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August 20, 2019

Mr. Andy Rodenhiser, Chairman  
Medway Planning Board  
155 Village Street  
Medway, MA 02053

**RE: 4 MARC ROAD RECREATIONAL MARIJUANA SPECIAL PERMIT**

Dear Mr. Rodenhiser:

I have reviewed the proposed applications for a special permit for a recreational marijuana cultivation facility. The owner/applicant is NEO Organics LLC of Sudbury.

The proposal is to convert an existing building to use it for cultivation and processing of recreational marijuana. The existing building has 29,718 square feet on a lot of 6.68 acres. The plan was prepared by DGT Associates of Framingham, and is dated August 6, 2019.

The property is located at 4 Marc Road in the East Industrial zoning district, and is partially within the Groundwater Protection District.

I have comments as follows:

**ZONING**

**Use**

1. The proposed facility to cultivate, manufacture, and process recreational marijuana qualifies as a Recreational Marijuana Establishment (RME) under Section 8.10 of the Zoning Bylaw.
2. The property is located within the East Industrial district, which is an eligible location for an RME.

**General Requirements and Conditions**

3. The application meets the general requirements for an RME specified in Section 8.10 E, including being contained within a proper building without residential uses or doctor's offices; is located more than 500 feet from a school; smoking, burning or consumption of marijuana products is not allowed and no drive-through service is provided.

**Signage**

4. The applicant states that "No signage of any significance" is proposed. I assume that at least a sign with the address and name of the company will be at the entrance driveway (there is an existing such sign). No sign is shown on the plan.

### **Contact Information**

5. Contact information for purposes of the special permit process has been provided. It needs to be confirmed if the contact information during operations is the same.

### **Prohibition Against Nuisances**

6. Section 8.10 H prohibits the creation of nuisances including but not limited to fumes, odors, vapors, and offensive noises. A 3000-square foot concrete pad for odor control and HVAC equipment is proposed. Those facilities are being reviewed by appropriate consultants in those fields as to adequacy.

### **Openness of Premises**

7. The existing building is set back off the street, is surrounded by woods and the entrance is on the side of the building facing away from the street (so that the entrance is not visible from the street). This needs further explanation.

### **Special Permit Requirements**

8. Section 8.10 J. 5. c. requires copies of all required licenses and permits for the RME to the applicant by the Commonwealth of Massachusetts to be included with the application. I did not see evidence of these.
9. Other required information including parties in interest, transportation and delivery policies, and site plan were submitted. It is not clear whether a list of owners has been submitted.
10. Transportation and delivery security measures were submitted but it's not clear that building security measures have been submitted.
11. Odor and noise mitigation plans have been submitted.

### **Other**

12. Except as noted above, the application complies with the procedures and conditions required in Section 8.10.
13. The PEDB shall specify hours of operations and any other conditions, limitations and safeguards that may be necessary or appropriate.
14. The applicant is required to file an annual report of its operations with the PEDB and other appropriate Town officials.
15. The special permit is not transferable to other owners.
16. All material, plants equipment and paraphernalia shall be removed within 6 months of ceasing operations or surrendering its state licenses.

17. A host community agreement is a requirement of the special permit, and a copy of an executed agreement has been submitted.

### **Section 3.4 Special Permit Criteria**

18. The special permit criteria are addressed as follows:

- a. The proposed site is an appropriate location for the proposed use. - *Allowed by zoning*
- b. Adequate and appropriate facilities will be provided for the operation of the proposed use. -- *Appears to comply subject to security measures.*
- c. The proposed use as developed will not create a hazard to abutters, vehicles, pedestrians or the environment. - *Appears to comply*
- d. The proposed use will not cause undue traffic congestion or conflicts in the immediate area. - *No significant traffic increase over existing use.*
- e. The proposed use will not be detrimental to the adjoining properties due to lighting, flooding, odors, dust, noise, vibration, refuse materials, or other undesirable visual, site or operational attributes of the proposed use. - *A lighting plan is required and noise and odor control measures are being evaluated.*
- f. The proposed use as developed will not adversely affect the surrounding neighborhood or significantly alter the character of the zoning district. - *An existing industrial use exists at the site within an industrial district so the character will not change.*
- g. The proposed use is in harmony with the general purpose and intent of this Zoning Bylaw. - *Zoning specifically allows the proposed use within this district.*
- h. The proposed use is consistent with the goals of the Medway Master Plan. - *The proposed use continues industrial use of an existing industrial building.*
- i. The proposed use will not be detrimental to the public good. - *Subject to complying with the above criteria, the proposed use will not be detrimental to the public good.*

### **Section 5.6.3 Groundwater Protection District**

19. The building and most of the driveway and other on-site features are outside the Groundwater Protection District. The improvements being made to the stormwater management system will result in a reduction in the impacts on the district. However, while the district boundary is shown on the cover sheet, it is not shown on the sheets showing proposed site changes. The boundary should be added to those sheets to better evaluate potential impacts.
20. In particular, a snow storage area is shown on the east side of the entrance driveway. The Groundwater Protection District prohibits disposal of snow from outside the district if it contains

deicing chemicals. It is not clear if the snow storage area crosses the boundary line, but such storage should be avoided even if it is outside, but right against, that boundary.


21. Stormwater management activities proposed within the district are allowed, and, as noted above, are designed to improve the existing treatment of runoff into and within the district. However, a special permit is needed for changes in “water control devices, ponds, pools or other changes in water bodies or courses, created for swimming, fishing, or other recreational uses, agricultural uses, or drainage improvements.”

### **General Comments**

22. Site changes are minimal. Access and parking is not changing, and the existing parking exceeds the requirement.
23. Landscaping is minimal and the plans do not indicate any changes. Required security measures may preclude many landscape features as the entrance is already not visible from the street.
24. Security lighting is being added. A waiver is requested to not provide a lighting plan. This waiver has generally not been granted in the past so a photometric plan should be provided.
25. A waiver is also requested for a signage plan. Additional signage, for example on the building, (other than any signage required for security and emergency purposes), is not required. However, if existing signage is to remain or any new signage is to be added, it should be clarified.
26. Other waiver requests involving a landscape inventory and landscape plan by a registered landscape architect, and for providing a site context sheet appear reasonable.
27. Impervious surface is being increased by 3000 square feet for the purpose of providing a base for HVAC and odor mitigation equipment. The site remains below the maximum impervious cover area, and the location abutting the building screened by a wooded area is the most appropriate location on the site.

If there are any questions about these comments, please call or email me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gino D. Carlucci, Jr.", with a stylized flourish at the end.

Gino D. Carlucci, Jr.