



PLANNING BOARD

P.O. Box 1305
Littleton, Massachusetts 01460

September 15, 2020

G7 Labs, LLC
Planning Board Land Use Decisions
160 Ayer Road, Unit 3, Littleton Mass.
Adult Use Marijuana Establishment
Marijuana Testing Laboratory

DECISIONS: TWO SPECIAL PERMITS AND SITE PLAN REVIEW pursuant to MGL Chapter 40A and the Code of the Town of Littleton Zoning. Special Permit Applications for Adult Use Marijuana Establishment (Marijuana Testing Laboratory) and Aquifer and Water Resource District Use, along with Site Plan Review

PROPERTY LOCATION: Approximately 83,969.90 +/- sq. ft. of land (1.93 acres) with existing six unit commercial/industrial condominium single story structure at 160 Ayer Road, Assessors' Map R-9, Parcel 34.

DESCRIPTION: Marijuana Testing Laboratory

APPLICANT: G7 Labs, LLC
160 Ayer Road, Unit 3
Littleton, MA, 01460

OWNER: Athena Assets, LLC
160 Ayer Road, Unit 2
Littleton, MA, 01460

ENGINEER: GPR Engineering
39 Main Street, Suite 301
Ayer, MA 01432

DATES OF LEGAL NOTICE: Posted with Town Clerk on July 17, 2020
Published July 17, and 24, 2020

DATES OF HEARINGS: August 6, 2020 and September 10, 2020

MEMBERS PRESENT: Mark Montanari, Anna Hueston, Gerald Portante, Jeffrey Yates

REFERENCE PLAN: Commercial Development Parking Plan "Site Plan" 160 Ayer Road, Littleton, MA 01460 dated July 2020, last revised 8/31/20 (1 sheet)

PUBLIC HEARING: The Littleton Planning Board held a duly noticed public hearing on August 6, 2020, which was continued to September 10, 2020, to consider an application for two Special Permits and Site Plan Review pursuant to MGL Chapter 40A and the Code of the Town of Littleton Zoning. Representatives present responded to questions posed by members of the Planning Board and Town Staff. There was no opposition expressed by abutters or other participants of the public.

BACKGROUND:

G7 Labs, LLC (Applicant) will be leasing unit 3 of the condominium complex to operate a Marijuana Testing Laboratory with all operations to be conducted within the interior of unit 3. Applicant will have five employees and has rights to entirety of parking area given recent condominium master plan revisions opening entire lot to all six units. Minor interior fit-out in front of unit to separate testing area from reception/entry area. Hours of operation for operation of testing are to be from 6:00 AM to 12:00 AM (Midnight), provided that equipment may be allowed to run during off hours, with deliveries of marijuana samples to the testing laboratory restricted to the hours from 6:00 AM to 8:00 PM. Applicant has received its provisional license from the Cannabis Control Commission (“CCC”) on August 6th. All waste product from the testing operation to be stored/secured inside the unit with pick-up by licensed waste-hauler as necessary. No exterior improvements other than small sign to identify location and installation of security cameras in front/rear as required by Littleton Police and CCC. Lighting to be shielded to illuminate the front and rear of facility for safety/security purposes.

Special Permit for Adult Use Marijuana Establishment (Article XXVIII) for Testing Laboratory

The Applicant submitted to the Planning Board the materials listed below (collectively, the “Plans”), which, together with the testimony provided at the referenced public hearings, provide the information required by the applicable Sections 173-194 and 173-202 of the zoning bylaw, and are the basis of the Board’s determinations and decision:

1. Cover letter from Mensing Group
2. Special Permit Applications and Checklists
 - a. Basic Special Permit Application Form
 - b. Adult Use Marijuana Establishments Application Form and Checklist
 - c. Aquifer & Water Resources Districts Application Form and Checklist
 - d. Site Plan Checklist
3. Adult Use Marijuana Application Checklist included:
 - a. Design of interior (“floor plan”) approved by Building Department.
 - b. Number of employees, parking required, parking allowed and calculation of any increase in trip counts to site for the delivery of samples between hours of 9AM to 5PM.
 - c. Name and Addresses of each owner of the Testing Laboratory (G7 Labs, LLC)
 - d. Copies of Articles of Organization, Certificate of Legal Existence from the Commonwealth and the most recent annual report
 - e. Copies of all licenses and permits issued to G7 Labs by the Commonwealth or its agencies, with provisional license issued on August 6th, 2020
 - f. Evidence of site control and right to use the site as a testing laboratory
 - g. Description of Quality Control for Testing
 - h. Description of requirements for storage and transportation of marijuana
 - i. Lab Quality Assurance Manual
 - j. Description of requirements for prevention of diversion of marijuana products
 - k. Description of Personnel Policies and Background Checks.
 - l. Description of Diversity Plan.
 - m. Description of Inventory Procedures.
 - n. Description of Requirements for storage/maintenance of chemicals utilized at testing laboratory
 - o. MSDS Data Sheets for chemicals and gases necessary for the testing operation
4. Project Narrative prepared by Mensing Group

5. Site Development Plans: GPR SITE PLAN, Single Sheet, Issued 7/14/2020, Last Revised 8/31/2020
6. Board of Selectmen Host Community Agreement dated February 10, 2020.
7. Joint letter from Police Dept. and Fire Dept. dated 8/13/20 to Planning Board indicating approval of plans of operation
8. Building Elevations
9. Traffic Impact letter
10. Review Letter from Building Commissioner dated 8/28/2020
11. Hours of Operation Letter from Select Board dated 9/10/2020

DETERMINATIONS and FINDINGS:

Following the public hearing on this proposal, the Planning Board made the following determinations:

1. The proposed Testing Laboratory is located within the Industrial B Zoning District, within which Adult Use Marijuana Uses are allowed by special permit by the Planning Board.
2. The applicant met with the Planning Board at the July 9, 2020, meeting to provide an overview of its application and operations and upcoming application, as encouraged by the bylaw.
3. The applicant conducted tours of its proposed facility with the Building Commissioner.
4. The applicant submitted the documentation required under the bylaw and the Adult Use Marijuana Checklist. These documents are identified above.
5. The Testing Laboratory meets the minimum distance requirement for this adult use within the Industrial B District.
6. The application is for the operation of a Marijuana Testing Laboratory. This special permit does not authorize any retail sales from this site.
7. No other testing laboratory sites have been permitted in Town and there is an urgent need throughout the Commonwealth for testing laboratories to be increased to meet the demands and growth of the marijuana industry.
8. The testing laboratory will be entirely within the existing building.
9. The applicant has provided testimony about the filtration and sanitization of air within the building to prevent any odors from being emitted from the building.
10. The testing laboratory is located within an existing industrial condominium building. The application provides documentation to show waste from testing operations will be stored/secured within the building unit # 3 and a licensed waste removal company shall pick up waste as necessary.
11. The applicant has provided a detailed site security plan directly to the Littleton Police Department which has been approved by the Department.
12. The use of the existing site will require minor modifications to the interior of the premises with minor fit-out of the front of the unit to separate testing operations from the entry/reception area.
13. Modifications to the site require Site Plan review and a Water Resource District Special Permit identified below.
14. All necessary Permits from any other Littleton Dept. shall be obtained along with a final license from the CCC prior to commencement of the use.
15. The Testing Laboratory will have approximately 5 employees.
16. Pursuant to Section 173-32 of the Zoning Bylaw, this use requires one (1) parking space for every 1.25 employees. Based on the applicant's representation that it will have approximately 5 employees working at this site, the applicant is required to provide four (4) parking spaces to support this use. The site is a multi-unit condominium and the owner does not assign specific parking spaces to its tenants. Nonetheless, there are 66 parking

spaces at the property, and at the condominium's current occupancy (including G7 Labs) the various uses in the building collectively require 33 parking spaces under the Zoning Bylaw. In addition, the Planning Board finds that there is ample parking available at this site based on current occupancy and mix of uses. The Planning Board finds that the site currently allows the applicant to provide the required four (4) parking spaces required by its anticipated staffing level of up to five (5) employees.

Conditions:

1. The validity of this permit is dependent on the Applicant recording this decision at the Middlesex Registry of Deeds. No building permit shall issue until the Applicant has filed with the Building Commissioner and Planning Board a copy of this decision setting forth the recording information of the decision.
2. Hours of operation involving the presence on site of any owners, employees, agents, and staff shall be from 6 am to 12 am (midnight) only, and deliveries of samples limited to hours from 6AM to 8PM. Nothing contained herein shall prohibit G7 Labs from running equipment during off hours, provided that such equipment can be safely left running unattended.
3. All incidents shall be reported to the Building Commissioner and Planning Board as required by 935 CMR 500.110(9) within 24 hours of their occurrence. Such reports may be redacted as necessary to comply with any applicable state or federal laws or regulations.
4. Any cease and desist order, quarantine order, suspension order, limiting order, notice of hearing or final action by the CCC, the Department of Public Health, the Division of Administrative Law Appeals, or any Littleton Dept. with applicable jurisdiction regarding the testing laboratory shall be reported to the Building Commissioner and the SPGA within 48 hours of the applicant's receipt.
5. This special permit shall expire at the date that is five (5) years from the date of issuance but may be renewed with approval of the Planning Board if applicant requests such a renewal at least 120 days prior to expiration. Upon either the loss or non-renewal of the Applicant's final license issued by the CCC or if the Host Community Agreement with the Select Board is terminated or not renewed by the Select Board on or before its expiration date, then this special permit shall also expire.
6. This Special permit shall be limited to G7 Labs, LLC and shall expire on the date that G7 Labs, LLC ceases operation of the testing laboratory.
7. G7 Labs shall allow inspections required under the Adult Use Marijuana Bylaw and CCC regulations at 935 CMR 500.
8. G7 Labs shall notify the Building Commissioner and the SPGA in writing within 48 hours of the cessation of operation of the testing laboratory or the expiration or termination of the permit holder's final license issued by the CCC.
9. This special permit authorizes the operation of a marijuana testing laboratory only.
10. Special permits shall lapse upon the expiration or termination of an applicant's license from the CCC.

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11. The Applicant shall comply with all terms of the Host Community Agreement between G7 Labs, LLC and the Town of Littleton Select Board.
12. The Applicant shall submit a copy of the license from the Cannabis Control Commission with the SPGA and the Building Commissioner prior to the issuance of a building permit, certificate of occupancy, or commencement of use, whichever occurs first.
13. Copies of all reports submitted to any state agency, including, but not limited to, the reports required by 935 CMR 500.105(10)(d) describing the establishment's liability insurance coverage and the annual security system audits required by 935 CMR 500.110(8) shall be submitted to the SPGA within five business days of submission to the State. Such reports may be redacted as necessary to comply with any applicable state or federal laws or regulations.
14. The Applicant shall provide documentation to the SPGA that each Marijuana Establishment Agent has completed training regarding the proper handling of marijuana prior to performing job functions. Such documentation must be provided to the Board within five business days of the completion of such training. Annually, the establishment shall provide documentation to the SPGA and the Board of Selectmen that all Marijuana Establishment Agents have received at least eight hours of on-going training.
15. The holder of a special permit shall annually file an affidavit with the Building Commissioner demonstrating that it is in good standing with respect to its license from the Cannabis Control Commission and any other applicable State licenses. This affidavit shall be filed on or before the annual anniversary of the issuance of this special permit.
16. The Applicant shall construct a wall separating the front reception/entry area from the laboratory testing area and add a door secured and locked at all times, all in compliance with the State Building Code.

WATER RESOURCE DISTRICT SPECIAL PERMIT

160 Ayer Road, Unit 3

The Applicant submitted to the Planning Board the materials listed below (collectively, the “Plans”), which, together with the testimony provided at the referenced public hearings, provide the information required by regulations for uses within the Aquifer and Water Resources District and are the basis of the Board’s determinations and decision:

1. Special permit application with attached checklist.
2. Confirmation that proposed uses checked.
3. MSDS data sheets on the chemicals utilized in the testing process and other descriptions of operations, chemicals and general operation of a testing laboratory as described in the special permit application and above decision.
4. Chemical list with quantity of storage.
5. Floor layout showing adequate separation or appropriate sealing of testing laboratory activity from other areas of the unit.

DETERMINATIONS and FINDINGS:

Following the public hearing on this proposal, the Planning Board made the following determinations regarding the proposed use at the site:

1. All activities and operations will occur only within the interior of unit 3.
2. Egress is adequate to accommodate police and fire protection;
3. Roads, water, and drainage are not impacted or adversely affected.
4. Visual compatibility is unchanged.
5. No current or expected threat to the environment given all activity within interior of building and waste removal to be stored and secured inside and removed as necessary.
6. No significant nuisance, hazard or congestion will be created;
7. There will be no substantial harm to the neighborhood or derogation from the intent of the Zoning Bylaws.

Conditions Relative to the Aquifer & Water Resource District Special Permit:

1. If determined necessary by the Littleton Water Department, semi-annual groundwater monitoring activities shall be required to help assess land use impacts on local groundwater resources. The property owner shall be responsible for all associated costs incurred including: the installation of new groundwater monitoring wells (to be located with the approval of the Littleton Water Department); maintenance and upkeep of existing groundwater wells; and sampling, analysis, and review performed by the Littleton Water Department. The sampling, location, testing frequency, and analytical requirements shall be drafted and modified by the Littleton Water Department and approved by the Littleton Planning Board contingent upon existing and future environmental site conditions;
2. No parking of vehicles is allowed on any unpaved surface;
3. No use or storage of sodium de-icing chemicals shall be allowed on the site;
4. Groundwater quality shall not be degraded below drinking water standards at the property lines due to activity conducted on this property;

SITE PLAN REVIEW

160 Ayer Road

REFERENCE PLAN: Commercial Development Parking Plan "Site Plan" 160 Ayer Road, Littleton, MA 01460 dated July 2020, last revised 8/31/20 (1 sheet)

DETERMINATIONS and FINDINGS:

The Planning Board made the following determinations regarding the proposed use at the site:

1. Internal circulation and egress are such that traffic safety is protected and site is located in an Industrial B zone on Ayer Road, with adequate parking and no impact to any increase in vehicle trips related to samples during hours of 9:00 AM to 5:00 PM.
2. Visibility of parking areas from public ways and adjoining properties is minimized, and lighting of the parking areas is existing and unchanged; necessary lighting for front/rear of facility to be minimized but meet requirements of police dept. and CCC.
3. Parking spaces for the entire condominium complex are satisfactory and are in "common-use" for all six units.
4. Adequate access to each structure for fire and service equipment is provided;
5. Utilities and drainage in the vicinity are unchanged.

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DECISIONS:

At the meeting held September 10, 2020, the Planning Board voted 4 to 0 to approve the following:

- 1) Special Permit for Adult Use Marijuana Establishment (Article XXVIII) for Testing Laboratory with the above conditions;
- 2) Special Permit for use within Aquifer & Water Resource Protection District with the above conditions; and
- 3) Approval of Site Plan dated 8/31/2020 in accordance with the REFERENCE PLAN.

The foregoing motions were made by Mr. Montanari, seconded by Mr. Portante, and approved.

The Board members voted as follows:

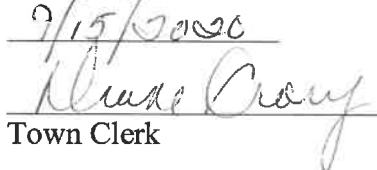
Mark Montanari	AYE
Anna Hueston	AYE
Gerald Portante	AYE
Jeffrey Yates	AYE
Delisa Laterzo	RECUSED

Appeals, if any, shall be made pursuant to Section 17 of Chapter 40A, Massachusetts G.L., and shall be filed within 20 days after the date this decision is filed with Town Clerk.

Signed:


Jeffrey Yates
Planning Board Clerk

Date Filed with Town Clerk:


Town Clerk

TOWN CLERK CERTIFICATION:

To Whom It May Concern:

I, Diane Crory, Clerk of the Town of Littleton hereby certify that twenty days have elapsed since the filing of this decision by the Planning Board for this Special Permit and that no appeal concerning said decision has been filed, or that any appeal that has been filed has been dismissed or denied.

Date

Town Clerk Diane Crory
Littleton Mass.