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Via Hand Delivery

Town of Wareham
Zoning Board of Appeals
Memorial Town Hall
54 Marion Road
Wareham, MA 02571

Re: **Application for Special Permit to Operate as an Independent Marijuana Testing Laboratory
Smithers AMS LLC - 790 Main Street [Map 81, Lot 1020]**

Honorable Members of the Zoning Board of Appeals:

Enclosed is a Special Permit Application on behalf of Smithers AMS LLC (“Smithers”) to operate an Independent Marijuana Testing Laboratory within a single 1,300 square foot room at its existing facility at the street address known as 790 Main Street and specifically shown on Assessor’s Map 81, Lot 1020.

Smithers has occupied the premises for laboratory testing since 1969. There are **no** dimensional changes or building alterations proposed in connection with this application. Smithers also is not proposing any changes to the site configuration nor performing any site work. Smithers proposes to perform this service in currently vacant interior laboratory space. An original signed Application is enclosed. All required attachments are included as Exhibits to this submittal. Checks for all required fees and a digital copy of this Application also are enclosed.

Smithers proposes to operate its Independent Marijuana Testing Laboratory within a 1,300 square foot secure room in its existing environmental laboratory testing facility. The Marijuana Testing Laboratory will perform laboratory analysis – as required by Cannabis Control Commission regulations – on the equivalent of about eight (8) **teaspoon-sized** cannabis samples per day. After testing, the laboratory sample is destroyed by mixing it with another media, such as soil or kitty litter, to render it unusable. Smithers’ proposed Independent Marijuana Testing Laboratory will be closed to the public *and* all other

Smithers employees. Smithers is required to meet the same extensive security requirements as all other marijuana establishments. *See* 935 CMR 110, et. seq.¹

It bears emphasis that the general public is not permitted within the Marijuana Testing Laboratory. Laboratory testing of cannabis samples is a business-to-business service. There will be no external signage indicating cannabis testing is performed within the facility. Smithers expects to hire seven (7) additional employees over the first five years of operation. There are 178 parking spaces on site.

The proposed use also complies in all other respects with Wareham Zoning Bylaw § 390 for marijuana facilities. The proposed use will comply with the Amendment to the Wareham Zoning Bylaw, codified at § 392.1 if adopted by the annual Spring Town Meeting, which provides “An exception shall be made for an existing laboratory adding independent marijuana product testing to its services. This use may be authorized by Special Permit in the district in which it is located.” See Exhibit 1, Annual Spring Town Meeting Warrant (April 26, 2021) at art. 15.

The proposed use also complies with the Amendment to the Wareham Zoning Bylaw, codified at § 395.2, adopted by the annual Town Meeting with regard to the setback from the Decas School. The Amendment provides: “As allowed by 935 CMR 500.110.3 Buffer Zone, there shall be a zero-foot setback from a public or private school, where the proposed marijuana establishment is an independent marijuana testing laboratory.” See Exhibit 1, Annual Spring Town Meeting Warrant (April 26, 2021) at art. 15. In addition, the Decas School is proposed to be decommissioned by the end of 2021.

Smithers has received a notice from the Cannabis Control Commission that its provisional license application is complete, demonstrating that it is “in conformance with State regulations and licensing requirements for such establishments regarding buffers, access, and security,” and will remain so, as required by Wareham Zoning Bylaw § 395.

The entire Smithers laboratory facility is a pre-existing non-conforming use in the MR-30 zoning district, and the proposed use simply continues this pre-existing laboratory use. As a pre-existing non-conforming use, Smithers is in compliance with Wareham Zoning Bylaw § 1374 with regard to dimensional, setback and intensity requirements in the underlying zoning district. No dimensional changes, alterations, building or structural or site

¹ There security features include:

- Installation of seven (7) security cameras to cover the entire Marijuana Testing Laboratory premises (interior and exterior).
- RFID key card access restrictions will be installed on all doors to the Marijuana Testing Laboratory, both internal and external.
- Windows barred/covered
- All cannabis samples will be stored in locked cage in a locked room (both key card access controlled) and packaged to be childproof and tamper-resistant.
- All cannabis employees must undergo background check, fingerprint review by Cannabis Control Commission.
- Use of building and perimeter alarms.

changes are proposed. Smithers is in compliance with Wareham Zoning Bylaw § 397 regarding signage, because it is not proposing any new exterior signage.

The Smithers laboratory facility contains 50,000 square feet of Gross Floor Area. The site has 178 parking spaces, which complies with the 1 space per 300 square feet of GFA required by Wareham Zoning Bylaw § 921.

Lastly, Smithers respectfully submits that its proposal meets the standards for a special permit under § 1461 of the Wareham Zoning Bylaw, and the ZBA should make the requisite findings:

1. *The Use as developed will not adversely affect the neighborhood.*

There will be no adverse effects in the neighborhood. There are no site or building changes proposed. The use will occur in an existing, vacant space within the pre-existing laboratory. The laboratory space will not be visible or open to the public. There will be essentially no impact on traffic or parking demand. Smithers expects to hire seven new employees. There is adequate parking on site to accommodate these new hires. Smithers expects just one to four vehicles per day to access the laboratory for deliveries. The volume of cannabis on which Smithers will perform laboratory analysis will be the equivalent of about eight (8) teaspoon-sized samples per day.

2. *The specific site is an appropriate location for such a Use, structure, or condition.*

As an existing laboratory campus, the site is ideal for the use.

3. *There will be no nuisance or serious hazard to vehicles or pedestrians.*

As stated, there will be essentially no increase in traffic impacts compared to existing conditions.

4. *Adequate and appropriate facilities will be provided for the proper operation of the proposed Use. This includes the provision of appropriate sewage treatment facilities which provide for denitrification, when the permit granting authority deems such facilities necessary for protection of drinking water supply wells, ponds, or saltwater embayments.*

Adequate facilities exist already to add this testing service to the laboratory's operations.

5. *The Use or structure as proposed does not pose a substantial detriment to the town or neighborhood in which it is proposed.*

There will be no detriment nor discernible impact resulting from the proposed use whether to traffic, abutters, or the environment. The Town will receive economic benefits in the form of community impact payments under Smithers' Host Community Agreement and increased local professional services employment in the sciences.

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6. *The proposal, as approved, conforms to all other applicable provisions of the Wareham Zoning By-law.*

As discussed above, the proposed use is in compliance with all other applicable provisions of the Wareham Zoning Bylaw.

For the above-stated reasons, Smithers respectfully requests that the ZBA issue a written determination granting a special permit for Smithers' proposed Independent Marijuana Testing Laboratory. Please do not hesitate to each out to me with any questions.

Sincerely,



Jesse H. Alderman

Encl: (9)

cc:

Ms. Susan Shepherd
Mr. Ron Biever
Mr. Eric Steele

Appendix

Exhibit 1 – Annual Spring Town Meeting Warrant (April 26, 2021) Article 15.

Exhibit 2 – Special Permit Application.

Exhibit 3 – Deed

Exhibit 4 – Certified Surveyor's Plot Plan

Exhibit 5 – Photographs

Exhibit 6 – Certified Abutters List