



ZONING BOARD OF APPEALS  
WHATELY, MASSACHUSETTS

Updated 05-2021

2023 MAY 28 AM 10:35

APPLICATION FOR VARIANCE, SPECIAL PERMIT, OR APPEAL

To: Town Clerk  
Whately, Massachusetts

Application fees: \* Residential/Agricultural Use: \$175 \_\_\_\_\_  
(check one) Commercial/Industrial Use: \$225 X

Pursuant to the provisions of Chapter 40A of the General Laws of the Commonwealth of Massachusetts and the Zoning By-Laws of the Town of Whately, application is hereby made to the Zoning Board of Appeals for:

(check one) \_\_\_\_\_ Variance X Special Permit \_\_\_\_\_ Appeal

to do the following: USE OF AN EXISTING COMMERCIAL STOREFRONT FOR RETAIL SALE OF  
ADULT-USE MARIJUANA.

on premises located at 424 STATE ROAD (SUGARLOAF SHOPPES), UNIT A1  
(street address)  
ZONE C, COMMERCIAL 24-3  
Zone (Map and Parcel No.)

Owned by OLD STATE ROAD LLC of 15 GREAT BROOK DRIVE, SOUTHWICK, MA 01077  
(name of owner) (address of owner)  
TOROVERDE (MASSACHUSETTS) III, INC.

Name of applicant: \_\_\_\_\_ Signature of applicant: \_\_\_\_\_  
(print or type)

Mailing address of applicant: 5324 SOUTHERN VALLEY LOOP, BROOKSVILLE, FL 34601

Phone No. of applicant: (352) 247-5581 Email of applicant: BillyBeetz.toroverdemass@gmail.com

\*Please note that, upon completion of the proposed change of ownership and control, the contact information for the applicant-licensee Toroverde (Massachusetts) III, Inc. will be as follows:

Relationship to owner: LESSEE  
Pathik Patel; 105 Lowell Rd., Apt. 201, North Reading, MA 01864;  
pathikp82@gmail.com; (508) 641-6971

\*The full cost of advertising all legal notices required to hold a public hearing by the Zoning Board of Appeals shall be the responsibility of the applicant. The applicant shall make full payment of the advertisement costs prior to the opening of the public hearing. If the applicant does not make full payment of the advertising costs prior to the opening of the public hearing then the Zoning Board of Appeals shall open the public hearing and immediately continue the public hearing to a date, time and place certain. The payment of all advertising costs shall be in addition to any other fees charged by the Zoning Board of Appeals. The advertising costs will vary by application and will be provided to the applicant once the legal ad is submitted to the newspaper and the newspaper provides the quote. The applicant will be informed of that cost and the payment can be made payable to the Town of Whately.



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(name of owner) (address of owner)

Name of applicant: William Beetz Signature of applicant: William Beetz  
(print or type)

Mailing address of applicant: 5324 SOUTHERN VALLEY LOOP, BROOKSVILLE, FL 34601

Phone No. of applicant: (352) 247-5581 Email of applicant: BillyBeetz.toroverdemass@gmail.com

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## INSTRUCTIONS FOR PETITIONERS

### FILING TO APPEAR BEFORE THE ZONING BOARD OF APPEALS

1. Familiarize yourself with sections of the Zoning By-Law pertinent to your petition. You may represent yourself or have someone represent you.
2. One copy of the application with the correct fee: \$175 for Residential/Agricultural Use; \$225 for Commercial/Industrial Use is to be given to the Town Clerk. Each petitioner is urged to discuss the application with the Building Commissioner first. At that time the Building Commissioner may inform the petitioner of the requirement that all plans must have the stamp of the registered engineer or surveyor (this may be waived).
3. Be informed that review fees and/or legal fees can and will be assessed for the Zoning Board of Appeals to evaluate the project, at the sole and absolute discretion of the Zoning Board of Appeals.
4. The Petitioner must list all owners' names and current addresses of property abutting the premises, and the owners' names and current addresses of land immediately adjoining the land of the Abutters (within 300 feet). Also, the names and current addresses of the owners of land across all highways.
5. If the petition is an appeal from a decision of the Building Commissioner, the Board of Selectmen or any other permit granting authority, such appeal to the Zoning Board of Appeals shall be taken within 30 days from the date of the order or decision that is being appealed.
6. To be granted a variance, a Petitioner must establish that special conditions exist affecting the parcel of land or building, that literal enforcement of the Zoning By-Law would involve substantial hardship, financial or otherwise, and that the variance may be granted without detriment to the public good and without nullifying or substantially derogating from the intent of the By-Law. Be prepared to present this data at the public hearing. It is strongly suggested that this data be prepared in writing and submitted to the Board at the hearing. It is emphasized that all of the foregoing requirements must be satisfied before the Board of Appeals is authorized under the laws of the Commonwealth to grant a variance.

In order to expedite consideration of your petition, include all factors that may be relevant to the question of hardship, financial or otherwise, including, but not limited to, purchase price, when purchased, mortgage indebtedness, expenses of maintenance and upkeep, income, taxes, etc. The Petitioner should present all facts indicating why a hardship exists and how it may be overcome by the granting of the variance.

7. If your petition before the Zoning Board of Appeals requests a Special Permit rather than a Variance, be prepared to present data that tends to indicate that the public convenience and welfare will be substantially served by granting the petition requested; that the petition requested will not tend to impair the status of the neighborhood; that the permission requested will be in harmony with the general purposes and intent of the regulations in the Zoning By-Laws. You should also include in your application any copies of existing Special Permits for the parcel of which you have knowledge.

ZONING BOARD OF APPEALS  
TOWN OF WHATELY

Copies of the Zoning By-Laws are available at the Town Clerk's office for a small fee.

The petition must be filed with the Town Clerk together with the filing fee.





# 300 feet Abutters List Report

Whately, MA  
March 09, 2023

## Subject Property:

Parcel Number: 32-0-24-3  
CAMA Number: 32-0-24-3  
Property Address: 424 STATE RD

Mailing Address: OLD STATE ROAD LLC  
15 GREAT BROOK DRIVE  
SOUTHWICK, MA 01077

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## Abutters:

Parcel Number: 32-0-23-1  
CAMA Number: 32-0-23-1  
Property Address: W/S STATE AT I-91 INTERCHG

Mailing Address: IRVING OIL LTD ATTN: CORPORATE  
REAL ESTATE  
PO BOX 868  
CALAIS, ME 04619

Parcel Number: 32-0-24  
CAMA Number: 32-0-24  
Property Address: 65 OLD STATE RD

Mailing Address: BRYNDA ALBINA BRYNDA RYSZARD,K  
JORDAN, W NYE  
65 OLD STATE RD  
S DEERFIELD, MA 01373

Parcel Number: 32-0-24-1  
CAMA Number: 32-0-24-1  
Property Address: 61 OLD STATE RD

Mailing Address: NIEMIEC 2014 REVOCABLE TRUST  
FRANCIS E NIEMIEC  
47 SUGARLOAF ST  
S DEERFIELD, MA 01373

Parcel Number: 32-0-24-2  
CAMA Number: 32-0-24-2  
Property Address: 420 STATE RD

Mailing Address: 424 STATE RD LLC  
7 RIVER RD  
S DEERFIELD, MA 01373

Parcel Number: 32-0-25  
CAMA Number: 32-0-25  
Property Address: E/S OLD STATE RD

Mailing Address: ROAD TO WHATELY LLC  
15 GREAT BROOK DR  
SOUTHWICK, MA 01077

Parcel Number: 32-0-27  
CAMA Number: 32-0-27  
Property Address: 66 OLD STATE RD

Mailing Address: O S R INC  
66 OLD STATE RD  
S DEERFIELD, MA 01373

Parcel Number: 32-0-29  
CAMA Number: 32-0-29  
Property Address: 64 OLD STATE RD

Mailing Address: RAGAN JOSEPH  
467 WEST RD  
ASHFIELD, MA 01330

Parcel Number: 32-0-30  
CAMA Number: 32-0-30  
Property Address: CORNER ROUTE 116/STATE

Mailing Address: ROAD TO WHATELY LLC  
15 GREAT BROOK RD  
SOUTHWICK, MA 01077



www.cai-tech.com

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3/9/2023

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