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3/1/24 DRAFT for MARCH 7, 2024 PB Meeting

**Sanctuary Medicinals, Inc.
Consolidated Decision Including:
Adult Use Marijuana Establishment Special Permit Decision
Registered Marijuana Dispensary Special Permit Decision
Site Plan Decision
Water Resource District Special Permit Decision**

APPLICATION:

This decision includes applications from July 19, 2023 and February 21, 2024 to renew an Adult Use Marijuana Establishment Special Permit and a Registered Marijuana Dispensary Special Permit, amend a Site Plan, and extend a Water Resource District Special Permit, all relating to the 234 Taylor Street site.

Adult Use Marijuana Establishment Special Permit
pursuant to MGL Chapter 40A and the Code of the Town of Littleton Zoning Chapters 173-195 through 173-205 (Article XXVII) to renew the prior Adult Use Marijuana Establishment Special Permit and allow for the modification and an addition to the existing building consistent with Article XXVII.

Registered Marijuana Dispensary Special Permit pursuant to MGL Chapter 40A and the Code of the Town of Littleton Zoning Registered Marijuana Dispensaries (Article XXVII) in order to renew the prior Registered Marijuana Dispensary Special Permit to allow the addition and associated site improvements for continued cultivation and processing of medicinal marijuana consistent with the requirements of Article XXVIII.

Site Plan pursuant to MGL Chapter 40A and the Code of the Town of Littleton Zoning Site Plan Chapter 173-16 through 173-19 (Article IV) including an addition of approximately 14,346 square feet and associated site improvements consistent with Article IV.

Water Resource District Special Permit pursuant to MGL Chapter 40A and the Code of the Town of Littleton Zoning Water Resource District Chapter 173-61 through 173-64 (Article XIV) to allow for the addition and associated site improvements resulting in approximately 33% impervious cover for the site.

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PROPERTY LOCATION: **234 Taylor Street**
Assessors Map R-9, Parcel 34

DESCRIPTION: “Sanctuary Medicinals, Inc.” is proposing renewal of prior approvals resulting in a timeframe extension, a new addition, and associated site improvements at 234 Taylor Street on an approximate 6.34-acre parcel for cultivation and processing of medicinal and adult-use marijuana. Site Improvements include significant upgrades to the HVAC system to provide more robust odor control at the site.

APPLICANT: Sanctuary Medicinals, Inc.
c/o Joshua Weaver
234 Taylor Street
Littleton, MA 01460

OWNER: Premier Healthcare Group, LLC
c/o Joshua Weaver
234 Taylor Street
Littleton, MA 01460

ENGINEER: Susan Carter, P.E., LEED AP
Places Associates, Inc.
256 Great Road
Littleton, MA 01460

DATE OF LEGAL NOTICE: July 20, 2023 and July 27, 2023, Lowell Sun for July 19, 2023 application
February 22, 2024 and February 29, 2024, Lowell Sun for February 21, 2024 application

DATES OF HEARING: August 3, 2023; September 7, 2023; October 12, 2023;
November 16, 2023; January 11, 2024; February 1, 2024;
March 7, 2024 [add any additional PH dates here]

MEMBERS PRESENT: Mark Montanari, Anna Hueston, Bartlett Harvey, Jeffrey Yates, and Delisa Laterzo.

APPLICATION: The Public Hearing was opened on August 3, 2023; the applicant presented plans for a proposed building addition approximately 14,346 s.f. that will be connected to the existing building at 234 Taylor Street to include a sloped hallway as the building floor elevation will be 4' lower than the existing building to minimize grading/disturbance to the site. The proposed addition is being designed to house packaging for various manufactured products as well as the packaging necessary for shipping the product. The addition will allow for more robust odor control equipment at the site.

REFERENCE PLANS: Sanctuary Medicinals, Inc., 234 Taylor Street, Littleton, MA, dated July 2023, last revised January 2024, prepared by Sanctuary Medicinals, Inc., with the following sheets:

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Plan Number	Plan Sheet Index
C-1	Existing Conditions and Demolition Plan
C-2	Layout and Materials Plan
C-3	Proposed Building Expansion Site Plan
C-4	Notes and Legend
DRAIN	Pre and Post Development Drainage Area Plan

All the listed plans shall be further revised in accordance with the terms and conditions set forth in this decision, if necessary, prior to endorsement by the Planning Board.

PUBLIC HEARING: The Littleton Planning Board held a duly advertised public hearing on the above dates to consider Sanctuary Medicinals, Inc.’s application for an Adult Use Marijuana Special Permit in accordance with Code of the Town of Littleton Zoning Article XXVIII, Site Plan in accordance with the Code of the Town of Littleton Zoning Article IV, Water Resource District Special Permit in accordance with the Code of the Town of Littleton Zoning Article XIV. In response to an additional application on February 21, 2024, the Planning Board held a duly advertised public hearing on March 7, 2024 to consider the application of Sanctuary Medicinals, Inc. for a Registered Marijuana Dispensary Special Permit in accordance with the Code of the Town of Littleton Zoning Article XXVII.

The Public Hearing was closed on **DATE HERE**.

DETERMINATIONS: At the Planning Board Meeting of **DATE HERE**, Planning Board Members made the following determinations and findings regarding the proposed use at the site.

Determinations Relative to All Special Permits §173-7C:

The Planning Board, as the Special Permit Granting Authority (SPGA), determined 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 the Littleton Zoning Bylaw.

Determinations Relative Adult Use Marijuana Establishment Special Permit Article XXVII:

1. The Planning Board finds that:
 - 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.
 - B. The proposed use is designed to minimize any adverse impacts on the residents of the Town with the conditions outlined below;
 - C. For a Marijuana Retail Establishment, there shall be a secure indoor area for all customers. **No retail sales will occur at this site.**
 - 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.

Determinations Relative to Site Plan Article IV:

1. Internal circulation and egress are such that traffic safety is protected, and access via minor streets servicing single-family homes is minimized.

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2. The visibility of parking areas from public ways and residences is minimized, and lighting of these areas avoids glare on adjoining properties.
3. Major topographic changes or removal of existing trees are minimized.
4. Adequate access to each structure for fire and service equipment is provided.
5. Utilities and drainage in the vicinity either are or will be made adequate, based on the functional standards of the Planning Board's Subdivision Regulations.
6. Methods of stormwater control and treatment as outlined in the Town of Littleton Low Impact Design/Best Management Practices Manual (latest edition) are utilized to the maximum extent practicable.

Determinations Relative to Water Resource District Special Permit Article XIV:

1. At the site's boundaries, groundwater quality will not fall below drinking water standards resulting from on-site waste disposal, other on-site operations, natural recharge and background water quality.
2. Provision is made to protect against toxic or hazardous materials discharge or loss through corrosion, accidental damage, spillage or vandalism.
3. Provision is made for on-site recharge of stormwater runoff from impervious surfaces.
4. Egress is adequate to accommodate police and fire protection.
5. Roads, water, and drainage will adequately serve the site.
6. Visual compatibility is addressed by the landscaping on the site.
7. There is no threat to the environment.

Determinations Relative to Registered Marijuana Dispensaries Article XXVII

1. The Planning Board also finds the following:
 - A. In the case of retail sale or distribution, the proposed use would serve a demonstrated demand that is currently unmet within the area. *No retail sales will occur at this site; distribution would continue similar to current operations by transporting to approved distribution sites.*
 - B. The RMD is fully permitted by all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all State laws and regulations.
 - C. The proposed use is designed to minimize any adverse impacts on the residents of the Town.
 - D. The RMD contains a secure indoor waiting area for qualifying patients. *Not required, as no retail sales will occur at this site.*
 - E. The storage and/or location of cultivation of Marijuana is adequately secured in enclosed, locked facilities within the RMD.
 - F. The RMD adequately addresses issues of vehicular and pedestrian traffic, circulation, parking and queuing, especially during peak periods at the facility, and adequately mitigates the impacts of vehicular and pedestrian traffic on neighboring uses.

VOTE: At the meeting held on [DATE HERE], a motion was made by [NAME] and seconded by [NAME] to **approve/deny** the (1) Adult Use Marijuana Establishment Special Permit, (2) Site Plan, (3) Water Resource District Special Permit and (4) Registered Marijuana Dispensary in accordance with the Reference Plans subject to the following **conditions**. The following conditions shall be binding upon the Applicant and its successors and assigns. Failure to adhere to these conditions shall render this special permit null and void, without force and effect, and shall constitute grounds for the revocation of this special permit, and of any building and/or occupancy

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permits issued hereunder. The Town of Littleton may elect to enforce compliance with this Special Permit using all powers available to it under the law. Revocation of this special permit would require notice to the applicant and a Public Hearing and other applicable requirements of the law.

General Conditions:

1. These special permits are not valid until the Applicant records 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 provided by the Registry of Deeds.

Conditions Relative to Site Plan:

2. The property shall be improved and operated in accordance with the approved Site Plan.

Conditions Relative to the Water Resource District Special Permit:

3. Conduct semi-annual groundwater monitoring to help assess land use impacts from the site on local groundwater resources if deemed necessary by the Littleton Water Department. The 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.
4. No parking of vehicles is allowed on any unpaved surface;
5. No use or storage of sodium de-icing chemicals shall be allowed on the site;
6. Groundwater quality shall not be degraded below drinking water standards at the property lines resulting from activity conducted on the site.

Conditions Relative to the Adult Use Marijuana Special Permit and to the Registered Marijuana Dispensary Special Permit:

7. Prior to issuance of a building permit, the Applicant shall provide the Planning Board for peer review detailed design and documentation for the HVAC System for the new building, and modification to the existing HVAC system, including odor control appurtenances and processes. Peer review shall be completed by an HVAC engineer (mechanical engineer) at the applicant's expense to ensure capacity to comply with the provisions of this Special Permit relating to the odors, vapors, and/or particulates emanating from the applicant's facility. The Planning Board must review and approve this peer review prior to issuance of any building permit for HVAC work included under this decision.
8. All incidents shall be reported to the Building Commissioner and Planning Board as required by the CCC's regulations within 24 hours of their occurrence. Such reports

Commented [IF1]: Courts disfavor planning boards deferring a decision on a matter of substance that only partially commits it to the issuance of a permit. The HVAC peer review is central to the applicant's proposal and best practice is for the board to do the peer review during the current public hearing.

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may be redacted as necessary to comply with any applicable state or federal laws or regulations.

9. Any cease-and-desist order, quarantine order, suspension order, limiting order, notice of hearing or final action by the CCC, the Division of Administrative Law Appeals, or any Littleton Department with applicable jurisdiction regarding the retail establishment shall be reported to the Building Commissioner and the Planning Board within 48 hours of the applicant's receipt.
10. The Adult Use Marijuana Special Permit shall expire on the date that is five (5) years from the date of issuance but may be renewed with approval of the Planning Board if the applicant requests such a renewal at least 120 days prior to expiration. The Adult Use Marijuana Special Permit shall also expire upon either the revocation, termination, expiration or non-renewal of the applicant's final adult use license issued by the CCC to allow the adult use activities permitted herein, or the termination or nonrenewal of the establishment's Host Community Agreement with the Select Board relative to adult use activities.
11. The Registered Marijuana Special Permit shall expire on the date that is five (5) years from the date of issuance but may be renewed with approval of the Planning Board if the applicant requests such a renewal at least 120 days prior to expiration. The Registered Marijuana Special Permit shall also expire upon either the revocation, termination, expiration or non-renewal of the applicant's final medical marijuana treatment center license issued by the CCC to allow the medical activities permitted herein, or the termination or nonrenewal of the establishment's Host Community Agreement with the Select Board relative to the medical use activities.
12. These special permits shall be limited to Sanctuary Medicinals, Inc., shall not be transferred to another entity, and shall expire on the date that Sanctuary Medicinals, Inc. ceases operation of the establishment.
13. Sanctuary Medicinals, Inc. shall allow inspections required under the Town's bylaws, the Massachusetts General Laws, and the CCC regulations.
14. Sanctuary Medicinals, Inc. shall notify the Building Commissioner and the Planning Board in writing within 48 hours of the cessation of operation of the retail establishment associated with the medical marijuana treatment center license, or the revocation, termination, expiration or non-renewal of the applicant's final license issued by the CCC for either medical or adult use.
15. The applicant shall comply with all terms of the Host Community Agreement(s) between Sanctuary Medicinals, Inc. and the Town of Littleton Select Board.
16. Copies of all reports submitted to any state agency, including, but not limited to, the reports required by CCC's regulation describing the establishment's liability insurance coverage and the annual security system audits required by the CCC's regulations shall be submitted to the Planning Board within five (5) 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.

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17. The applicant shall provide documentation to the Planning Board 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 applicant shall provide documentation to the Planning Board and the Select Board that all Marijuana Establishment Agents have received at least eight (8) hours of on-going training.
18. The applicant 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 these special permits.
19. The applicant shall take all reasonably practicable measures to ensure that there are no unreasonable or offensive odors, vapors, particulates, or other emissions attributable to the cultivation, processing/manufacturing activities at the facility detectable at the property line.
20. The approach to handling air pollution complaints, including any odor complaint, shall include:
 - a. If the Applicant receives any written complaint associated with its operation, it shall provide of copy of the complaint to the Building Commissioner and the Planning Board within 24 hours of receipt;
 - b. The Building Commissioner, upon receiving a complaint, may in his discretion, investigate the complaint, and may take into consideration the following factors in determining whether a violation has occurred or is occurring:
 - i. The subject matter of the complaint;
 - ii. The frequency of the complained of activity or event;
 - iii. The intensity of the complained of activity, and whether such activity affected by weather conditions or the applicant's operation;
 - iv. The corrective action the applicant must take to remediate the violation, if any.
 - c. The investigation of any complaint relating to odor, vapors, particulates, or other emission is determined from the property line of the individual filing the complaint.
 - d. If a violation is identified, the Building Commissioner may, in his discretion as the Zoning Enforcement Officer, put his findings and corrective orders in writing and provide them to the Planning Board and the applicant, and work with the applicant to address the matter.
 - e. If the Building Commissioner elects to investigate the complaint and determines that no violation has occurred or is occurring, then he shall describe in writing his findings and provide such writing to the Planning Board, the Applicant, and the individual who filed the complaint;
 - f. If the Building Commissioner determines that there is a violation and the applicant fails to address the matter, the Building Commissioner may issue further orders consistent with his authority as Zoning Enforcement Officer so to enforce the provisions of this decision.

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21. The site shall comply with the Odor Management Plan dated September 6, 2023, including field odor monitoring requirements and operation and maintenance schedule.

Vote:

The Board voted **XX** to **YY** to **approve/deny** the 234 Taylor Street (1) Adult Use Marijuana Establishment Special Permit, (2) Site Plan, (3) Water Resource District Special Permit, and (4) Registered Marijuana Dispensary in accordance with the Code of the Town of Littleton.

The Board members voted as follows:

Mark Montanari **XX**

Anna Hueston **XX**

Delisa Laterzo **XX**

Jeffrey Yates **XX**

Bartlett Harvey **XX**

Signed:

Bartlett Harvey, Clerk
Littleton Planning Board

Date Filed with Town Clerk: _____

Town Clerk