



TOWN OF ORANGE PLANNING BOARD

6 Prospect Street
Orange, MA 01364
Ph: 978-544-1100
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Bk: 8485 Pg: 20 Franklin County
Page: 1 of 6 06/04/2025 09:31 AM

SPECIAL PERMIT and SITE PLAN RECORD OF PROCEEDINGS & NOTICE OF DECISION

Notice is hereby given that the Town of Orange, Planning Board (the "Board"), **FINDING** that the application by **Jolly Green Inc. of 246 Suffolk Lane, Gardner, MA 01440** and property owner **Kyle and Wendy Higgins Sr, 442 Howard Street, Lunenburg, MA, 01462** (together with its successor(s), assigns(s) and/or designee(s), the "Applicant") meets the criteria established in Sections 3300 and 5130 of the Zoning Bylaws.

The Town hereby **GRANTS** to applicant **Jolly Green Inc. of 246 Suffolk Lane, Gardner, MA 01440** and property owner **Kyle and Wendy Higgins Sr, 442 Howard Street, Lunenburg, MA, 01462** (together with its successor(s), assigns(s) and/or designee(s), the "Applicant") these the **SPECIAL PERMIT with site changes** for the property located at **181 East Main Street, Orange, MA 01364 Map 111 Lot 4 Zone B** to **ALLOW: the change of a pre-existing non conforming lot to allow a portion of the property to have a use change to cannabis dispensary retail sales only, remodeling of one building -2,300 into two separate units, additional storage in the second building and associated site improvements.**

RECORD OF PROCEEDINGS:

1. Date Application for Special Permit filed with Planning Board: November 27, 2024
2. Date of Public Hearing: January 28, 2025, continued to February 25, 2025, continued to March 25, 2025
3. Time of Public Hearing: 6:30pm in January, 6:30pm in February, 7:00pm in March
4. Zoning Section(s): 3300, 5130 in Zoning District: B
5. Registry of Deeds: Book: 6960 Page: 213 Map: 111 Lot: 4
6. The date(s) of newspaper posting for hearing: January 14, 2025 and January 21, 2025
7. The Planning Board Voted on: March 25, 2025

Jolly Green Inc. applicant and Kyle Higgins Sr. property owner of 246 Suffolk Lane, Gardner, MA 01440 Proceedings & Notice of Decision for Special Permit PB ID 2024-16 for the property located at **181 East Main Street, Orange, MA 01364 Map 111, Lot 4 in Zone B** to **ALLOW: the change of a pre-existing non conforming lot to allow a portion of the property to have a use change to cannabis dispensary retail sales only, remodeling of one building -2,300 into two separate units, additional storage in the second building and associated site improvements.**

8. The Members present at all the Public Hearing dates January 28, 2025, February 25, 2025, and March 25, 2025 :

Mercedes Clingerman, Chair: Yes John McHale: Yes Casey Bashaw: Yes
Kelli Gervais: Yes Tom Sexton: Yes

9. The vote on March 25, 2025 for the special permit decision as described above:
(Y=Yes N=No A=Abstained M=Motion By S= Seconded By)

Mercedes Clingerman, Chair: A John McHale: M, Y Casey Bashaw: Y
Kelli Gervais: S, Y Tom Sexton: Y

10. Undersigned Planning Board Chair or Clerk:

Nancy M. Blackmer Title: Chair Date: 4/8/25

11. Filed with Town Clerk on:

Rachael Fortier 4/8/2025
Nancy M. Blackmer, Town Clerk Rachael Fortier Asst. Date

12. Decision sent to Abutters on: April 8, 2025

13. Certification of Town Clerk: I, Nancy Blackmer, Town Clerk of the Town of Orange, hereby certify pursuant to MGLA C.40A Sec. 9 that the above decision of the Orange Planning Board was filed in the Office of the Town Clerk on 4/8/2025 and that twenty (20) days have elapsed after the decision has been filed. I further certify that:

☒ NO APPEAL pursuant to C40A Section 17 has been filed with the Orange Town Clerk.

☐ AN APPEAL has been filed in the _____ Court, case number _____, entitled _____ vs. _____.

ATTEST: Rachael Fortier Date: 4/29/2025
Nancy M. Blackmer, Town Clerk/Asst. Stant

14. Appeals shall be made pursuant to MGLA Chapter 40A Section 17, within 20 days of filing this notice with the Town Clerk's Office.

15. Decision sent by Certified Mail # 9214 8901 9403 8311 9801 09
to Applicant(s) on: 4/29/2025

16. Special Permit shall lapse within two years which shall not include such time to pursue or await the determination of an appeal referred to in Ch.40A, Sec.17, from the grant thereof, if substantial use thereof has not sooner commenced except for a good cause.

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17. Approval incorporates by reference all plans, drawings and correspondence presented at the public hearing and referenced herein and all material verbal representations made by the applicant at the public hearing as reflected in the minutes.

The Applicant and other interested parties submitted the following materials for the Board's review and consideration:

1. Special Permit Application signed by applicant and filed with Town Clerk dated November 27, 2024 including:
 - a. Application packet containing the following-Cover page letter of Transmittal with the following attachments- Application packet with narrative letter dated October 31, 2024 signed by Wes Flis PE of McCarty Engineering, 42 Tucker Drive, Leominster, MA, 01453; 1 page Town of Orange application; Host Community Agreement for the City of Gardner- 6 pages signed by Kyle Higgins and Michael Nicholson; Abutter list dated September 3, 2024 uncertified, 4 pages;
 - b. Plans-1 page Plan Titled "Jolly Green Inc. 181 East Main Street, Orange, MA Overall Site Plan Dated October 31, 2024" signed and stamped by Wesley R. Flis PE of McCarty Engineering Inc Civil Engineers, 42 Tucker Drive, Leominster, MA, 01453
 - c. Incomplete Drainage Analysis Report- no date or cover sheet.
2. Other related submissions:
 - a. Certified Abutter List Report dated November 6, 2024 from Assessor office- includes cover sheet, abutter list to 300 feet -4 pages, Locus Map-1 page, Excel sheet for labels 1 page.
 - b. Plan Titled "Jolly Green Inc 181 East Main Street, Orange, MA Revised March 17, 2025" signed and stamped by Wes Flis PE, McCarty Engineering Inc, Civil Engineers, 42 Tucker Drive, Leominster, MA, 01453
 - c. Independent Review Stoddard Engineering, Chris Stoddard PE- email dated January 28, 2025- 1 page
 - d. Independent Review Stoddard Engineering, Chris Stoddard, PE -letter dated February 17, 2025- 2 pages
 - e. First Response to Independent Review from Applicant Engineer McCarty Engineering, Wesley Flis, PE and Justin LeClair EIT dated March 17, 2025- 2 pages with the following attachments- original application packet plans dated revised March 17, 2025 signed and stamped by Wesley Flis PE

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- f. Drainage Review dated October 31, 2024 prepared by Wesley Flis, PE of McCarty Engineering Inc, 42 Tucker Drive, Leominster, MA 01440.
- g. Independent Review Stoddard Engineering, Chris Stoddard, PE-letter dated March 18, 2025
- h. Zoning Report Form dated November 26, 2024 from Inspector of Buildings Brian Mitchell-1 page
- i. Continuance Form dated January 29, 2025 verifying request from applicant in meeting on January 28, 2025 for continuation to February 25, 2025 at 6:30pm- 1 page
- j. Continuance Form dated February 25, 2025 verifying request from applicant in meeting on February 25, 2025 for continuation to March 25, 2025 at 7:00pm- 1 page
- k. Email from Justin LeClair dated February 25, 2025 requesting a continuance- 1 page.
- l. Email from Historic Commission Chair, Harry Veilleux dated January 16, 2025- 1 page
- m. Letter from Water Department Superintendent, Ken Wysk dated January 28, 2025-1 page

FINDINGS:

With regard to the **Special Permit Criteria under Section 3300 and 5130** the board, finding that all applicable provisions of the Zoning Bylaw and all applicable rules and regulations of the Board have been complied with, hereby **GRANTS** to applicant **Jolly Green Inc. of 246 Suffolk Lane, Gardner, MA 01440 and property owner Kyle and Wendy Higgins Sr, 442 Howard Street, Lunenburg, MA, 01462** (together with its successor(s), assigns(s) and/or designee(s), the "Applicant") this **SPECIAL PERMIT with associated site changes** for the property located at **181 East Main Street, Orange, MA, 01364, Map 111, Lot 4, Zone B** to **ALLOW: the change of a pre-existing non conforming lot to allow a portion of the property to have a use change to cannabis dispensary retail sales only, remodeling of one building -2,300 into two separate units, additional storage in the second building and associated site improvements.**

The board reviewed the application packet narrative at the meetings and found that the points in the narrative were acceptable. The only point where there was considerable

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discussion by the board members was as to whether or not the permit should be granted to the applicant and property owner solely or to the applicant and property owners along with their successors and assigns. No other discussion occurred.

Site Plan improvements were reviewed by the Towns Independent Engineer. After the applicant provided all materials required for the review that had been lacking in the original submission, the Independent Reviewer was able to recommend approval of the plan dated March 17, 2025 with associated drainage analysis dated October 31, 2024 with the suggestion of only one condition, which the board agreed was reasonable and is listed below.

CONDITIONS:

1. The project will be constructed in accordance with special permit plan documents in the packet submitted by the applicant and signed by the Town Clerk on November 27, 2024 with the revised plot plan titled "Jolly Green Ince 181 East Main Street Orange, MA Overall Site Plan" dated Revised March 17, 2025, Drainage Review dated October 31, 2024 for 181 East Main Street ; signed and stamped by Wes Flis, PE of Mcarty Engineering, Inc Civil Engineers, 42 Tucker Drive, Leominster, MA, 01453 as presented to the planning board at the hearing and departments with any conditions set forth below:

(Y=Yes N=No A=Abstained M=Motion By S= Seconded By)

Mercedes Clingerman, Chair: Yes John McHale: M, Yes Casey Bashaw: Yes

Kelli Gervais: S, Yes Tom Sexton: Yes

2. Approval is for retail sales of cannabis only.

(Y=Yes N=No A=Abstained M=Motion By S= Seconded By)

Mercedes Clingerman, Chair: Yes John McHale: M, Yes Casey Bashaw: Yes

Kelli Gervais: S, Yes Tom Sexton: Yes

3. Soil Evaluation to be conducted by an approved soil evaluator to determine the Estimated Seasonal High Groundwater in the area of the Stormwater BMP with a copy of the evaluation provided to the Planning Board for review.

(Y=Yes N=No A=Abstained M=Motion By S= Seconded By)

Mercedes Clingerman, Chair: Yes John McHale: M, Yes Casey Bashaw: Yes

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Kelli Gervais: S, Yes

Tom Sexton: Yes

4. Applicant will provide proof of approval from the water department that the water department has retained access to the water meter and the backflow prevention device for regular access and testing, prior to applicant receiving their certificate of occupancy.

(Y=Yes N=No A=Abstained M=Motion By S= Seconded By)

Mercedes Clingerman, Chair: Yes John McHale: M, Yes Casey Bashaw: Yes

Kelli Gervais: S, Yes Tom Sexton: Yes

5. Hours of operation will be from 10 am to 8 pm Sunday to Saturday (7 days a week).

(Y=Yes N=No A=Abstained M=Motion By S= Seconded By)

Mercedes Clingerman, Chair: Yes John McHale: M, Yes Casey Bashaw: Yes

Kelli Gervais: S, Yes Tom Sexton: Yes

Amendment of this Permit does not relieve the applicant of their responsibility to comply with any state, federal, local or other regulation that may apply. For this Amendment to be valid and in force, the applicant must record it with the Franklin County Registry of Deeds and submit a copy of the registered permit to the Building Inspector. The Building Inspector shall certify below that the permit has been registered and provide a copy of the signed page to the Planning Board.

Date of Registration: 6/4/25 Deed Book: 8485 Page: 20

Building Inspector's Signature: _____ Date: _____

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ATTEST: FRANKLIN, Scott A. Cote Register