

# **TOWN OF MILLIS**

Richard Nichols, Chair Nicole Riley, Clerk James McKay George Yered Bodha B. Raut Chhetry Joshua Guerrero, Associate

Camille Standley Administrative Assistant cstandley@millisma.gov

## OFFICE OF THE PLANNING BOARD

900 Main Street • Millis, MA 02054 Phone: 508-376-7045 Fax: 508-376-7053

November 15, 2019

The Planning Board has approved, with conditions, the application of Richard Gin of 617 Therapeutic Health Center, Inc., 168 Beacham Street, Everett, Massachusetts who requests;

1) a **Special Permit** for site plan approval pursuant to Section V, Use Regulations, Paragraph E and Section XIII, Special Permit Conditions, paragraph C, Site Plan Review;

2) a **Special Permit** for a Recreational Marijuana Establishment pursuant to Section V, Table 1, Use Regulations, Retail and Service Item no. 42 and Section XIII.V;

of the Millis Zoning By-laws of the Town of Millis, to renovate the existing industrial building located at 1073 Main Street to support a Marijuana Establishment (Cultivation Facility).

The property which is the subject of this application is identified as Assessors Map 22, Parcel 10 and Assessors Map 23, Parcel 89. Said property is owned by Malevich, LLC, P.O. Box 540211, Waltham, Massachusetts. The property is zoned Industrial Park Two (I-P-2).

A copy of this decision was filed in the office of the Town Clerk of Millis on November 15, 2019. The Decision may be viewed on the Planning Board's webpage at: https://www.millis.org/planning-board/pages/reports-documents

Any person aggrieved by this decision of the Planning Board may appeal said decision pursuant to Massachusetts General Law Chapter 40A, Section 17, by bringing an action within twenty (20) days after the decision has been filed in the office of the Town Clerk. Notice of the action with a copy of the complaint shall be given to the Town Clerk so as to be received within twenty (20) days. A copy of said complaint shall be given to the Planning Board.

No variance or special permit, or any extension, modification or renewal thereof shall take effect until a copy of that decision bearing the certification of the Town Clerk that 20 days have elapsed and no appeal has been filed or that if such an appeal has been filed that it has been denied or dismissed, is recorded in the Registry of Deeds for the county or district in which the land is located and is indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's title certificate. The fee for recording or registering shall be paid by the owner or applicant.

To the Applicant: After 20 days have gone by from the above date, check with the Town Clerk's office and obtain a certified copy of the Board's decision. Be sure that the special permit is recorded at the Registry with your deed. The permit is not valid until it is recorded. A copy of the receipt from the Registry of Deeds must be filed with the Planning Board and Building Department

when you apply for a building permit for the proposed construction. Also, after the appeal period, please schedule endorsement of the approved site plan with the Planning Board.

Camille Standley, Administrative Assistant



# **TOWN OF MILLIS**

Richard Nichols, *Chai*r Nicole Riley, *Clerk* James McKay George Yered Bodha B. Raut Chhetry Joshua Guerrero, Associate

Camille Standley Administrative Assistant cstandley@millisma.gov

## OFFICE OF THE PLANNING BOARD 900 Main Street • Millis, MA 02054

Phone: 508-376-7045 Fax: 508-376-7053

Millis Town Clerk Received

NOV 1 5 2019

November 14, 2019

DECISION OF THE MILLIS PLANNING BOARD ON THE SPECIAL PERMIT WITH SITE PLAN APPROVAL APPLICATION SUBMITTED BY RICHARD GIN, 617 THERAPEUTIC HEALTH CENTER, INC.

An application was filed with the Millis Town Clerk's office on August 16, 2019, by Richard Gin of 617 Therapeutic Health Center, Inc., 168 Beacham Street, Everett, Massachusetts who requests;

1) a **Special Permit** for site plan approval pursuant to Section V, Use Regulations, Paragraph E and Section XIII, Special Permit Conditions, paragraph C, Site Plan Review;

2) a **Special Permit** for a Recreational Marijuana Establishment pursuant to Section V, Table 1, Use Regulations, Retail and Service Item no. 42 and Section XIII.V;

of the Millis Zoning By-laws of the Town of Millis, to renovate the existing industrial building located at 1073 Main Street to support a Marijuana Establishment (Cultivation Facility). The proposed development includes modifications to the interior and exterior of the existing building including a 6,316 SF addition to the building, installation of mechanical equipment and associated storage space, parking space striping, and security fencing.

The property which is the subject of this application is identified as Assessors Map 22, Parcel 10 and Assessors Map 23, Parcel 89. Said property is owned by Malevich, LLC, P.O. Box 540211, Waltham, Massachusetts. The property is zoned Industrial Park Two (I-P-2).

In accordance with the provision of G. L. c. 40, Section 11, notice of hearing was published in The Milford Daily News on October 13, 2019 and October 20, 2019. Abutters to the property were properly notified of the public hearing by mail. A list of the abutters is on file in the Town Clerk's office, 900 Main Street, Millis, Massachusetts.

A public hearing in accordance with said notice was held on October 8, 2019, and a continued hearing was held on November 12, 2019. The public hearing was closed on November 12, 2019.

The Applicant was represented by David LaPointe of Beals and Thomas, Inc. and David R. Baker, Agent, 617 Therapeutic Health Center, Inc. The consulting engineer for the Planning Board on this application was the BETA Group, Inc.

The following submissions were received through the public hearing process:

- Correspondence to the Millis Planning Board from David J. LaPointe, RLA, LLED, AP, Beals and Thomas, Inc., dated August 15, 2019, with attachments:
  - An application for Special Permit for/with site plan approval for Marijuana Cultivation Facility at 1073 Main St. (formerly GAF Materials Corp.), Richard Gin, 617 Therapeutic Health Center, Inc., filed August 16, 2019
  - Certified Abutters List Dated July 25, 2019
  - Plans entitled, "Cultivation Facility in Millis, MA," Site Plan, dated August 15, 2019, revised September 11, 2019, prepared by Beals and Thomas, Inc., Southborough, MA
- Memo to the Millis Board of Selectmen from Chris Soffayer, Chief of Police, dated September 3, 2019
- Correspondence to Millis Planning Board from BETA Group, Inc., dated September 17, 2019
- Correspondence to the Millis Planning Board from Richard Barrett, Fire Chief, dated October 3, 2019
- Correspondence to the Millis Planning Board from David J. LaPointe, RLA, LLED, AP, Beals and Thomas, Inc., dated October 3, 2019, with attachments:
  - Plans entitled, "Cultivation Facility in Millis, MA" Site Plan, dated August 15, 2019, last revised October 3, 2019, prepared by Beals and Thomas, Inc., Southborough, MA
- Correspondence to the Millis Planning Board from Anthony W. Jarvis, dated October 4, 2019
- Correspondence to the Millis Planning Board from David R. Baker, Agent,
   617 Therapeutic Health Center, Inc., dated October 9, 2019 (waiver requests)
- Correspondence to Millis Planning Board from BETA Group, Inc., dated October 15, 2019
- Plan entitled, "Lighting Plan, Storage Area Expansion," dated Nov. 11, 2019

\*\*\*\*\*\*\*\*\*

## **FINDINGS**

Regarding the requests for Special Permits, Section XII.Q of the Zoning By-Laws of the Town of Millis requires the following general conditions to be fulfilled prior to the granting of an application for a special permit:

(a) Special permits shall only be issued following public hearings held within 65 days after filing of an application with the Special Permit Granting Authority, a copy of which shall be given forthwith to the Town Clerk by the Applicant.

**Finding:** The application was filed with the office of the Town Clerk on August 16, 2019; and the initial public hearing was held on October 10, 2019. The Planning Board therefore finds that this requirement has been met.

(b) The use requested by the Applicant is authorized by a Special Permit under Section XIII Special Permit Conditions of the Millis Zoning By-laws, Subsection V – Recreational Marijuana Establishments.

**Finding:** The use of marijuana cultivation facility is allowed in the Industrial Park Two (I-P-2) Zoning District where it is being proposed with authorization by Special Permit with Site Plan Approval from the Planning Board. The Planning Board therefore finds that this requirement has been met.

(c) The requested use is essential or desirable to the public convenience or welfare.

**Finding:** The Board finds that the proposed use will revitalize the site that been dormant for years resulting in financial benefit to the town through taxes and utilities. The use will increase economic development consistent with town planning goals and provide employment opportunities. The Board therefore finds that the proposed development is desirable to the public convenience and welfare.

(d) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

**Finding:** The historical use of this site required a signalized intersection and regular traffic from tractor trailers, deliveries and employees for which the site was designed. The proposed use projects less traffic than other uses that have previously been or could be employed at this site. The proposed use

will only allow licensed employees or pre-registered vendors and contractors to enter the facility and approximately 30 employees are expected to be onsite at one time. At full-build out the facility is anticipated to require deliveries only once or twice per week of tractor trailers. All deliveries will occur during the hours of 7am-7pm and distribution of products out of the facility will occur 1-3 times during daytime hours. An existing sidewalk runs along Main Street and provides adequate pedestrian access along the site frontage. The requested use will therefore not create undue traffic congestion, or unduly impair pedestrian movement and the Planning Board finds that this requirement has been met.

(e) The requested use will not overload any municipal services to such an extent that the requested use or any developed use in the immediate area or in any other area of the town will be unduly subject to hazards affecting health, safety, or the general welfare.

Finding: The site is serviced by existing municipal water and sewer systems. The water consumption projections for the cultivation operations have been provided to the Department of Public Works and confirmed available with the existing service. The applicant has agreed to file with the Charles River Pollution Control District for discharging to the sanitary sewer and provide consent to the Board prior to construction. Stormwater management systems on the site were upgraded for the prior use of storage expansion in or about 2006. The Applicant is not proposing to increase impervious area or do any grading on the site and therefore will not alter the drainage flow, rate, volume or path. The Planning Board therefore finds that this requirement has been met.

(f) Any special regulations for the use set forth in Section XI (Special Flood Hazard District), are fulfilled.

**Finding:** A portion of the site is located within the 100-year FEMA mapped flood zone (Zone A), however, all proposed work is outside of this area. The Planning Board therefore finds that this requirement has been met.

(g) The requested use will not impair the integrity or character of the district or adjoining zones, not be detrimental to the health, morals, or welfare.

**Finding:** The requested use of a cultivation facility is a use allowed by Special Permit in the I-P-2 zoning district. The site is located in an established commercial & industrial area. There is a residential district that abuts the property to the east. Residential district abutters include the Prospect Hill Cemetery and a residential house adjacent to the entrance driveway of the

property. There is a vegetated tree buffer along the residential district property line that will be maintained. The remainder of the property to the north and west consists primarily of woods and wetland resource area of the Great Black Swamp. The applicant proposes to implement odor and noise control systems and agrees that a specialist in odor and noise shall review the proposed plans for these systems to ensure compliance with regulations prohibiting nuisance. Based on the plan submitted along with the imposition of conditions noted hereafter, The Planning Board finds that this requirement has been met.

(h) A special permit granted under the provision of the Millis Zoning by-laws shall lapse within one year, and including such time required to pursue or await the determination of an appeal, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

**Finding:** The Applicant shall adhere to such requirements and the Planning Board therefore finds that this requirement has been met.

\*\*\*\*\*\*\*\*\*

Section XIII.C.5 of the Zoning By-laws of the Town of Millis requires the following matters be evaluated prior to the granting of an application for Site Plan Review:

(a) Protection of adjoining premises against detrimental uses by provision for surface water drainage, sound and sight buffers and preservation of views, light and air.

Finding: The Applicant is not proposing to increase impervious area or do any grading on the site and therefore will not alter the drainage flow, rate, volume or path. The site has an established vegetated buffer of trees providing a buffer along all property lines of the site. The proposal includes HVAC systems to be located at the back of the facility, as far as possible from adjoining properties to limit noise exposure. The applicant proposes to implement odor and noise control systems and agrees that a specialist in odor and noise shall review the proposed plans for these systems to ensure compliance with regulations prohibiting nuisance. Based on the plan submitted along with the imposition of conditions noted hereafter, the Planning Board therefore finds that this requirement has been met.

(b) Convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or adjacent streets

and, when necessary, compliance with other regulations for the handicapped, minors and the elderly.

Finding: The proposal will use the existing driveway at the existing signalized intersection on Main Street at Pleasant Street. The proposed use and anticipated vehicular traffic and movements are consistent with those the site was originally designed for. Pedestrian movement within the site is limited to employees as this site is closed to the public. Handicap spaces are provided in accordance with state regulations. The Millis Fire Chief has reviewed site plans and provided a letter indicating that emergency access to the site is adequate. Based on the plan submitted along with the imposition of conditions noted hereafter, the Planning Board therefore finds that this requirement has been met.

(c) Protection and enhancement of existing site features.

**Finding:** The site is currently developed and the proposed redevelopment does not increase impervious coverage. Vegetated buffers around the perimeter of the site will be maintained and not work is proposed in or around the woods and wetland resource area of the Great Black Swamp. There are no other unusual or unique site features. Based on the plan submitted along with the imposition of conditions noted hereafter, the Planning Board therefore finds that this requirement has been met.

(d) Adequacy of the arrangement for parking and loading spaces in relation to the proposed use of the premises.

Finding: The applicant has requested a waiver to allow a lesser number of parking and loading spaces than would otherwise be required. Given the limited number of employees anticipated and traffic these types of facilities receive, the proposed number appears adequate. Handicap spaces are provided in accordance with state regulations. Based on the plan submitted, the Planning Board finds that the applicant has sufficient area to stockpile snow on site away from designated parking spaces and driveways and outside of stormwater management systems, so the need to remove snow offsite is not anticipated. Based on the plan submitted along with the imposition of conditions noted hereafter, the Planning Board therefore finds that this requirement has been met.

(e) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site.

**Finding:** The disposal of refuse from the operations of the proposed use are regulated through the Massachusetts Cannabis Control Commission (CCC). Strict procedures are required for storage and disposal of refuse. Based on the

plan submitted along with the imposition of conditions noted hereafter, the Planning Board therefore finds that this requirement has been met.

(f) Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of the by-law.

**Finding:** The site is currently developed, and limited modifications to the exterior of the existing facility are proposed. The open space and landscaping on the site will remain in place. Based on the plan submitted along with the imposition of conditions noted hereafter, the Planning Board therefore finds that this requirement has been met.

(g) Protection of environmental features, particularly groundwater resources, on the site and in adjacent areas, adequate protection to prevent pollution of surface and groundwater, soil erosion, increase runoff, changes in groundwater recharge or elevation and flooding.

**Finding:** The existing site has a stormwater management system which provides the collection, treatment and infiltration of stormwater runoff from the large paved area of the site. There is no change in impervious cover or grading proposed. There is limited excavation proposed for installation of mechanical pads and construction-stage erosion controls will be implemented to prevent soil erosion during construction. Based on the plan submitted along with the imposition of conditions noted hereafter, the Planning Board therefore finds that this requirement has been met.

\*\*\*\*\*\*\*\*\*

Section XIII.V of the Zoning By-laws of the Town of Millis requires the following matters be evaluated prior to the granting of an application for a Recreational Marijuana Establishment:

### 2.a Location:

**Finding:** The proposed establishment is surrounded on two sides by woods and wetland resource area of the Great Black Swamp. To the east is a residential district with the nearest residential abutter the Prospect Hill Cemetery. None of the uses identified in XIII.V.2a(2) lie within 500 or 1,500 feet of the site (as applicable). The Planning Board therefore finds that this requirement has been met.

It is further noted that the applicant has agreed to submit copies of the various documents required by Section XIII.V upon issuance of a license by the CCC. The applicant has agreed that a specialist in odor and noise shall review the proposed construction drawings and stamped MEP plans for the facility to ensure compliance with Section XIII.V.4 Prohibition Against Nuisance. The applicant requests that the nuisance review be listed as a condition of this permit with review and approval to be issued through the Board of Health and/or Select Board as the licensing authority of the cultivation facility to make the final determination that the Application has satisfied the condition.

\*\*\*\*\*\*\*\*\*\*

## WAIVERS GRANTED

At the public hearing on November 12, 2019, the Planning Board granted the following waivers from the Town of Millis Zoning By-Law requested by the applicant:

- 1. A waiver from Section VIII, Table 4. Off-Street Parking Standards, of the Off-Street Parking and Loading Regulations Bylaw, to allow 50 parking spaces, including 4 designated as handicapped, where a total of 131 spaces are required.
- 2. A waiver from Section VIII.C.2.p. Parking Lot and Loading Lot Standards, of the Off-Street Parking and Loading Regulations Bylaw, where trees shall be provided in parking areas at a rate of at least one tree for every four spaces.
- 3. A waiver from Section XIII.V.2.c. (1) Application, of the Recreational Marijuana Establishment Special Permit Conditions Bylaw, to supply a copy of the CCC license prior to the required local approvals.
- 4. A waiver from Section XIII.V.4. Prohibition Against Nuisance, of the Recreational Marijuana Establishment Special Permit Conditions Bylaw, to allow review and approval of the proposed construction drawings and stamped MEP plans for the facility for Prohibition Against Nuisance, (including but not limited to noise and odor) through the Board of Health and/or Select Board as the licensing authority of the cultivation facility.

## DECISION

At a meeting held on November 12, 2019, acting upon a motion of Mr. Richard Nichols and seconded by Mr. James McKay, with Mr. George Yered, Mr. Richard Nichols, Mr. James McKay, Mr. Bodha B. Raut Chhetry, and Mr. Josh Guerrero voting in the affirmative, it was unanimously voted to grant to the Applicant, 617 Therapeutic Health Center, Inc., a **Special Permit** for site plan approval for the property located at 1073 Main Street, said location as described herein and on the plans. The site and the approved improvements are depicted on a nine-sheet plan set entitled *Cultivation Facility in Millis, MA*, *Site Plan*, dated August 15, 2019, revised October 3, 2019, prepared by Beals and Thomas, Inc., Southborough, MA. (hereinafter referred to as the "Approved Site Plan"). Site plan approval is subject to the following conditions:

## Special Permit Standard Conditions

- 1. All necessary approvals from other Town Boards and Commissions must be obtained by the Applicant. Proof of said approvals, where needed, shall be forwarded to the Millis Planning Board. Approvals and/or permits shall reference the Approved Site Plan.
- 2. All provisions of the Millis Zoning By-laws shall be observed unless otherwise approved herein, authorized by variance from the Millis Zoning Board of Appeals, or authorized by a Determination pursuant to M.G.L. Chapter 40A, Section 6 that such pre-existing non-conforming uses may remain or be expanded and/or modified.
- 3. This special permit granted under the provisions of the Millis Zoning By-laws shall lapse within twenty-four (24) months from the filing of this decision with the Town Clerk, and including such time required to pursue or await the determination of an appeal from the grant thereof. If the Applicant, for good cause, needs to be granted an extension of up to one (1) year for completion of the project, such an extension will not be unreasonably withheld.
- 4. This permit is for the redevelopment of the site at 1073 Main Street, including the renovation of an existing industrial building to support a marijuana cultivation facility. Improvements proposed include interior modifications to the building and site improvements of parking lot striping, security fencing, a 6,316 SF of building addition and placement of mechanical equipment within the existing parking area. The proposal uses existing driveways, parking areas, stormwater management system and

utility connections, all as shown on the Approved Site Plan. Any desired changes in use or any more than the 6,316 SF in additional building space identified on the approved plans must be submitted to the Board for review and determination as to whether an amendment or modification of the permit is required.

- 5. The Applicant shall identify the name, address and phone number of the contact person for construction management of the project. Said contact person shall be available 24 hours per day, seven days per week throughout construction. This information shall be provided to the dispatcher's office of the Millis Police and Fire Departments, the office of the Department of Public Works, and any other department deemed necessary by the Planning Board. In addition, this information should be posted in a prominent location on the required temporary construction fencing.
- 6. Prior to the start of construction, the Applicant shall conduct a preconstruction meeting with the Director of the Department of Public Works, the Planning Board's Engineer, and any other persons the Planning Board or its engineer deems appropriate
- 7. No construction shall be started prior to 7:00 A.M. or continue beyond 6:00 P.M. No work will be permitted on the site on Sundays or on holidays observed in Norfolk County, Massachusetts unless approved by the Building Inspector and notification is provided to the Director of the Department of Public Works. A sign stating these construction activity hours shall be posted at the construction entrance.
- 8. There shall be no loading/unloading or stacking of construction equipment and materials during construction on Main Street. There shall be no idling of delivery trucks during construction either within the project site or on adjacent streets. Truck and machine idling as governed by MGL Chapter 90 Section 16-A. Activities along Main Street must meet the approval of the Police Chief. A sign stating these conditions shall be posted at the construction entrance.
- 9. Areas of disturbance, including stockpiling areas shall be protected by temporary fencing throughout construction.
- 10. Areas of disturbance shall be limited to the greatest extent practical. Disturbed areas that will not be built upon, paved or grassed within 14 days shall be temporarily stabilized with grass.

- 11. Installation of erosion control devices shall precede all other construction. Flooding of abutting properties during construction shall not be allowed.
- 12. A dumpster shall be maintained on-site throughout construction. All trash shall be collected daily and deposited in the dumpster. No trash shall be buried on-site.
- 13. If it is determined by the Board that construction related dust is excessive, remediation shall be implemented within 24 hours. Dust control shall be by water truck, calcium chloride shall not be allowed.
- 14. The Planning Board and any of its representatives shall be allowed to inspect the premises at any time.
- 15. An "as-built" plan shall be submitted for approval to the Planning Board prior to occupancy. Among other things, the As-built plan shall show the location of all utility systems and shall include ties to water and sewer curb stops. As-built plans shall be accompanied by a written statement certifying substantial compliance with the Approved Plans. The statement shall note any deviation from the Approved Plans as part of this permit, shall be written by a Professional Engineer and shall include the dates of inspection(s). Facility shall not be allowed to partial occupancy at any time without the approval of the Planning Board.
- 16. The property owner shall maintain on-site files including records of inspection, maintenance, and corrective actions for work performed in accordance with the operations and maintenance requirements prepared by the Applicant. Such files shall be available for inspection by the town.
- 17. The Applicant shall be responsible for payment of professional outside consultant assistance that the Board deems necessary for inspection, etc., upon invoice from the Board. A Scope & Fee for construction inspection services to be paid for by the applicant shall be agreed upon and signed by the Applicant and the Town of Millis prior to the start of construction.
- 18. All parking spaces/lines shall be painted every three years or as needed.

## Site Specific Special Permit Conditions

19. The existing treeline and vegetation between the 1073 Main Street parking lot and abutting residential district properties shall remain a vegetated buffer with density and character maintained as it exists today in perpetuity.

- 20. Final construction documents shall be submitted to the Board prior to the start of construction. These documents shall include foundations and structural design required for mechanical sheds and pads stamped by a structural engineer and an exterior facility lighting plan including a photometric plan to ensure no light spillage over property lines and sufficient parking lot lighting for safety.
- 21. In lieu of providing and installing seven (7) trees along the proposed parking area, the Applicant shall donate the sum of \$4,900, the equivalent of \$700.00 per tree required, to the Town tree fund so that the Town of Millis may plant or maintain trees elsewhere in Town.
- 22. A copy of the license issued by the CCC shall be submitted to the Board prior to the start of construction including all information requested in Section XII.Q (d-h).
- 23. This Decision is contingent upon the Applicant satisfying all requirements of the Select Board/Board of Health, including requirements relating to noise and odor.
- 24. The Applicant shall file with the Charles River Pollution Control District for discharge to the sanitary sewer and provide CRPCD consent to the Board prior to the start of construction.
- 25. In the event of cemetery services, exterior construction work shall be suspended until after services have concluded. This may be coordinated with the Department of Public Works.

# Special Permit Conditions on Marijuana Establishments (Section XIII.V.3)

- 26. The permit holder, or the Marijuana Establishment Agent, as defined by 935 CMR 500.002, shall file a copy of any Incident Report required under 935 CMR 500.000 with the Zoning Enforcement Officer and the Planning Board within 24 hours of creation by the Marijuana Establishment. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.
- 27. The permit holder, or the Marijuana Establishment Agent, shall file a copy of any deficiency statement, plan of correction, limitation of sales, summary cease and desist order, cease and desist order, quarantine order, summary suspension order, notice of violation, notice of hearing, and notice of final action issued by the CCC, or any other adjudicatory agency, as applicable, regarding the Marijuana Establishment, with the Zoning Enforcement Officer and Planning Board within 48 hours of receipt by the Marijuana Establishment or Marijuana Establishment Agent.

- 28. The permit holder, or the Marijuana Establishment Agent, shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number, and electronic mail address of the Marijuana Establishment Agent in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder and the Marijuana Establishment Agent.
- 29. The special permit shall be limited to the original applicant and is not transferrable.
- 30. The special permit shall lapse if the permit holder ceases operation of the Marijuana Establishment for a period of thirty (30) days, or upon the expiration, termination or nonrenewal of the applicant's license issued by the CCC.
- 31. The permit holder, or the Marijuana Establishment Agent, shall annually provide the Zoning Enforcement Officer and the Planning Board with a copy of the renewed license issued by the CCC, as well as any modification of the existing license, as approved by the CCC.
- 32. The permit holder, or the Marijuana Establishment Agent, shall notify the Zoning Enforcement Officer and Planning Board in writing within 48 hours of the cessation of operation of the Marijuana Establishment or the expiration, termination or nonrenewal of the license issued by the CCC.
- 33. No marijuana shall be smoked, eaten or otherwise consumed or ingested on the premises.

MILLIS PLANNING BOARD:			
Richard Nichols Chair	Approve	Deny	Abstain
James McKay	Approve	Deny	Abstain
George Yered Member	Approve	Deny	Abstain
Bodha B. Raut Chhetry Member	Approve	Deny	Abstain
Joshua Guerrero Associate Member	Approve	Deny	Abstain

DATE VOTED:

<u>Aovember 12, 2019</u>

DATED FILED WITH THE OFFICE OF THE TOWN CLERK:

<u>November 15, 2019</u>

APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN TWENTY (20) DAYS AFTER THE DATE THIS DECISION IS FILED IN THE OFFICE OF THE TOWN CLERK.

# CULTIVATION FACILITY IN MILLIS, MASSACHUSETTS

(Norfolk County)

# **APPLICANT**

617 Therapeutic Health Center, Inc. 168 Beacham Street Everett, Massachusetts 02149

# **OWNER**

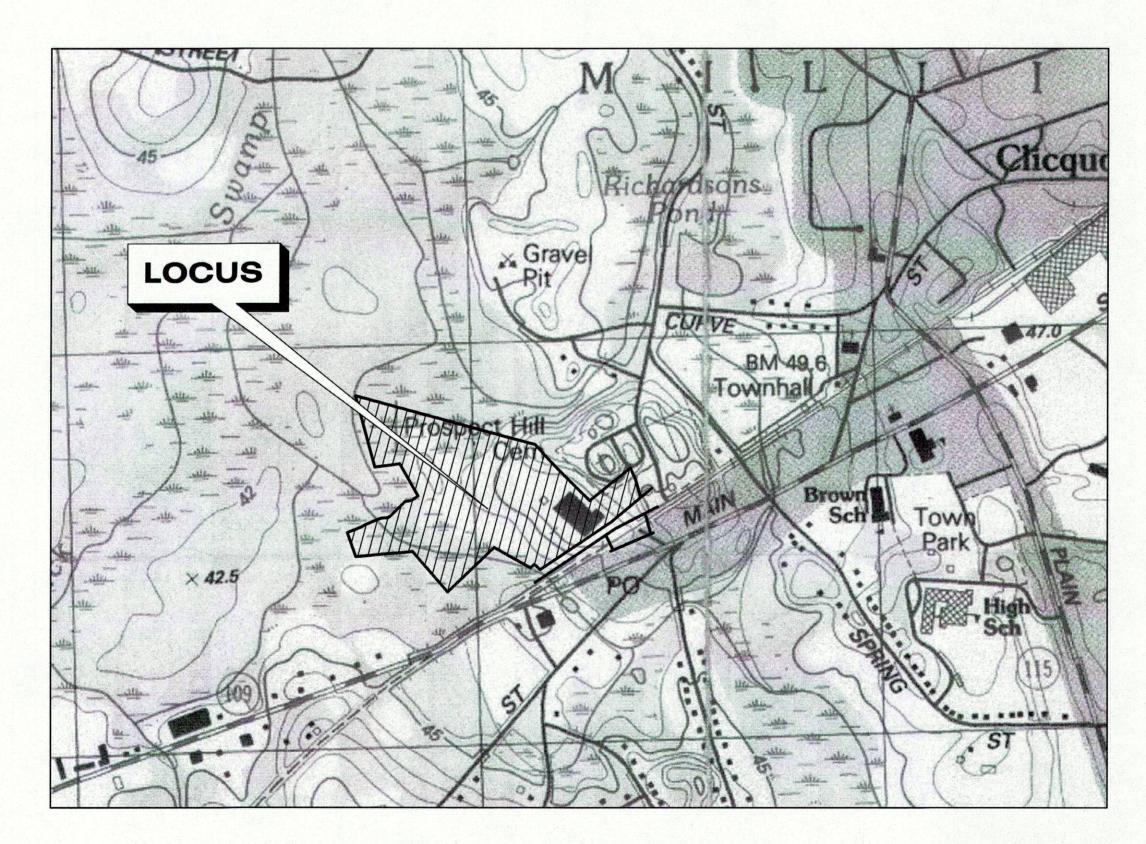
Malevich, LLC.
P.O. Box 540211
Waltham, Massachusetts 02454

# CIVIL ENGINEER/SURVEYOR AND LANDSCAPE ARCHITECT

Beals and Thomas, Inc.
Reservoir Corporate Center
144 Turnpike Road
Southborough, Massachusetts 01772

# **ARCHITECT**

Anderson Porter Design 875 Main Street, 2nd Floor Cambridge, Massachusetts 02139



**Locus Map**Scale: 1" = 1000'



Permit Plan Set - August 15, 2019 Revised Per Comments - September 11, 2019 Revised Per Comments - October 3, 2019

# SHEET INDEX

**AX2.1** 

Cover Sheet

C1.1-C1.2 Notes, References, Legend and Site Details

C2.1 Compiled Topographic Plan

C2.2 Site Preparation Plan

C2.3 Site Plan

A1.1 Proposed Floor Plan

AX1.1 Existing Floor Plan

A2.1 Proposed Elevations

**Existing Elevations** 

DATE 11/12/19

Job No.: 1566.16

Plan No.: 156616P021C-001

Sheet 1 of 10

# GENERAL NOTES

- 1. THE CONTRACTOR SHALL MAKE ALL NECESSARY CONSTRUCTION NOTIFICATIONS AND APPLY FOR AND OBTAIN ALL NECESSARY CONSTRUCTION PERMITS. THE CONTRACTOR SHALL ALSO PAY ALL FEES AND POST ALL BONDS ASSOCIATED WITH THE SAME, AND COORDINATE WITH THE ENGINEER AND ARCHITECT AS REQUIRED.
- 2. CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR JOB SITE SAFETY AND ALL CONSTRUCTION MEANS AND METHODS.
- 3. LIMIT OF WORK SHALL BE EROSION CONTROL BARRIERS, LIMIT OF GRADING AND SITE PROPERTY LINES AND/OR AS INDICATED ON DRAWINGS.
- PORTIONS OF THE ROADWAY, SIDEWALK AND ROADSIDE AREA DISTURBED BY THE CONTRACTOR'S OPERATIONS SHALL BE RESTORED TO THEIR CONDITIONS PRIOR TO
- 5. CONTRACTOR TO VERIFY UTILITY STUB LOCATIONS AND ELEVATIONS IN THE FIELD PRIOR TO COMMENCING WORK.
- 6. ANY ALTERATION TO THESE DRAWINGS MADE IN THE FIELD DURING CONSTRUCTION SHALL BE RECORDED BY THE CONTRACTOR ON RECORD DOCUMENTS.
- 7. ANY AREA OUTSIDE THE LIMIT OF WORK THAT IS DISTURBED SHALL BE RESTORED TO ITS ORIGINAL CONDITION AT NO COST TO OWNER.
- 8. EXISTING TREES AND SHRUBS OUTSIDE THE LIMITS OF GRADING SHALL BE REMOVED ONLY UPON PRIOR APPROVAL OF THE OWNER.
- 9. FOR DRAWING LEGIBILITY, ALL EXISTING TOPOGRAPHIC FEATURES, EXISTING UTILITIES, PROPERTY BOUNDARIES, EASEMENTS, ETC. MAY NOT BE SHOWN ON ALL DRAWINGS. REFER TO ALL REFERENCED DRAWINGS AND OTHER DRAWINGS IN THIS SET FOR ADDITIONAL INFORMATION.
- 10. ALL EXCAVATORS OR CONTRACTORS MUST REFER TO 520 CMR 14.00 TO OBTAIN A TRENCH PERMIT PRIOR TO ANY CONSTRUCTION RELATED TRENCHES ON SITE.

## LAYOUT AND MATERIALS NOTES

- 1. ALL LINES AND DIMENSIONS ARE PARALLEL OR PERPENDICULAR TO THE LINES FROM WHICH THEY ARE MEASURED UNLESS OTHERWISE INDICATED.
- 2. COORDINATE THE LOCATION OF ALL SITE LIGHT STANDARDS WITH IMPROVEMENTS SHOWN ON THESE DRAWINGS.
- 3. CONTRACTOR SHALL REPORT SIGNIFICANT CONFLICTS TO THE OWNER AND THE ENGINEER FOR RESOLUTION.

ADJUSTMENTS TO THE SITE LAYOUT CAN BE MADE IF NECESSARY.

BUILDING FROM THE LATEST ARCHITECTURAL DRAWINGS.

- 4. DIMENSIONS OF PARKING SPACES AND DRIVEWAYS ARE FROM FACE OF CURB TO
- FACE OF CURB. 5. DIMENSIONS FROM BUILDING ARE FROM FACE OF BUILDING TO FACE OF CURB. CONTRACTOR SHALL VERIFY ALL CONDITIONS IN THE FIELD AND REPORT ANY

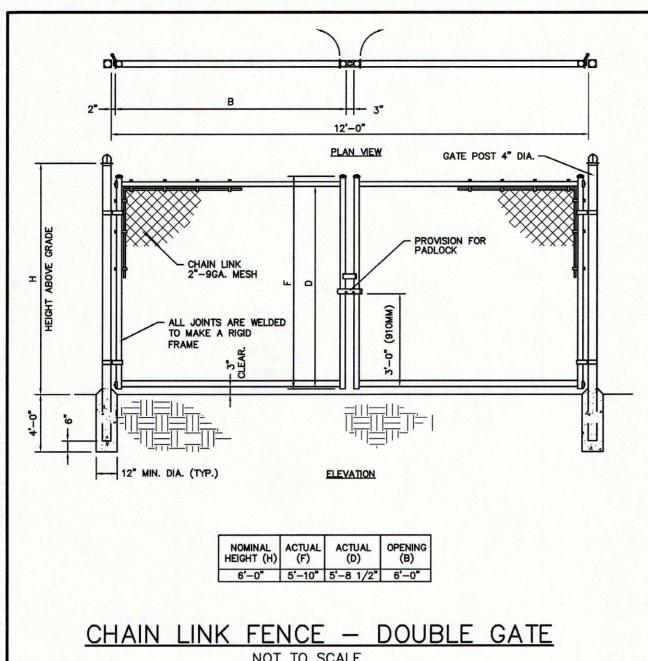
DISCREPANCIES TO THE ENGINEER. THE CONTRACTOR SHALL STAKE OUT

- 6. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN SITE PLAN DIMENSIONS AND BUILDING PLANS BEFORE PROCEEDING WITH ANY PORTION OF SITE WORK WHICH MAY BE AFFECTED SO THAT PROPER
- 7. SEE ARCHITECTURAL DRAWINGS FOR EXACT BUILDING DIMENSIONS AND ALL DETAIL CONTIGUOUS TO THE BUILDING, LIGHTING, ENTRANCE PATIO, DOORWAY PADS, LOADING DOCK DETAILS, ETC.
- 8. EACH HANDICAP PARKING SPACE SHALL BE IDENTIFIED BY A SIGN SIX (6) FEET IN HEIGHT LOCATED AT THE FACE OF THE CURBLINE. THE SIGN SHALL CONTAIN THE INTERNATIONAL SYMBOL OF ACCESSIBILITY AS DESCRIBED IN THE AMERICANS WITH DISABILITIES ACT, PUBLIC LAW 101-336, (SEE DETAIL).
- 9. PROTECT EXISTING PROPERTY MONUMENTS AND ABUTTING PROPERTIES DURING CONSTRUCTION ACTIVITIES.

# GRADING, DRAINAGE AND UTILITY NOTES

- . UNDERGROUND UTILITIES WERE COMPILED FROM AVAILABLE RECORD PLANS OF UTILITY COMPANIES AND PUBLIC AGENCIES. ARE APPROXIMATE AND ASSUMED. BEFORE COMMENCING SITE WORK IN ANY AREA, CONTACT "DIG SAFE" AT 1-888-344-7233 TO ACCURATELY LOCATE UNDERGROUND UTILITIES. ANY DAMAGE TO EXISTING UTILITIES OR STRUCTURES SHALL BE THE CONTRACTOR'S RESPONSIBILITY. NO EXCAVATION SHALL BE DONE UNTIL UTILITY COMPANIES ARE PROPERLY NOTIFIED IN ADVANCE.
- 2. ALL SITE WORK SHALL MEET OR EXCEED THE SITE WORK SPECIFICATIONS PREPARED FOR THIS PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THAT THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS DO NOT CONFLICT WITH ANY KNOWN EXISTING OR OTHER PROPOSED IMPROVEMENTS. IF ANY CONFLICTS ARE DISCOVERED. THE CONTRACTOR SHALL NOTIFY THE OWNER AND THE ENGINEER PRIOR TO INSTALLATION OF ANY PORTION OF THE SITE WORK WHICH WOULD BE AFFECTED.
- 3. ALL WORK PERFORMED AND ALL MATERIALS FURNISHED SHALL CONFORM WITH THE LINES, GRADES AND OTHER SPECIFIC REQUIREMENTS OR SPECIFICATIONS OF THE TOWN OF MILLIS DPW.
- 4. AT ALL LOCATIONS WHERE EXISTING CURBING OR PAVEMENT ABUTS NEW CONSTRUCTION, THE EDGE OF THE EXISTING CURB OR PAVEMENT SHALL BE SAW CUT TO A CLEAN, SMOOTH EDGE. BLEND NEW PAVEMENT, CURBS AND EARTHWORK SMOOTHLY INTO EXISTING BY MATCHING LINES, GRADES AND JOINTS. PITCH EVENLY BETWEEN SPOT GRADES. GRADE ALL AREAS TO DRAIN.
- 5. THE CONTRACTOR SHALL VERIFY EXISTING GRADES IN THE FIELD AND REPORT ANY DISCREPANCIES IMMEDIATELY TO THE ENGINEER. THE CONTRACTOR SHALL MAKE ALL ARRANGEMENTS FOR THE ALTERATION AND ADJUSTMENT OF GAS. ELECTRIC, TELEPHONE AND ANY OTHER PRIVATE UTILITIES BY THE UTILITY COMPANIES, AS REQUIRED. WHERE AN EXISTING UTILITY IS FOUND TO CONFLICT WITH THE PROPOSED WORK, THE LOCATION, ELEVATION AND SIZE OF THE UTILITY SHALL BE ACCURATELY DETERMINED WITHOUT DELAY BY THE CONTRACTOR. AND THE INFORMATION FURNISHED TO THE OWNER AND ENGINEER FOR RESOLUTION.
- 6. ALL UTILITY COVERS, GRATES, ETC. SHALL BE ADJUSTED TO BE FLUSH WITH THE PAVEMENT FINISH GRADE UNLESS OTHERWISE NOTED. RIM ELEVATIONS OF DRAINAGE STRUCTURES AND SANITARY SEWER MANHOLES ARE APPROXIMATE.
- 7. INSTALL ALL UTILITIES (INCLUDING CONCRETE PADS) PER UTILITY COMPANY AND DPW STANDARDS.
- 8. AN EROSION CONTROL BARRIER SHALL BE INSTALLED ALONG THE EDGE OF PROPOSED DEVELOPMENT AS SHOWN ON THE PLAN PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OPERATIONS.
- ). CONTRACTOR SHALL PROTECT ALL UNDERGROUND DRAINAGE, SEWER AND UTILITY FACILITIES FROM EXCESSIVE VEHICULAR LOADS DURING CONSTRUCTION. ANY DAMAGE TO THESE FACILITIES RESULTING FROM CONSTRUCTION LOADS WILL BE RESTORED TO ORIGINAL CONDITION.
- 10. THE CONTRACTOR SHALL REMOVE ALL EROSION CONTROL BARRIERS AFTER RE-VEGETATION OF DISTURBED AREAS AND AFTER APPROVAL OF THE CONSERVATION COMMISSION AND WETLAND SPECIALIST.
- 11. WETLANDS ARE TO REMAIN UNDISTURBED. NO ENCROACHMENT PERMITTED.
- 12. EXCAVATION REQUIRED WITHIN THE PROXIMITY OF EXISTING UTILITY LINES SHALL BE DONE BY HAND. CONTRACTOR SHALL REPAIR ANY DAMAGE TO EXISTING UTILITY LINES OR STRUCTURES INCURRED DURING CONSTRUCTION OPERATIONS AT
- 13. STOCKPILED TOPSOIL SHALL BE PLACED NEATLY IN AN AREA INDICATED BY THE
- 14. PITCH EVENLY BETWEEN SPOT GRADES. ALL PAVED AREAS MUST PITCH TO DRAIN AT A MINIMUM OF 1/8" PER FOOT UNLESS SPECIFIED. ANY DISCREPANCIES NOT ALLOWING THIS MINIMUM PITCH SHALL BE REPORTED TO THE ENGINEER PRIOR TO CONTINUING WORK.
- 15. THE CONTRACTOR SHALL SCHEDULE HIS WORK TO ALLOW THE FINISHED SUB-GRADE ELEVATIONS TO DRAIN PROPERLY WITHOUT PUDDLING. SPECIFICALLY, ALLOW WATER TO ESCAPE WHERE PROPOSED CURB MAY RETAIN RUNOFF PRIOR TO APPLICATION OF THE FINISH SUB-GRADE AND/OR SURFACE PAVING. PROVIDE TEMPORARY POSITIVE DRAINAGE AS REQUIRED.

TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.



1. ALL ACCESSIBLE PARKING AND SIGNAGE

2. SIGN(S) SHALL BE LOCATED AS SHOWN

UNLESS INDICATED OTHERWISE ON THE SITE

3. ONE IN EVERY SEVEN ACCESSIBLE SPACES

4. THE LENGTH OF ACCESSIBLE SPACES SHALL

BE IN ACCORDANCE WITH THE LOCAL ZONING

REQUIREMENTS, OR 18 FEET, WHICHEVER IS

(ONE MINIMUM) SHALL BE VAN ACCESSIBLE

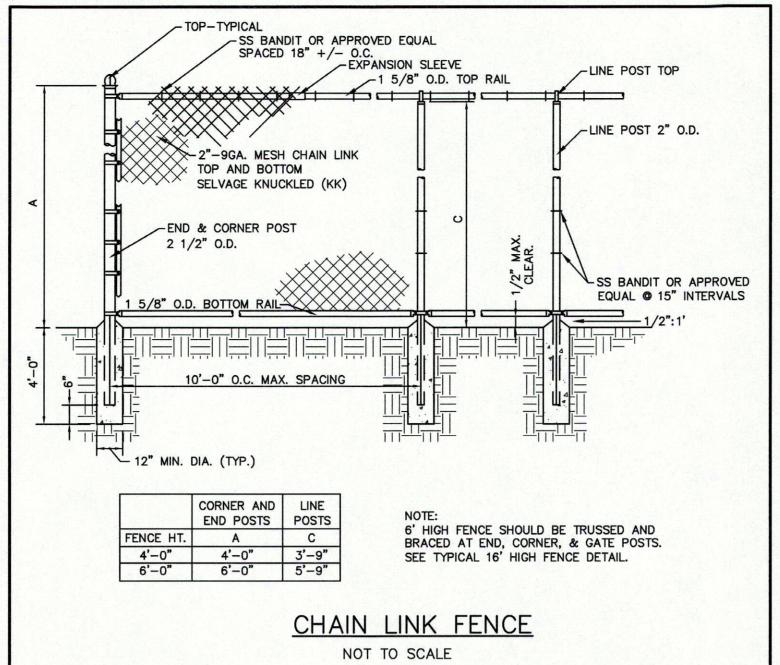
WITH AN 8 FOOT WIDE ACCESS AISLE.

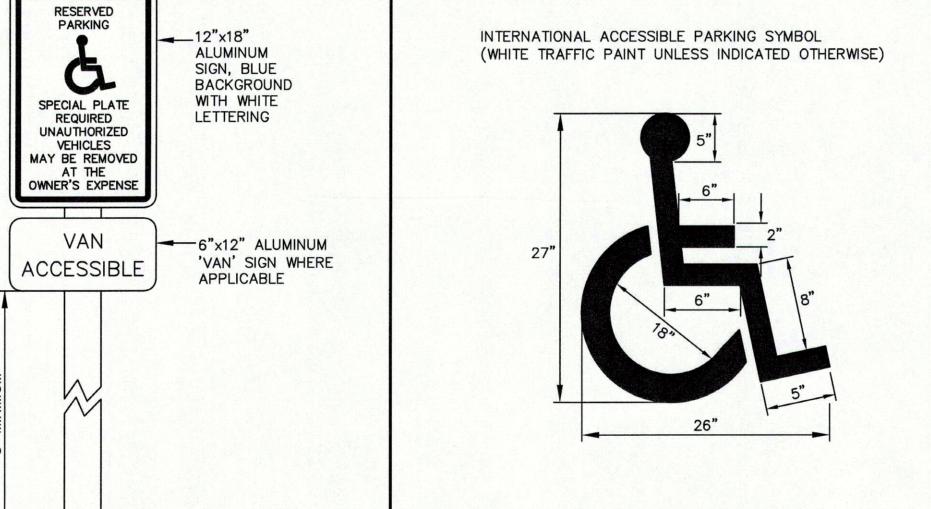
ACCESS BOARD.

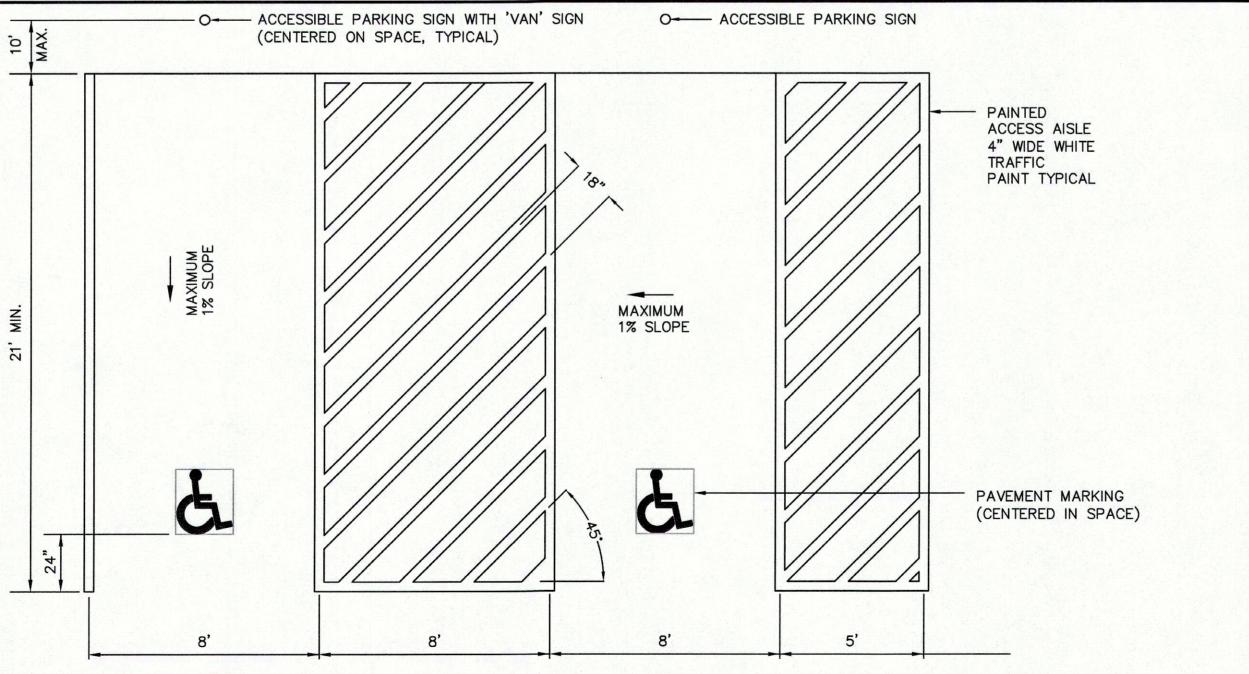
LONGER.

SHALL BE IN CONFORMANCE WITH THE RULES

AND REGULATIONS OF THE ARCHITECTURAL







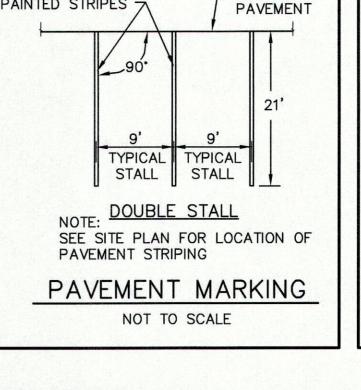


ACCESSIBLE PARKING AND SIGNAGE NOT TO SCALE

NO PART OF THIS DOCUMENT MAY BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC, MECHANICAL, PHOTOCOPYING, RECORDING OR OTHERWISE WITHOUT THE PRIOR WRITTEN PERMISSION OF BEALS AND THOMAS, INC. EXCEPT THAT ANY REGULATORY AUTHORITY MAY REPRODUCE AND TRANSMIT COPIES AS REQUIRED IN CONJUNCTION WITH PERFORMANCE OF OFFICIAL BUSINESS UNDER ITS JURISDICTION. ANY MODIFICATIONS TO THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF BEALS AND THOMAS, INC. SHALL RENDER IT INVALID AND UNUSABLE.

BEALS AND THOMAS, INC. SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, OR PROCEDURES UTILIZED

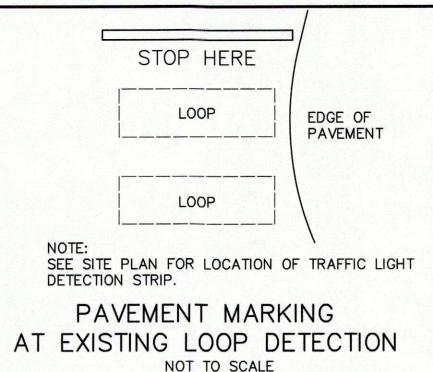
BY THE CONTRACTOR, NOR FOR THE SAFETY OF PUBLIC OR CONTRACTOR'S EMPLOYEES; OR FOR THE FAILURE OF THE CONTRACTOR



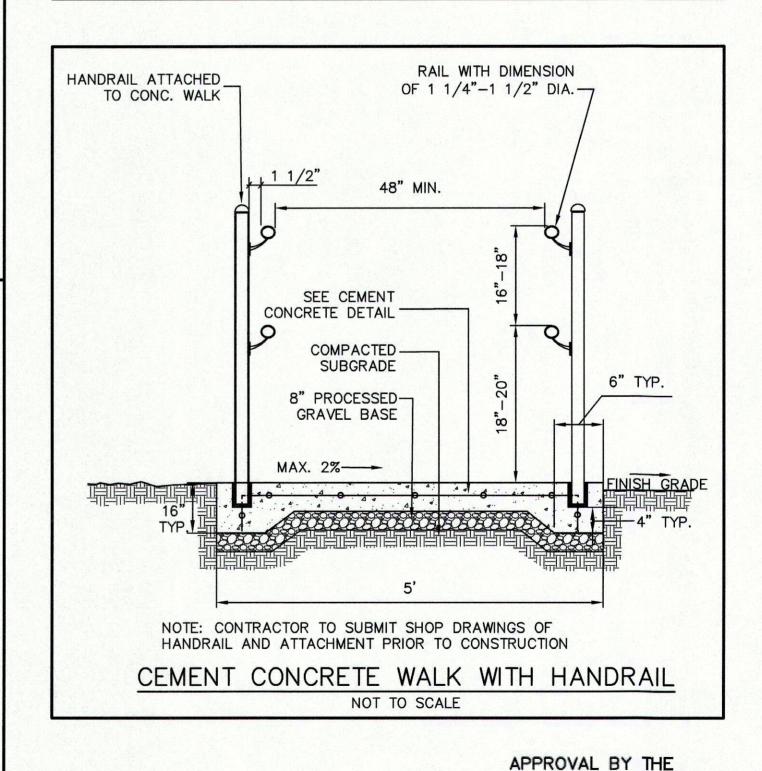
- EDGE OF

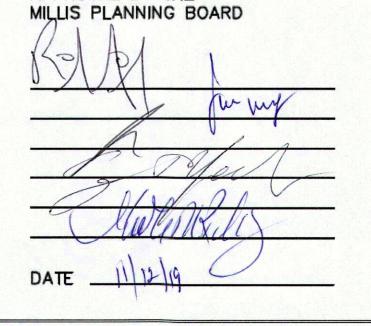
4" WIDE WHITE

PAINTED STRIPES -



STRAW BALES, BUTT TOGETHER **PROJECT** AREA HARDWOOD STAKE (TYP) FLOW -**PROTECTED** WOOD SUPPORT POST (TYP) -AREA 10' O.C. MAXIMUM PLAN VIEW WOOD SUPPORT POST SILT FENCE -- HARDWOOD STAKE, TWO PER STRAW BALE FLOW ---- ENTRENCH STRAW BALES 3" MINIMUM 12/2/2/ ENTRENCH SILT FENCE 6" MINIMUM -CROSS SECTION VIEW EROSION CONTROL BARRIER NOT TO SCALE

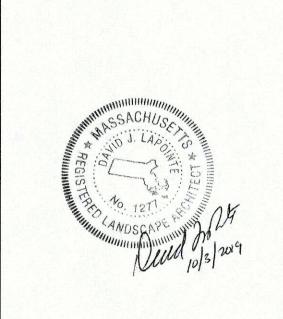




PREPARED FOR: 617

THERAPEUTIC **HEALTH** CENTER, INC.

168 BEACHAM STREET EVERETT, MASSACHUSETTS



NOT ISSUED FOR CONSTRUCTION

COPYRIGHT (C) BY BEALS AND THOMAS, INC. ALL RIGHTS RESERVED

PREPARED BY: BEALS+THOMAS Civil Engineers + Landscape Architects + Land Surveyors + Planners +

BEALS AND THOMAS, INC. Reservoir Corporate Center 144 Turnpike Road Southborough, Massachusetts 01772-2104 T 508.366.0560 | www.bealsandthomas.com

**Environmental Specialists** 

2 10/03/2019 REVISED PER COMMENTS 1 09/11/2019 REVISED PER COMMENTS 0 08/15/2019 FIRST ISSUE ISSUE DATE DESCRIPTION DES | DWN | CHK'D | APP'D

PROJECT:

**CULTIVATION FACILITY** 

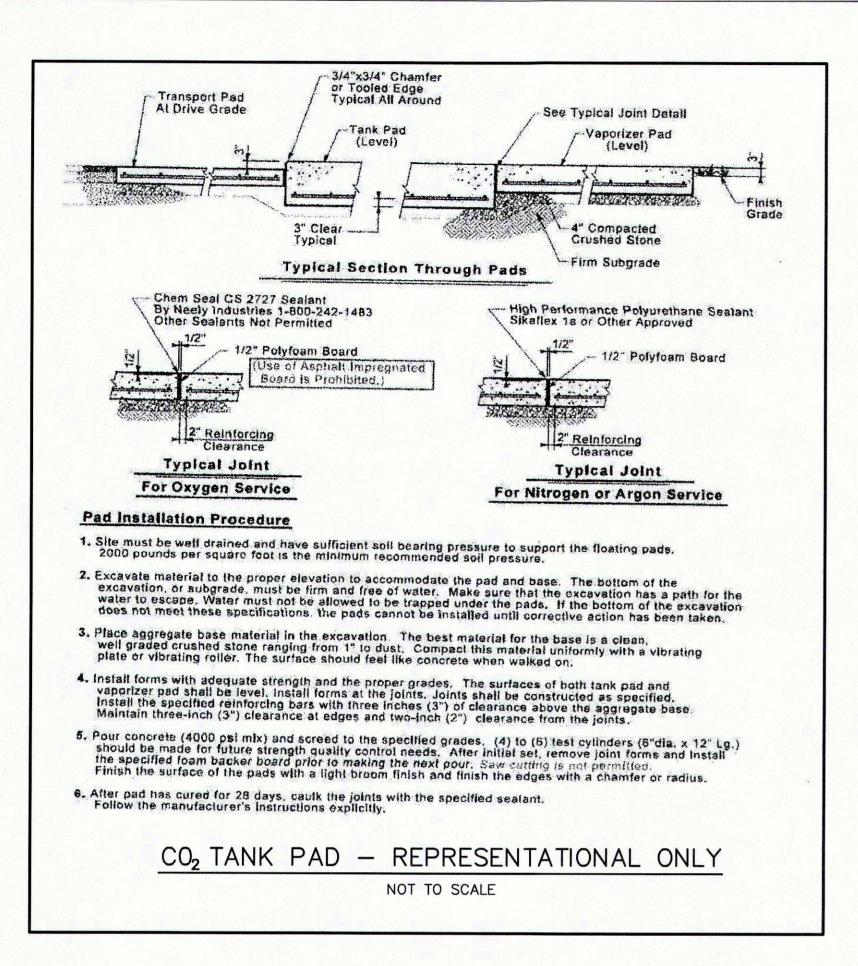
**MASSACHUSETTS** 

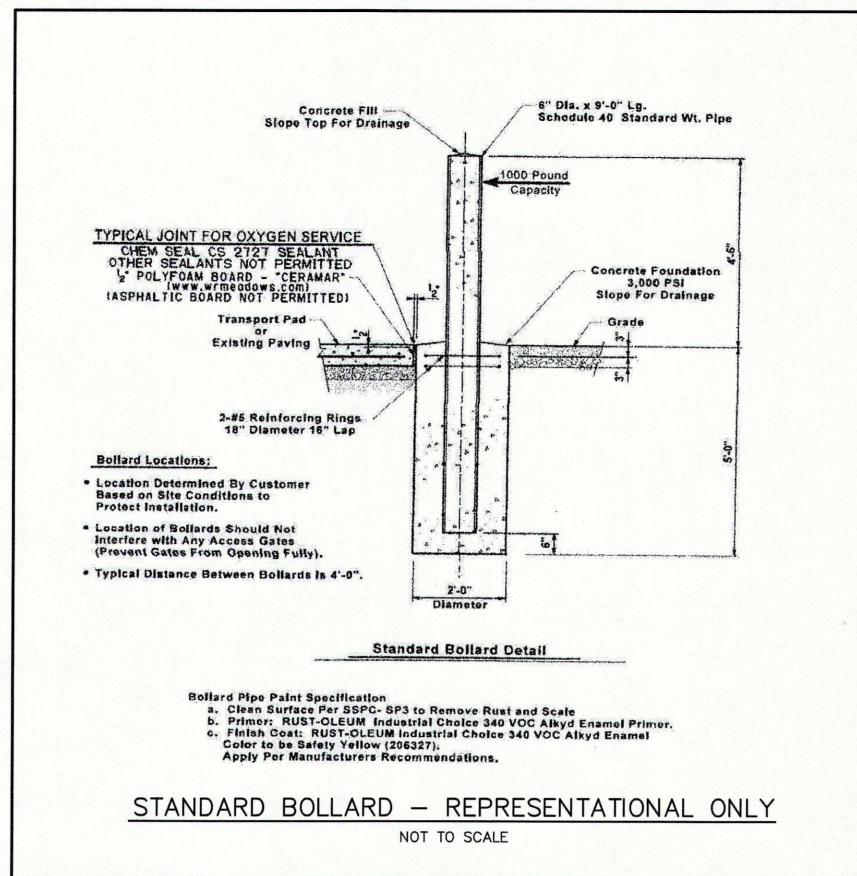
DATE: AUGUST 15, 2019 SCALE: N/A

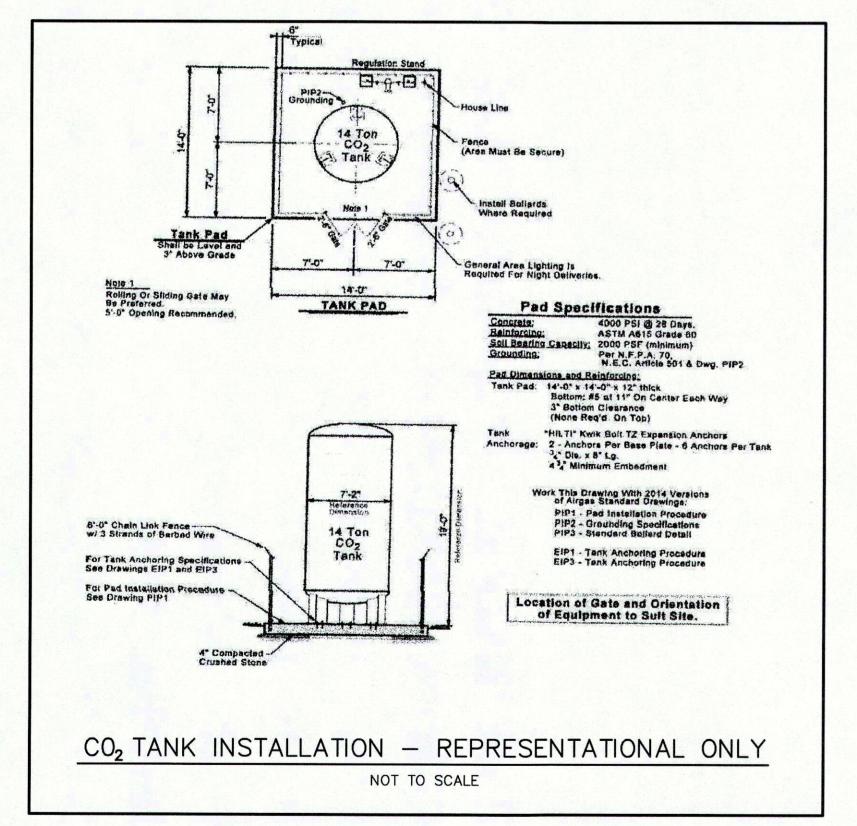
NOTES, REFERENCES, LEGEND AND **DETAILS** 

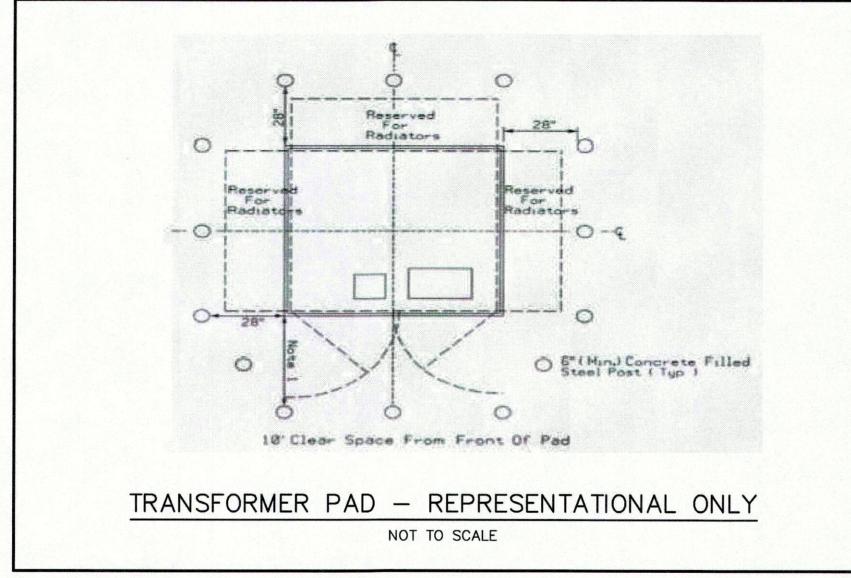
B+T JOB NO.1566.16

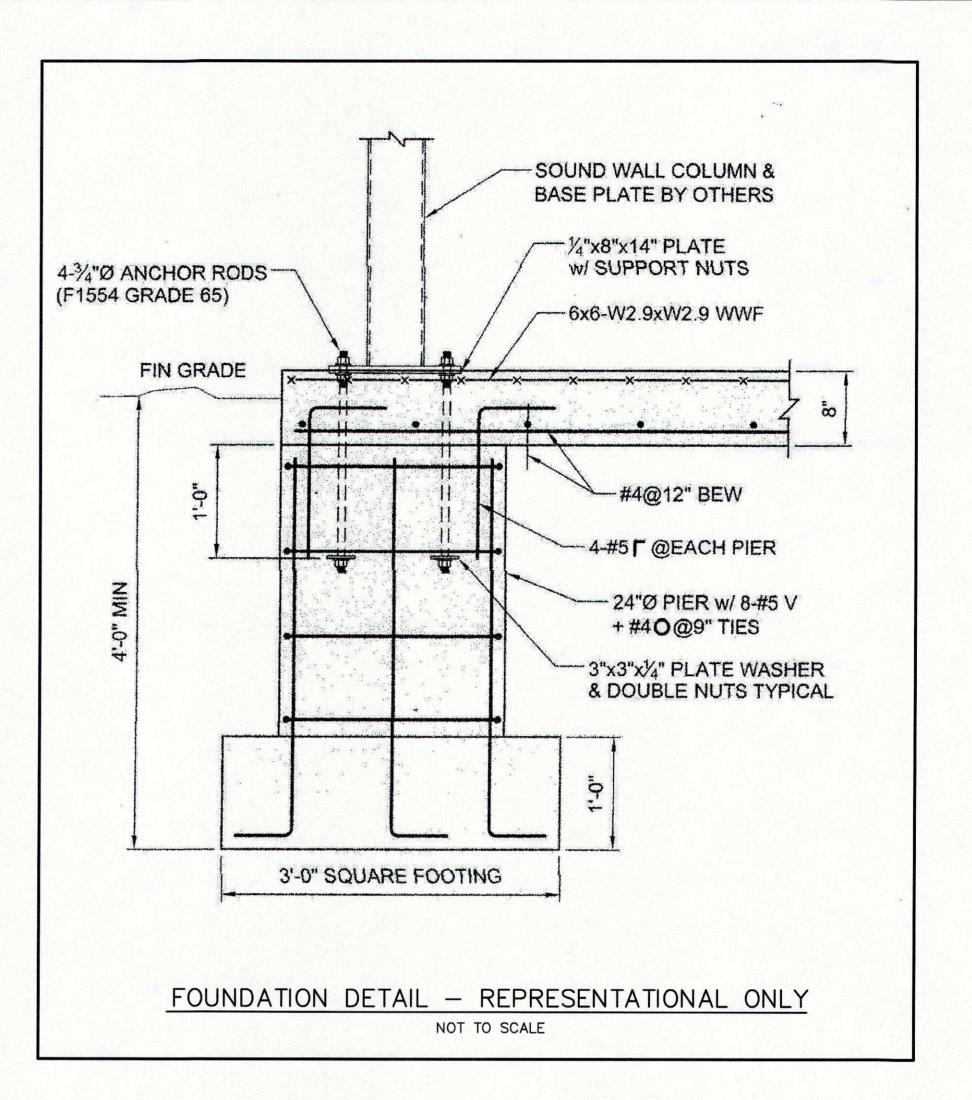
B+T PLAN NO. 156616P021C-002

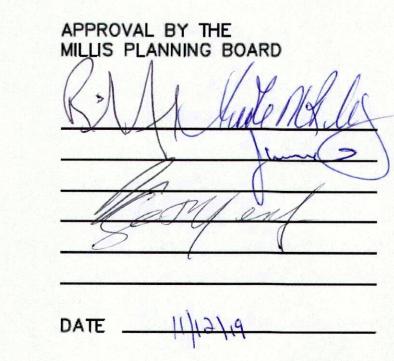












BEALS AND THOMAS, INC. SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, OR PROCEDURES UTILIZED BY THE CONTRACTOR, NOR FOR THE SAFETY OF PUBLIC OR CONTRACTOR'S EMPLOYEES; OR FOR THE FAILURE OF THE CONTRACTOR TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.

NO PART OF THIS DOCUMENT MAY BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC, MECHANICAL, PHOTOCOPYING, RECORDING OR OTHERWISE WITHOUT THE PRIOR WRITTEN PERMISSION OF BEALS AND THOMAS, INC. EXCEPT THAT ANY REGULATORY AUTHORITY MAY REPRODUCE AND TRANSMIT COPIES AS REQUIRED IN CONJUNCTION WITH PERFORMANCE OF OFFICIAL BUSINESS UNDER ITS JURISDICTION. ANY MODIFICATIONS TO THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF BEALS AND THOMAS, INC. SHALL RENDER IT INVALID AND UNUSABLE.

617
THERAPEUTIC
HEALTH
CENTER, INC.

168 BEACHAM STREET EVERETT, MASSACHUSETTS



NOT ISSUED FOR CONSTRUCTION

COPYRIGHT (C) BY BEALS AND THOMAS, INC.
ALL RIGHTS RESERVED

PREPAR	ED BY:
	BEALS + THOMA Civil Engineers + Landscape Architects Land Surveyors + Planners + Environmental Specialists

BEALS AND THOMAS, INC.
Reservoir Corporate Center
144 Turnpike Road
Southborough, Massachusetts 01772-2104
T 508.366.0560 | www.bealsandthomas.com

5		T			
4					
3					
2	10/03/2019	REVISED	REVISED PER COMMENTS		
1	09/11/2019	REVISED	REVISED PER COMMENTS		
0	08/15/2019	FIRST ISS	FIRST ISSUE		
ISSUE DATE		DESCRIPTION			
	DES	DWN	CHK'D	APP'	

PROJECT:

# CULTIVATION FACILITY

MILLIS, MASSACHUSETTS

SCALE: N/A DATE: AUGUST 15, 2019

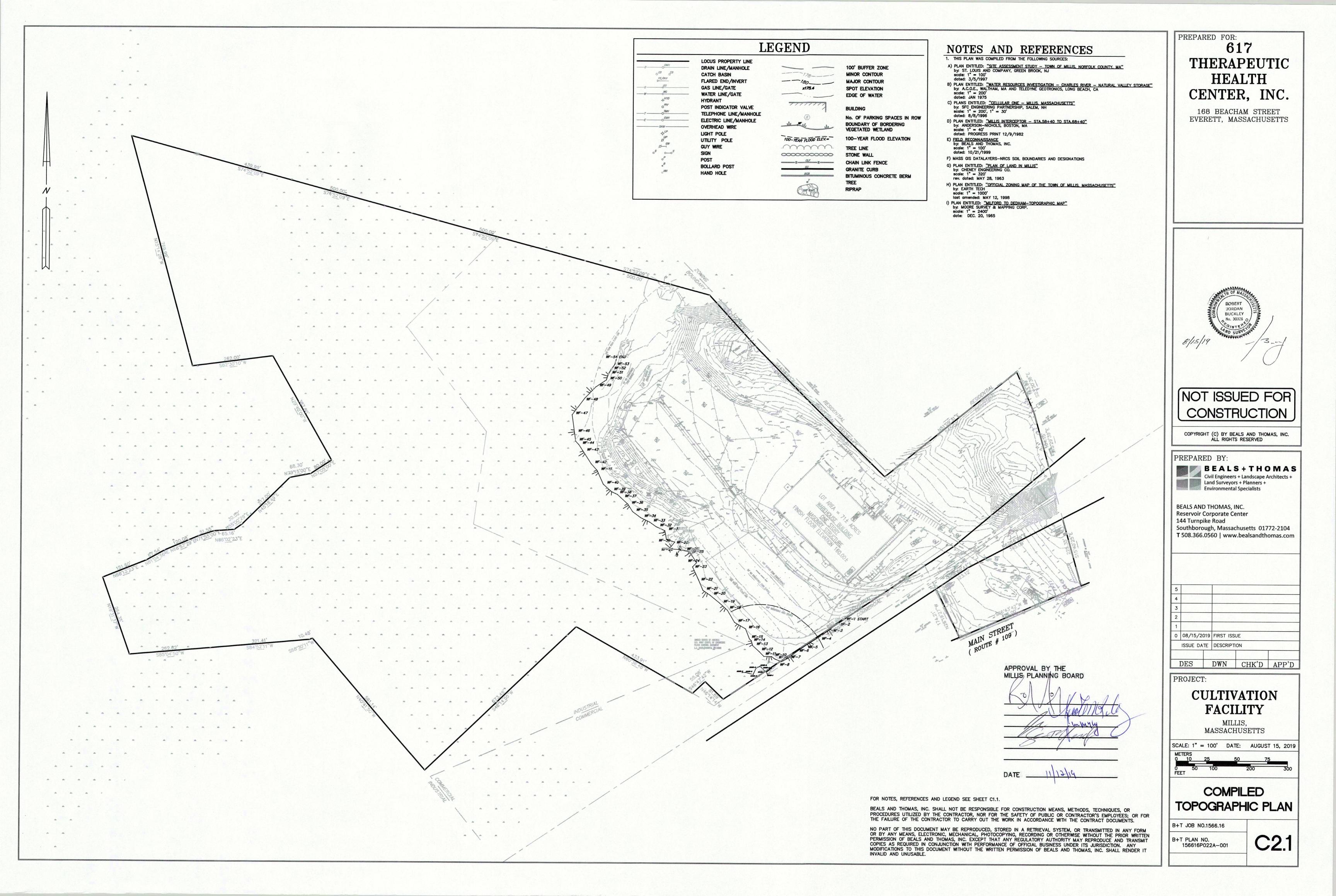
NOTES, REFERENCES, LEGEND AND

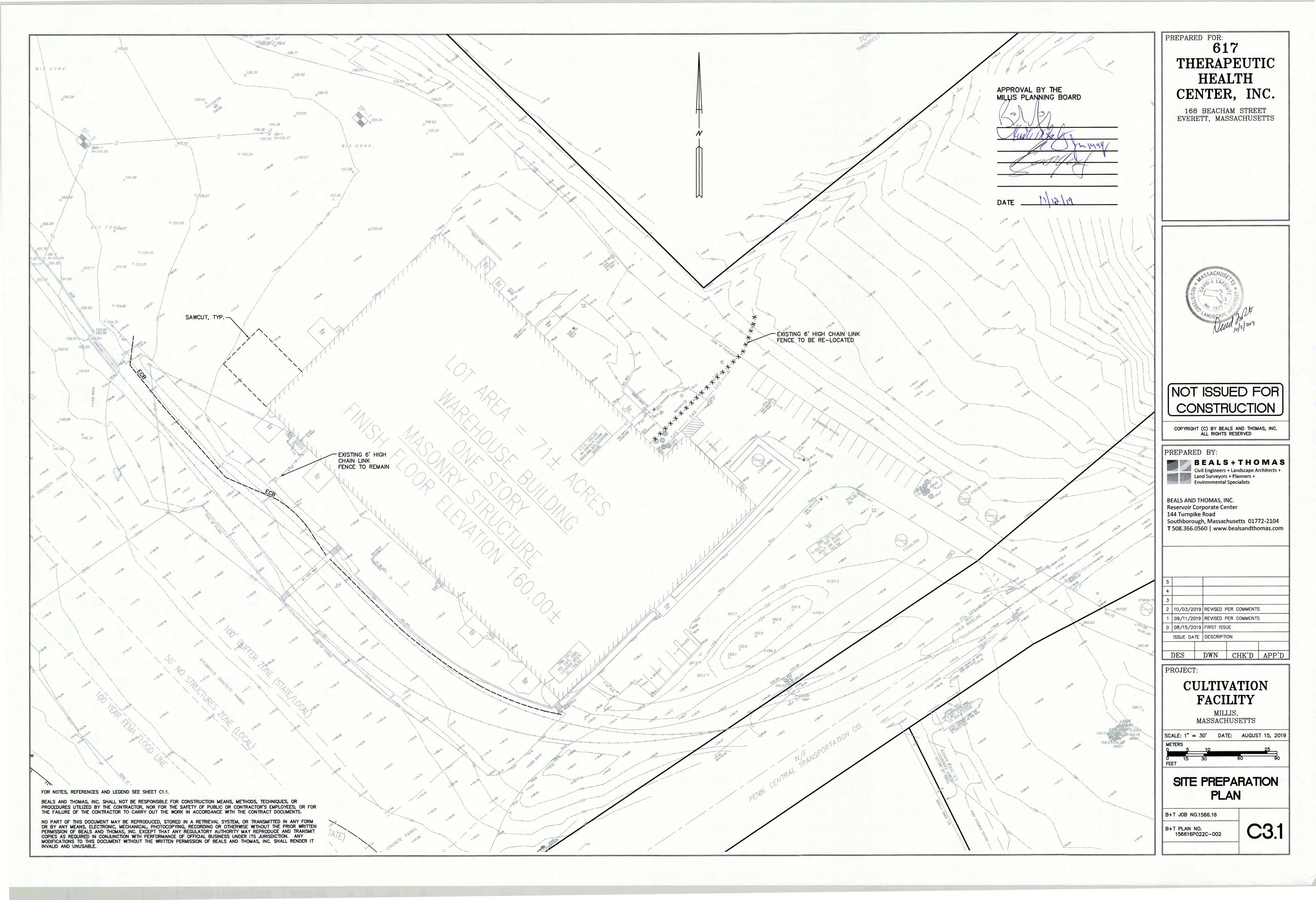
**DETAILS** 

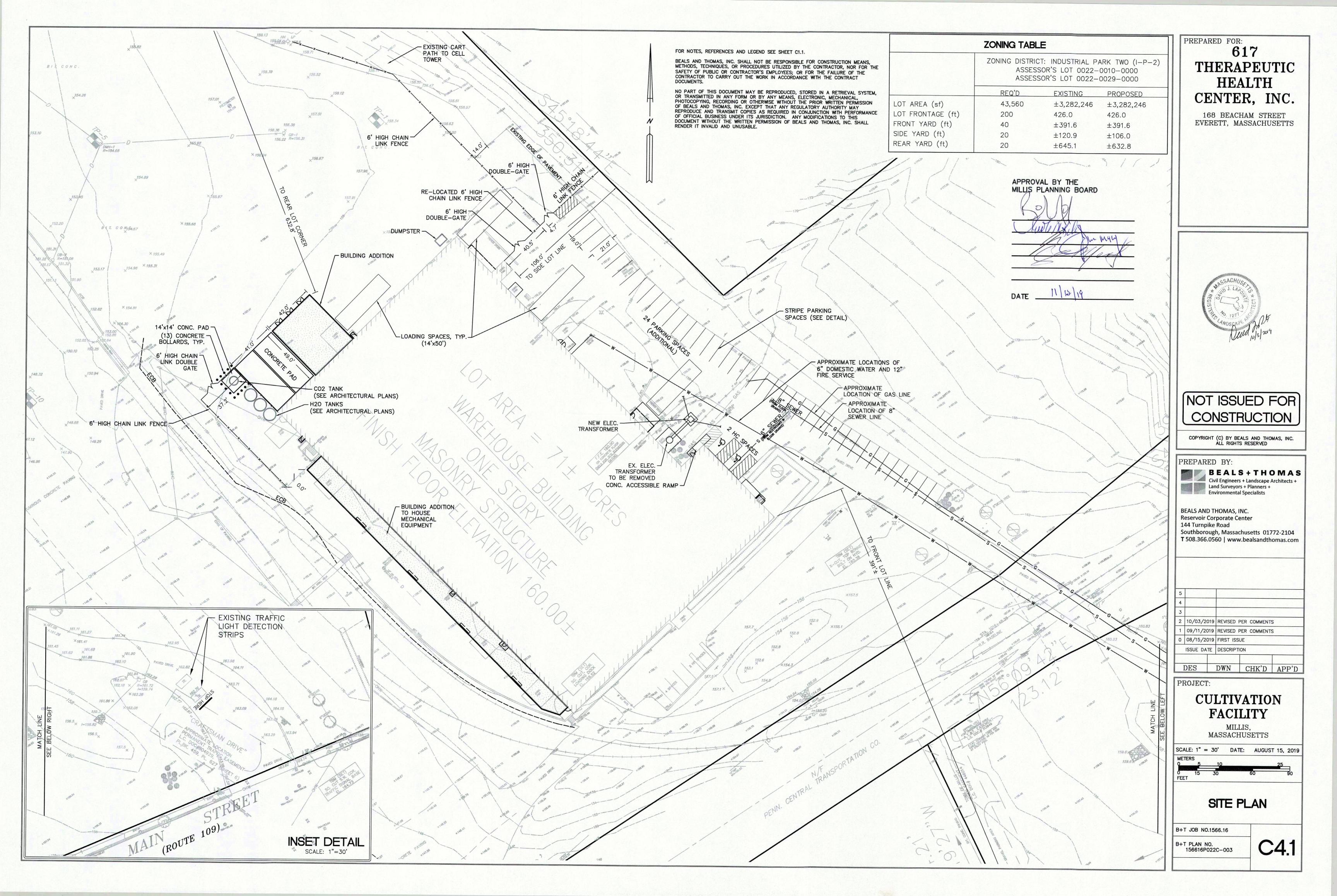
B+T JOB NO.1566.16

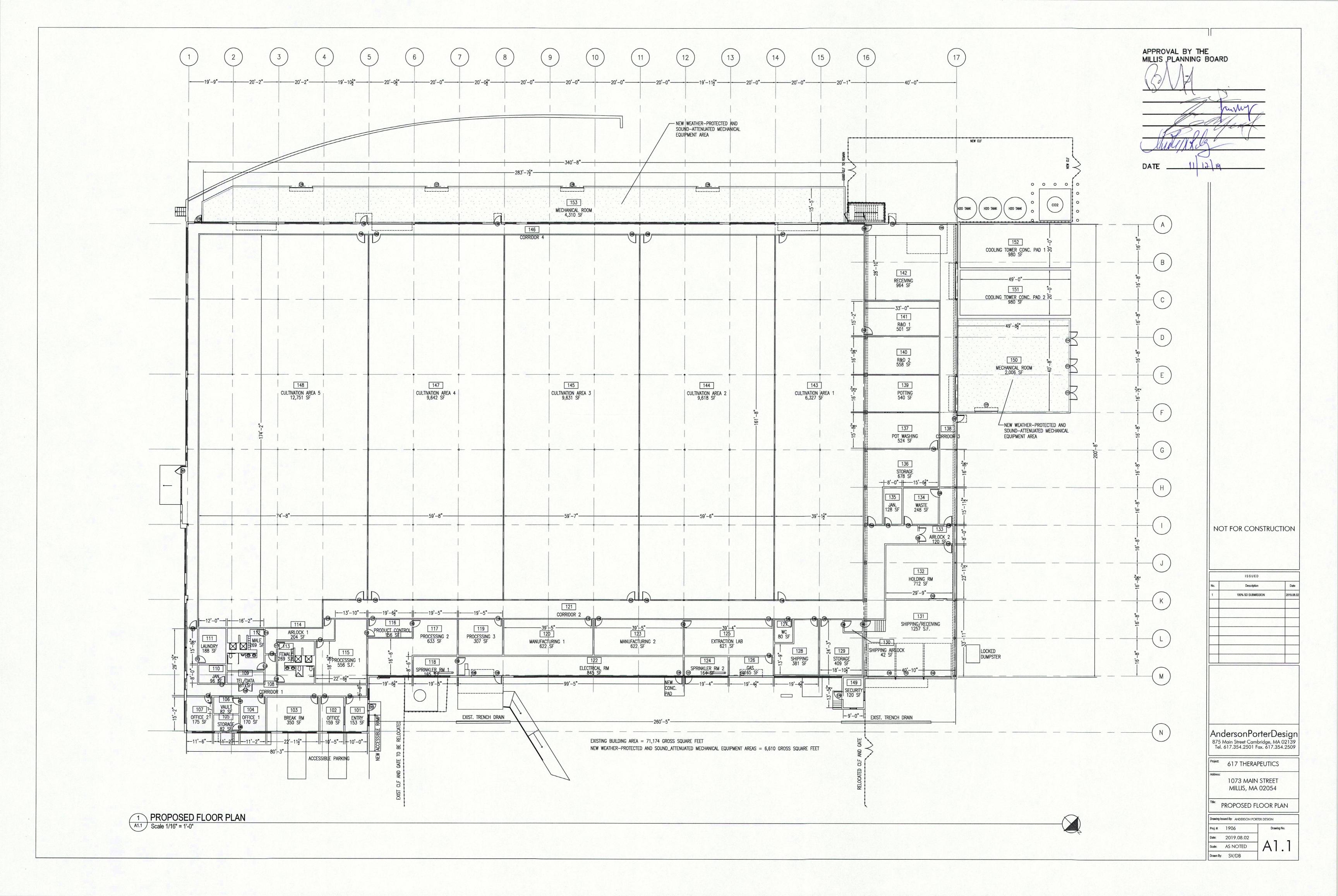
B+T PLAN NO. 156616P021C-003

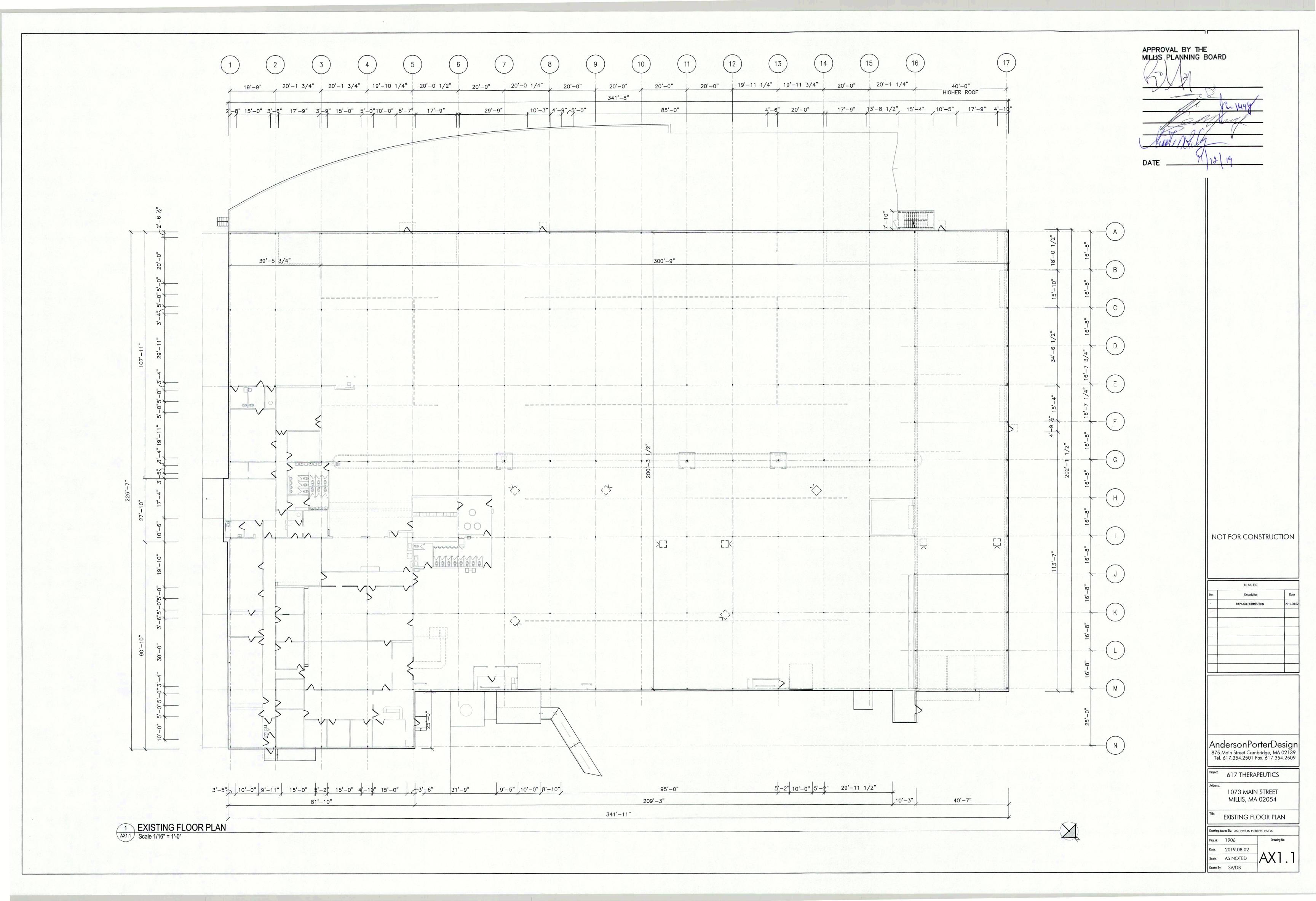
C1.2

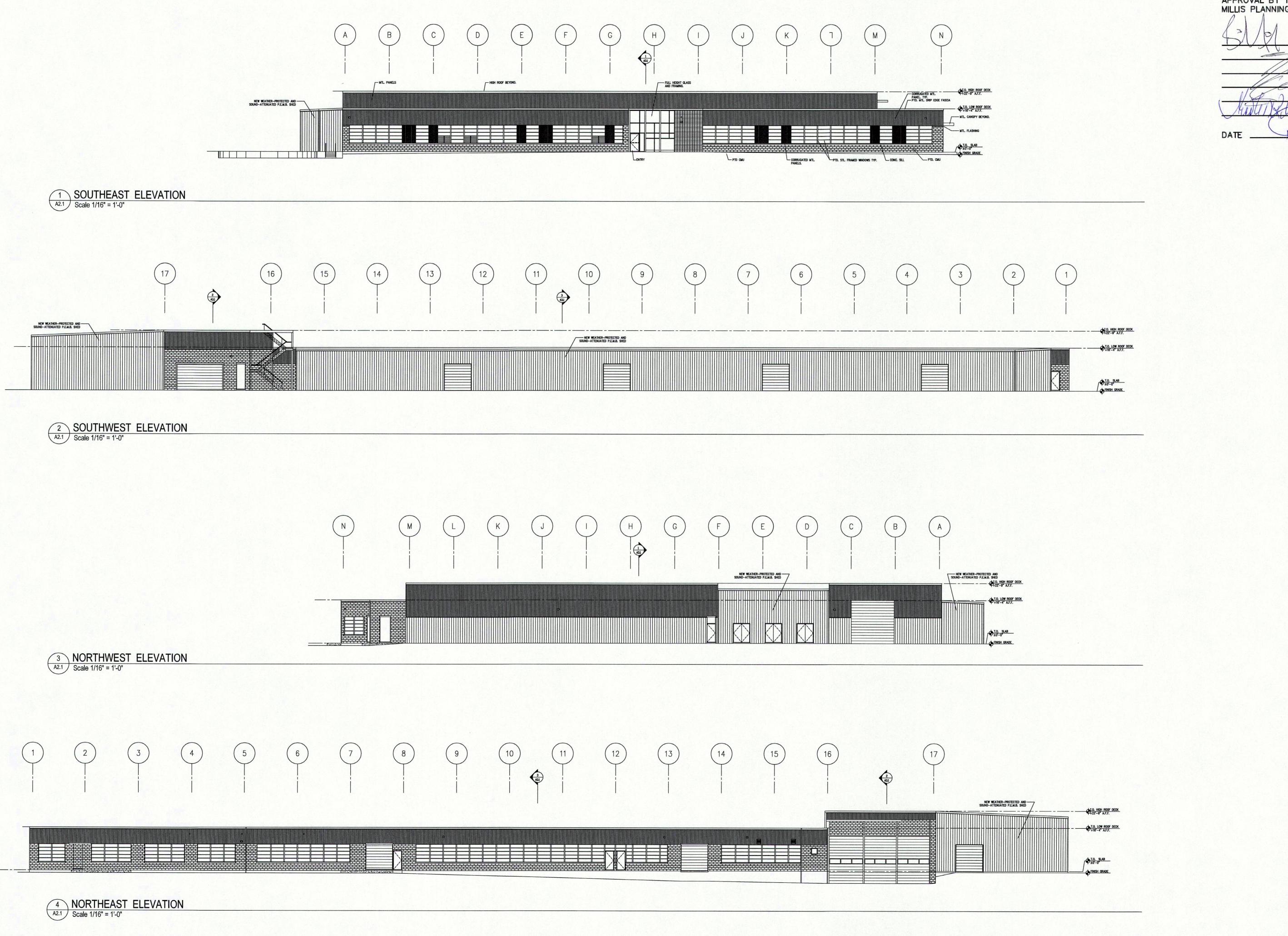












APPROVAL BY THE MILLIS PLANNING BOARD

WARD

DATE

APPROVAL BY THE MILLIS PLANNING BOARD

AND APPROVAL BY THE MILLIS PLANNING BOARD

DATE

AND APPROVAL BY THE MILLIS PLANNING BOARD

DATE

AND APPROVAL BY THE MILLIS PLANNING BOARD

DATE

AND APPROVAL BY THE MILLIS PLANNING BOARD

DATE

AND APPROVAL BY THE MILLIS PLANNING BOARD

DATE

AND APPROVAL BY THE MILLIS PLANNING BOARD

AND APPROVAL BY THE MILLIS PLANNING BOARD

AND APPROVAL BY THE MILLIS PLANNING BOARD

DATE

DATE

AND APPROVAL BY THE MILLIS PLANNING BOARD

DATE

DATE

AND APPROVAL BY THE MILLIS PLANNING BOARD

DATE

DATE

AND APPROVAL BY THE MILLIS PLANNING BOARD

DATE

D

NOT FOR CONSTRUCTION

ISSUED

Description Date

100% SD SUBMISSION 2019.09

AndersonPorterDesign 875 Main Street Cambridge, MA 02139 Tel. 617.354.2501 Fax. 617.354.2509

Project: 617 THERAPEUTICS

1073 MAIN STREET

MILLIS, MA 02054

PROPOSED ELEVATIONS

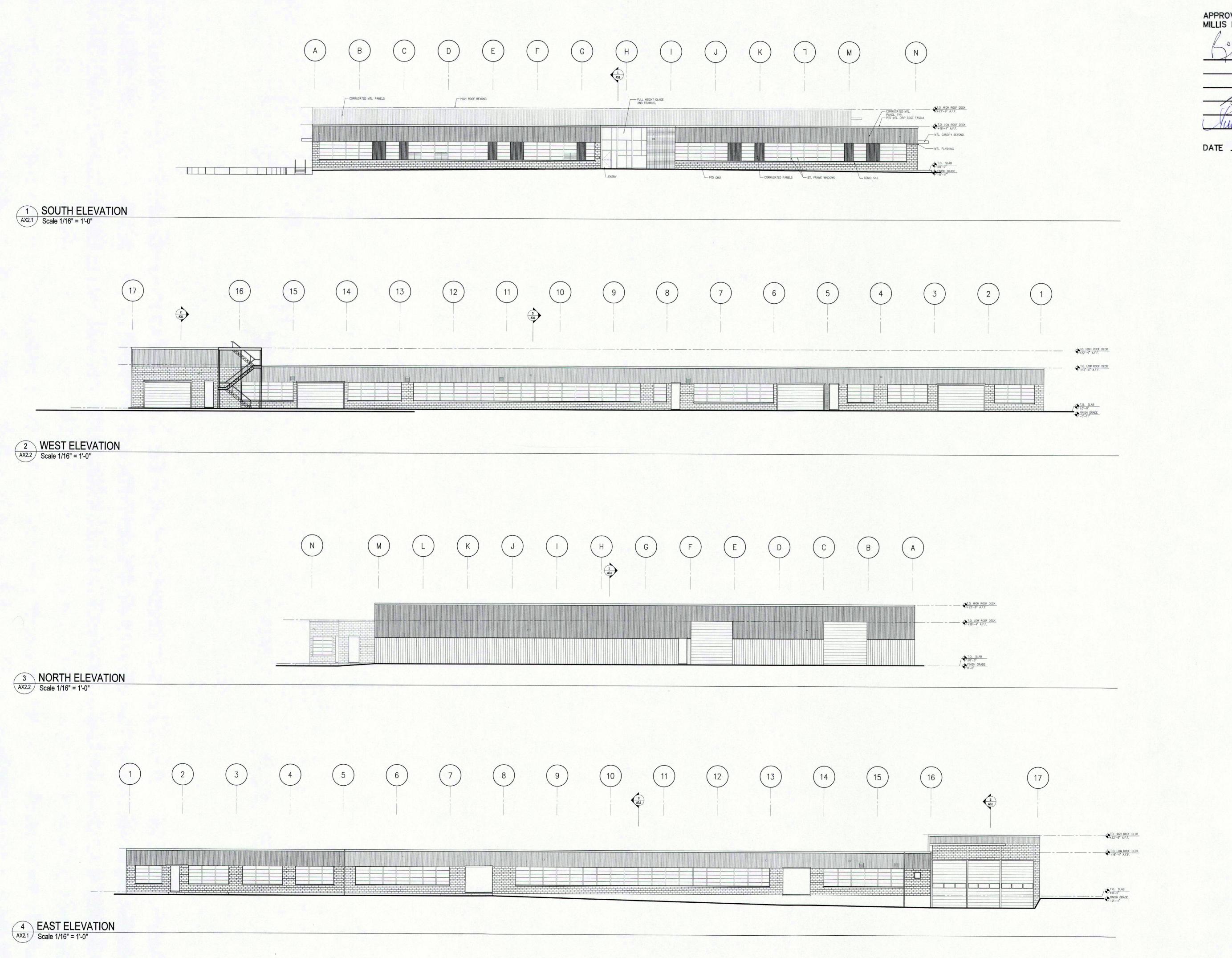
Drawing Issued By: ANDERSON PORTER DESIGN.

Drawing Issued By: ANDERSON PORTER DESIGN
Proj. #: 1906 Drawing No.

Date: 2019.08.02

Scale: AS NOTED

Drawn By: SV/YS/DB



APPROVAL BY THE MILLIS PLANNING BOARD

MILLIS PLANNING BOARD

MILLIS PLANNING BOARD

MILLIS PLANNING BOARD

NOT FOR CONSTRUCTION

AndersonPorterDesign 875 Main Street Cambridge, MA 02139 Tel. 617.354.2501 Fax. 617.354.2509

Project: 617 THERAPEUTICS

1073 MAIN STREET MILLIS, MA 02054

EXISTING ELEVATIONS

Drawing Issued By: ANDERSON PORTER DESIGN
Proj. #: 1906 Drawing No.

Date: 2019.08.02

Scale: AS NOTED

AX2

Drawn By: SV/YS/DB