

November 25, 2019

Town of Franklin
Planning Board
355 East Central Street
Franklin, MA 02038

Re:	<u>SPECIAL PERMIT CRITERIA</u> Application for a Special Permit and Site Plan Review (the “Application”)
Property Address:	160 Grove Street, Franklin, MA Parcel ID: 306-002-000-000 (the “Property”)
Applicant:	Hennep Cultivation LLC (the “Applicant”)

Dear Honorable Members of the Planning Board:

This firm represents the Applicant in connection with its application for a Special Permit and Site Plan Review from the Town of Franklin Planning Board (the “Board”) to allow the construction and operation of its proposed recreational cannabis cultivation and production manufacturing establishment on the Property (the “Facility”).

Pursuant to the Use Regulations Schedule Part II (2.23) of the Town of Franklin’s zoning regulations (the “Bylaws”), the use of the Property for the Facility is permitted through the granting of a Special Permit from the Board. Moreover, the Property is located in the Industrial zoning district and pursuant to Section 185-49.4(b), the Property is located within the Marijuana Use Overlay District.

Below, please find written statements addressing the Special Permit Criteria as set forth in Section 185-45(E) of the Bylaws.

A. Proposed project addresses or is consistent with neighborhood or Town needs.

The Facility is proposed to be located in the Industrial zoning district and meets all of the regulations pursuant to the Bylaws with respect to use, bulk and height. Further, the Facility will be consistent with, and conform to, the existing buildings located along Grove Street within the Industrial zoning district. Moreover, the Applicant has proposed to locate its Facility within the Marijuana Use Overlay District, which has been designated by the Town of Franklin for this type of use. Finally, the Board has previously granted to other applicants special permit relief approvals for recreational marijuana cultivation and production manufacturing uses within the Industrial zoning district in the vicinity of the proposed Facility.

B. Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.

The traffic and patterns of access or egress are properly addressed and will not cause congestion or hazard on Grove Street or on the Property, and are consistent with the established Industrial zoning district character. The Facility provides convenient, safe and secure access and egress for employees arriving to and leaving from the Facility using all modes of transportation.

Pursuant to Section 185-21(B)(2) of the Bylaws, the Applicant provides that the total number of parking spaces required for the different uses within the Facility is 159 (see below Parking Summary). This analysis is based upon the different types of proposed uses with the Facility, and the square footage of each use, as designed. As noted below, the Applicant proposes to provide 138 parking spaces. Therefore, the Applicant respectfully requests a waiver from the Board from this provision of the Bylaws. As described in more detail in the Waiver Request, include with this Application, the Applicant is requesting a waiver from the Board in the amount of 21 spaces.

Parking Summary

Use	Regulation	Area	Required Spaces
Industrial	1 per 400 ft ²	16145 ft ²	41 spaces
Warehouse	1 per 1000 ft ²	100841 ft ²	101 spaces
Office	1 per 250 ft ²	4211 ft ²	17 spaces

Total Parking Required = 159 spaces

Total proposed parking = 138 spaces

C. Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.

The Facility will be located off of Grove Street and the proposed development of the Facility does not warrant the upgrade of this public roadway. All drainage and grading of the Property has been designed and calculated pursuant to the latest MA DEP Stormwater Management Guidelines. Moreover, the utilities and other infrastructure necessary for the operation of the Facility have been designed by a Massachusetts licensed professional engineer in accordance with the best practices of civil engineering, and in accordance with the Town of Franklin Department of Public Works Rules and Regulations.

D. Neighborhood character and social structure will not be negatively impacted.

As referenced above, the Facility has been designed to be consistent with, and conform to, the characteristics of the existing buildings located along Grove Street within the Industrial zoning district. Moreover, the Applicant proposes to locate its Facility within the Marijuana Use Overlay District, which has been designated by the Town of Franklin for this type of use, and which currently has marijuana cultivation and production manufacturing facilities therein.

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.

The Facility will not destroy or cause damage to any environmental natural resource, habitat, or feature. On the contrary, the Applicant proposes to redevelop the Property by screening and grading much of the soil thereon, thereby recapturing any designated wetlands. As a result of the necessity to meet the Town of Franklin's parking regulations, the Applicant proposes to improve an access way to the rear of the Property for parking spaces, and that improvement will be located within 100' of the designated wetlands. However, there will be no impact to the wetlands because the existing access way is currently pervious, and the Applicant proposes to keep the existing access way pervious, provided the Board approved the Applicant's proposed site plan.

F. Number, height, bulk, location and sitting 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.

As referenced on the Plans, the Facility is proposed to be located in the Industrial zoning district and will meet all height, bulk and location requirements, as set forth in the Bylaws. Therefore, the Facility will not deprive abutting properties of light or fresh air circulation. Further, as referenced above, the proposed drainage and grading of the Property has been designed and calculated pursuant to the latest MA DEP Stormwater Management Guidelines and abutting properties will not be subject to flooding.

The Facility will be fully enclosed with sophisticated climate control systems, and will not emit excessive noise, vibration or airborne particle. The rooftops of the grow warehouse areas will be constructed of translucent polycarbonate material. These translucent rooftops will also include darkening shades that will automatically extend and retract. Therefore, the Facility will not emit excessive light.

As referenced in more detail within the Odor Mitigation Report, which is made part of this Application, the Facility will include a sophisticated dual-system odor control system. Therefore, abutting properties will not be subject to excessive odor from the Facility.

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.

The Applicant will meet all applicable environmental laws, regulations, permits and other applicable approvals, including those related to water quality and consumption. The Applicant will adopt and use additional best management practices as determined by the Massachusetts Cannabis Control Commission in consultation with the working group established under St. 2017, c. 55 78(b) to reduce energy and water usage, engage in energy conservation and mitigate other environmental impacts. The Facility will use a recirculating irrigation system for its cultivation, which will allow the Applicant to

collect and store any excess water for further use. Upon request, the Applicant will provide a calculation of daily water/sewer use based on 310 CMR 15.203 Title 5. Moreover, the Applicant proposes to install a sophisticated septic system as part of the Facility. Therefore, there will be no excessive additional demand on the Town's supply and demand and wastewater treatment capacity.

Conclusion:

The Applicant hereby requests that the Board determine that its proposed Facility will not have any adverse effect on the neighborhood within which the Property is located in particular, and the Town of Franklin as a whole. The above findings are made in view of the particular characteristics of the Property and of the Applicant's proposed Facility, as detailed in the Application package. Further, the Applicant requests that the Board find that the Property thereon is the most appropriate location for the Facility and that adequate and appropriate facilities will be provided for the proper operation of the use, and finally that this use will not create any nuisance. For the foregoing reasons the Applicant respectfully requests that the Board grant the foregoing relief in the form of a Special Permit and Site Plan Approval, and such other relief as the Board deems necessary to allow the construction and operation of the Applicant's proposed Facility.

Sincerely,



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