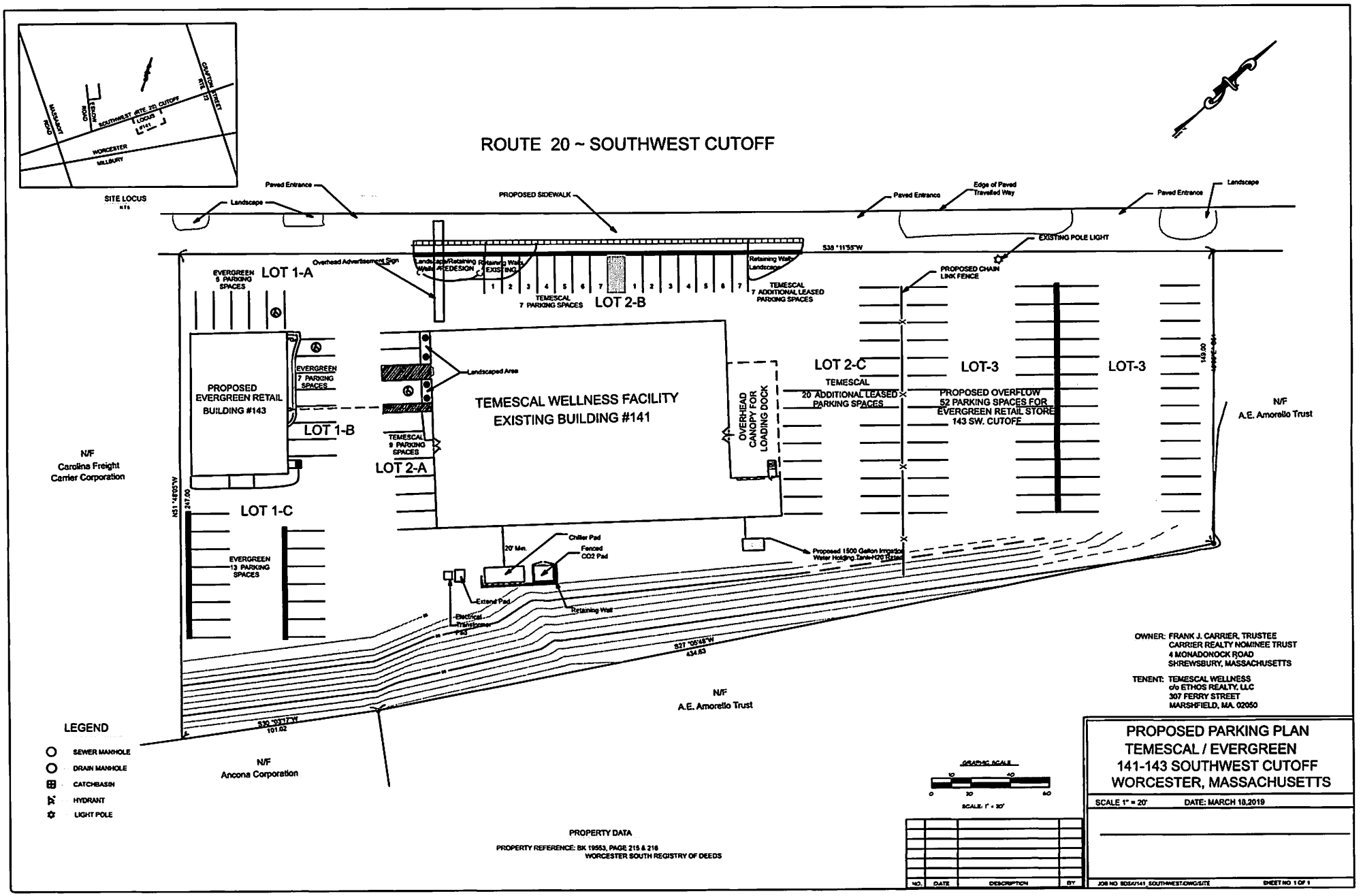
City Clerk, City Hall
455 Main Street -Second Floor, Room 206
508-799-1121
Monday 8:45am - 5:00pm
Tuesday - Friday 8:45am - 4:15pm
www.worcesterma.gov

Recording Special Permit (s): Upon obtaining a properly certified copy of the approved decision, the applicant must bring the same copy to the Worcester District Registry of Deeds and have the decision recorded (Massachusetts General Law, Chapter 40A, Section 11).

Worcester District Registry of Deeds
City Square - 90 Front Street, Level 2 - 508-798-7717
Recording Hours: Monday – Friday 9 am to 4 pm
Closed on State or Federal Holidays
www.worcesterdeeds.com

Lapse of Special Permit(s): Per the City of Worcester Zoning Ordinance, Article II, § 9 (D)(5): If the activity authorized by a special permit granted by the PB or SPGA is not initiated within one (1) year of the date of grant of such special permit except in the case of phased construction as approved by the PB or SPGA and/or if the activity is not completed within two (2) years, then the special permit shall lapse unless the Director of Code Enforcement makes a determination that failure to complete was for good cause. Otherwise, after a lapse, the special permit may be re-established only after notice and a new hearing pursuant to this Ordinance (Massachusetts General Law, Chapter 40A, Section 11).

Your decision must be recorded prior to use of approved Special Permit



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City of Worcester, Massachusetts
Planning Board

John Vigliotti
Chair

Albert LaValley, *Vice Chair*
Paul DePalo, *Clerk*
Eleanor Gilmore
Satya B. Mitra

SPECIAL PERMIT - FINDINGS OF FACT AND DECISION

143 Southwest Cutoff (MBL 34-035-00013)

The Planning Board viewed the property located at 143 Southwest Cutoff, Worcester, Massachusetts and thereafter held a hearing on February 13, 2019 at 5:30 P.M. in the Worcester City Hall, 455 Main Street, Levi Lincoln Chamber, on the appeal of Evergreen Strategies, LLC, petitioner.

It was ordered by the Board that notices of a public hearing to be held on February 13, 2019 be sent to the individuals listed on the City of Worcester Certified Abutter's list for the property.

On January 30, 2019 and February 6, 2019, notice of the hearing was duly advertised in the Worcester Telegram & Gazette.

On February 13, 2019, March 13, 2019, April 3, 2019, and April 24, 2019 the hearing was postponed to the Board's next regularly scheduled meeting.

On May 15, 2019, the hearing was called to order by John Vigliotti. Present for the hearing were John Vigliotti, Paul DePalo, Eleanor Gilmore, and Satya B. Mitra.

FINDINGS

The Worcester Planning Board, having viewed the site, conducted a public hearing and reviewed all the submitted evidence, finds that:

1. Evergreen Strategies, LLC, whose address is 52 Whispering Way, Stow, MA 01775, is the lessee and petitioner of certain land situated at 143 Southwest Cutoff, in the City of Worcester and more particularly described in a deed recorded with the Worcester District Registry of Deeds Book 58476 and Page 393. The owner of the property is F. Carrier Realty LLC, whose address is 11 Jamie Lane, Shrewsbury, MA 01545.

2. Said land is situated in a district classified under the City of Worcester Zoning Ordinance as MG-2.0 (Manufacturing, General).

3. The property, known as 139 Southwest Cutoff, contains two structures and associated site improvements. The southern structure, known as 143 Southwest Cutoff, is presently vacant. Within the northern structure, known as 141 Southwest Cutoff, is an existing registered marijuana dispensary (RMD) facility for the cultivation and product manufacturing of medical marijuana, as well as an Adult Use Marijuana Establishment – with Cultivator and Product Manufacturing uses, owned and operated by Temescal Wellness of Massachusetts, LLC, a separate and independent entity.

4. Petitioner seeks to allow an Adult Use Marijuana establishment – Storefront Retailer Use on the property (Article IV, Section 2, Table 4.1, Business Use #35) within the southerly, +/- 3,700 SF, structure known as 143 Southwest Cutoff.

5. Such a use is permitted by the City of Worcester Zoning Ordinance under Article IV, Section 15, by the grant of a Special Permit.

General Findings of Fact – Special Permit

6. Per Article II, Section 6 (A)(2), the adverse effects of the proposed use will not outweigh its beneficial impacts to the City with respect to each of the following considerations:

   (1) Social, economic or community needs that are served by the proposal:

   In the 2014 referendum, the City of Worcester voted affirmatively for legalization of marijuana establishments in the Commonwealth of Massachusetts. Since that time, the City has worked to adopt specific requirements for the Zoning Ordinance pertaining to the various types of marijuana establishments. There is a perceived need and desire to have available to the community marijuana storefront retailers who can appropriately serve the needs and desires of the consuming public. As part of its efforts at adopting the Zoning Ordinance, the City of Worcester carefully reviewed the specific locations to be permitted for such uses and the area in and around 143 Southwest Cutoff was identified as an area appropriate for such Special Permit.

   (2) Traffic flow and safety, including access, parking and loading areas:

   The area in and around 143 Southwest Cutoff is both an established and rapidly growing commercial center. The applicant has obtained certain rights to parking spaces from the Landlord in a quantity that exceeds the Zoning Ordinance but anticipates that may use adjacent supplemental parking areas which are owned by the Landlord. The applicant has submitted a specific plan to address traffic flow during initial opening periods which has been provided to the Board.

   Public safety is a critical component and a detailed security plan developed and administered by a third-party expert in security has been submitted to the Board. There is a comprehensive monitoring system both within the facility and encompassing the surrounding public areas to insure adequate public safety.

   (3) Adequacy of utilities and other public services:

   There are adequate utilities for the Marijuana Storefront Retailer use available currently to the facility. No upgrade to utilities or other public services are expected to be required.

   (4) Neighborhood character and social structure:

   The proposed use fits well within the manner in which the Route 20 Corridor has developed. The ability of the consuming public to acquire marijuana products within the environment of the Route 20 corridor fits well and comports with the existing character of the neighborhood. Proliferation of such uses is mitigated by granting of a Special Permit.

   (5) Impacts on the natural environment:

   The Marijuana Storefront Retail facility will have negligible impacts upon the natural environment. A comprehensive odor control plan has been developed by the applicant and submitted to the Board. No other impacts from the marijuana storefront retail operation are anticipated.

   (6) Potential fiscal impact, including city services needed, tax base, and employment:

   It is perceived that the proposed use will have a positive fiscal impact on the city. The applicant will enter into a Host Community Agreement with the City of Worcester. Certain community impact fees are to be paid by the applicant. There is no significant anticipated demand upon city services anticipated from the regular operation of the facility.

Supplementary Special Permit Findings of Fact

7. In addition to the special permit criteria under Article II, the Board may grant such a special permit per the criteria of Article IV, Section 15(H) of the Zoning Ordinance:

   a) The Marijuana Establishment does not derogate from the purposes and intent of this Section and the Zoning Ordinance:

   The proposed use does not derogate from the purposes and intent of the Zoning Ordinance. The property, 143 Southwest Cutoff, Worcester, Massachusetts, is located in the MG-2.0 Zoning District which allows for the use of a Marijuana Storefront Retailer by Special Permit. As part of its adoption of the provisions of the Zoning Ordinance permitting marijuana establishments, the City Planning Staff, Planning Board and City Council carefully considered the areas where the proposed use would be appropriate and Southwest Cutoff was included in that designation.

   The property will provide for the retail sale of marijuana to consumers over the age of 21.

   b) The application information submitted is adequate for the SPGA to consider approving the special permit request:

   The applicant will provide a copy of the executed Host Community Agreement. At the time of the filing of this application, the City of Worcester has not provided a copy to the applicant. The application also provides a security plan showing public access points, and how the property will be monitored to avoid, deter, and prevent illegal activities from taking place.

   The application further possesses a list of all managers, officers, directors, persons, or entities having direct or indirect authority over the management, policies, security operations of the Marijuana Establishment, as well as a list of all persons or entities contributing 10% or more of the initial capital to operate the Marijuana Establishment, including capital in the form of land or buildings. The application likewise includes adequate proof that Evergreen Strategies is registered to do business in the Commonwealth of Massachusetts in compliance with 935 CMR 500.000 and is in good standing with the Secretary of the Commonwealth and Department of Revenue. The application also has documentation of a bond or other resources held in an escrow account in an amount sufficient to adequately support the dismantling of winding down of the Marijuana

   Establishment, if required. Next, the application contains an odor control plan. Additionally, a fully executed lease agreement documenting Evergreen Strategies contingent property interest and legal right to operate an adult-use marijuana retailer at 143 Southwest Cutoff, Worcester, Massachusetts is provided.

   c) The proposed establishment is designed to minimize any adverse impacts on abutting properties:

   The property is located in a Manufacturing General (MG-2.0) zoning district. The proposed use is commercial in nature, which fits the neighborhood's character. The Security Plan provides for measures, including training employees, to notice and report suspicious activities inside and outside of the proposed site. The Odor Control Plan will reduce any impact from any potential odors, fumes, or similar emissions from the proposed site.

   d) The security plan provides sufficient assurance that adequate security controls have been implemented to ensure the protection of the public health and safety during hours of operation and that any marijuana or marijuana related products are adequately secured on-site or via delivery:

   All security procedures to establish a safe and secure environment are derived from the requirements outlined in 935 CMR 500.000. An unarmed security guard will be on location during both business hours and after closing to ensure that employees leave

safely. Evergreen Strategies will contract with American Alarm, a leader in the commercial security industry, to provide and install all of the security systems and equipment including exterior and interior cameras, motion sensors, glass break detectors, a perimeter alarm, access control, an intrusion keypad, panic alarms, a security closet, and a video intercom. All security systems will be supported by battery back-ups and a failure notification system with audio/visual alert. Procedures are also established for additional battery back-up or generator services in case of an extended power outage. Only authorized personnel will be permitted access into the facility with limited access to specific areas and all staff must have their agent cards at all times while in the buildings. Staff will also be trained to watch for any inappropriate activity both inside and outside of the premises. Outside vendors, contractors, and visitor identification will be checked and require signature in a visitor's log, wearing of a visitor's badge, and be in the presence of management while at the facility. No marijuana consumption will be allowed on the premises, all inventory will be stored in a locked vault, and no product will be left unsecured or unattended.

e) The odor control plan proposed adequately provides for the ongoing safe operation of the establishment and minimizes any adverse impacts to abutting properties from odor-emitting activities to be conducted on-site.

The Establishment Manager oversees all operations at the proposed site, including odor mitigation. The industry standard engineering control for odor mitigation in cannabis facilities is to clean the air using carbon filtration. The packaging room at this facility will be equipped with an activated carbon filter attached to a stand-alone fan. The fan and filter will be turned on at all times that flower is being packaged in the packaging room. An Active Air 6" x 24" CFM 550 carbon filter with a 6" fan will be used. Active Air Carbon Filters are loaded with virgin activated Australian granular carbon. This carbon absorbs VOC's (volatile organic compounds) therefore trapping every odor molecule that passes through the filter onto the micro-porous carbon surface. These filters are light weight and incredibly effective at removing the most potent odors. The Establishment Manager will be responsible for replacing all carbon filters for both the pre-filter and the activated carbon on a regular basis. When carbon filters are received for installation, the date will be recorded on the filter prior to installation.

f) The proposed design and operation of the Marijuana Establishment will meet the requirements of this Section:

The application information submitted is adequate for the SPGA to consider approving the Special Permit. The proposed site is not within a 500-foot radius of a public or private, primary or secondary school, licensed daycare center, public library, public park or playground, nor another Marijuana Storefront Retailer. Evergreen Strategies has submitted a plan by a licensed surveyor with its Special Permit application. The proposed site, 143 Southwest Cutoff, is a fixed location within a fully enclosed building and will not be visible from the building's exterior. No marijuana product will be stored in outside facilities. The operating hours of the facility for adult use will be Monday through Saturday, from 9 a.m. to 10 p.m., and Sundays from 10 a.m. to 9 p.m. The proposed site has an odor control plan that provides for proper and adequate ventilation so odors from marijuana or marijuana-related products are not dispersed outside the facility. All resulting odors, smoke, vapor, fumes, gases and particulate matter from marijuana or its processing or cultivation shall be effectively confined to the premises or so disposed of so as to avoid any air pollution. The proposed site possesses adequate and proper security measures, in compliance with 935 CMR 500.000, to avoid, deter, and prevent illegal activities from taking place upon or about the proposed site. No marijuana or marijuana product will be smoked or otherwise consumed on the proposed site. The proposed site will comply with all state and local laws, rules and regulations governing the smoking of tobacco. There will be no drive-through service permitted at the proposed site. The proposed site complies with the dimensional requirements provided in Table 4.2 for MG-2.0.

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DECISION

At a meeting of the Board on May 15, 2019, on motion duly made and seconded, it was voted 4-0 by Board members John Vigliotti, Paul DePalo, Eleanor Gilmore, and Satya B. Mitra to approve the requested Special Permit to allow an Adult Use Marijuana Establishment – Storefront Retailer Use with the following conditions of approval:

1. Adequate portions of the parking area shown on lot 3 of the "Proposed Parking Plan – Temescal/Evergreen 141- 143 Southwest Cutoff", dated March 18, 2019, shall be constructed in usable condition prior to opening of the Establishment. The Director of Code Enforcement shall determine the quantity of the parking on Lot 3 required to be available prior to opening of the Establishment
2. The operator shall be Evergreen Strategies, LLC.
3. Evergreen Strategies, LLC shall maintain proper licensing through the Cannabis Control Commission to operate an adult use marijuana retailer use at the site.
4. No outside storage of marijuana or marijuana products shall be permitted.
5. The facility shall fully comply with the submitted odor control plan providing for proper and adequate ventilation. All resulting odors, smoke, vapor, fumes, gases and particulate matter from the use shall be effectively confined to the premises or so disposed of so as to avoid any air pollution.
6. The facility shall fully comply with the Security Plan in order to provide for the adequate and proper security at the premises so as to avoid, deter and prevent illegal activities from taking place upon or about the premises.
7. The petitioner shall be required to remove all materials, plants, equipment and other paraphernalia within ninety days of ceasing operations or immediately following revocation of its license issued by the Cannabis Control Commission.
8. Provided that the marijuana establishment shall be operated in substantial accordance with all findings of fact on file with the City of Worcester and in accordance with all applicable laws, rules and regulations.

The Board also voted 4-0 to approve the requested waiver of the application requirement to label all abutters and abutters within 300 feet on the plan of land.

This Special Permit shall not take effect until the petitioner records, at his or her own expense, a copy thereof with the Worcester District Registry of Deeds, pursuant to Massachusetts General Laws, Chapter 40A, Section 11, as amended. The rights authorized by this Special Permit must commence no later than one year from the grant hereof. If the requested Special Permit is litigated, all time periods for recording and construction shall not commence to toll until a final, favorable decision of the Honorable Court is rendered.

Appeals of this decision shall be made pursuant to M.G.L. c. 40A § 17 and shall be filed within twenty days after the filing of this decision in the office of the City Clerk.

It was **ORDERED** by the Board that persons notified of the hearing be notified of the foregoing decision.

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ADJOURNED:

JOHN VIGLIOTTI — DATE 6-5-19

PAUL DEPAULO — DATE 6 8 19

ELEANOR GILMORE — DATE 6/5/19

SATYA B. MITRA — DATE _____

REMINDERS

Time Limitations: If the activity authorized by a Special Permit granted by the PB is not initiated within one (1) year of the date of grant (one year from date Special Permit is received by the City Clerk) and/or the activity is not completed within two (2) years, then the Special Permit shall lapse unless the Director of Code Enforcement makes a determination that the failure to complete was for good cause. Per Article II, Section 9, D. 5. of the City of Worcester Zoning Ordinance.

Landscaping Requirements: Required landscaping shall be maintained in a healthy growing condition, free of refuse and debris, and any plantings that do not survive shall be replaced in kind by the applicant or the property owner within a reasonable period of time. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles or snow storage in areas used for screening and buffering. Per Article V, Section 5, C. iv of the City of Worcester Zoning Ordinance.

Construction Noise: No person shall operate any powered construction equipment or build, erect construct, demolish, alter, repair, excavate or engage in hoisting, grading, site work, including tree and brush removal, dredging or pneumatic hammering, or deliver construction equipment and/or supplies to the site on any building, road, tower, parking lot, machine, pipe, sewer, sidewalk, or any other construction project, except between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and d Saturday, and between the hours of 9:00 a.m. and 7:00 p.m. on Sundays....Per Chapter 9 Section 1A (e) (9) of the City of Worcester's Ordinance Relative to Excessive and Unreasonable Noise.

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City of Worcester, MA

June 27, 2019

I certify that twenty days have elapsed after the attached certificate of approval for **143 Southwest Cutoff** has been filed with the City Clerk Department on **June 6, 2019** and that no appeal has been filed.

Stephen A.J. Pottle
Assistant City Clerk

ATTEST: WORC. Kathryn A. Toomey, Register