



March 12, 2024

VIA E-MAIL – planning@worchesterma.gov

Division of Planning & Regulatory Services
City Hall Room 404
455 Main Street
Worcester, MA 01610
Attn: Michelle M. Smith, Assistant Chief Development Officer

Received
Worcester City Clerk
2024 APR - 2 PM 1:45

Re: *Cultivation Experts LLC - Request for Extension of Special Permit for Project at 45-61 Fremont Street, Worcester, Massachusetts (the "Property")*

Dear Ms. Smith:

This firm represents Cultivation Experts LLC (the "Applicant") in connection with the development of an adult use marijuana cultivation establishment and other site improvements at the Property (the "Project").

On February 19, 2020, the Worcester Planning Board (the "Board") voted unanimously in favor of granting certain zoning relief for the Project, including the special permit for adult use marijuana cultivation establishment use (the "Special Permit"). The Special Permit was set to expire on March 12, 2021; however, a 1-year extension was granted by John Kelley, Building Commissioner for the City of Worcester, which extended the Special Permit to March 12, 2022. A subsequent 1-year extension was granted by Mr. Kelley, which further extended the Special Permit to March 12, 2023. A third 1-year extension was granted by David C. Horne, which further extended the Special Permit to March 12, 2024. The purpose of this letter is to request an extension of the Special Permits for the reasons provided herein.

Cultivation Experts has been forced to delay work associated with the Project due to the substantial, unforeseen delays in connection with the onsite and offsite electric infrastructure work by the utility company that is necessary for the Project, structural issues with portions of the building and unprecedented challenges resulting from global supply chain issues and the COVID-19 pandemic, including, but not limited to, shortages and restrictions on construction-related labor, materials and supplies and overall financial constraints.

Based on the foregoing, we hereby enclose the Certification of Tax/Revenue Collection Compliance for filing with the Board and will supplement with a good cause determination letter.

Kindly file this request with the City Clerk and schedule this matter to be heard at the Board's next meeting, which is scheduled to occur on **May 6, 2024**.

Thank you for your assistance in this matter.

Yours truly,

A handwritten signature in blue ink, appearing to read "J. Lee Smith", is written over a light blue rectangular background.

Joshua Lee Smith

Enclosures



City of Worcester, Massachusetts Planning Board

Albert LaValley
Chair



Paul DePalo, *Vice Chair*
Eleanor Gilmore, *Clerk*
Edward Moynihan
John Vigliotti

SPECIAL PERMIT - FINDINGS OF FACT AND DECISION

45 (aka 61 & 65) Fremont Street (MBL 27-021-00001)

The Planning Board scheduled a Public Hearing on January 29, 2020 at 5:30 P.M. in the Worcester City Hall, 455 Main Street, Levi Lincoln Chamber, on the petition of Cultivation Experts, LLC, seeking a Special Permit to allow an Adult Use Marijuana Establishment – Cultivator Use on property located at 45-65 Fremont Street, Worcester, Massachusetts.

Due notice of a public hearing to be held on January 29, 2020 was sent to the individuals listed on the City of Worcester Certified Abutter's list for the property.

On January 14, 2020 and January 22, 2020, notice of the hearing was duly advertised in the Worcester Telegram & Gazette.

At the January 29, 2020 meeting of the Planning Board, with the petitioner's consent, the public hearing was postponed to February 19, 2020.

On February 19, 2020, the hearing was called to order by John Vigliotti. Present for the hearing were John Vigliotti, Albert LaValley, Paul DePalo, and Eleanor Gilmore.

FINDINGS

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

1. Jakob & Justin LLC, whose address is 61 Fremont Street, Worcester, Massachusetts, is the owner of certain land situated at 45-65 Fremont Street, in the City of Worcester and more particularly described in deed recorded with the Worcester District Registry of Deeds Book 56188 and Page 181.
2. Said land is situated in a district classified under the City of Worcester Zoning Ordinance as MG-2.0 (Manufacturing, General) and is partially within the Floodplain Overlay District.
3. Presently on the premises is a +/- 64,909 SF multi-tenant manufacturing building.
4. Cultivation Experts, LLC, whose address is 61 Fremont Street, Worcester, Massachusetts, is the lessee and petitioner, with written authorization from the owner.
5. Petitioner seeks to allow an Adult Use Marijuana Establishment (Article IV, Section 15) – Cultivator Use (Article IV, Section 2, Table 4.1, Business Use #32) within a +/- 6,190 SF portion of the property.
6. 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

7. 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:

On November 8, 2016, Massachusetts voters approved an initiative legalizing the sale of recreational marijuana in the Commonwealth. The City has adopted specific zoning requirements with respect to the regulation of certain adult use marijuana establishments, including storefront retail, cultivator and product manufacturer establishments. In accordance with M.G.L. c. 94G and its implementing regulations at 935 CMR 500 et seq., the City is required to facilitate the siting of these establishments. The City and its citizenry have demonstrated that there is a need and demand in the community to allow the Adult Use in certain areas of the City, which includes the Property.

The Proposed Establishment will create new jobs, generate additional tax revenues and community impact fees for the City and provide a safe, secure and convenient location to cultivate adult use marijuana. Cultivation Experts, LLC will perform extensive interior renovations that will dramatically modernize, enhance and improve the interior features of the Building, and perform work at the Property that will improve the safety, efficiency and aesthetic appeal of the exterior portions of the Building and parking areas. The Proposed Establishment will promote much-needed economic vitality to the neighborhood and the City. The Proposed Establishment will not be detrimental to adjoining premises, but rather complement the existing mix of businesses in the area.

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

The proposed parking areas will provide a safe, adequate and efficient layout and design for vehicular and pedestrian traffic both within the site and all access points, and the Proposed Establishment will be served by such layout and design. The proposed parking spaces, curb cuts and drive aisles and access points will not cause any nuisance or hazard to vehicles or pedestrians within or off the Property or line of sight hazards along streets. Emergency vehicles that need access to the Building can park on Fremont Street. The proposed shipping/receiving area will be a safe distance from pedestrian walkways. The footprint of the Building will not be altered, and safe, convenient and efficient pedestrian access to the Proposed Establishment will continue to be provided along existing drive aisles and sidewalks.

The Proposed Establishment will not result in negative traffic-related impacts on adjacent streets and ways. The proposed use of the Property will not disturb pedestrian access, and will not cause a serious hazard to vehicular or pedestrian traffic on or off the Property. Traffic generated, and patterns of access and egress will not cause congestion, hazard or a substantial change to the neighborhood character. The proposed parking will adequately serve the Property and all occupants therein. No marijuana retail sales or consumption will be allowed at the Property.

The proposed parking areas will be in close proximity of the Proposed Establishment entrance, and, therefore, will provide a safe and efficient means of access to and from the Proposed Establishment. The proposed parking layout is compatible with the existing size and proposed use of the Building. Article IV, Section 7.A of the Zoning Ordinance provides minimum parking requirements based on use. Warehousing/storage use requires 1 parking space per 3,000 square feet of gross floor area. For purposes of calculating minimum parking, the Proposed Establishment will have a floor area of approximately 5,000 square feet (with all exempt areas excluded), and will, therefore, require a minimum of 2 parking spaces.

The 14 existing parking spaces at the site are pre-existing nonconforming with no proposed changes to the existing hard-packed gravel surface, except the proposed improvements (i.e., signage and/or striping on walls) to enhance and better define the parking spaces. The site has historically had more than sufficient parking to accommodate

the occupants of the Building. The existing tenants and the new proposed Marijuana Establishment tenants will collectively meet the minimum off-street parking requirements through the use of the pre-existing, non-conforming parking areas and the leasing of parking spaces within 1,000 ft of the uses served in the Building in accordance with the City of Worcester Zoning Ordinance, if required based on the active uses in the Building.

(3) Adequacy of utilities and other public services:

Adequate, existing facilities are available for the Proposed Establishment with respect to sewerage, water, gas, electricity and other utilities. The Project does not anticipate any adverse effect on current drainage patterns as the impervious areas at the site will remain substantially the same. The Project is considered a redevelopment, therefore only certain Stormwater Standards apply. See the Stormwater Drainage Memorandum prepared by Land Planning, Inc.

(4) Neighborhood character and social structure:

The Proposed Establishment is functionally and aesthetically compatible with the surrounding commercial businesses in the Building and the neighborhood, which include a mix of warehouse, manufacturing, distribution, club, automotive repair and service and retail uses. The Building is located over 500 feet from any public or private, primary or secondary school, licensed daycare center, public library, public park or playground. The closest residential properties are located a significant distance from the Building on the opposite side of Fremont Street. The footprint of the Building will not be expanded or altered in any way, and the proposed aesthetic improvements to the exterior portions of the Building and site improvements will have no greater impact on, adversely affect or be detrimental to adjoining premises or zones or the neighborhood. The proposed interior and exterior renovations to the Building for the Proposed Establishment will improve the aesthetic appeal, design quality and economic vitality of the neighborhood. Based on the foregoing, the Proposed Establishment will fit into the present character of the neighborhood, and granting this relief will promote an appropriate use of the Property.

The kind, size, height and nature of the Building and the proposed interior renovations and signage are consistent with buildings in other communities that have been fit-up and utilized for Marijuana Establishments. The Property complies with all dimensional requirements set forth in the Zoning Ordinance or is otherwise pre-existing nonconforming.

The Proposed Establishment will not result in any increase in noise levels that would be noticeable at any abutting properties. The Proposed Establishment will not create a nuisance, hazard, congestion or concerns pertaining to health, safety or general welfare, and there will not be substantial harm to the neighborhood or derogation from the intent of the Zoning Ordinance as a result of the Proposed Establishment. The Proposed Establishment will generally operate Monday through Saturday from 7:00 a.m. to 11:00 p.m. and Sundays from 10:00 a.m. to 11:00 p.m. No deliveries or distribution shall occur before 8:00 a.m.

The existing light poles and wall pack lighting will continue to be adequate for safe and secure access to and from the Building. The existing lighting is arranged and has directional shields so as to minimize light from shining onto abutting properties and streets, and does not have a deleterious effect on neighboring properties. Cultivation Experts, LLC's signage will be provided in compliance with the Zoning Ordinance and 935 CMR 500 et seq.

(5) Impacts on the natural environment:

There are minimal natural terrain features at the Property, and, there are no proposed changes to the natural terrain as a result of the Proposed Establishment. The Property is outside of the Water Resources Protection Overlay Districts and ecologically sensitive areas, and there are no wetland resource areas on the Property. There will not be any impacts on the groundwater, the Middle River or floodplain.

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

The Proposed Establishment will sustain and create new jobs and will generate additional tax revenues and impact fees for the City. The Proposed Establishment will improve the economic vitality of the neighborhood and surrounding areas. The Proposed Establishment will not require city services, such as new water or sewer connections, rubbish removal or schools.

Cultivation Experts, LLC is providing certain upgrades to National Grid's electrical switch, which will provide enhanced electrical service for not only the Building, but improve the overall reliability of electric service for the neighborhood.

Supplementary Special Permit Findings of Fact**8. 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 Establishment will not derogate from the purposes and intent of the Zoning Ordinance. In drafting the provisions of the Zoning Ordinance pertaining to the regulation of Marijuana Establishments, the City Council, Planning Department, Planning Board and City Solicitor determined that certain areas of the City, including properties in the MG-2.0 zoning district, be permitted to operate as adult use marijuana cultivators. Marijuana Establishments are largely permitted in commercial and industrial zones, and the requirement that a Marijuana Establishment not be within a 500-foot radius of a public or private, primary or secondary school, licensed daycare center, public library, public park or playground. The Zoning Ordinance fully intended the Proposed Establishment to operate in this area of the City, and such use is well-suited at the Property given that it is in a predominantly warehouse-, manufacturing-, distribution-, automotive repair and service-based zoning district with a mix of other types of businesses that will be in harmony with the Proposed Establishment in the surrounding neighborhood.

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

This application and all supporting materials submitted are adequate for the Board to consider and approve the requested the special permits, which supporting materials include the following:

- *Certification of Tax/Revenue Collection Compliance;*
- *Plan of Land with Parking;*
- *Certification of Minimum Distance Requirements;*
- *Security Plan – This application includes a security plan that details how the Property will be monitored and secured so as to avoid, deter and prevent illegal activities from taking place upon or about Cultivation Experts, LLC's premises, and references 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;*
- *Odor Control Plan – The Odor Control Plan describes how all resulting odors from marijuana shall be effectively confined to the premises or so disposed;*
- *CCC Documents – This application includes copies of all licenses, permits and documentation demonstrating application status, registration or licensure by The Commonwealth of Massachusetts Cannabis Control Commission (the "CCC"). Cultivation Experts, LLC has applied for an Adult Use Marijuana Cultivator Establishment license from the CCC;*
- *List of Management Personnel; Disclosure of Financial Interest – This application*

includes a list of all managers, officers, directors, persons or entities having direct or indirect authority over the management, policies or security operations of the Proposed Establishment, and all persons or entities contributing 10% or more of the initial capital to operate the Proposed Establishment, including capital in the form of land or buildings;

- *Business Registration – This application includes proof that Cultivation Experts, LLC 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 et seq. and good standing certificates as issued by the Secretary of the Commonwealth and Department of Revenue;*
 - *Executed Host Community Agreement;*
 - *Evidence of Letter of Intent for the Property; and*
 - *Certified List of Abutters.*
- c) The proposed establishment is designed to minimize any adverse impacts on abutting properties:

The Proposed Establishment will be in a manufacturing district and is compatible with the neighborhood's character and abutting properties as described above. No exterior changes or modifications to the Building footprint are contemplated in connection with the Proposed Establishment. The proposed exterior building and parking improvements will dramatically improve the aesthetic appeal of the Property, as well as provide adequate parking for all occupants of the Building. The security plan provides state of the art security controls that are designed to minimize the risk of illicit activities at or about the Property. The odor control plan includes comprehensive measures that will minimize impacts from potential odors and/or fumes from the Proposed Establishment. No marijuana retail sales or consumption will be allowed at the Property whatsoever.

- 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:

The security plan complies with the security requirements, procedures and controls applicable to adult use marijuana establishments as set forth in 935 CMR 500 et seq. State-of-the-art safety measures to deter and prevent unauthorized entrance into areas containing marijuana and theft of marijuana therein will be implemented.

The outside perimeter of the Building will be sufficiently lit to facilitate surveillance, where applicable. Cultivation Experts, LLC will install security systems and equipment for the Proposed Establishment, including, but not limited to, exterior and interior cameras, motion sensors, glass break detectors, perimeter alarm, access control, intrusion keypad, panic alarms, security closet and video intercom. All security systems will be supported by battery back-ups and a failure notification system with audio/visual alert. Procedures will also be established for additional battery back-up or generator services in case of an extended power outage.

All entrances to the Proposed Establishment will be secured to prevent unauthorized access. Limited access areas will be established pursuant to 935 CMR 500.110(4), which shall be accessible only to specifically authorized personnel limited to include only the minimum number of employees essential for efficient operation. All employees will be required to have proper identification at all times while in the Proposed Establishment. Employees will be trained to watch for illicit activity within and outside of the Proposed Establishment. Outside vendors, contractors and visitor identification will be checked and will require signature in a visitor's log, wearing of a visitor's badge, and be in the presence of management while at the Building. Procedures have been adopted to prevent loitering and ensure that only individuals engaging in activity expressly or by necessary implication permitted by state regulations are allowed to remain on the premises.

Storage of all finished marijuana products will be in a secure, locked safe or vault in such a manner as to prevent diversion, theft and loss. All safes, vaults, and any other equipment or areas used for the storage of marijuana products will be securely locked, kept in good working order and protected from entry, except for the actual time required to remove or replace marijuana. Keys will not be stored or placed in a location accessible to persons other than specifically authorized personnel. Accessibility of security measures, such as combination numbers, passwords or electronic or biometric security systems will be given only to specifically authorized personnel. All marijuana products will be kept out of plain sight and will not be visible from a public place. Emergency policies and procedures have been developed for securing all product following any instance of diversion, theft or loss of marijuana. Cultivation Experts, LLC will dispose of marijuana in excess of the quantity required for normal, efficient operation as required by law.

Cultivation Experts, LLC will share its confidential security plan and procedures with law enforcement authorities and fire services, and will provide updates to law enforcement authorities and fire services if the plans or procedures are modified in any material way.

- 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.**

No product manufacturing activities will occur at the Property whatsoever. Cultivation Experts, LLC is committed to confining all odors produced by the cultivation or storing of marijuana and marijuana products. To mitigate odor, charcoal, plasma filters or other technologies may be installed in cultivation, storage and vault areas and HVAC ductwork, to the extent necessary. All equipment will be installed and maintained based on manufacturer's recommendations. Cultivation Experts, LLC will also educate staff on standard operating procedures to limit the ability for odors of any kind to travel through the facility.

The Proposed Establishment's interior will be covered with a foam coating which will create a seal to prevent odors from permeating through the walls and the roof. The Proposed Establishment will not be accessible from other leased premises in the Building. All areas adjacent to doors, both for ingress/egress and loading areas, will be serviced by ventilation systems which will neutralize any exhaust air leaving the Proposed Establishment. See Odor Control Plan.

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

The design, layout and operation of the Proposed Establishment meets the requirements of Article IV, Section 15 of the Zoning Ordinance. The Building 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. The Proposed Establishment will be within a fully enclosed building and will not be visible from the Building's exterior. No marijuana products will be stored in outdoor facilities. The Property and Building comply with all applicable dimensional requirements of the Zoning Ordinance, or are otherwise pre-existing nonconforming. The operating hours of the Proposed Establishment will generally be Monday through Saturday from 7:00 a.m. to 11:00 p.m. and Sundays from 10:00 a.m. to 11:00 p.m. No distribution or deliveries shall occur before 8:00 a.m.

The Proposed Establishment will have state-of-the-art security controls and measures to avoid, deter and prevent illicit activities from occurring on or about the Property, all in compliance with 935 CMR 500 et seq. The odor control plan provides for proper and adequate ventilation in such a manner so as to prevent odors from marijuana or marijuana-related products from being dispersed between units and outside of the Building. No marijuana or marijuana product will be smoked or otherwise consumed at the Property.

DECISION

At a meeting of the Board on February 19, 2020, on motion duly made and seconded, it was voted 4-0 by Board members John Vigliotti, Albert LaValley, Paul DePalo, and Eleanor Gilmore to approve the requested Special Permit to allow an Adult Use Marijuana Establishment – Cultivator Use with the following conditions of approval:

1. No outdoor storage (e.g. vehicles, waste, etc.), other than as shown on the approved plans for required parking/loading, shall be permitted within the floodplain.
2. There shall be no parking or exterior storage exterior to the existing building in the front-yard.
3. The proposed switchgear and transformers and any new utility infrastructure shall be elevated such that it is located a minimum of 1 foot above the base flood elevation.
4. Sewer (sanitary and surface) service lines to the tenant space shall be equipped with backflow preventers.
5. Prior to the issuance of a building permit, provide a copy of the following to the Division of Planning & Regulatory Services:
 - a. A fully executed lease for the tenant space.
 - b. A fully executed lease and sketch of parking locations, demonstrating compliance with the off-street parking requirements of the Zoning Ordinance, or evidence negating the requirement for additional parking spaces based on the current uses in the Building.
 - c. A revised copy of the updated odor control plan in compliance with Article IV, Section 15, I.G.
 - d. Six (6) copies (1 original stamped, 2 full-size, and 3 reduced size) and a digital (.pdf) copy of revised plans to the Division of Planning & Regulatory Services prior to the issuance of a Building Permit showing the following:
 - i. Proposed elevations for the concrete slab for the switchgear and related equipment, as well as the proposed transformer, demonstrating that all proposed infrastructure will be located above the 500-year flood elevation.
 - ii. Provide information regarding proposed/existing access points into the structure and each tenant space.
 - iii. Label the loading areas and any accessible parking spaces as may be required by code on the plan.
 - iv. Provide a detail for the proposed fencing and any related gates (new chain-link fencing and posts shall be of the black vinyl-coated variety and shall not include barbed wire, razor wire, or similar security wiring, unless specifically required by the Railroad.)
 - v. Provide a detail for the proposed guard to protect the switchgear.
 - vi. Add a note stating that there shall be no changes to the surface treatment of the site nor any fill within the floodplain.
 - vii. Clarify methods for demarcation of parking spaces using signage, etc. and indicate that wheel stops shall be prohibited within the floodplain.
 - viii. Clarify waste management and any proposed dumpster locations.
 - ix. Reconcile proposed conditions related to egress, parking and loading with the proposed rendering.
 - x. Label snow storage locations outside of the floodplain or indicate that snow will be removed from the site.
 - e. Five (5) copies of a to-scale floorplan.


6. Hours of operation shall be limited to 7 AM to 11 PM Monday through Saturday, and 10 AM to 11 PM on Sunday. No deliveries or distribution shall occur before 8 AM.
7. The operator shall be Cultivation Experts, LLC.
8. Cultivation Experts, LLC shall maintain proper licensing through the Cannabis Control Commission to operate the Cultivator use at the site.
9. No outside storage of marijuana or marijuana products shall be permitted.
10. 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.
11. 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.
12. 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.
13. Snow storage shall not occupy any of the required parking spaces or any portion of the required landscaped buffer. Snow shall be removed from the site if storage needs exceed the capacity of designated storage areas and impede access to or visibility from spaces.
14. Provided that the establishment is conducted in substantial accordance with all findings of fact on file with the City of Worcester, with an approved parking plan or site plan on file with the City of Worcester, and in accordance with all applicable governmental codes.

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.

ADJOURNED:



JOHN VIGLIOTTI

DATE 3-11-2020

ALBERT LAVALLEY

DATE _____

PAUL DEPALO

DATE _____



ELEANOR GILMORE

DATE 3.11.20

2020 MAR 12 PM 12:03

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.

City of Worcester, MA

August 28, 2020

I certify that twenty days have elapsed after the attached certificate of approval for **45 (aka 61 & 65) Fremont Street** has been filed with the City Clerk Department on **March 12, 2020** and that no appeal has been filed.



Stephen A.J. Pottle
Deputy City Clerk



The City of
WORCESTER

Department of Inspectional Services
Christopher P. Spencer, Commissioner
25 Meade Street Worcester, MA 01610
P | 508-799-1198 F | 508-799-8541
Inspections@worcesterma.gov

March 9, 2022

Joshua Lee Smith, Esquire
Bowditch & Dewey, LLP
311 Main Street
Worcester, MA 01608

Re: 45-61 Fremont Street

Dear Attorney Smith:

Cultivation Experts LLC obtained a special permit for adult use marijuana cultivation use at 45-61 Fremont Street by virtue of a vote of the Planning Board on February 19, 2020. The Special Permit was set to expire on March 12, 2021; however, a 1-year was granted, therefore, extending the Special Permit to March 12, 2022.

As you have indicated, Cultivation Experts has been forced to delay work associated with the Project due to the substantial, unforeseen delays in connection with the onsite and offsite electric infrastructure work by the utility company that is necessary for the Project, structural issues with portions of the building and unprecedented challenges resulting from global supply chain issues and the COVID-19 pandemic, including, but not limited to, shortages and restrictions on construction-related labor, materials and supplies and overall financial constraints.

In order to avoid the Special Permit from potentially lapsing, it is my determination that the failure to initiate the project use was for good cause, and will **allow the Special Permit to be extended to March 12, 2023.**

Please advise, if you require any additional information or documentation in order to assist your client with this request to extend the Special Permit.

Thank you.

Yours Truly,

John R. Kelly
Building Commissioner



The City of
WORCESTER

Department of Inspectional Services
David C. Horne, Commissioner
25 Meade Street Worcester, MA 01610
P | 508-799-1198 F | 508-799-8541
Inspections@worcesterma.gov

March 11, 2023

Joshua Lee Smith, Esquire
Bowditch & Dewey, LLP
311 Main Street
Worcester, MA 01608

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Thank you.

Yours Truly,

David C. Horne
Building Commissioner

(3) If a Corporation:

Full Legal Name Cultivation Experts, LLC
State of Incorporation MA
Principal Places of Business 61 Fremont Street, Worcester, MA 01603
Place of Business in Massachusetts _____

Printed Names of Officers of Corporation:

Title

<u>Gabriel Medine</u>	<u>Manager</u>
<u>Liuyung Farr</u>	<u>Manager</u>
_____	_____
_____	_____

Owners of Corporation:

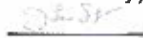
Printed Names

Address

% of stock

<u>Gabriel Medine</u>	<u>61 Fremont Street, Worcester</u>	_____
<u>Michael Guzzardi</u>	<u>61 Fremont Street, Worcester</u>	_____
_____	_____	_____
_____	_____	_____

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

<u></u>	Date: <u>3-12-2024</u>
_____	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: _____

Signature of Applicant: _____ Date: _____

