

APPLICATION BY NEW ENGLAND TREATMENT ACCESS, LLC FOR
SPECIAL PERMIT AND SITE PLAN APPROVAL FOR MEDICAL MARIJUANA
TREATMENT CENTER AND NON-MEDICAL MARIJUANA RETAIL ESTABLISHMENT
WITHIN MARIJUANA USE OVERLAY DISTRICT
PURSUANT TO SECTION 185-49 OF THE FRANKLIN ZONING BYLAWS
DATED MAY 22, 2020

Introduction

New England Treatment Access, LLC (“NETA”) submits this Application for a Special Permit with Site Plan Approval pursuant to Section 185-49(4)(b)(i) and Section 185-49(4)(b)(iii) of the Franklin Zoning Bylaws. NETA proposes to modify the existing buildings and to operate a Medical Marijuana Treatment Center and Non-Medical Marijuana Retail Establishment (the “Facility”) at 162 Grove Street, Franklin, Massachusetts (the “Property”). The Property is located in the Industrial Zoning District and the Marijuana Use Overlay District as well as the Water Resource Overlay District.

The footprint of the existing buildings is approximately 12,421 square feet. NETA proposes to expand the existing buildings, as shown on the proposed Site Plans and to convert the existing buildings into approximately 3,856 square feet of retail space, approximately 4,647 square feet of office space, and approximately 7,584 square feet of warehouse space. There will be no product manufacturing, testing or research operations at the Facility.

Pursuant to Section 185-49(4)(b)(i) and Section 185-49(4)(b)(iii) of the Zoning Bylaws, a Medical Marijuana Treatment Center and a Non-Medical Marijuana Retail Establishment located within the Marijuana Use Overlay District require a Special Permit from the Planning Board. Section 185-31(1)(E) of the Zoning Bylaws states that where a special permit is required, site plan approval is also required as part of the special permit approval process.

Documents Submitted in Support of Application

NETA submits the following documents in support of its application (one electronic version will be emailed and the hard copies will be delivered to Town Hall):

1. Application for Approval of a Site Plan and Special Permit(s) (Exhibit 1) – two duplicate originals;
2. Form P – Application for Approval of Site Plan (Exhibit 2) - two duplicate originals;
3. Certificate of Ownership - notarized (Exhibit 3) – two duplicate originals;
4. Site Plans (Exhibit 4) – One 11” x 17” reduced copy and One set of 24” x 36” Plans;
5. Special Permit Findings (Exhibit 5);
6. Certified Abutters List (Exhibit 6);
7. Traffic Summary (Exhibit 7);
8. Filing Fees (Exhibit 8) payable to the Town of Franklin (originals in separate envelope to Amy Love, Town Planner):
 - a. \$750.00 for Special Permit;
 - b. \$4,300.00 for Site Plan Approval;

- c. \$50.00 for Fire Department Site Plan Review.

Description of the Property and the Facility

The Property contains approximately 4 acres (174,351± square feet), of which approximately 3.5 acres (152,781± square feet) is upland area. The Property is located on Grove Street in the Industrial Zoning District, Marijuana Use Overlay District and Water Resource Overlay District. The Facility will be comprised of one building, utilizing the existing “house” at the front of the Property, creating an addition between the “house” and the warehouse and utilizing the existing warehouse, as well as the associated parking areas and driveway. Areas of the Property that do not include the Facility building and parking lot contain a detention basin, landscaped areas or wooded areas.

The existing buildings on the Property are currently vacant. NETA seeks to expand the existing breezeway connecting the front building (known as the “house”) to the rear warehouse building by approximately 2,583 square feet and to operate a Medical Marijuana Treatment Center and Non-Medical Marijuana Retail Establishment as well as office and warehouse space within the building. There will be a concrete courtyard area as well as an asphalt walkway from the retail entrance to the parking lot. There will be a separate employee entrance on the south side of the building.

In addition, the existing driveway and parking areas will be altered, although the curb cut on Grove Street will not change. The parking areas will be increased, from the approximately 52 current parking spaces to 141 parking spaces (including 5 handicapped spaces). Parking for retail customers will be located to the south side and immediate rear of the building; employee parking will be to the on the south side of the Property (seven spaces closest to Grove Street) as well as the rear of the Property and will be marked with appropriate signage. Landscaping will be added to the parking areas as shown on the Site Plans. The existing sign close to Grove Street will be removed and a new sign will be installed.

With respect to traffic, as detailed in the Traffic Summary (Exhibit 7), the projected traffic increases associated with the Project can be accommodated at the proposed site driveway with no noticeable impact on the future traffic operations at nearby intersections, even at the times of highest demand for the Facility. The proposed 141 parking spaces will accommodate the required customer and staff parking.

**APPLICATION FOR APPROVAL OF A SITE PLAN
AND SPECIAL PERMIT(S)**

To the Franklin Planning Board:

The undersigned, herewith, submits the accompanying Site Plan entitled **“Site Layout Plan - 162 Grove Street, Franklin, Massachusetts”** and Special Permit(s) for **Medical Marijuana Treatment Facility and Non-Medical Marijuana Establishment** and requests approval for under the provisions of the Zoning By-Laws of the Town of Franklin covering Site Plans and Special Permits.

1. Name of Applicant:**New England Treatment Access, LLC**
Address of Applicant:**5 Forge Parkway, Franklin, MA 02038**
Phone No.: **617-285-4461** Email: **arositano@liveparallel.com**
2. Name of Owner (if not the Applicant):**Charley2017, LLC**
Address of Owner:**7 Myrtle Street, Norfolk, MA 02056**
Phone No.: **508-541-7217** Email: **bmholmes5@comcast.net**
3. Name of Engineer:**United Consultants, Inc. - Rick Goodreau**
Address of Engineer:**850 Franklin Street, Suite 11D, Wrentham, MA 02056**
Phone No.:**508-384-6560** Email: **Rick@uci850.com**
1. Deed of Property recorded with Norfolk Registry of Deeds in Book **35681**, Page **179**, (or Certificate of Title No. _____)
2. Location and Description of Property: **162 Grove Street, Franklin, MA**

Zoning District: **Industrial; Marijuana Use Overlay District; Water Resource District**

Assessor's Map: **306** Lot: **3**

Square Footage of Building(s): **16,087 sf**

Impervious Coverage of Existing Upland: **50% (76,417 sf)**
3. Purpose of Site Plan: **To allow modifications and minor expansion to existing improvements and approval pursuant to Section 185-31(1)(a); to allow improvements within Water Resource Overlay District pursuant to Section 185-40(D)(1)(i)(ii).**
4. Special Permit(s) Requested:
Medical Marijuana Treatment Center - Section 185-49(4)(b)(i)
Non-Medical Marijuana Establishment - Section 185-49(4)(b)(iii)

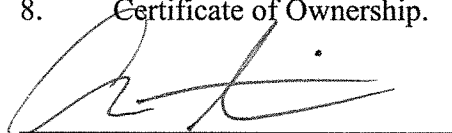
5. Special Permit Criteria: please provide on a separate document, written findings for special permit criteria a-g for each special permit being requested. Criteria are listed below. Applications will not be accepted until findings are submitted.

Chapter 185, Section 45.E

(3). Findings. Special permits shall be granted by the special permit granting authority only upon its written determination that the proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site. This determination shall be in addition to the following specific findings:

- (a) Proposed project addresses or is consistent with neighborhood or Town need.
 - (b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.
 - (c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.
 - (d) Neighborhood character and social structure will not be negatively impacted.
 - (e) Project will not destroy or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication, or compensatory measures are adequate.
 - (f) Number, height, bulk, location and siting of building(s) and structure(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.
 - (g) Water consumption and sewer use, taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.
6. Other issues requiring Planning Board Consideration: **Approval for improvements in Water Resource District - rendering impervious up to 80% upland area of a non-residential lot.**
7. A certified list (by Office of the Assessors) of abutters within 300 feet of the site is also submitted with the application.

8. Certificate of Ownership.



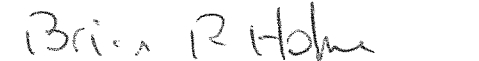
Signature of Applicant



Signature of Owner


Amanda Rositano

Print Name of Applicant



Print Name of Owner

EXHIBIT 5 – SPECIAL PERMIT FINDINGS

The Project Satisfies the Special Permit and Site Plan Approval Criteria

A. Special Permit Criteria

As set forth on Exhibit 5, the proposed non-medical marijuana cultivation, product manufacturing and research facility uses satisfy the Special Permit Criteria in Section 185-45(E)(3) because the proposed uses will not have adverse effects which overbalance their beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site. The Planning Board should grant the requested Special Permit.

B. Site Plan Approval

Section 185-31(1)(C)(4) sets forth the review criteria for the Planning Board in considering a site plan approval request. The criteria include:

- a. Internal circulation, queuing, entrance and egress are such that traffic safety is protected and access via secondary streets servicing residential neighborhoods is minimized.*

The proposed Medical Marijuana Treatment Center and Non-Medical Marijuana Retail Establishment as shown on the Site Plans will provide sufficient internal circulation, queuing and proper entrance and egress so that traffic safety is protected and access via secondary streets serving residential neighborhoods is minimized. The Traffic Summary (Exhibit 7) details the estimated trip generation and concludes that there will be no adverse impact to traffic as a result of the Facility.

- b. Reasonable use is made of building location, grading and vegetation to reduce visibility of structures, parking area, outside storage or other outdoor service areas (e.g., waste removal) from public views.*

The proposed expansion is the minimal square footage needed to connect the existing buildings and to enable the office, warehouse and retail areas all to be incorporated at the Facility. Due to the topography at the Property, a retaining wall will be installed, as shown on the Site Plans. The expanded area and the retaining wall are both proposed to be located on the southern side of the existing buildings, thus the view from Grove Street will not be altered significantly. The expanded parking lot will be to the rear of the Property, thus also reducing its visibility from Grove Street. There will be no outdoor storage. Trash and

recycling will be located in the dumpster location to the rear of the parking lot, noted on the Site Plans.

- c. *Adequate access to each structure for fire and service equipment is provided.*

NETA has reviewed the Site Plans with the Fire Department and the Fire Department is satisfied that adequate access is provided to the proposed Facility. The revised driveway and parking areas are configured to allow a fire truck to access the Facility from the south or east; the area to the north of the Facility is very narrow and the topography is steep, making it insufficient for access from that direction.

- d. *Utilities, drainage and fire-protection provisions serving the site provide functional service to each structure and paved area in the same manner as required for lots within a subdivision.*

Utilities serving the Property include electric service and gas service. The Property is served by an on-site septic system which will be sufficient for the proposed Facility uses. The Facility will be sprinklered and will comply with current fire code and fire-protection requirements.

Drainage from the Facility roof will be captured and directed to an on-site underground infiltration system, ultimately draining to the detention basin on the eastern portion of the property. Drainage from the parking areas and driveway will continue to be collected (as it is currently) and directed to the detention basin on the eastern portion of the Property.

- e. *No site feature or activity shall create glare or illumination which extends beyond a site's property lines and creates a hazard or nuisance to neighboring property owners or on adjacent roadways. Lighting shall be designed to provide the minimum illumination necessary for the safety and security of the proposed activity. Lighting shall be designed such that the light source is shielded and the light is directed downward.*

The Facility will not create glare or illumination which extends beyond the Property lines and will not create a hazard or nuisance to neighboring property owners or adjacent roadways. Lighting of the building and parking areas has been designed to provide the minimum illumination necessary for the safety and security of the employees, patrons and visitors to the Facility. All lighting will be designed to be shielded and directed downward.

- f. Proposed limit of work is reasonable and protects sensitive environmental and/or cultural resources. The site plan as designed will not cause substantial or irrevocable damage to the environment, which damage could be avoided or mitigated through an alternative development plan.*

The proposed expansion to the existing buildings, areas surrounding the buildings, driveway, and parking areas are all reasonable and protective of sensitive environmental resources – in this case the wetlands located nearby. NETA will file an application for approval with the Franklin Conservation Commission. The Facility will not cause substantial or irrevocable damage to the environment, as the proposed expansion is the least area necessary to enable the Facility to function appropriately.

- g. All other requirements of the Zoning Bylaw are satisfied.*

In addition to the Special Permit and Site Plan Approval requested, NETA requests that the Planning Board approve the improvements within the Water Resource Overlay District pursuant to Section 185-40(D)(1)(I)(ii). The proposed building expansion and revisions to the parking areas and driveway will result in approximately 29.9 percent of the upland area being rendered impervious.

The Facility will also require approval from the Design Review Commission. The Facility will also require approval from the Conservation Commission due to the proximity of wetlands.

FORM P

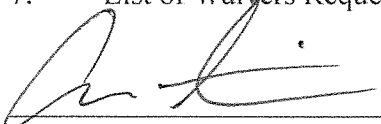
APPLICATION FOR APPROVAL OF A SITE PLAN

To the Franklin Planning Board:

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Address of Owner:**7 Myrtle Street, Norfolk, MA 02056**
Phone No.: **508-541-7217** Email: **bmholmes5@comcast.net**
3. Name of Engineer:**United Consultants Inc. - Rick Goodreau**
Address of Engineer:**850 Franklin Street, Suite 11D, Wrentham, MA 02093**
Phone No.:**508-384-6560** Email: **Rick@uci850.com**
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Assessor's Map **306 Lot 3**
6. Purpose of Site Plan:**To allow modifications and minor expansion to existing improvements and approval pursuant to Section 185-31(1)(a); to allow improvements within Water Resource Overlay District pursuant to Section 185-40(D)(1)(i)(ii).**
7. List of Waivers Requested (if any): Attach Form R for each waiver



Signature of Applicant

Amanda Rositano

Print Name of Applicant

B. R. Holmes

Signature of Owner

Brian R Holmes

Print Name of Owner

CERTIFICATE OF OWNERSHIP

I the undersigned Applicant, do hereby certify to the Town of Franklin, through its Planning Board, that all parties of interest to the below-listed plan are identified in Section B: below,

SECTION A:

Title of Plan: Site Layout Plan - 162 Grove Street, Franklin, Massachusetts

Date of Plan: May 21, 2020 Assessor's Information: Map 306, Lot 3

Prepared by: United Consultants Inc.

Type of Plan: 81-P; Prelim.; Def.; Site Plan

SECTION B:

Name of Record Owner(s): Charley2017, LLC

Address of Record Owner(s): 7 Myrtle Street, Norfolk, MA 02056

*If in the name of a Trust, Corporation or Partnership, list the names and addresses of all Trustee(s), Corporate Officer(s) or Partner(s): Managers are William Wrigley, James Whitcomb and Charles May

*If in the name of a Trust or Corporation, list the Beneficiary(ies) of the Trust or the Shareholder(s) of the Corporation:

*If in the name of a Trust or Corporation, list the date, county, book and page of recording of the Trust Instrument, or the date and State of incorporation: March 19, 2018 - Commonwealth of Massachusetts

Executed as a sealed instrument this 22 day of May 20 20


Signature of Applicant

Amanda Rositano
Print name of Applicant

Signature of Owner

Brian R Holme

Print name of Owner

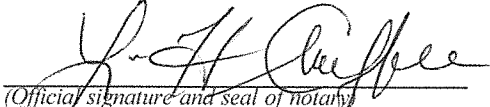
Brian R Holme

COMMONWEALTH OF MASSACHUSETTS

Norfolk ss.

2020

On this 22 day of May 2020, before me, the undersigned notary public, personally appeared Brian Holmes (name of owner), proved to me through satisfactory evidence of identification, which were drivers license to be the person whose name is signed on the preceding document in my presence.


(Official signature and seal of notary)
Notary Public:
My Commission Expires: 10/10/25

