

Date: November 12, 2020

Via Email: mtoohill@littletonma.org

Mark Montanari, Chair
Littleton Planning Board
Littleton Town Offices
37 Shattuck Street
Littleton, MA 01460

RE Littleton Apothecary, LLC, 160 Ayer Road ("Littleton Apothecary" or "the Applicant"), Condominium Unit 4; Special Permit Applications for Adult Use Marijuana Establishment (Marijuana Retail Establishment) and Aquifer and Water Resource District Use, along with Site Plan Review; Assessor ID R22 1-1-4; Industrial B (IB) Zoning District;

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

Maren

Dear Planning Board Members:

This writing is to formally acknowledge that pursuant to Section 173-199 (A) of the Littleton Zoning Bylaw on Marijuana Establishments, the above-referenced location is located within 500 feet of another marijuana establishment, namely, a testing laboratory to be operated by G7 Labs in Unit 3 of the subject property. The Applicant, Littleton Apothecary, requests that the Planning Board as the special permit granting authority (SPGA) reduce this requirement in its entirety given the Applicant's proposed location (Unit 4) adjoins G7 Labs' location (Unit 3) at 160 Ayer Road. The following information supports this request.

Section 173-199 A states in part that . . ."No Marijuana Establishment shall be located within 500 feet of . . . any other noncollocated 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". Section 173-199 B states in part that "The SPGA may reduce the minimum distance requirement in Section 173-199A as part of the issuance of a special permit in the following instances only . . . subpart (4) - Where the SPGA determines that the reduction in the minimum distance is necessary for purposes of maintaining consistency with M.G.L. c. 94G, 935 CMR 500, and/or state guidance relative to local regulation and siting of adult use marijuana establishments".

On behalf of the Applicant, Littleton Apothecary, the reduction in the distancing requirement by the SPGA is hereby requested and the following facts and reasons establish the need for the reduction:

MGL Ch. 94 G, Sec., 5, Licensing of Marijuana Establishments, subpart (b) (3) states “the property where the proposed marijuana establishment is to be located, at the time the license application is received by the commission, is not located within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, unless a city or town adopts an ordinance or by-law that reduces the distance requirement” and this provision is also contained in the CCC’s regulations at 935 CMR 500, in subsection 500.110 (3) on Buffer Zones. The foregoing is the only distancing requirement contained in the State’s enabling statute and regulations, so the Littleton SPGA reduction of distancing for other uses/properties from the subject property maintains consistency by allowing the reduction for marijuana establishments under the local control provisions of MGL Ch 94 G, as well.

The zoning district in which marijuana establishments are allowed are confined to Industrial A and B zones, but marijuana retail establishments are further limited to the marijuana retail overlay district, which overlays the Industrial zones A and B along Ayer Road (Route 2A) on the northwest area of Littleton and the Industrial A and B zones adjoining Route 495, along Great Road (Route 119) on the northeast area of Littleton. As another retail marijuana establishment (Community Care Collective) is pursuing permitting for a retail establishment on King Street in the northeast area of Littleton, we believe that reducing/eliminating the distancing requirement at 160 Ayer Road will result in a desirable separation of these two proposed retail operations, thereby supporting easier patronage opportunities and travelling as well as ensuring competitiveness for the only two licensed retail operations in Littleton.

Although the retail overlay encompasses the entire Industrial A and B zones along Littleton Road, there is a dearth of locations in that zone which would be conducive to any type of retail use along Ayer Road due to the vast majority of businesses being industrial (manufacturing, materials processing, large-volume commercial wholesalers, etc.) and/or single use facilities. The subject site at 160 Ayer Road has served as mixed-use industrial/commercial condominiums (six units) since the 1980s and has had a history of other retail, office and commercial uses.

The subject site at 160 Ayer Road has a large parking area and high visibility for access from Ayer Road for what we believe is sufficient and compliant parking for both establishments and the other occupants of the commercial condominium.

The G7 Lab requires a minimal amount of parking with most activity occurring in the rear for deliveries of samples for testing at the laboratory, thereby allowing for more flexible parking for Littleton Apothecary and the other unit operators in the parking areas, which are available to all users under the condominium’s master deed which allows for open use of the parking areas.

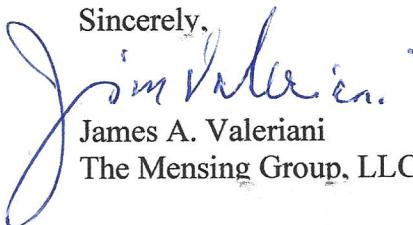
There will be no transactions or other interaction between G7 Lab and Littleton Apothecary as G7 Labs receives small samples of marijuana from cultivators and manufacturers and destroys those samples on site after testing.

In closing, I note that although G7 Labs entered into its Host Community Agreement (HCA) in February of 2020, and Littleton Apothecary in May of 2020, Littleton Apothecary has been pursuing a location/lease contract for this site and preparing its permitting processing since April of 2019. The G7 Labs permitting at the state level moved quicker due to the CCC's efforts to expedite licensing for testing laboratories to keep pace with the industry and, we think, at the local level, due to G7 Labs testing laboratory being a passive use for receiving/testing samples with a small staff occupying just a few parking spaces. Littleton Apothecary has been pursuing this project and the required permitting since 2019 and its provisional license was issued in early October, thereby allowing for its formal filing with the Planning Board soon after.

It was my oversight in not identifying and addressing the distancing reduction due to my haste in preparing and processing both applications and my efforts at first processing and submitting the G7 application while not being fully aware of the location for Littleton Apothecary. It has been my experience in reviewing numerous zoning bylaws in other municipalities that distancing requirements are typically concerned with schools, recreational areas, and between retail and/or medical establishments, but not in connection with all types of marijuana establishments distancing from each other. In any event, I note that the Planning Board as the SPGA maintains the authority to reduce the distancing requirement even when a formal acknowledgement or request for a reduction has not been noted, identified or formally requested in an application process for a marijuana establishment, as was this case.

Both G7 Labs and Littleton Apothecary have worked closely with the town boards and offices concerned with their applications for these past many months and I'd like to thank the Planning Board for its efforts on both applications. Please feel free to contact me with any questions you may have. Thank you!

Sincerely,


James A. Valeriani
The Mensing Group, LLC

Copies to (via email):

Christine Nordhaus
Blake Mensing