

City of Worcester Planning Board



SPECIAL PERMIT APPLICATION FOR ADULT USE MARIJUANA CHECKLIST

Division of Planning & Regulatory Services

City Hall, 455 Main Street, Room 404, Worcester, MA 01608

Phone: (508) 799-1400 x 31440 – Fax: (508) 799-1406 – E-mail: planning@worcesterma.gov (preferred)

STEP 1: PROVIDE THE FOLLOWING ITEMS, 1 DIGITAL COPY IN PDF FORMAT VIA EMAIL TO PLANNING@WORCESTERMA.GOV AND CONFIRM WITH STAFF BEFORE SUBMISSION OF 2 PHYSICAL COPIES BY HAND DELIVERY OR MAIL:

- Zoning Determination Form** obtained from the Inspectional Services Division (email inspections@worcesterma.gov or call 508 – 799 – 1198 for more information).
- Completed Special Permit for Adult Use Marijuana Application, signed by all parties involved.
- Completed **Tax Certification** for the ____ Applicant and ____ Owner (if different) are attached (page 4).
- If the applicant is NOT the Owner, the **Owner(s) Authorization** for the applicant to apply is attached (page 2).
- A **Certified Abutters List(s)** issued within 3 months of this application's filing date which includes all properties affected and includes any contiguous, commonly owned property(s). This can be obtained from the Assessor's Office and includes all abutters and abutters to abutters within 300' of the edge of the land owner's property.
Note: if the property(s) is within 300 ft. of another town an abutters list from that town may be required.
- Site Plan** showing the full project scope and all elements, stamped and signed by all applicable professionals.
- Certification of Minimum Distance Requirements** - A plan or written certification signed by a licensed surveyor demonstrating compliance with the 500 foot linear distance requirements from any public or private, primary or secondary school, licensed daycare center, public library, public park or playground, or any Marijuana Storefront Retailer (as applicable). The submitted plan shall include a map depicting the lines of measurement between the site and any of the aforementioned uses; if no such uses are located within 800 feet of the site, this map may be omitted. Linear distances are to be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Establishment.
- Security Plan** - Detail how the property will be monitored and secured so as to avoid, deter and prevent illegal activities from taking place upon or about the applicant's premises. The security plan should reference the plan of land showing the arrangement of pedestrian circulation and access to the public points of entry to the premises from the nearest public or private street or off-street parking area, as well as the location of any walkway structures, lighting, gates, fencing, and landscaping.
- Odor Control Plan** - Plan demonstrating how all resulting odors, smoke, vapor, fumes, pesticides, insecticides or other chemicals, gases and particulate matter from marijuana or its processing or cultivation shall be effectively confined to the premises or so disposed. Said plan shall detail the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative and engineering controls that will be implemented to control such odors, including maintenance of such controls.
- CCC Documents** - Copies of all licenses, permits and documentation demonstrating application status, registration or licensure by the Commonwealth of Massachusetts Cannabis Control Commission.
- List of Management Personnel** - A list of all managers, officers, directors, persons or entities having direct or indirect authority over the management, policies, security operations or cultivation operations of the Marijuana Establishment.
- Disclosure of Financial Interest** - A list of all persons or entities contributing 10% or more of the initial capital to operate the Marijuana Establishment, including capital in the form of land or buildings.

Office of the City of Worcester Planning Board c/o Planning & Regulatory Services Division

City Hall, 455 Main Street, Room 404 (4th floor), Worcester, MA 01608

P | (508) 799-1400 x31440 F | (508) 799-1406 E | planning@worcesterma.gov W | www.worcesterma.gov/planning-regulatory

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

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

Note: Any application items not produced electronically, such as hand-drawn plans or schematics, handwritten applications, or other materials created prior to March 2013 that are not available to the applicant in electronic format, are not required to be submitted electronically.



STEP 2: ONCE STAFF CONFIRMS VIA EMAIL REPLY THAT YOUR APPLICATION IS COMPLETE, SUBMIT THE FOLLOWING TO Division of Planning and Regulatory Services:

Two stamped (i.e. postage paid) pre-addressed envelopes for *each* party on the Abutters List and the applicant (if different from the owner), with the following return address:

Division of Planning and Regulatory Services
455 Main Street (City Hall), Room 404
Worcester, MA 01608

Filing Fee of \$ _____ is enclosed (*see fee schedule or contact staff to confirm amount*).

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Division of Planning & Regulatory Services

City Hall, 455 Main Street, Room 404, Worcester, MA 01608

Phone: (508) 799-1400 x 31440 – Fax: (508) 799-1406 – E-mail: planning@worcesterma.gov (preferred)

1. PROPERTY INFORMATION

- a. _____
Address(es) – please list all addresses the subject property is known by
- b. _____
Parcel ID or Map-Block-Lot (MBL) Number
- c. _____ Page
Worcester District Registry of Deeds, Book
Current Owner(s) Recorded Deed/Title Reference(s)
- d. _____
Zoning District and all Zoning Overlay Districts (if any)

2. APPLICANT INFORMATION

- a. _____
Name(s)
- b. _____
Mailing Address(es)
- c. _____
Email and Phone Number(s)
- d. _____
Interest in Property (e.g., Lessee, Purchaser, etc.)

I certify that I am requesting the Worcester Planning Board grant the Special Permit as described below

(Signature)

3. OWNER OF RECORD INFORMATION (IF DIFFERENT FROM APPLICANT)

- a. _____
Name(s)
- b. _____
Mailing Address(es)
- d. _____
Email and Phone Number

4. REPRESENTATIVE INFORMATION

a. _____
Name(s)

b. _____
Signature(s)

c. _____
Mailing Address(es)

d. _____
Email and Phone Number

e. _____
Relation to Project (*Architect/Attorney/Engineer/Contractor, etc.*)

5. AUTHORIZATION

Authorization I, _____, Owner of Record of the property listed with the Assessing Division of the City of Worcester, Massachusetts as Map _____ Block _____ Lot(s) _____, do hereby authorize _____ to file this application with the Division of Planning & Regulatory Services of the City of Worcester on this the _____ day of _____, 20_____.

On this _____ day of _____, 20_____, before me personally appeared _____, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

NOTARY PUBLIC
My Commission Expires: _____

7. PROJECT TYPE AND DESCRIPTION

a. Existing Conditions. Describe the current/existing use of the property

b. Check the box for what type of Marijuana Establishment Special Permit you are applying for:

Proposed Project Type	
<input type="checkbox"/>	Club, lodge, other private grounds (non-profit and private) allowing on-site consumption of marijuana or marijuana products, but not operating as a licensed marijuana social consumption operator.
<input type="checkbox"/>	Marijuana Cultivator
<input type="checkbox"/>	Marijuana Courier
<input type="checkbox"/>	Marijuana Delivery Operator
<input type="checkbox"/>	Marijuana Independent Testing Laboratory
<input type="checkbox"/>	Marijuana Product Manufacturer (Greater than 5,000 SF)
<input type="checkbox"/>	Marijuana Product Manufacturer (5,000 SF in size or less)
<input type="checkbox"/>	Marijuana Research Facility
<input type="checkbox"/>	Marijuana Storefront Retailer
<input type="checkbox"/>	Marijuana Transporter
<input type="checkbox"/>	Marijuana Transporter Third Party
<input type="checkbox"/>	Micro-Business

c. Describe the proposed use of the property (include information about buildings (area, etc.) to be retained and proposed uses (in SF) of all buildings on site). Attach additional sheets if necessary:

d. Proposed Hours and Days of Operation:

e. Fill in **all information relevant** to the proposed project. Please continue on an attached sheet if needed or ensure the questions have been addressed in the findings of fact.

All Projects	
Overall lot size in square feet	
Number of loading spaces	
Number of employees expected on site daily	
Number of fleet vehicles	
Total square footage of building(s) or tenant space	
Number of parking spaces (please describe if any increase or decrease is proposed)	
Number of buildings and other tenant spaces	

f. Zoning

If this project has already been granted Zoning Relief by the Zoning Board of Appeals, please list the relief below:

Type of Relief	Date Approved

g. Permits Required

List any **Federal, State, or City of Worcester** agencies from which permits or other actions have been or will be sought. Please continue list on an attached sheet if needed.

Agency Name	Permit Type	Date Filed	File Number

SUGGESTIONS FOR THE PLAN OF LAND SHOWING THE PROPOSED DEVELOPMENT

A plan of land, at least 8 ½" x 11" or 11" x 17", and drawn to scale (at least 1 inch = 40 feet) should show the following:

- North point.
- Names of streets.
- Zoning districts (Include overlay zones – floodplain overlay, water resource protection overlay, flexible parking overlay, mixed-use overlay, arts district overlay, adaptive reuse overlay, etc.).
- Names of owners of properties up to abutters of abutters of the subject property within 300 feet.
- Property lines, locations of buildings or use of the property where a special permit is requested.
- Existing & proposed porches, decks, garages, sheds, pools, stairs and any other accessory buildings, uses or ground-level projections.
- Distances from adjacent buildings and property lines. These should be verified in the field.
- The dimensions of the lot.
- All existing uses (i.e. types of businesses, types of residences) on the entire parcel and any future proposed uses. Indicate where each different use is located and how much square footage is dedicated to each use.
- Table of dimensional requirements (including exterior side yard setback for corner lots) and proposed setbacks as well as relief requested or relief previously granted and dates of such granting.
- Percentage of the lot covered by the principal and accessory uses (impervious surface) and percentage of open space.
- Required off-street parking spaces for each use on the lot. If there are multiple uses, applicants must label which parking spaces are dedicated to each use. Even if the applicant is leasing parking spaces, all other parking spaces that are leased to other uses must be shown. Required parking may not be taken away from required parking from any other uses. Parking spaces should measure 9' x 18' for a standard space, 25% of parking spaces may be compact 8' x 16' spaces (except for uses that do not have parking lots). For business or manufacturing districts, applicants may also provide proof of a five-year parking lease on-site or off-site (must be within 1,000 square feet of use). Parking cannot be located in required front yard and *exterior* side yard setbacks.
- Location and dimensions of required loading spaces for entire site, if applicable.
- Existing and proposed driveways, entrances, exits, circulation, alleys, paths, access aisles (access aisles must be 24' wide for two-way traffic or 12' wide for one-way traffic), and drive-through lanes.
- Include a parking table with a breakdown of existing parking spaces, proposed parking spaces, required number of parking spaces (by different use), required handicap accessible spaces, including one van space per every eight accessible parking spaces with a 8-foot access aisle (for parking lots over 15 spaces). Please note: proposed developments may not reduce the number of required off-street parking spaces for adjoining lots in such a way as to make lots once held in common ownership or currently held in common ownership nonconforming.
- Required five-foot landscaped buffer where parking, work or service areas of a proposed project abut a street, public park or residential property (except 1, 2, 3 families). Trees should be the main element in landscape screening and should be planted 20-25 feet on center.
- Location, height, dimensions, type and distance from lot lines of any existing or proposed signs.
- Proposed outdoor seating, proposed ATM machines, utility boxes, other design features, etc.
- Proposed multi-family dwellings should show proposed usable open / recreation space (at least 10% of lot).
- Location of dumpsters and snow storage (snow storage cannot be located in the 5-foot parking buffer).
- Height and location of existing and proposed signs.
- Location and type of existing and proposed lighting fixtures.
- Location and species of any trees over 9 inches in diameter that are proposed to be removed as part of the development.
- Provide any information regarding proposed low-impact or sustainable design (i.e. green roofs, permeable pavement, rainwater gardens, ecological landscaping, passive solar design, etc.)

****ALL APPLICATION DEADLINES ARE 2:00 P.M. UNLESS OTHERWISE SPECIFIED**
APPLICANTS ARE ENCOURAGED TO FILE BEFORE THE DEADLINE DATE WHENEVER POSSIBLE**

SPECIAL PERMIT: NEXT STEPS AFTER APPROVAL

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

1) Obtain a CERTIFIED COPY of the approved DECISION from the Worcester CITY CLERK’s office:

Notice of the decision is distributed to the applicant and abutters, and will contain the date of filing with the City Clerk. After the 20 day appeal period (beginning the date the decision was first filed with the City Clerk’s office) has expired, the applicant may obtain a certified copy of the approved decision from the City Clerk. *Note: The certified decision will state if an appeal was filed against the project.*

City Clerk

City Hall (455 Main Street), Room 206 (2nd Floor), Worcester, MA 01608

Hours: Monday 8:45am - 5:00pm; Tuesday - Friday 8:45am - 4:15pm; Closed on State or Federal Holidays
508-799-1121 or clerk@worcesterma.gov

2) RECORD the CERTIFIED COPY of the approved DECISION at the REGISTRY OF DEEDS (prior to use):

Provided there has been no appeal, you must bring the certified copy of the decision to the Worcester District Registry of Deeds and have the decision recorded against the property’s title/deed for the decision to be valid.

Worcester District Registry of Deeds

90 Front Street, Suite C201, Worcester, MA 01608

Recording Hours: Monday – Friday 9 am to 4 pm; Closed on State or Federal Holidays
508-368-7000 or <https://massrods.com/worcester/>

Note: Your Decision MUST BE RECORDED PRIOR TO USE of any approved Special Permit(s)

3) Satisfy any CONDITIONS of approval, if applicable:

If your petition is approved with conditions requiring revised plans or supplemental information, all final revised plans and associated information must be received and approved by the Division of Planning and Regulatory Services prior to issuance of a building and/or occupancy permit. Conditions of Approval may additionally require submission of documentation during or after completion of construction. It is the applicant/owner’s responsibility to be aware of the conditions of approval ensure they comply with the conditions to avoid delays in issuance of permits and/or enforcement actions for non-compliance.

If you are unsure of the conditions of your application’s approval, please contact the Planning and Regulatory Services Division for clarification. These are included in the decision (generally toward the end of the document before the signature page).

4) Begin USE/CONSTRUCTION as permitted by the Decision ONLY AFTER Receipt of appropriate Permits from Other City Departments (Inspectional Services, Dept. of Public Works & Parks, etc.).

When Will My Permit EXPIRE?

Special Permit(s): Per Massachusetts General Law, Ch. 40A, § 11 and the City of Worcester Zoning Ordinance, Article II, §9.D.5., if the activity authorized by a special permit is not *initiated* within one (1) year from the date the decision was filed with the City Clerk and/or if the activity is not completed within two (2) years, then the special permit shall expire. Questions about permit validity and what constitutes “initiation” in a particular case should be directed to the Zoning Coordinator at the Department of Inspectional Services at inspections@worcesterma.gov or 508-799-1714.

HOW DO I EXTEND the Rights Granted by MY SPECIAL PERMIT?

An **Extension of Time application must be filed** with the Planning Board via the Division of Planning and Regulatory Services **within one year of the date of final action (date of filing with the City Clerk)**. *Note: If an approval has expired it cannot later be extended, it must instead be newly considered.*

Special Permit(s): If the activity authorized by a special permit granted by the Planning Board is not *initiated* within one (1) year from the date of final action (the date the decision was filed with the City Clerk), the Building Commissioner (**Inspectional Services Department**) may determine that the failure to complete was for “good cause,” allowing administrative extension for a second year. If the **activity has not been initiated** within this time frame, then an **Application for an Extension of Time** for a Special Permit granted by the Planning Board is required (new notice to abutters, public hearing, and decision by the Board).

Applications for an Extension of Time for a Special Permit granted by the Planning Board and is available here: <http://www.worcesterma.gov/uploads/f1/d8/f1d8c145b7b79dbce0f7aeacb446e87f/sp-extension-pb.pdf>

What Happens if My Permit EXPIRES?

Expired Permits: After expiration, a special permit(s) may only be re-established through submission of a new filing to Planning Board via the Division of Planning and Regulatory Services. *Note: a new filing consists of the same process as the original application filing (i.e. notification to abutters, a public hearing, and the Board reconsidering said relief, pursuant to the Ordinance).*

New Filings: Copies of the most current Special Permit Applications are available here: <http://www.worcesterma.gov/planning-regulatory/boards>

Other Resources:

- The City of Worcester Zoning Ordinance and Worcester Zoning Map are available online at <http://www.worcesterma.gov/city-clerk/ordinances-regulations/>
- For specific questions related to an approved application, please contact **the Division of Planning and Regulatory Services** (Monday through Friday 8:30 a.m. to 5:00 p.m.). Please have a copy of the approved Decision.