



2019 00003595

Bk: 13212Pg: 312 Page: 1 of 11  
Recorded: 03/08/2019 10:20 AM

THE COMMONWEALTH OF MASSACHUSETTS  
AMHERST

City or Town  
**NOTICE OF SPECIAL PERMIT**  
**Special Permit**  
**(General Laws Chapter 40A)**

Notice is hereby given that a Special Permit has been granted

To Rise Holdings Inc.  
Address 325 West Huron Street, Suite 412  
City or Town Chicago, IL 60654

Identify Land Affected: 169 Meadow Street, Map 4B, Parcel 6, Light Industrial (LI)  
Zoning District

By the Town of Amherst Zoning Board of Appeals affecting the rights of the owner with respect to the use of the premises on

169 Meadow Street Amherst, MA  
Street City or Town

The record of title standing in the name of

Mosaic Real Estate Amherst, LLC  
Name of Owner(s)

Whose address is 350 West Hubbard Street, Suite 222 Chicago IL 60654  
Street City or Town State Zip Code

By a deed duly recorded in the  
Hampshire County Registry of Deeds: Book 1391 Page 19  
or

Hampshire Registry District of the Land Court, Certificate No. \_\_\_\_\_,  
Book \_\_\_\_\_, Page \_\_\_\_\_

The decision of said Board is on file, with the papers, in ZBA 2019-10 in the office of the  
Town Clerk Margaret Nartowrcz

Certified this \_\_\_\_\_ day of \_\_\_\_\_

Board of Appeals:

[Signature] Chairman  
(Board of Appeals)  
\_\_\_\_\_  
(Board of Appeals) Clerk

\_\_\_\_\_ at \_\_\_\_\_ o'clock and \_\_\_\_\_ minutes \_\_\_\_\_ m.  
Received and entered with the Register of Deeds in the County of Hampshire  
Book \_\_\_\_\_ Page \_\_\_\_\_

ATTEST \_\_\_\_\_  
Register of Deeds

Notice to be recorded by Land Owner

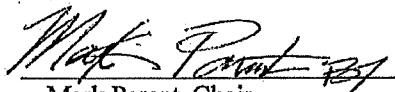
**Town of Amherst**  
**Zoning Board of Appeals**

***SPECIAL PERMIT***

**The Amherst Zoning Board of Appeals hereby grants a Special Permit to ZBA 2019-10, Rise Holdings, INC.** - Request a Special Permit for an amendment, under Section 10.33 of the Zoning Bylaw, of the existing Off-Site Medical Marijuana Dispensary (OMMD, Section 3.363.1, Zoning Bylaw), Special Permit ZBA FY2016-00022, to modify condition 1, to no longer prohibit the sale of Recreational Marijuana, condition 17, to allow the hours of operation to be from 8:00 AM to 8:00 PM, seven days per week, and to modify the floor plan and Management Plan to reflect the above changes, located at **169 Meadow Street (Map 4B/Parcel 6), Light Industrial (LI) Zoning District**, subject to the following conditions:

1. This Special Permit is issued for the operation of a Registered Marijuana Dispensary (RMD) as defined under Massachusetts law and the Massachusetts Cannabis Control Commission. It is not transferrable to any other applicant.
2. No medical marijuana may be smoked, eaten or otherwise consumed or ingested on the premises.
3. The Special Permit shall lapse one (1) calendar year from the date of filing of the permit if no substantial construction has begun.
4. Verification of payment of the fee associated with the Provisional Certificate of Registration shall be submitted to the Planning Department for the record.
5. A copy of the Final Certificate of Registration received from the Mass. Dept. of Public Health or the Cannabis Control Commission, whichever is appropriate at the time, shall be filed with the Building Commissioner, for the record.
6. Any significant alterations to building or landscape improvements or any changes in the Management Plan made necessary as a result of requirements imposed by the Massachusetts Department of Health or the Cannabis Control Commission during its final review process shall be reviewed by the Zoning Board of Appeals at a public meeting.
7. This use shall be conducted in compliance with the Massachusetts Department of Health Final Certificate of Registration or the required certificate from the Cannabis Control Commission, whichever is appropriate, issued to this applicant. Any revocation of that registration shall result in the expiration of this Special Permit.
8. Prior to the issuance of any Certificate of Occupancy, the applicant shall file a completed Host Community Agreement, if any, with the Building Commissioner, for the record.
9. All exterior and interior building improvements, including security features, shall be constructed substantially in accordance with the approved architectural plans and associated details by Kuhn Riddle Architects dated January 15, 2019

10. Any substantial alterations to the approved plans for the interior layout, either during construction or thereafter, shall be brought back to the Zoning Board of Appeals for review at a public meeting.
11. All exterior site improvements, including the driveway, parking area, striping, curbing, lighting, dumpster enclosure, stormwater/drainage systems, landscaping, and plantings shall be constructed or installed substantially in accordance with the approved Site Plans and associated details prior to the issuance of any Certificate of Occupancy, and shall thereafter be maintained in good working order in accordance with the Operations and Maintenance Plan and Article 7 of the Zoning Bylaw.
12. All lighting shall be installed substantially in accordance with the approved lighting plan. It shall be downcast and shielded so as to prevent light spillage onto adjacent properties or roadways. After hours, lighting shall be turned off except as operated by motion sensors.
13. Installation of the interior sidewalk connection from the rear and side entrances of the building out to the public way as shown on the approved plans shall be completed within 180 days of any determination made by the Town of Amherst that pedestrian needs in the vicinity require a crosswalk and sidewalk extending from the east side of Route 116 to the west side of Route 116 and along Meadow Street and subsequently installed by the Town.
14. All applicable provisions of Section 3.360.41 of the Zoning Bylaw shall be met, including but not limited to the requirement to submit and present an annual report to the Board.
15. Parking shall be provided and managed in accordance with the approved plans and Management Plan. Any significant increase in vehicular traffic resulting in insufficient parking as determined by the Building Commissioner shall be addressed by the applicant with changes to the parking area and/or Management Plan after review and approval by the Zoning Board of Appeals.
16. This use shall be operated in conformance with the approved Management Plan. An approved Management Plan shall be in place at all times. Any change in the Management Plan shall require the review and approval of the Zoning Board of Appeals at a public meeting.
17. The approved hours of operation for the proposed use are 8:00 a.m. to 8:00 p.m. seven (7) days a week. The applicant shall submit any proposal to change hours of operation for the review and approval of the Zoning Board of Appeals at a public meeting.
18. All landscaping plantings associated with the parking area shall be installed in accordance with the approved Landscape Plan and, once installed, shall be cared for and continually maintained, and replaced in kind as needed. All disturbed areas shall be loamed and seeded, unless otherwise specified.
19. This Special Permit shall lapse upon any change in ownership of the use.

  
Mark Parent, Chair

2/14/19  
Date

**Town of Amherst**  
**Zoning Board of Appeals**

***DECISION***

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**Applicant:** Rise Holdings, Inc.  
325 West Huron Street, Suite 412  
Chicago, IL 60654

**Representative:** Thomas Reidy  
6 South East Street  
Amherst, MA 01002

**Property Owner:** Mosaic Real Estate Amherst, LLC  
350 West Hubbard Street, Suite 222  
Chicago, IL 60654

**Project Address:** 169 Meadow Street

**Nature of request:** ZBA 2019-10 – Rise Holdings, INC. - Request a Special Permit for an amendment, under Section 10.33 of the Zoning Bylaw, of the existing Off-Site Medical Marijuana Dispensary (OMMD, Section 3.363.1, Zoning Bylaw), Special Permit ZBA FY2016-00022, to modify condition 1, to no longer prohibit the sale of Recreational Marijuana, condition 17, to allow the hours of operation to be from 8:00 AM to 8:00 PM, seven days per week, and to modify the floor plan and Management Plan to reflect the above changes.

**Map/parcel:** 4B/6

**Zoning:** Light Industrial (LI) Zoning District

**Board members:** Mark Parent, Chair; Steve Judge, Keith Langsdale, Joan O’Meara, Thomas Simpson

**Staff members:** Brandon Toponce, Senior Planner; Rob Morra, Building Commissioner; Maureen Pollock, Associate Planner

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**SECTION 10.3 8 SPECIFIC FINDINGS REQUIRED**

The Board shall under Section 10.38 of the Zoning Bylaw, Specific Findings, make the findings required of all Special Permits, such that:

*10.380 & 10.381 - The proposal is suitably located in the neighborhood in which it is proposed and/or the total Town, as deemed appropriate by the Special Permit Granting Authority; The proposal is compatible with existing Uses and other Uses permitted by right in the same District.*

➤ **Board Response:** In July, 2016, the site was found to be suitable for an Off-Site Medical Marijuana Dispensary. The requested amendments will not change this finding.

*10.382, 10.383 & 10.385 & 10.387 - The proposal would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights, or visually offensive structures or site*

Zoning Board of Appeals

January 31, 2019

*features; The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians; The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site, including air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features; The proposal provides convenient and safe vehicular pedestrian movement within the site, and in relation to adjacent streets, property or improvements.*

- **Board Response:** The requested amendments will not create a nuisance on the site.

10.384 - *Adequate and appropriate facilities would be provided for the proper operation of the proposed use.*

- **Board Response:** Utility services will still be adequate on the site.

10.386 - *The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw.*

- **Board Response:** Onsite parking is not being altered as part of the proposed amendments. The applicant will be designating two parking stalls for the use of patrons to the Off-Site Medical Marijuana Dispensary. This will be reviewed under application ZBA 2019-11

10.387 - *The proposal provides convenient and safe vehicular and pedestrian movement within the site, and in relation to adjacent streets, property or improvements. If the Special Permit Granting Authority deems the proposal likely to have a significantly adverse impact on traffic patterns, it shall be permitted to require a traffic impact report, and the proposal shall comply with Section 11.2437 of this Bylaw.*

- **Board Response:** A new traffic study has been submitted for the proposed Recreational Marijuana Retailer Application, ZBA 2019-11.

10.388 - *The proposal ensures adequate space for the off-street loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment or use.*

- **Board Response:** This finding is not applicable to the proposed amendments

10.389 - *The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water.*

- **Board Response:** In July 2016, the Board found that waste management for the property was adequately addressed, and the facility would be on Town sewer. The stormwater/drainage plan appropriately dealt with site run-off and the Conservation Commission's Order of Conditions addressed that issue. None of these items will be altered due to the proposed amendments.

10.390 - *The proposal ensures protection from flood hazards as stated in Section 3.228, considering such factors as: elevation of buildings; drainage; adequacy of sewage disposal; erosion and sedimentation control; equipment location; refuse disposal; storage of buoyant materials; extent of paving; effect of fill, roadways or other encroachments on flood runoff and flow; storage of chemicals and other hazardous substances.*

- **Board Response:** With no alterations being proposed on the exterior, the conditions addressed by the Conservation Commission in July, 2016, will remain.

10.391 - *The proposal protects, to the extent feasible, unique or important natural, historic or scenic features.*

- **Board Response:** This condition is not applicable to the proposed amendments.

10.392 - *The proposal provides adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage. When a non-residential use adjoins a residential district, an uninterrupted vegetated buffer shall, to the extent feasible, be established and maintained between buildings associated with uses under this section and the nearest residential property boundaries. Where natural, undisturbed vegetation already exists on-site prior to site preparation and clearing, the majority of that vegetation may be retained and included as part of the buffer, along with the addition of such new plantings, selective removals, and other management of site plantings as are determined to be necessary to maintaining an effective year-round visual screen. See Section 11.3.*

- **Board Response:** Landscaping improvements were reviewed and approved in July, 2016. The proposed amendments will not impact landscaping or other onsite vegetation.

10.393 - *The proposal provides protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and exterior lighting, through use of cut-off luminaires, light shields, lowered height of light poles, screening, or similar solutions. Except for architectural and interior-lit signs, all exterior site lighting shall be downcast and shall be directed or shielded to eliminate light trespass onto any street or abutting property and to eliminate direct or reflected glare perceptible to persons on any street or abutting property and sufficient to reduce a viewer's ability to see. All site lighting, including architectural, sign, and parking lot lighting, shall be kept extinguished outside of those business hours established under an approved site management plan, except for lighting determined to be necessary for site security and the safety of employees and visitors.*

- **Board Response:** In July, 2016, the Board found the site lighting plan minimized the intrusion of lighting off-site and was dark-sky compliant. The proposed amendments will not alter the onsite lighting.

10.394 - *The proposal avoids, to the extent feasible, impact on steep slopes, floodplains, scenic views, grade changes, and wetlands.*

10.395 - *The proposal does not create disharmony with respect to the terrain and to the use, scale and architecture of existing buildings in the vicinity which have functional or visual relationship thereto. Within the B-L, B-VC, B-N, COM, OP, LI and PRP Districts, and any residential zoning district where the project in question occurs within the boundaries of a National Historic Register District, the Special Permit Granting Authority shall, if it deems the proposal likely to have a significant impact on its surroundings, be permitted to use the design principles and standards set forth in Sections 3.2040 and 3.2041, 1) through 9) to evaluate the design of the proposed architecture and landscape alterations. Within the B-G and abutting B-L districts, and for any Town project within any district, the provisions of Section 3.20, Design Review, shall remain in effect.*

- **Board Response:** No exterior changes will be required as part of the proposed amendments.

10.396 - *The proposal provides screening for storage areas, loading docks, dumpsters, rooftop equipment, utility buildings and similar features.*

- **Board Response:** The dumpster will be screened from view on all four sides using a solid fence and gate.

10.397 - The proposal provides adequate recreational facilities, open space and amenities for the proposed use.

- **Board Response:** This condition is not applicable to the proposed amendments

10.398- The proposal is in harmony with the general purpose and intent of this Bylaw, and the goals of the Master Plan.

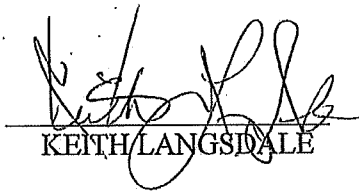
- **Board Response:** In July, 2016 the Board found the proposal was in harmony with the general purpose of the Bylaw because it promoted the health, safety, convenience and welfare of the inhabitants of the Town of Amherst by providing a needed medical service, and that this was consistent with those goals of the Amherst Master Plan addressing the need to provide services that meet and keep pace with the changing needs, including the health needs, of the residents of a diverse community, and the need to diversify and expand the economic base of the community.

**ZONING BOARD DECISION**

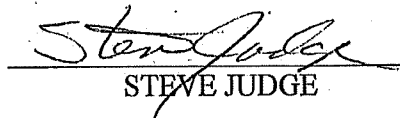
Mr. Parent **MOVED** to approve the **Special Permit** to request a an amendment, under Section 10.33 of the Zoning Bylaw, of the existing Off-Site Medical Marijuana Dispensary (OMMD, Section 3.363.1, Zoning Bylaw), Special Permit ZBA FY2016-00022, to modify condition 1, to no longer prohibit the sale of Recreational Marijuana, condition 17, to allow the hours of operation to be from 8:00 AM to 8:00 PM, seven days per week, and to modify the floor plan and Management Plan to reflect the above changes, located at **169 Meadow Street** (Map 4B/Parcel 6), Light Industrial (LI) Zoning District, the motion was seconded by Mr. Langsdale.

For all of the reasons/findings stated above, **the Board VOTED unanimously [5-0] to grant a Special Permit, ZBA 2019-10 – Rise Holdings, INC.** for an amendment, under Section 10.33 of the Zoning Bylaw, of the existing Off-Site Medical Marijuana Dispensary (OMMD, Section 3.363.1, Zoning Bylaw), Special Permit ZBA FY2016-00022, to modify condition 1, to no longer prohibit the sale of Recreational Marijuana, condition 17, to allow the hours of operation to be from 8:00 AM to 8:00 PM, seven days per week, and to modify the floor plan and Management Plan to reflect the above changes, located at **169 Meadow Street** (Map 4B/Parcel 6), Light Industrial (LI) Zoning District.

  
MARK PARENT

  
KEITH/LANGSDALE

  
TOM SIMPSON

  
STEVE JUDGE

  
JOAN O'MEARA

FILED THIS 14<sup>th</sup> day of February, 2019 at 4:37pm,  
in the office of the Amherst Town Clerk Margaret Walker.

TWENTY-DAY APPEAL period expires, wednesday, march 7 2019.

NOTICE OF DECISION mailed this 14 day of February, 2019  
to the attached list of addresses by Brian J. [Signature], for the Board.

CERTIFICATE OF NO APPEAL issued this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

NOTICE OF PERMIT or Variance filed this \_\_\_\_\_ day of \_\_\_\_\_, 2019,  
in the Hampshire County Registry of Deeds.



**ZONING BOARD OF APPEALS  
AMHERST, MASSACHUSETTS  
RECORD OF DECISION OR APPEAL RENDERED**

**Petition of:** Rise Holdings, Inc.

**For:** **ZBA 2019-10 – Rise Holdings, INC.** - Request a Special Permit for an amendment, under Section 10.33 of the Zoning Bylaw, of the existing Off-Site Medical Marijuana Dispensary (OMMD, Section 3.363.1, Zoning Bylaw), Special Permit ZBA FY2016-00022, to modify condition 1, to no longer prohibit the sale of Recreational Marijuana, condition 17, to allow the hours of operation to be from 8:00 AM to 8:00 PM, seven days per week, and to modify the floor plan and Management Plan to reflect the above changes.

**On the premises of:** 169 Meadow Street

**At or on:** Map 4B/Parcel 6, Light Industrial (LI) Zoning District

NOTICE of hearing as follows mailed January 11, 2019  
to attached list of addresses and published in the Daily Hampshire Gazette  
dated: January 17, 24, 2019

**Hearing date and place:**

**LEGAL NOTICE**

The Amherst Zoning Board of Appeals will meet on Thursday, January 31, at 5:00 P.M. in the Town Room, Town Hall, to conduct the following business:

**PUBLIC HEARING:**

ZBA 2019-12 - VMS Piza 1, LLC, d/b/a Piza Italian Restaurant - Request a Special Permit to conduct a Class II Restaurant, under Section 3.352.1 of the Zoning Bylaw, with accessory uses for seasonal outdoor dining under Section 5.041, and the or pre-recorded entertainment, under Section 5.042, both of the Zoning Bylaw, located at 51 East Pleasant Street (Map 11C/Parcel 287), General Business (BG) Zoning District, and within the Design Review Overlay District and the Municipal Parking District.

ZBA 2019-10 - Rise Holdings, INC. - Request a Special Permit for an amendment, under Section 10.33 of the Zoning Bylaw, of the existing Off-Site Medical Marijuana Dispensary (OMMD, Section 3.363.1, Zoning Bylaw), Special Permit ZBA FY2016-00022, to modify condition 1, to no longer prohibit the sale of Recreational Marijuana, condition 17, to allow the hours of operation to be from 8:00 AM to 8:00 PM, seven days per week, and to modify the floor plan and Management Plan to reflect the above changes, located at 169 Meadow Street (Map 4B/Parcel 6), Light Industrial (LI) Zoning District.

ZBA 2019-11 - Rise Holdings, INC. - Request a Special Permit for the use of a Recreational Marijuana Retailer, under Section 3.363.2, co-located with the existing Off-Site Medical Marijuana Dispensary, located at 169 Meadow Street (Map 4B/Parcel 6), Light Industrial (LI) Zoning District.

MARK PARENT, CHAIR  
AMHERST ZONING BOARD OF APPEALS

January 17, 24

23198

**SITTING BOARD and VOTE TAKEN:**

**ZBA 2019-10 – Rise Holdings, INC.** - Request a Special Permit for an amendment, under Section 10.33 of the Zoning Bylaw, of the existing Off-Site Medical Marijuana Dispensary (OMMD, Section 3.363.1, Zoning Bylaw), Special Permit ZBA FY2016-00022, to modify condition 1, to no longer prohibit the sale of Recreational Marijuana, condition 17, to allow the hours of operation to be from 8:00 AM to 8:00 PM, seven days per week, and to modify the floor plan and Management Plan to reflect the above changes, located at **169 Meadow Street (Map 4B/Parcel 6), Light Industrial (LI) Zoning District.**

Mark Parent – Yes                      Keith Langsdale - Yes                      Tom Simpson – Yes

Joan O’Meara – Yes                      Steve Judge – Yes

**JANUARY 31, 2019 DECISION: APPROVED WITH CONDITIONS**

4D-2  
ANDREWS, LEIGH  
LAVERDIERE, DONALD A  
463 WEST ST  
AMHERST, MA 01002

4B-14  
TOWN OF AMHERST  
4 BOLTWOOD AVE  
AMHERST, MA 01002

4B-6  
MOSAIC REAL ESTATE AMHERST LLC  
350 W HUBBARD ST SUITE 222  
CHICAGO, IL 60654-6977

4D-16  
AXTELL, EDWARD H & HICKSON,  
MARISSA  
237 MEADOW ST  
AMHERST, MA 01002

4B-5  
STONE FREE LLC  
245 MEADOW ST  
AMHERST, MA 01002

5A-133  
CZAJKOWSKI, JOSEPH J  
92 SHATTUCK RD  
HADLEY, MA 01035

Town of



Amherst Massachusetts

TOWN CLERK

Margaret Z. Nartowicz, Town Clerk  
Town Hall  
4 Boltwood Avenue  
Amherst, MA 01002-2351

Phone: (413) 259-3035  
Fax: (413) 259-2499  
townclerk@amherstma.gov  
www.amherstma.gov

## CERTIFICATE OF NO APPEAL

TO: Registrar of Deeds, Hampshire County  
FROM: Margaret Z. Nartowicz, Town Clerk  
RE: Amherst Zoning Board of Appeals Decision  
DATE: March 7, 2019

This is to certify that there has been no appeal of the decision of the Amherst Zoning Board of Appeals on Application ZBA FY 2019-10.

The 20-day appeal period expired on March 6, 2019.

Attest:

Margaret Z. Nartowicz  
Town Clerk

APPEAL: HAMPSHIRE, *Mary Olberding*, REGISTER  
MARY OLBERDING

Town of



TOWN OF AMHERST, MA  
HAMPSHIRE COUNTY  
Received & Recorded

AMHERST Massachusetts

TOWN HALL  
4 Boltwood Avenue  
Amherst, MA 01002-2351

FEB 14 2019  
A.M. 4:37 P.M.  
Book \_\_\_\_\_ Page \_\_\_\_\_  
Attest: *[Signature]*  
Town Clerk  
PLANNING BOARD OF APPEALS  
(413) 259-3040  
(413) 259-2410 fax  
[Planning@amherstma.gov](mailto:Planning@amherstma.gov)

February 14, 2019

Rise holdings, Inc.  
325 West Huron Street, Suite 412  
Chicago, IL 60654

To Whom It May Concern:

Enclosed please find the following documents in regard to Special Permit ZBA2019-10:

1. Copy of Decision;
2. Copy of Record of Decision or Appeal Rendered;
3. Copy of certified list of abutters;

The above-listed documents were filed with the Amherst Town Clerk on February 14, 2019. Pursuant to Massachusetts General Laws, Chapter 40A, Section 11, a 20-day appeal period begins the day after the Decision has been filed.

After this appeal period expires, you, the applicant or owner, must complete the application process, as follows:

1. After the 20-day appeal period, which expires at the end of the day on Wednesday, March 6, 2019, you must acquire a "Certificate of No Appeal" from the Amherst Town Clerk certifying that no appeal of this Decision has been filed. A \$10.00 fee is charged for this service. If an appeal has been filed, you must wait until after it has been denied or dismissed before receiving appropriate certification.
2. After you obtain the "Certificate of No Appeal", you must record it and the enclosed documents at the Hampshire County Registry of Deeds in Northampton.

There will be a recording fee and you must return the Proof of Filing to the Planning Department. As a reminder, the Hampshire County Registry of Deeds only takes cash or check.

If you have any questions, please do not hesitate to contact our office at 413-259-3040.

Sincerely,

Brandon Toponce  
Senior Planner