



# Town of Westminster

MASSACHUSETTS 01473  
FROM THE OFFICE OF THE  
**PLANNING BOARD**

Phone: (978) 874-7414  
swallace@westminster-ma.gov

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Jon Wyman, chairman    Marie Auger, vice chair    Dan Bartkus    Larry Skamarycz    Mike Smith

September 13, 2019

**Special Permit & Site Plan Review for  
Outdoor Recreational Marijuana Grow Facility  
Apothca Inc. (Applicant), 99 Development Road LLC (Owner)  
142 Turnpike Road**

Applicant:

Apothca Inc.  
99 Development Road  
Fitchburg, MA 01450

Owner:

99 Development Road LLC  
36 Glen Avenue  
Newton, MA 02459

Location: 142 Turnpike Road, Tax Map 93, Lot 8

Zoning District: Industrial-I

Application Request: Special Permit & Site Plan Review under Sections 205-41.1 (Recreational Marijuana Establishments) and 205-43 (Site Plan Review) of the Zoning Bylaw, to construct an outdoor recreational marijuana grow facility

Application Timeline:

Site Plan Filed: June 4, 2020  
Public Hearing Date: July 14, 2020  
Decision Deadline: 90 days after close of public hearing

Background Information:

This project will result in the construction of an outdoor fenced-in recreational marijuana grow facility by removing approximately 39,140 square feet of existing asphalt, as well as some minor interior renovations to Building #15 as depicted on the attached site plan.

In order to construct this project, the Applicant must obtain both a Special Permit and Site Plan Approval from the Planning Board under per Chapter 205.41.1 (Recreational Marijuana Establishments) and Chapter 205-43 of the Zoning Bylaw (Site Plan Review).

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This property is better known as the old Chem Design property which straddles the Fitchburg/Westminster boundary line. Chem Design was a chemical manufacturing company that ceased operating well over 20 years ago. The property has sat vacant until taken over by the Massachusetts Patient Foundation Inc. (now Apothca) in 2013. The Fitchburg side of the property is being used as a medical marijuana grow facility since that time.

Knowing that it would eventually want to make use of the Westminster side of the property, Mass Patient Foundation Inc. entered into a Host Agreement with the Town of Westminster in January 2017. The new owner (Apothca) is now before the Planning Board seeking a Special Permit and Site Plan Approval to construct an outdoor grow facility for recreational marijuana. Town Counsel believes that the original Host Agreement covers recreational marijuana, so no modifications to the agreement are required.

A review of the property's permit history indicates that the property has not received any Variances or Special Permits in the past.

The site plan and application materials were distributed to the relevant Town departments in early June. A staff-level technical review meeting has not been held due to the virus. Departments were simply asked to provide written comments in time for the public hearing. The following comments were received:

Comments from Other Departments/Boards:

**Department of Public Works (e-mail dated June 18, 2020):**

Public Works has no comments.

**Conservation Agent (e-mail dated June 9, 2020):**

I have reviewed the copy of this file and am requesting that the wetlands on the property be defined and shown on the plans to ensure there are no buffer zone issues.

**Fire Department (See attached letter dated June 30, 2020):**

**Police Department (see e-mail dated June 30, 2020):**

1. Add a fence detail to the site plan.
2. Submit their security plan to the Police dept. for review.

**Board of Health** - has asked for more time to review the plan & materials.

**Tetra-Tech** - TT has prepared a price quote to review the Applicant's plans & materials, but the Applicant has not yet provided a check to cover the cost of TT's review. Thus, we won't receive their comments until the Applicant submits a check for this effort.

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Exhibits:

1. Zoning determination letter from Building Commissioner, dated March 16, 2020.
2. Application for Site Plan Approval from Apothca Inc., dated May 13, 2020.
3. Application for a Special Permit for a marijuana grow facility from Apothca Inc., dated May 13, 2020.
4. Site Plan prepared by Bohler Engineering, dated March 13, 2020.
5. Property tax card from Assessor's office.

Outstanding Issues:

1. The Applicant needs to submit a check to the Town to cover the review costs of its consulting engineer.
2. The final site plan should address all concerns expressed by Town departments and Tetra-Tech during the review process.
3. The Applicant should provide information on who to contact during the construction phase, should any problems arise.
4. The Applicant should agree to schedule a pre-construction meeting with all relevant Town departments prior to breaking ground.