Tempest Inc., RMRE Site Plan: Waivers Requested
(Pursuant to Town of Phillipston Zoning Bylaw: Twentieth Revision, May 8, 2019: (Sec.19)(VI)(2)(e)(xxvii))

1. Waiver Requested for Zoning Bylaw (Sec.19)(VI)(2)(e)(x) "Landscaping" (p.47) "The screening of parking areas facing public ways and residential zones or uses shall be required."
    a. The applicant respectfully requests a waiver for this requirement as it is not practicable to screen the parking lot from the state road directly in front of the site, and as the applicant intends to leave the non-developed portions of the lot in its current, wooded, natural state, the site shall be screened from those parcels adjacent to it, just not screened from the road directly in front of the site.

2. Waiver Requested for Zoning Bylaw (Sec.19)(VI)(2)(e)(xxv)(i) "Other" (p.50) "Clear identification of each area intended to be used as OPEN SPACE on the site with the square footage of each such area shown."
    a. The applicant respectfully requests a waiver for this requirement as it is not intending to clear open space, but rather, is intending to leave any undeveloped area wooded as it is in its current, natural form.

3. Waiver Requested for Zoning Bylaw (Sec.19)(III)(l) "Alterative Energy" (p.42) "[I]n reviewing a site plan, the Planning Board shall consider the following:…alternative energy."
    a. The applicant respectfully requests a waiver for this consideration of the Planning Board (in reviewing a proposed site plan) because it has determined that the site is not suitable for alternative energy installations (such as solar or wind) due to the topography and natural conditions at the site.

4. Waiver Requested for Zoning Bylaw (Sec.21)(IV)(13)(e)"Energy Efficiency and Conservation" (p.62)[1]
    a. The applicant respectfully requests a waiver for this application requirement, which seeks a written plan for the Marijuana Establishment's energy efficiency and conservation plan. The majority of the energy efficiency and conservation compliance plans required by the Cannabis Control Commission pertain to cultivator and processor licensees, and as such, there is little for a retail establishment to plan for in this regard.
    b. Nevertheless, during the design and construction phase of the project, Tempest Inc. plans on identifying and implementing potential energy-use reduction opportunities (such as natural lighting, renewable construction materials, and high efficiency lighting/appliances). Tempest Inc., will monitor energy consumption and make adjustments to operations based on

[1] The title for waiver request #4 is only different than the one previously submitted because Zoning Bylaw Article 29 "Marijuana Establishments" from p.17 of Annual Town Warrant, May 8, 2019 has now been full incorporated into the newly published Phillipston Zoning Bylaws.

energy usage data. It will develop procedures for identifying energy savings opportunities when engaging in new construction and/or replacing old systems/appliances/etc. Tempest Inc. will make energy efficiency decisions on a cost/benefit analysis basis with an eye toward recognizing that externalities are costs that must be accounted for during said analysis.

5. (New) Waiver Requested for Zoning Bylaw (Sec.21)(IV)(3)"A copy of its Provisional Certificate of Registration from the Department of Public Health, if applicable" (p.62)[2]
    a. The applicant respectfully requests a waiver for this application requirement, which seeks a copy of its Provisional Certificate of Registration from the Department of Public Health, because it is not applicable.

6. (New) Waiver Requested for Zoning Bylaw (Sec.21)(IV)(4)"…a copy of its registration as an RMD from the Massachusetts Department of Public Health…" (p.62)[3]
    a. The applicant respectfully requests a waiver for this application requirement, which seeks a copy of its registration as an RMD from the Massachusetts Department of Public Health or from the Cannabis Control Commission, because the application is not seeking to establish a Marijuana Establishment that will be operated in conjunction with an approved RMD.

7. (New) Waiver Requested for Zoning Bylaw (Sec.21)(IV)(5)"Proof of Liability Insurance Coverage or Maintenance of Escrow"(p.62)[4]
    a. The applicant respectfully requests a waiver for this application requirement, which seeks proof of Liability Insurance Coverage or Maintenance of Escrow, because it is premature at this stage of the applicant's application process with the Cannabis Control Commission for the applicant to have obtained said proof (such policies are time sensitive and would not make sense to be obtained prior to obtaining a provisional license from the Cannabis Control Commission). When the applicant has obtained said Liability Insurance Coverage or Maintenance of Escrow it shall certainly supplement to the appropriate Town entity as needed.

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[2] Although unnecessary because it is inapplicable, the applicant has provided this additional waiver request to make it abundantly clear that it has not overlooked any Zoning Bylaw requirements set forth by the Town of Phillipston.

[3] Although unnecessary because it is inapplicable, the applicant has provided this additional waiver request to make it abundantly clear that it has not overlooked any Zoning Bylaw requirements set forth by the Town of Phillipston.

[4] Although unnecessary because it is premature, the applicant has provided this additional waiver request to make it abundantly clear that it has not overlooked any Zoning Bylaw requirements set forth by the Town of Phillipston.

8. (New) Waiver Requested for Zoning Bylaw (Sec.21)(IV)(13)(a)"Marketing and advertising"(p.62)[5]
    a. The applicant respectfully requests a waiver for this application requirement, which seeks a written plan for the Marijuana Establishment's marketing and advertising plan, because it is not applicable. A Marijuana Establishment need not submit a marketing and advertising plan to the Cannabis Control Commission as part of its application, but must only obtain approval for labeling and packaging of certain items, which it would be premature to consider at this stage of the application process. To the extent the Planning Board wishes to weigh in on the packaging requirements for items such as "pre-rolls" the applicant shall certainly supplement at the appropriate time.

9. (New) Waiver Requested for Zoning Bylaw (Sec.4)(D)"Landscaping"(p.13)
    a. The applicant respectfully requests a waiver for this application requirement, which requires a planting strip from the street line to the parking lot line, because the applicant does not anticipate there being a need for a "landscape design" as the applicant's plan is to just have a strip of grass separating the street from the parking lot.
    b. To the extent that the Planning Board wishes the applicant to provide a "landscape design" for this grassy strip, the applicant shall certainly supplement this site plan.

[5] Although unnecessary because it is inapplicable, the applicant has provided this additional waiver request to make it abundantly clear that it has not overlooked any Zoning Bylaw requirements set forth by the Town of Phillipston.