



Date: June 24, 2020

Ms. Anna Hueston, Chair
Littleton Planning Board
Littleton Town Offices
37 Shattuck Street
Littleton, MA 01460

RE: G7 Labs LLC, 160 Ayer Road (“G7 Labs” or “the Applicant”), Condominium Unit 3;
Special Permit Applications for Adult Use Marijuana Establishment (Marijuana Testing
Laboratory) and Aquifer and Water Resource District Use, along with Site Plan Review;
Assessor ID R22 1-1-3; Industrial B (IB) Zoning District;

CC: Town Clerk for formal filing of applications pursuant to MGL Ch. 40A.

ATTN: Ms. Maren Toohill, AICP, Town Planner.

Dear Planning Board Members:

Please find enclosed the three above-referenced applications for G7 Labs Marijuana Testing Laboratory. This submission is a narrative of the use and evidence of its compliance with the applicable provisions of the Littleton Zoning Bylaw. G7 is seeking to be placed on the Littleton Planning Board’s agenda for Thursday, July 9th, for the preliminary review/discussion that is encouraged under the bylaw and is filing its formal applications that same week so that its formal applications can be formally heard at the next Planning Board meeting on Thursday, August 6th. Given the Applicant’s belief that its applications are complete and compliant and meets all of the requirements under the bylaw, and given G7 Labs’ license applications with the Cannabis Control Commission (CCC) under 935 CMR 500 are filed (note that G7 Labs just received its CCC notice that its “Application is deemed complete” on June 19th) and expected to issue very soon, G7 Labs hopes, desires and kindly requests the Planning hear and approve the applications on August 6th and file its decisions as soon as conveniently possible with the town clerk so that it may finalize the zoning process and proceed with construction drawings for the minor interior modifications and begin operation of its facility as soon as possible following issuance of its provisional license from CCC. There is an urgent need for testing Laboratories to meet the testing requirements and demands for the industry. Applicant is not aware of any opposition or concerns from nearby property owners and believes there are none.

Enclosed please find the following materials accompanying this application form with necessary fees.

Application for Adult Use Marijuana Establishment (Article XXVIII) for Testing Laboratory with applicable fee.

Aquifer and Water Resource District Use and Special Permit (GPR Engineering) with applicable fee.

Site Plan Review Application (GPR Engineering) with applicable fee.

Abutter List for Special permit (300-foot radius) (please note the 1500-foot radius mailing notification does not apply as that bylaw requirement applies to registered marijuana dispensaries (RMDs; now known as MTCs).

Completed Adult Use Marijuana Application Checklist for this Marijuana Testing Laboratory Application and inclusion of supporting/required submission contained in the applicable items of the checklist.

Site Location and Use: A six-unit, single story, commercial/industrial condominium constructed in 1985 with two owners of the 6 units under the Littleton Industrial Condominium Master Deed established in 1985. Athena Assets LLC owns units one through four (G7 Labs is leasing unit three) and J&V Kouyoumjian Partners owns units five and six. The parking spaces required for the G7 Labs use meet the parking requirements under the Littleton Zoning Bylaw and the percentage of parking spaces dedicated to the use of unit three and G7 Labs expects to have approximately 5 employees on site at peak hours of operation which meets the parking capacity.

Article XXVIII **Adult Use Marijuana Establishments** [Added 10-30-2017 STM, Art. 13; amended 5-7-2018 ATM, Art. 20]

§ 173-194 **Purpose.** The Applicant's meets subsections A through E of this section as the site is allowed by special permit in the IB zone, is completely enclosed in unit 3 with the ability for delivery in rear and employee entrance in front, meets the parking requirements for G7 Labs approximately eight parking spaces. No on-site consumption and proper disposal of all byproduct and residual material from the testing process will be removed from site and properly disposed under the bylaw, CCC regulations and security plan. A security plan has been filed with the Littleton Police.

§ 173-195 **Applicability.** The Applicant's use and site are subject to the bylaw and meets the bylaw's requirements.

§ 173-196 **Siting.** The Applicant's use and site meet subsection B on siting as it is within the classes (Marijuana Testing Laboratory), that may be sited in the Industrial B District. The following classes of Marijuana Establishments may be sited within the Industrial A and Industrial B Districts only, subject to all of the provisions of this Article: Marijuana Testing Laboratory.

§ 173-198 **Administration and procedure.**

A. A Marijuana Establishment may be allowed in locations set forth in § **173-196** by special permit from the Planning Board (the "SPGA") in accordance with M.G.L. c. 40A, § 9, only subject to the procedures, regulations, requirements, conditions and limitations set forth herein. Only an applicant holding a valid license from the Cannabis Control Commission issued pursuant to M.G.L. c. 94G and 935 CMR 500 et seq., is eligible to apply for a special permit pursuant to this Article. The Applicant is in compliance, and shall maintain compliance, with the foregoing provisions.

B. Applicants for a special permit pursuant to this Article **XXVIII** are strongly encouraged to meet with the SPGA at a public meeting to discuss the proposed application for a new Marijuana Establishment and to discuss in general terms of the proposed Marijuana Establishment prior to the formal submission of an application. Applicant seeks to be placed on the July 9th agenda for this purpose.

C. In addition to the standard Special Permit Application form, an applicant for a special permit under this Article shall also submit the following:

(1) A copy of the final, executed Host Community Agreement ("HCA") between the applicant and the Town of Littleton. Applicant has included the signed HCA. Applicant held a Community Outreach Meeting on December 10, 2019, in compliance with CCC regulations.

(2) A written description of the status of its application to the Cannabis Control Commission relative to the establishment at issue, or a copy of such license, as applicable. Applicant has included.

(3) A list of any waivers of regulations that the applicant seeks to obtain from the Cannabis Control Commission, or a copy of any such waivers that the Commission has issued to the applicant, as applicable. Applicant has included.

(4) Copies of all policies and procedures approved by the Cannabis Control Commission including without limitation the Marijuana Establishment's operating and safety procedures, or copies of such policies and procedures that the applicant intends to submit to the Commission, as applicable. Applicant has included.

(5) For applications for a Marijuana Cultivator, a Craft Marijuana Cooperatives, or a Marijuana Micro-Business, information demonstrating that the applicant has considered the following factors in its design and its operating plan. Not Applicable to Applicant's Testing Laboratory.

(6) The quantity and source or sources of all marijuana and marijuana products that will be sold at the proposed Marijuana Establishment, as applicable. Not Applicable but Applicant has indicated the testing sample amounts/weights/types in its application.

- (7) The quantity of marijuana and marijuana products that will be cultivated, processed, manufactured, packaged, transported, tested, or studied at the Marijuana Establishment, as applicable. Applicant has included amounts/weights/types that will be tested and studied.
- (8) Written statement confirming that no marijuana or marijuana products will be smoked, burned, or consumed on the premises as part of the cultivation, manufacturing, testing or researching operations, as applicable, or a statement explaining how any such uses have been authorized by the Commission. Applicant has included and no products will be smoked or consumed, just testing.
- (9) Names and addresses of each owner of the Marijuana Establishment, and where the owner is a business entity, the names and address of each owner of that establishment. Applicant has included.
- (10) If applicable, a copy of the Applicant's Articles of Organization, a current Certificate of Legal Existence from the Commonwealth, and the most recent annual report. Applicant has included.
- (11) Copies of all licenses and permits issued to the Applicant by the Commonwealth of Massachusetts and any of its agencies. Applicant has included.
- (12) Evidence that the applicant has site control and the right to use the proposed site as a Marijuana Establishment. Such evidence shall be in the form of a deed, purchase and sale agreement, lease, or other legally binding document. Applicant has a Letter of Intent ("LOI") for the proposed lease of unit three with owner, Athena Assets LLC. Applicant has submitted a "Letter of Authorization" ("LOA") for permit filings from Athena.
- (13) In addition to what is otherwise required to be shown on a site plan pursuant to Article **IV**, the applicant shall provide details showing all exterior proposed security measures for the premises, including but not limited to lighting, fencing, gates and alarms to ensure the safety of employees and patrons and to protect the premises from theft or other criminal activity. The site plan shall further delineate various areas of the Marijuana Establishment (indoors and outdoors) such as public access areas, employee only access areas, storage, cultivation, preparation, waste disposal, administrative, transportation, loading and parking areas. Site plans and/or application narrative shall contain sufficient information so that the SPGA can evaluate the design and operational standards contained in this Article **XXVIII**. Applicant has included a site plan prepared by GPR Engineering and has submitted a security plan to the Littleton Police Dept.
- (14) Certification to the SPGA that the applicant has filed copies of the special permit application as required by § **173-198D**. Applicant is formally filing for August 6th hearing date, shall promptly record the special permit and site plan decisions with the Middlesex County Registry of Deeds and with building permit applications.

D. Upon the filing of the special permit application with the SPGA, the Applicant shall simultaneously deliver copies of the full application to the Board of Selectmen, the Building

Commissioner, the Board of Health, the Police Department and the Fire Department. Applicant shall comply.

§ 173-199 Special permit requirements.

A. No Marijuana Establishment shall be located within 500 feet of any lot containing a school licensed child care facility; public park, playground, athletic field or other public recreational land or facility; any use or facility where persons under the age of 18 commonly congregate to participate in scheduled or structured activities; religious facility; drug or alcohol rehabilitation facility; correctional facility, halfway house or similar facility; or any other non-located Marijuana Establishment or RMD. For purposes of this section, distances shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located. Applicant's site at 160 Ayer Road meets these distancing requirements.

B. The SPGA may reduce the minimum distance requirement in § **173-199A** as part of the issuance of a special permit in the following instances only. Not applicable since Applicant's site meets distancing requirements.

C. Marijuana Establishment that seeks to expand or alter its operations so as to come within a new class or sub-class of Marijuana Establishment, as identified 935 CMR 500.050(d), shall obtain a new special permit prior to undertaking such expansion or alteration. Applicant acknowledges and shall comply if expanding/altering in the future.

E. No smoking, burning, or consumption of any marijuana product shall be permitted at any Marijuana Establishment, except as may be authorized by 935 CMR 500 et seq for purposes of cultivation, testing, research, or manufacturing. Applicant shall comply.

G. All shipping and receiving areas shall serve the Marijuana Establishment exclusively. In the case of a multi-use or multi-tenant site, the Marijuana Establishment shall be laid out and designed to ensure separation from other uses or tenants at the site. Applicant shall meet this requirement and has front/rear doorways dedicated to its unit number three.

H. The Marijuana Establishment shall have adequate water supply, stormwater systems, sewage disposal, and surface and subsurface drainage. Applicant's site in unit three and the overall site meet these requirements and the Site Plan and Aquifer and Water Resource Protection Special Permits prepared by GPR establish this compliance.

I. Adequate lighting, including night lighting that provides for monitoring or building and site security, including those measures to prevent diversion of marijuana and marijuana products

cultivated outdoors. Applicant shall add/alter to meet requirements of its final security plan shared with Littleton Police and the CCC and any applicable conditions on same that may be imposed by Planning Board.

K. The Marijuana Establishment shall provide and keep up to date contact information as required by the Chief of Police and Building Commissioner such as name, telephone number and electronic mail address of a contact person who must be available 24 hours a day, seven days a week. The Applicant has provided this information to the relevant boards and departments, including in this application package, and shall update in the event of future changes.

L. No special permit shall be issued unless the applicant has executed a Host Community Agreement with the Town in accordance with M.G.L. c. 94G, § 3. Applicant has an executed HCA with Littleton Select Board.

M. No special permit shall be issued until the Applicant has held a community outreach hearing consistent with the Commission's Guidance for License Applicants on Community Outreach and 935 CMR 500.101(1)(a)(9) or (2)(b)(7), unless the proposed use is exempt from the hearing requirement under the regulations. Applicant has met this requirement and a Community Outreach Meeting (COR) was held on December 10, 2019, and an affidavit of same has been filed with the CCC.

§ 173-200Special permit approval criteria.

The SPGA may issue a special permit for a Marijuana Establishment only if it finds that the project satisfies the requirements of § **173-7C**, this Article **XXVIII**, and the following additional special permit criteria: Applicant meets the special permit approval criteria as shown in this filing and its site plan.

A. The Marijuana Establishment is fully permitted by all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all State laws and regulations; provided, however, that issuance of a valid license pursuant to M.G.L. c. 94G may be a condition of the special permit. Applicant complies with these criteria.

B. The proposed use is designed to minimize any adverse impacts on the on the residents of the Town. Applicant complies with this requirement. No new construction or changes to condominium exterior, just minor retrofit to front entry way of unit. Testing Laboratories are needed to ensure industry products ultimately sold to consumers are properly tested for consumer use.

C. For a Marijuana Retail Establishment, there shall be a secure indoor area for all customers.
Not Applicable.

D. The Marijuana Establishment adequately addresses issues of vehicular and pedestrian traffic, circulation and parking, especially during peak periods at the facility, and adequately mitigates the impacts of vehicular and pedestrian traffic on neighboring uses. Applicant has shown compliance with the parking allotment under the condominium master deed and as shown on the GPR Engineering site plan.

§ 173-201**Special permit conditions.**

A. In addition to compliance with M.G.L. c. 94G, and 935 CMR 500 et seq., the SPGA may impose reasonable conditions to improve site design, traffic flow, public safety, water quality, air quality, protection of significant environmental resources and the preservation of community character of the surrounding area including, without limitation, the following: Applicant complies with these conditions; approximately eight to ten employees; parking is adequate; no traffic increase or impact; use is in proper Industrial B zone.

(1) Minimization of the impacts of increased noise and traffic. No noise from G7 Labs (interior air filtration/purifier units with no rooftop equipment being added; no traffic; approximately 5 employees).

(2) Imposition of security precautions related to the high value of products and case transactions. Applicant has properly filed and will comply with final security plans with Littleton Police and Fire and CCC.

(3) Deterring the presence of unauthorized or ineligible persons at, or near, the Marijuana Establishment. Applicant has properly filed and will comply with final security plans with Littleton Police and Fire and CCC.

(4) Imposition of measures to prevent diversion of marijuana and marijuana products. No diversion. Just proper/secure transportation of samples from/to marijuana establishments in state utilizing G7 Labs services and reporting of results to clients and CCC.

(5) Conditions related to the design and construction of the facility to improve safety, security and conformance with community character. Minor interior fit-out only. Applicant has properly filed and will comply with final security plans with Littleton Police and Fire and CCC.

(6) Conditions, consistent with the State Building Code, relating to energy efficiency and conservation. Applicant shall comply. Minor interior fit-out. No new rooftop hvac or filtration systems; interior filtration/purifier systems.

B. The SPGA shall include conditions concerning the following in any special permit granted pursuant to this Article: Applicant is seeking business hours for an industrial/commercial setting for testing Laboratory as stated in The Host Community Agreement in Applicant's materials.

(1) Hours of operation, including dispatch for any home delivery. Applicant is seeking business hours for an industrial/commercial setting for testing Laboratory as stated in The Host Community Agreement in Applicant's materials. No home delivery.

6:00 am to 12:00 am 7 days a week as per HCA agreement with town of Littleton, MA.

(2) Compliance with the Host Community Agreement. Applicant shall comply with HCA.

(3) The submission of 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. Applicant shall submit once finalized.

(4) The reporting of any incidents to the Building Commissioner as required pursuant to 935 CMR 500.110(7) within 24 hours of their occurrence. Such reports may be redacted as necessary to comply with any applicable state or federal laws or regulations. Applicant shall comply.

(5) The reporting of any cease and desist order, quarantine order, suspension order, limiting sales order, notice of hearing or final action by the Cannabis Control Commission or the Division of Administrative Law Appeals, as applicable, regarding the Marijuana Establishment to the Building Commissioner within 48 hours of the applicant's receipt. Applicant shall comply.

(6) 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. Applicant shall comply.

(7) 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. Applicant shall comply.

C. The issuance of a special permit pursuant to this Article shall also be subject to the following:

(1) The special permit shall expire within five years of the date of issue. If the applicant wishes to renew the special permit, an application to renew must be submitted at least 120 days prior to the expiration of the special permit. Applicant acknowledges and understands.

(2) Special permits shall be limited to the original applicant(s) and shall expire on the date the special permit holder ceases operation of the Marijuana Establishment. Applicant acknowledges and understands.

(3) 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. Applicant acknowledges and understands.

(4) The holder of a special permit shall notify the Building Commissioner and the SPGA in writing within 48 hours of the cessation of operation of the Marijuana Establishment or the expiration or termination of the permit holder's license from the Department of Public Health. Applicant acknowledges and understands.

(5) Special permits shall lapse upon the expiration or termination of an applicant's license from the Cannabis Control Commission. Applicant acknowledges and understands.

§ 173-202 No accessory use Marijuana Establishments.

Use of property as a Marijuana Establishment shall necessarily be deemed a principal use for purposes of the Zoning Bylaw, and shall be permitted exclusively in accordance with this Article **XXVIII**. No Marijuana Establishment may be allowed within Town on the basis that such use qualifies as a permissible accessory use. Applicant's use is the principal use of unit three of the condominium.

§ 173-7 Special permits.

A. Special permit granting authority. Unless specifically designated otherwise, the Board of Appeals shall act as the special permit granting authority. Planning Board is specifically designated as granting authority for marijuana establishments.

B. Public hearing. Special permits shall only be issued following public hearings held within 65 days after filing with the special permit granting authority an application, a copy of which shall forthwith be given to the Town Clerk by the applicant. Applicant acknowledges this procedure.

C. Criteria. Special permits shall only be granted if it appears to the special permit granting authority that no significant nuisance, hazard or congestion will be created and that there will be no substantial harm to the neighborhood or derogation from the intent of this chapter. Applicant has established compliance with the general requirements for special permits under 173-7 and for marijuana establishments.

D. Conditions. Special permits may be granted with such reasonable conditions, safeguards or limitations on time or use as the special permit granting authority may deem necessary to serve the purposes of this chapter. Applicant acknowledges and understands but is not aware of any specific conditions that may not have been addressed in its filings.

E. Expiration. Special permits shall lapse 24 months following the grant thereof (except such time required to pursue or await the determination of an appeal referred to in MGL C. 40A, § 17)

if a substantial use or construction has not sooner commenced, except for good cause. Applicant acknowledges and understands.

§ 173-16 Site plan review.

[Amended 5-9-1988 ATM, Art. 14; 9-27-1993 STM, Art. 9]

Site plan approval by the Planning Board is required for the creation of, addition to, or substantial alteration of all non-residential and non-agricultural structures, of a parking area having eight or more spaces, and for any substantial deviation from an approved site plan, or when any of the above situations is subject to a change of use. In addition, the Building Commissioner may require a site plan review if he/she deems it necessary in order to determine zoning compliance. Building permit applications subject to site plan review shall be accompanied either by six copies of a site plan conforming to § **173-19**, to be transmitted to the Planning Board by the Building Inspector, or by a copy of a site plan signed by the Planning Board or by a written statement from the Planning Board that the site plan has been submitted to but not acted on by the Planning Board. The Building Inspector shall notify the Planning Board 30 days prior to the date by which he/she must take action on such plans and shall not approve any building permit subject to this section without written site plan approval of the Planning Board or its designated agent, unless by that date no notice of action has been received from the Planning Board. Applicant has contracted with GPR Engineering of Ayer for preparation of site plan and application for site plan approval. No exterior changes proposed other than for security/lighting purposes required by municipal police/fire and CCC. Approximately 5 employees utilizing existing parking area.

173-61 AND 173-62 Special permits. Aquifer and Water Resource District Use Regulations and Special Permits.

A. Special permit granting authority. The special permit granting authority (SPGA) shall be the Planning Board. Such special permit shall be granted if the SPGA determines that the intent of this chapter, as well as the specific criteria of Subsection **B** of this section, are met. In making such determination, the SPGA shall give consideration to the simplicity, reliability and feasibility of the control measures proposed and the degree of threat to water quality which would result if the control measures were to fail. Applicant has contracted with GPR Engineering for special permit for its use within the Aquifer and Water Resource District.

END OF NARRATIVE AND SUPPORT DOCUMENTATION DESCRIPTIONS FOR G7 LABS LLC; 160 AYER ROAD, UNIT 3, MARIJUANA TESTING LABORATORY.