

TOWN OF MILLBURY, MASSACHUSETTS
The Planning Board

NOTICE OF DECISION
RECREATIONAL AND MEDICAL MARIJUANA ESTABLISHMENT SPECIAL PERMIT
SITE PLAN APPROVAL

12 Latti Farm Road

Applicant:
GreenCare Therapeutics, Inc.
70 Fargo Street, Suite 906
Boston, MA 02210

Date Filed: July 22, 2019

Owner:
Latti Farm Road, LLC
100 MLK Jr. Blvd
Worcester, MA

Premises Affected:
12 Latti Farm Road
Millbury, MA

On Monday, August 19, 2019, the Millbury Planning Board held a public hearing on the application of GreenCare Therapeutics, Inc. for a Special Permit for Recreational and Medical Marijuana Establishment (a.k.a. Marijuana Cultivator) under Article 5, Section 52 of the Millbury Zoning Bylaws and Site Plan Review under Article I, Section 12.4, of the Millbury Zoning Bylaws for property located at 12 Latti Farm Road, Millbury, MA. The hearing was subsequently continued to September 9, 2019 and September 23, 2019, on which date the hearing was closed. The hearing was held in the Municipal Office Building, 127 Elm Street, Millbury, MA. The Planning Board voted to GRANT special permit for Recreational and Medical Marijuana Establishment and site plan approval subject to conditions, safeguards and limitations on time or use. VOTE: Members present: Richard Gosselin (yes), Mat Ashmankas (yes), Bruce Devault (yes), Terry Burke Dotson (yes), and Paul Piktelis (yes).

The decision of the Board, together with a detailed record of its proceedings stating the reasons for the decision, shall be filed within 14 days after the hearing, in the office of the Town Clerk. Decision filed with Clerk September 24, 2019.

MILLBURY PLANNING BOARD


Mat Ashmankas, Clerk

TOWN OF MILLBURY, MASSACHUSETTS
The Planning Board

RECORD OF PROCEEDINGS
On Application For Recreational and Medical Marijuana Establishment Special
Permit and Site Plan Approval

I, Mat Ashmankas, Clerk of the Planning Board, hereby certify that the following is a detailed record of its proceedings relative to the application of GreenCare Therapeutics, Inc. for property located at 12 Latti Farm Road, Millbury, MA, located in the Industrial II District, shown on Millbury Assessors' Map 14 as Parcel 27 (the "Property") for a Special Permit for Recreational and Medical Marijuana Establishment (a.k.a. Marijuana Cultivator) under Article 5, Section 52 of the Millbury Zoning Bylaws and site plan approval under Article I, Section 12.4 of the Millbury Zoning Bylaw.

1. The Applicant desires to occupy an existing 98,324 square foot building for marijuana cultivation, product manufacturing, and testing purposes. The Applicant proposes to install miscellaneous equipment within a fenced-in area on a portion of the existing parking lot as shown on the site plan. A total of 159 parking spaces will remain after construction.
2. The Property is shown on a plan entitled "Special Permit Site Plan, #12 Latti Farm Road, Millbury, MA 01527" prepared by McClure Engineering, Inc. dated July 18, 2019 and last revised August 15, 2019 (the "Site Plan").
3. The Planning Board relied on the following documents, in addition to the testimony presented at the public hearing, in making its decision:

As amended through May 1-2, 2018	Town of Millbury Zoning Bylaws
As amended through 2018	Millbury Municipal Code
July 18, 2019, last amended August 15, 2019	"Greencare Therapeutics, Special Permit Plan", prepared by McClure Engineering Inc., 110 Worcester Road, Charlton, MA (the "Site Plan").
July 22, 2019	"Application for Special Permit, Proposed Registered Marijuana Dispensary, 12 Latti Road, Millbury, Massachusetts", prepared by McClure Engineering, Inc.
	Details of cogeneration, direct-fired lithium bromide absorption chiller/heater, generator, and CO2 tank equipment
July 22, 2019, last amended August 19, 2019	"Exterior Render 1-4" prepared by BKA Architects
July 19, 2019	"Proposed Floor Plans" prepared by BKA Architects
Undated, marked received July 22, 2019	"Existing Site Photos, "GreenCare Therapeutics:, 12 Latti Farm Road, Millbury, MA"
July 22, 2019	Waiver Request Letter, prepared by McClure Engineering Inc.

Undated, marked received on July 22, 2019	"Development Impact Statement for GreenCare Therapeutics for Special Permit and Site Plan Approval at 12 Latti Farm Road", prepared by Mayer, Antonellis, Jachowitz & Haranas, LLP
July 16, 2019, last amended August 19, 2019	"12 Latti Farm Road Noise Survey", prepared by J&A Enterprises, Inc.
Undated	"What is CCHP?" informational slides by Grow Energy
Undated	Odor-Armor 420, Subtractive Odor Control Information Sheet
Undated	Odor-Armor 420, Case Study – Colorado Cannabis Grow Facility
May 15, 2017	Letter from St. Croix Sensory, Inc.
October 5, 2017	Letter from Dell Tech Laboratories Ltd.
May 14, 2019	Letter from Cannabis Control Commission
April 10, 2017	Letter from MA Department of Public Health RE: Provisional Certificate of Registration
August 6, 2019	Letter from First American Realty, Inc.
August 19, 2019	Email from John Dunne RE: Marked up Review Letter
August 2, 2019	Letter from Planning Director
August 20, 2019	Letter from Planning Director to Acting Town Manager
September 6, 2019	Letter from Planning Director
September 23, 2019	Email from Planning Director
August 8, 2019	Letter from Chief of Police
September 9, 2019	Letter from Chief of Police
September 6, 2019	Letter from Building Inspector
September 23, 2019	Email from Building Inspector
August 13, 2019	Development Agreement
August 13, 2019	Host Community Agreement

4. On July 22, 2019, the Applicant submitted application to the Planning Board, true copy marked as Exhibit A.
5. A legal ad, a true copy marked as Exhibit B, was published in the *Millbury Sutton Chronicle*, a newspaper of general circulation in Millbury, on August 1, 2019 and August 8, 2019, and posted by the Town Clerk on July 23, 2019. Notice of the hearing was mailed postpaid to the Applicant, abutters of land within 300 feet of the property line, being the same persons named in the Certified List of Abutters, to the Central Massachusetts Regional Planning Commission, and to the Planning Boards of every abutting community.
6. On August 19, 2019 the Planning Board opened a public hearing to consider the application and receive comment thereon. With the Applicant's consent, the hearing was continued to September 9, 2019 and September 23, 2019, at which time the Planning Board heard additional public comment and voted to close the public hearing. Five members of the Planning Board were present at each session of the public hearing. After the public hearing was closed, the Planning Board, in accordance with Article I, Section

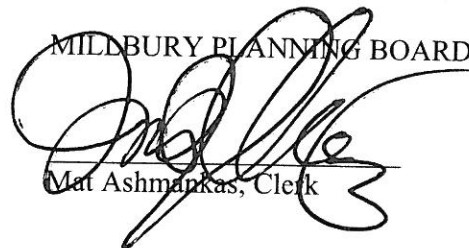
12.44(g), of the Millbury Zoning Bylaw, considered the Applicant's request for waivers and voted to grant the following waivers from the requirements of Article I, Section 12.44(a - f) of the Millbury Zoning Bylaw:

- a. Section 12.44(a): Waiver to allow Site Plan scale of 1"=40'.
 - b. Section 12.44(a): Waiver from the requirement to depict the location, size, type, and number of landscape features.
 - c. Section 12.44(a): Waiver from the requirement to submit intensity of lighting.
 - d. Section 12.44(a) and Section 12.44(e): Waiver from the requirement to submit elevation and façade treatment plans of proposed buildings.
 - e. Section 12.44(b): Waiver of the requirement to submit a Landscape Plan.
7. After the hearing was closed, the Planning Board, in accordance with Section 12.46(a) and Section 52 of the Millbury Zoning Bylaw and based upon its review of the projected development impacts and the proposed methods of mitigating such impacts, found as follows:
- a. The Application minimizes through design any adverse impacts on abutters and other parties in interest, as defined in M.G.L. Chapter 40A, Section 11.
 - b. The Application demonstrates that it will meet all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state laws and regulations.
 - c. The Application adequately addresses issues of site layout, security, ventilation, vehicular and pedestrian traffic, circulation, parking and queuing.
 - d. The Application satisfies all of the conditions and requirements set forth in Section 52.
8. In consideration of the findings, the Planning Board voted to **GRANT** the Recreational and Medical Marijuana Establishment Special Permit and Site Plan Approval with conditions set forth as follows:
- a. This decision specifically authorizes the Marijuana Establishment use as described within the documents identified in #3 above. Any alteration, expansion, or change in use shall require modification of this decision.
 - b. The Applicant shall comply with all applicable laws, by-laws, rules, regulations, codes, and obtain all necessary permits and approvals.
 - c. All rules and regulations of the Millbury Zoning Bylaw shall be adhered to.
 - d. This Decision shall not take effect until recorded at the Worcester District Registry of Deeds and the Applicant has provided the Planning Board and Building Department with a copy of such recording, including the Deeds Book and Page Number and/or Instrument Number.
 - e. All required fees and costs associated with the approval process shall be paid.
 - f. All construction debris shall be disposed of in compliance with applicable local and state laws.
 - g. Prior to construction activities, the Applicant shall provide information about the materials, structural design and dimensions of signage for Planning Board review and approval.

- h. Hours of construction of the project shall be limited to 7:00 am to 5:00 pm Monday through Friday, and 8:00 am to 4:00 pm on Saturday.
- i. Prior to issuance of an occupancy permit, the Applicant shall submit a copy of the Final Certificate of Registration for the Marijuana Establishment issued to the Applicant by the Commonwealth of Massachusetts and any of its agencies.
- j. Prior to issuance of an occupancy permit, the Applicant shall provide a letter from the Millbury Police Chief stating that the security system has been installed in accordance with his requirements and is fully operational. The Applicant will maintain a cooperative relationship with the Millbury Police Department, including but not limited to, periodic meetings to review operational concerns and communication with the Millbury Police Department of any suspicious activities at the facility.
- k. Prior to issuance of an occupancy permit, the Applicant shall file two copies of the "as-built" plan, certified by a registered professional engineer and registered land surveyor, with the Planning Board and the Building Inspector identifying that bounds were installed at all lot corners and depicting any change from the approved site plan.
- l. The Applicant shall demonstrate compliance with the Odor Control Plan specified in the Development Impact Statement by maintaining a written inspection and maintenance log that is generated by an expert trained in odor control and maintenance. Said log will be provided to the Building Inspector and/or Planning Board upon demand. Any issues resulting in odor detected exterior to the Marijuana Establishment shall be immediately reported to the Building Inspector.
- m. Any complaints received by the Town concerning odors that are detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment or at any adjoining property must be addressed thoroughly and expediently by the Applicant. If the odor is not successfully abated within 24 hours, the Planning Board or its agent shall fine the Applicant \$1,000 per day that the odor persists.
- n. Hours of operation of the facility shall be limited to 7:00 am to 7:00 pm, Monday through Sunday. Minimal staff may be present in the facility after hours to monitor equipment.
- o. The project includes installation of various pieces of equipment outside including CoGen units, Chiller units and a large generator. These units have the potential to generate noise that is a nuisance to abutting industrial, commercial and residential uses. If it is determined that noise produced by this equipment, combined or individually, exceeds 10dBA above the ambient at the property boundaries at any time during the day or night, the Applicant shall address the issue thoroughly and expediently so as to return the level of noise generated by this equipment into compliance with the MA Department of Environmental Protection Noise Control Regulation (310 CMR 7.10(1)).
- p. No smoking, burning, consumption, or use of marijuana or Marijuana Products shall be permitted on the premises of a Marijuana Establishment with the exception of product testing performed in an Independent Testing Laboratory.

- q. This permit shall lapse if a substantial use thereof or construction has not begun, except for good cause, within 18 months of issuance (excluding such time required to pursue or await determination of an appeal).
- r. This Special Permit granted under Zoning Bylaws, Section 52 shall run with the Applicant and shall be non-transferrable to another owner or operator without an amendment to the special permit following a noticed public hearing in accordance with M.G.L. c. 40A and the Millbury Zoning Bylaws.
- s. Any Marijuana Establishment permitted under this section shall be required to remove all material, plants, equipment and other paraphernalia in compliance with 105 CMR 725.105 (J) and (O) prior to the expiration of its Department of Public Health (DPH) Registration, immediately following revocation or voiding of its DPH Registration, or following the expiration, revocation or voiding of its license issued by the Cannabis Control Commission.
- t. Each condition of this decision shall be construed as separate to the end, and if any condition shall be held invalid for any reason, the remaining conditions shall continue in full force and effect.

Richard Gosselin (yes), Mat Ashmankas (yes), Bruce Devault (yes), Terry Burke Dotson (yes), and Paul Piktelis (yes).

MILLBURY PLANNING BOARD

Mat Ashmankas, Clerk

**TOWN OF MILLBURY
APPLICATION FOR SPECIAL PERMIT**

APPLICANT:

NAME GreenCare Therapeutics, Inc.
STREET 70 Fargo Street, Suite 906
CITY/TOWN Boston, MA 02210
TELEPHONE 508-473-2203 (Attorney – Mayer, Antonellis, Jachowicz & Haranas, LLP)
NAME OF PROPERTY OWNER (if different from Applicant) Latti Farm Road, LLC
Deed recorded in the Worcester District Registry of Deeds Book 43312 Page 162

SITE INFORMATION:

STREET AND NUMBER 12 Latti Farm Road
ZONING DISTRICT Industrial II
ASSESSOR'S MAP/LOT #(S) Map 14 Block 27 Parcel 694
LOT SIZE 8.4 Acres
FRONTAGE 200 feet
CURRENT USE Industrial Manufacturing and Warehousing

RECEIVED**JUL 22 2019**

MILLBURY PLANNING BOARD

PROJECT PLAN INFORMATION:

PLAN TITLE Existing Conditions Topographic Plan-CoGrow Massachusetts
PREPARED BY (name/address of PE/Architect) Laprad Land Survey, 145 West Sturbridge Road, East Brookfield, MA ,
Dated July 17, 2019 (as may be revised)

PLAN TITLE Special Permit Site Plan # 12 Latti Farm Road
PREPARED BY (name/address of PE/Architect) McClure Engineering, Inc. 119 Worcester Road Charlton, MA 01507
Dated July 18, 2019

USES FOR WHICH SPECIAL PERMIT IS SOUGHT (refer to the Zoning Bylaw - Use Regulation Table):

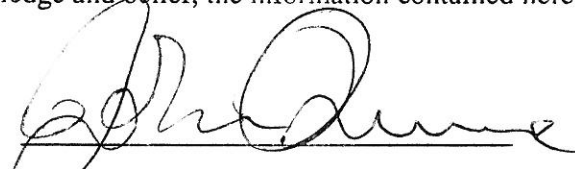
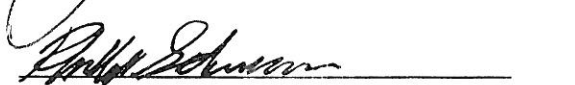
Marijuana Establishment, specifically including Marijuana Cultivator, Marijuana Product Manufacturer, Marijuana independent testing laboratory, all as set forth in Section 52 of the Zoning By-Law and Article V definitions.

CITE ALL APPROPRIATE SECTIONS OF THE ZONING BYLAW WHICH PERTAIN TO THIS APPLICATION;
USE AND SITE: Section 12.4 (Site Plan Review); Section 14 (Special Permits); Article V (Definitions) Section 52 (Marijuana Establishments);

TO THE MILLBURY PLANNING BOARD:

The undersigned, being the Applicant named above, hereby applies for a Special Permit to be granted by the Planning Board and certifies that, to the best of applicant's knowledge and belief, the information contained herein is correct and complete.

Applicant's Signature

Property Owner's Signature (if not the Applicant)

Exhibit B



TOWN OF MILLBURY

DEPARTMENT OF PLANNING & DEVELOPMENT

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527-2632 • TEL. 508 / 865-4754 • FAX. 508 / 865-0857

MILLBURY PLANNING BOARD PUBLIC HEARING NOTICE

RECEIVED
TOWN CLERK
2019 JUL 23 PM 3:14
MILLBURY, MASS

In accordance with the provisions of Chapter 40A of the Massachusetts General Laws, the Millbury Planning Board will hold a public hearing on Monday, August 19, 2019, at 7:45 p.m., at the Municipal Office Building, 127 Elm Street, Millbury, MA, on the application of Greencare Therapeutics, Inc., of Boston Massachusetts, Inc., property located at 12 Latti Farm Road, Millbury, MA, for a Recreational and Medical Marijuana Establishment Special Permit, under Article 4, Section 52 of the Millbury Zoning Bylaws, as depicted on the Plan entitled "Greencare Therapeutics, 12 Latti Farm Road, Site Plan in the Town of Millbury, Massachusetts", dated July 18, 2019, prepared by McClure Engineering Inc., 119 Worcester Road, Charlton, MA.

Application is available for review in the Planning Department during normal business hours. Anyone wishing to be heard on this matter should appear at the time and place specified above.

Richard Gosselin
Chairman

Please publish in the Millbury Sutton Chronicle on August 1, 2019 and August 8, 2019.