



PLANNING BOARD

P.O. Box 1305
Littleton, Massachusetts 01460

September 30, 2022

**Community Care Collective, Inc.
537 Great Road, Littleton Mass.
Adult Use Marijuana Establishment:
Marijuana Product Manufacturer Special Permit;
Aquifer & Water Resource District Special Permit; and
Site Plan Review**

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 Product Manufacturer Special Permit; Aquifer and Water Resource District Special Permit; and Site Plan Review.

PROPERTY LOCATION: Approximately 114,127 +/- sq. ft. of land (2.62 acres) with existing commercial/industrial single story structure at 537 Great Road, Assessors' Map R-18, Parcel 14-9, and recorded in M.S.D.R. of D's Book 73154, Page 498.

DESCRIPTION: Add Adult Use Marijuana Establishment: Marijuana Product Manufacturer use to existing Marijuana Retail Establishment at this location

APPLICANT: Community Care Collective, Inc.
537 Great Road
Littleton, MA, 01460

OWNER: 537 Great Road Realty Trust
537 Great Road
Littleton, MA, 01460

ENGINEER: Hancock Associates
34 Chelmsford Street #2
Chelmsford, MA 01824

DATES OF LEGAL NOTICE: Posted by Town Clerk on May 17, 2022
Published May 19, 2022 and May 26, 2022

DATES OF HEARINGS: June 2, 2022; June 14, 2022; July 14, 2022, August 15, 2022, September 8, 2022, and September 19, 2022

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

REFERENCE PLAN: Hancock Associates, "Exhibit Site Plan", 537 Great Road, Littleton, MA 01460, dated 2/2/2021, last revised 6/2/2022 (1 sheet)

PUBLIC HEARING: The Littleton Planning Board (the “Board”) held a duly noticed public hearing starting on June 2, 2022, which was continued to dates shown above dates, 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 Board.

BACKGROUND:

Community Care Collective, Inc. (the “Applicant”) will operate a Product Manufacturer Establishment within the existing building located at 537 Great Road. The project involves interior renovation of existing industrial space, and no new construction or modifications of the structure’s exterior are proposed. The product manufacturing operations will be co-located with Applicant’s marijuana retail establishment operations currently operating at the same facility.

The Applicant submitted to the Board the application and materials listed below (collectively, but not limited to the “Plans”), which, together with the testimony provided at the referenced public hearings, and additional information provided to the Planning Board throughout the Public Hearing process, provide the information required by the applicable Sections 173-199 and 173-200 of the zoning bylaw, and are the basis of the Board’s determinations and decision:

1. Cover letters, Letter from Police Chief, Narrative of compliance with zoning bylaw
2. Special Permit Application Form
3. Adult Use Marijuana Establishments Special Permit Application Form
4. Site Plan Review Checklist
5. Town of Littleton Adult Use Marijuana Establishments Application Checklist
6. Certified Abutters List
7. Checklist Items
 - a. Host Community Agreement
 - b. State Application Status
 - c. Statement Regarding Waivers
 - d. Policies & Procedures
 - e. Statement Describing Quantity and Source of Marijuana
 - f. Ownership
 - g. Articles of Organization
 - h. Copies of all Licenses
 - i. Evidence of Site Control: Lease
 - j. Site and Floor Plans
 - k. Written Statement
 - l. Photos of Property in the Evening
 - m. Example of Signs
 - n. Evidence of Community Outreach Hearing
 - o. Traffic Report
 - p. PowerPoint presentation submitted and presented on 6/2/2022

In addition, on July 18, 2022, the Planning Board filed a notice with the Town Clerk reflecting the Board’s acceptance of the applicant’s request to withdraw the Marijuana Cultivator portion of the Adult Use Marijuana Establishment application.

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DETERMINATIONS and FINDINGS:

Following the public hearing on this proposal, the Board made the following determinations regarding the Adult Use Marijuana Establishment Application:

1. The application is for a proposed Indoor Marijuana Product Manufacturer Establishment to be located in an existing industrial building at 537 Great Road within the Industrial A Zoning District, and the proposed use is allowed by special permit and site plan review by the Board.
2. The applicant submitted the documentation required under Section 173-99 of the zoning bylaw and the Adult Use Marijuana Establishments Checklist. These documents are identified above.
3. On June 2, 2022, the Planning Board opened the public hearing for the proposed Marijuana Cultivation and Product Manufacturing facility located at 537 Great Road. The hearing was continued over the course of several meeting dates.
4. The Board previously granted Applicant Special Permits and Site Plan Review approval in April 2021 to operate a Marijuana Retail Establishment in the same building on the site.
5. The site is suitable for a Marijuana Cultivation and Product Manufacturing Establishment given it is within the Industrial A Zoning District designated for Marijuana Cultivation and Product Manufacturing facilities, and it has a total of seventy-eight (78) parking spaces that exceed of the number of parking spaces required by the bylaw.
6. The site is suitable as it meets the 500-foot minimum distance requirements as specified in Section 173-200. The Board specifically finds that the 500-foot minimum distance requirements between Marijuana Establishments in the zoning bylaw, Section 173-200, is not intended to prohibit a vertically integrated marijuana business like Applicant from co-locating its marijuana retail, cultivation and product manufacturing operations within the same facility.
7. The product manufacturing establishment will be entirely within the 16,183 sf portion of the existing building which includes manufacturing and office uses.
8. The project involves interior renovation of existing industrial space, and no new construction or modifications of the structure's exterior are proposed.
9. The Applicant provided a detailed floor plan showing the space designated for product manufacturing and support operations.
10. The Applicant provided a detailed site security plan directly to the Littleton Police Department which has been approved by the Police Department.
11. The Applicant provided detailed information about its Nuisance Mitigation Plan addressing light, noise, and waste disposal, as well as plans about odor control including sealed rooms, air ventilation and filtration using carbon filters to prevent odors from being emitted from the building.
12. The Applicant has submitted complete Marijuana Product Manufacturer License Applications to the Cannabis Control Commission (CCC), which are pending review.
13. The Board acknowledges that the CCC previously approved and issued the Applicant a License to operate a Marijuana Retail Establishment at the same facility, and the Board finds that it is appropriate to grant the Applicant a special permit for a Product Manufacturer Establishment with the condition that copies of the Product Manufacturer Licenses be submitted to the Board once issued by the CCC.
14. The Applicant held a Community Outreach Meeting in November 2021 consistent with CCC's requirements and regulations.
15. The Applicant executed a Host Community Agreement with the Town in accordance with M.G.L. c. 95G, § 3 in September 2021 authorizing marijuana cultivation and product manufacturing operations at the site.
16. No home delivery to consumers or on-premises marijuana consumption are proposed.

17. All necessary permits from any other Littleton Depts. will be obtained along with Final Licenses from the CCC prior to commencement of the use.
18. Section 173-201 Additional Special Permit Approval Criteria
 - a. 173-201.A. The Applicant will be required to be fully permitted by all applicable agencies within the Commonwealth of Massachusetts and in compliance with all State laws and regulations prior to commencing the use; it is the Board's intention that the issuance of valid Product Manufacturer Licenses by the CCC pursuant to M.G.L. c. 94G will be a condition of the special permit.
 - b. 173-201.B. The proposed use is designed to minimize any adverse impacts on the on the residents of the Town;
 - i. The facility is located in an industrial zoning district and is not in close proximity to any residences.
 - ii. The proposed use will occur entirely within the existing commercial building, and no marijuana operations will be visible from the exterior of the facility.
 - iii. No new construction or modifications of the structure's exterior are proposed.
 - iv. The Applicant's Nuisance Mitigation Plan, which includes state-of-the-art odor control, ventilation and air filtration equipment, will minimize any adverse impacts resulting from light, noise, odor and waste.
 - v. The Applicant's comprehensive site security plan, including video surveillance and access control, has been approved by the Police Department.
 - vi. The community impact fee payments provided for in the Host Community Agreement will offset any potential costs imposed on the Town by Applicant's operations.
 - c. 173-201.C. The requirement for a secure indoor area for all customers is not applicable as this application is for a product manufacturing use.
 - d. 173-201.D. The Applicant 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.
 - i. The current site layout, parking, traffic flow and circulation are sufficient for the proposed use, and no changes are proposed or necessary.
 - ii. The facility has a total of seventy-eight (78) parking spaces, which exceeds the total number of parking spaces required by the bylaw for the existing retail use and the proposed product manufacturing use.
 - iii. The Police Chief reviewed the security plan for the site and indicated traffic flow is going to be manageable.
19. As conditioned herein, the Applicant's project satisfies the requirements of the zoning bylaw and specifically Article XXVIII.

**AQUIFER AND WATER RESOURCE DISTRICT SPECIAL PERMIT (ARTICLE XIV):
537 Great Road.**

The Property is located within the Aquifer and Water Resource District, 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 completed.

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2. Site Development Plans: Hancock Associates, “Exhibit Site Plan”, 537 Great Road, Littleton, MA 01460, dated 2/2/2021, last revised 4/27/2022 (1 sheet)
3. Confirmation that proposed uses fulfilled the criteria contained in Section 173-62.
4. List of materials with MSDS sheets to be stored and used onsite, with maximum quantities.

DETERMINATIONS and FINDINGS:

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

1. All activities and operations will occur only within the interior of the building at 537 Great Road.
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.
8. The Applicant’s prior special permit application in connection with the Marijuana Retail Establishment at 537 Great Road involved a determination by the Board that the only increase in impervious cover proposed is the replacement of 700 sq ft of ground vegetation (lawn) for a pad to make the entrance ADA compliant, which is either “minor removal of ground vegetation” or a minor increase in the pre-existing impervious area from approximately 44% to 44.6% (based on GIS calculations) per section 173-61, and the Applicant used pervious materials for the pad, mitigating said increase.
9. The application fulfills the criteria contained in Section 173-62.

SITE PLAN REVIEW: 537 Great Road

REFERENCE PLAN: Hancock Associates, “Exhibit Site Plan”, 537 Great Road, Littleton, MA 01460, dated 2/2/2021, last revised 4/27/2022 (1 sheet)

DETERMINATIONS and FINDINGS:

The Board made the following determinations regarding the proposed use at the site regarding the Site Plan application:

1. Internal circulation and egress are such that traffic safety is protected and site is located in an Industrial A zone on Great Road, with adequate parking, given the proposed directional signs outlined on the Site Plan and in the Conditions stated below.
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 facility are satisfactory leased and in the Applicant’s control.
4. Adequate access to each structure for fire and service equipment is provided.
5. Utilities and drainage in the vicinity are unchanged.
6. The application fulfills the requirements of Section 173-18.

FINDING RELATED to ENFORCEMENT:

The Planning Board finds that enforcement of odor complaints is held by both Zoning Enforcement and Board of Health authority outlined in 310CMR2.00 section 7.09 (1) and 7.01 Definitions of AIR CONTAMINANT and AIR POLLUTION as well as 7.52 U Enforcement Provisions.

DECISION:

Based on the foregoing, Bartlett Harvey made a motion, seconded by Delisa Laterzo that the Planning Board grant a Special Permit for Adult Use Marijuana Establishment: Marijuana Product Manufacturer (Article XXVIII); Special Permit for activity in the Aquifer and Water Resource District (Article XIV); and Site Plan Review, subject to the following conditions. The following conditions shall be binding upon the Owner / Applicant and its successors and assigns. The Town of Littleton may elect to enforce compliance with this Special Permit using any and all powers available to it under the law.

Conditions:

1. Maximum hours of operation shall be Monday through Sunday, 9:00 AM to 9:00 PM.
2. There shall be no odors, vapors, particulates, or other emissions attributable to the processing/manufacturing activities at the facility detectable at the property line. The applicant shall use carbon-charcoal filtration which may be supplemented by additional filters and technologies for odor control.
3. The approach to handling air pollution complaints, including any odor complaint, shall include:
 - a. Investigate the complaint:
 - i. When is it happening;
 - ii. With what frequency;
 - b. The intensity of the issue
 - i. Is it a fleeing issue
 - ii. Affect by weather
 - iii. Production related
 - c. The potential complaint is determined from the property line of the individual filing the complaint.
 - d. If potential issue is identified the enforcing authority works with the entity to address the matter.
 - e. If the entity won't or can't address the matter the enforcing authority can issue an order to correct.
4. The Applicant shall comply with all terms of the Host Community Agreement between Community Care Collective, Inc., and the Town of Littleton.
5. The Applicant shall submit a copy of the Product Manufacturer 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.
6. 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.

7. Any cease and desist order, quarantine order, suspension order, limiting sales order, notice of hearing or final action by the CCC or the Division of Administrative Law Appeals, as applicable, or any Littleton Department with applicable jurisdiction regarding the cultivation and product manufacturing establishment shall be reported to the Building Commissioner and the SPGA within 48 hours of the Applicant's receipt.
8. 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.
9. 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 Select Board that all Marijuana Establishment Agents have received at least eight hours of on-going training.
10. 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.
11. This Special Permit shall be limited to Community Care Collective, Inc. and shall expire on the date that Community Care Collective, Inc. ceases operation of the Product Manufacturing Establishment.
12. 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 licenses 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.
13. Community Care Collective, Inc. shall notify the Building Commissioner and the SPGA in writing within 48 hours of the cessation of operation of the cultivation and product manufacturing establishment or the expiration or termination of the permit holder's final license issued by the CCC.
14. Special permits shall lapse upon the expiration or termination of an Applicant's license from the CCC.
15. Community Care Collective, Inc. 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.

16. The validity of this special 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.
17. This special permit authorizes the operation of an adult use marijuana product manufacturing establishment only. In the event that the Applicant 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), the Applicant shall obtain a new special permit prior to undertaking such expansion or alteration.
18. No parking of vehicles is allowed on any unpaved surface;
19. No use or storage of sodium de-icing chemicals shall be allowed on the site (non-sodium de-icing chemicals may be used); and
20. Groundwater quality shall not be degraded below drinking water standards at the property lines due to activity on this property.

VOTE:

The Board members voted, on September 27, 2022 as follows:

Mark Montanari	[Absent and not voting]
Anna Hueston	AYE
Bartlett Harvey	AYE
Jeffrey Yates	AYE
Delisa Laterzo	AYE

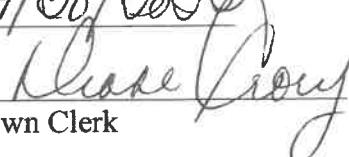
Appeals, if any, shall be made pursuant to Section 17 of Chapter 40A, Massachusetts G.L., and shall be filed within 20 days after the date this decision is filed with Town Clerk.

Signed:



Bartlett Harvey
Planning Board Clerk

Date Filed with Town Clerk:

9/30/2022

Chase Dowd
Town Clerk

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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.

