

Application for Amendment to Special Permit



Malden, May 8 2026

To the Building Department of the **City of Malden:**

The undersigned hereby appeals to the **CITY COUNCIL** from the following decision of the

Building Inspector made in reference to Permit Application No. 77-25 CHID 040598-2021

Owner's Name Charles Street Realty Trust 2020, Roseanne J. Spinney, TRS Phone No. 781-322-3700

Owner's Address 40 Spruce Road North Reading, MA 01867

Property Location No. 36 Charles Street Ward 1

Assessor's Parcel Identification No. 062239910

SPECIAL PERMIT 77-25

**DENIED SLIP BY BOARD OF BUILDING COMMISSIONERS
CODE OF THE CITY OF MALDEN, TITLE 12
APPEAL TO REVISE EXISTING SPECIAL PERMIT
77-25**

- The PETITIONER - DMS TRINITY, LLC here states briefly the grounds of and reasons for its appeal from the decision of the Building Inspector above referred to:
See Attached

Please send all correspondence to:
Name Roberto Di Marco, Esq.
Email rdimarco@fwd-law.com
Address FWD, 350 Main Street Malden, MA 02148
Phone Number 781-322-3700

Signature
Print Name: Denis Pinhone Dos Santos c/o Roberto Di Marco, Esq.
Address FWD, 350 Main Street Malden, MA 02148

ADDENDUM TO PETITION ON 36 CHARLES STREET

The Petitioner, DMS Trinity, LLC, respectfully petitions for an Amendment to the Special Permit dated February 25, 2025 and docketed as Case Number 75-25 (amending the Special Permit granted in Cases 202-22 and extended by Case 2033-23) (the “Special Permit”).

The Amendment requests a single change: In the heading, the “NAME OF PETITIONER” is requested to be changed from DMS Trinity, LLC to “Beach House Cannabis, LLC.” Beach House Cannabis, LLC (“Beach House”) is a joint venture between DMS Trinity, LLC and new financial backers and cannabis operational specialists as explained in more detail below.

The Special Permit authorizes the use of 36 Charles Street, Malden MA (Assessor Parcel 062 239 910) (the “Premises”) as a Marijuana Retailer as defined by MCC Section 12.12.190.

As the Council is aware, since issuance of the Special Permit, MCC Section 12.12.190 has been invalidated in its entirety by the Land Court Department of the Trial Court in *Benevolent Botanicals LLC & 926 Eastern Avenue LLC v. City of Malden*. We therefore have taken the step of applying the general ordinance provisions on transfers of this special permit in order to move this business matter forward in an expeditious manner that is not delayed by the current lack of the cannabis ordinance.

The Special Permit contains 20 conditions, all of which already have been met or will be complied with in full measure at the time of Certificate of Occupancy. The Petitioner has received a Host Community Agreement from the City, and approval by the Cannabis Licensing and Enforcement Commission (the “CLEC”). The Petitioner also has received a Provisional Marijuana Retailer License from the Cannabis Control Commission, and has largely completed construction of the Premises in full compliance with the issued Building Permit.

Additionally, the Petitioner has executed an Asset Purchase Agreement to transfer all assets, including its Provisional Marijuana Retailer License, to Beach House, subject to receipt of all necessary state and City approvals. Under the terms of the Asset Purchase Agreement, the Petitioner maintains a financial and operational interest in the business operating the Premises. In other words, although the name of the entity is changing, the original Petitioner, DMS Trinity, LLC, remains a partner with a continuing financial interest in the Company.

The Petitioner needed funding to construct and operate the business and executed a deal for Beach House Cannabis that provided it with all necessary financing. Beach House Cannabis is owned by a father and son in law, Paul Ferazzi and Casey Baker, who have successfully operated The Healing Center cannabis dispensary in Fitchburg for five years. Both are licensed owners and marijuana establishment agents by the CCC in good standing. Their operational philosophy makes them an excellent partner for DMS and allows this project to come to fruition in a manner that will ensure stability and success while retaining the elements that earned DMS its approvals initially.

In Fitchburg, Mr. Ferazzi and Mr. Baker have contributed about \$5,000 annually to Green Acres Housing Project in Fitchburg and to Hustle for Hope, a non-profit organization dedicated to victims of Domestic Violence. They also are in full compliance with their Host Community Agreement and all financial obligations to the City of Fitchburg. They won Best Cannabis Dispensary by the *Sentinel Enterprise* for three years in a row and Best Cannabis Dispensary from the *Worcester Telegram and Gazette*. All but one of their employees are residents of the City of Fitchburg.

Prior to operating the cannabis business, Mr. Ferazzi owned a union electric company and is a licensed electrician and construction supervisor. Mr. Baker is an expert in food production automation and worked for an international company.

In partnership with the Petitioner, Mr. Ferazzi and Mr. Baker look forward to opening the marijuana retailer at the Premises, and contributing positively to the City. The simple amendment requested is necessary in order to effectuate the Asset Purchase Agreement that the parties negotiated and to enable the business to complete its final steps toward opening. The Petitioner also is in communication with the Office of the Mayor, the City Solicitor and the CLEC on other necessary City approvals.