

General Findings of Fact - Special Permit

Per Article II, Section 6 (A)(2), the adverse effects of the proposed use will not outweigh its beneficial impacts to the City with respect to each of the following considerations:

(1) Social, economic or community needs that are served by the proposal:

On November 8, 2016, Massachusetts voters approved an initiative legalizing the sale of recreational marijuana in the Commonwealth. The City has adopted specific zoning requirements with respect to the regulation of certain adult use marijuana establishments, including storefront retail establishments. In accordance with M.G.L. c. 94G and its implementing regulations at 935 CMR 500 et seq., the City is required to facilitate the establishment of up to 15 regulated marijuana retailers. The City and its citizenry have demonstrated that there is a demand in the community to allow the Adult Use in certain areas of the City, which includes the Property.

The Proposed Establishment will create new jobs, generate additional tax revenues and community impact fees for the City and provide a safe, secure and convenient location to sell adult use marijuana.

The company will perform extensive interior renovations that will dramatically modernize, enhance and improve the interior features of the Building, and perform work at the Property that will improve the safety, efficiency and aesthetic appeal of the exterior portions of the parking and loading areas. The Proposed Establishment will promote much-needed economic vitality to the neighborhood and the City. The Proposed Establishment will not be detrimental to the other tenants of the Building or adjoining premises, but, rather, will complement the existing mix of businesses in the Building and surrounding neighborhood.

(2) Traffic flow and safety, including access, parking and loading areas:

Except for the addition of an accessible parking space near the front entrance of the Proposed Establishment and re-striping of existing parking and loading spaces in the rear of the Building, the layout of the parking areas at the Property will not be altered under the Project. The existing parking areas and drive aisles provide a safe, adequate, and efficient layout and design for vehicular and pedestrian traffic both within the site and all access points, and the Proposed Establishment will be served by such layout and design. The parking spaces, loading areas, drive aisles and access points (which include one-way access and egress curb cuts along Mountain Street East and a two-way curb cut along Burncoat Street) do not cause any nuisance or hazard to vehicles or pedestrians within or off the Property or line of sight hazards along streets. The drive aisles provide sufficient widths and turning radii necessary to provide for safe and efficient travel for motor vehicles, including delivery trucks. Emergency vehicles that need access to the Building can park safely within the site. The Building will continue to be serviced by existing municipal fire hydrants located within the sidewalks around the Property.

Shipping/receiving will generally occur outside of normal operating hours in the loading space behind the Building. The footprint of the Building will not be altered, and safe, convenient and efficient pedestrian access to the Proposed Establishment will be provided along existing

accessible walkways and a newly striped internal crosswalk.

The Proposed Establishment will not result in negative traffic-related impacts on adjacent streets and ways. The proposed use of the Property will not disturb pedestrian access, and will not cause a serious hazard to vehicular or pedestrian traffic on or off the Property. Traffic generated, and patterns of access and egress will not cause congestion, hazard, or a substantial change to the neighborhood character. The proposed parking will adequately serve all tenants of the Building, including during initial weeks of operations when customer demand is anticipated to be higher than normal. See Customer Management, Traffic and Queuing Plan. The company will utilize and encourage online store transactions, which will help to control and predict the timing and volume of customers coming to the Proposed Establishment. Moreover, each of the tenants of the Building will generally maintain different hours of peak customer demand.

The parking areas will be in close proximity of the Proposed Establishment entrance, and, therefore, will provide a safe and efficient means of access to and from the Proposed Establishment. The existing parking layout is compatible with the size and proposed use of the Proposed Establishment. Article IV, Section 7.A of the Zoning Ordinance provides minimum parking requirements based on use. Retail and office uses require 1 parking space per 300 square feet of gross floor area, and retail storage requires 1 parking space per 700 square feet of gross floor area. The Proposed Establishment will have a gross floor area of 1,824.5 square feet (excluding certain areas that are not used in determining minimum parking per the Zoning Ordinance, such as utility rooms, corridors, stairways, etc.), and, based on the foregoing uses and areas, will require a minimum of 7 parking spaces. Based on the floor areas of the Proposed Establishment and other pre-existing tenant uses, the property requires a minimum of 28 parking spaces. However, the Property requires a total of only 27 parking spaces based on the special permit granted by the Worcester Zoning Board of Appeals in August of 2011, which allowed a 10% reduction in the minimum parking requirement for the site.

The Property will contain a total of 35 parking spaces, including 26 parking spaces in the front of the Building (along with the new accessible space), and 9 re-striped spaces behind the Building, and will, therefore, comply with the minimum parking space required for the Proposed Establishment and the other pre-existing uses at the Property. The company will have the right to use all parking spaces in common with other tenants of the Building, and its employees will generally park behind the Building. The company will have exclusive use of one loading space behind the Building.

(3) Adequacy of utilities and other public services

Adequate, existing facilities are available for the Proposed Establishment with respect to sewerage, water, gas, electricity and other utilities. The Project will not result in any increases in impervious surfaces, changes to current drainage characteristics or adverse effects to current drainage patterns.

(4) Neighborhood character and social structure

The Adult Use is functionally and aesthetically compatible with the other tenants of the Building

and surrounding commercial properties in the neighborhood, which include a mix of retail, restaurant, grocery store, bank, animal hospital, gasoline service station, personal service and residential uses. The retail unit in which the Proposed Establishment will be located was previously occupied by a Verizon wireless retailer, and prior to that, a music retailer. The Building is located over 500 feet from any public or private, primary or secondary school, licensed daycare center, public library, public park or playground, or any other marijuana storefront retailer. The residential properties in the neighborhood are located across a high-trafficked intersection. The footprint of the Building will not be expanded or altered in any way, and the proposed site improvements will have no greater impact on, adversely affect or be detrimental to adjoining premises or zones or the neighborhood. The proposed interior and exterior renovations to the Building for the Proposed Establishment will improve the aesthetic appeal, design quality and economic vitality of the neighborhood. Based on the foregoing, the Adult Use will fit into the present character of the neighborhood, and granting this relief will promote an appropriate use of the Property.

The kind, size, height and nature of the Proposed Establishment and the proposed interior renovations and signage are consistent with commercial building units in other communities that have been fit-up and utilized for adult use marijuana establishments. The Property complies with all dimensional and parking requirements set forth in the Zoning Ordinance or

The Proposed Establishment will not result in any increase in noise levels that would be noticeable to any abutting properties. The Proposed Establishment will neither create a nuisance, hazard, congestion or concerns pertaining to health, safety or general welfare, and there will not be substantial harm to the neighborhood or derogation from the intent of the Zoning Ordinance as a result of the Proposed Establishment. Consistent with other adult use marijuana storefront retailers in the City, the Proposed Establishment will generally operate Monday through Saturday, from 8:00 a.m. to 11:00 p.m. and Sundays from 10:00 a.m. to 11:00 p.m.

The existing outdoor lighting, which includes light poles and wall pack lighting, will be adequate for safe and secure access to and from the Building. The proposed additional wall pack lighting will have directional shields and be arranged so as to minimize light from shining onto abutting properties and streets, and will not have a deleterious effect on neighboring properties. The company's wall, pylon and other signage will be provided in compliance with the Zoning Ordinance and 935 CMR 500 et seq.

(5) Impacts on the natural environment.

The woodlands and natural terrain in the rear of the Property will not be altered or otherwise disturbed as a result of the Project. The Property is outside of the Floodplain and ecologically sensitive areas, and there are no wetland resource areas on the Property.

Although the Property is within the Water Resource Protection overlay, the Project will not result in any negative impacts on groundwater.

(6) Potential fiscal impact, including city services needed, tax base, and employment.

The Proposed Establishment will sustain and create new jobs and will generate additional tax revenues for the City. The Proposed Establishment will improve the economic vitality of the neighborhood and surrounding areas. The Proposed Establishment will not require city services, such as new water or sewer connections, municipal rubbish removal or schools.

Supplementary Special Permit Findings of Fact

9. In addition to the special permit criteria under Article II, the Board may grant such a special permit per the criteria of Article IV, Section 15(H) of the Zoning Ordinance:

- a) The Marijuana Establishment does not derogate from the purposes and intent of this Section and the Zoning Ordinance:

The Proposed Establishment will not derogate from the purposes and intent of the Zoning Ordinance. In drafting the provisions of the Zoning Ordinance pertaining to the regulation of adult use marijuana establishments, the City Council, Planning Department, Planning Board and City Solicitor determined that certain areas of the City, including properties in the BL-1.0 zoning district, be permitted to operate as adult use marijuana storefront retailers. Adult use marijuana establishments are largely permitted in business and industrial zones, and the requirement that an adult use marijuana establishment not be within a 500-foot radius of a public or private, primary or secondary school, licensed daycare center, public library, public park or playground, nor another marijuana storefront retailer limits the number of feasible locations in which other adult use marijuana establishments can operate and ensures approved establishments are not confined to certain neighborhoods, but, rather, are appropriately located throughout the entire City. The Zoning Ordinance fully intended the proposed Adult Use to operate in this area of the City, and such use is well-suited at the Property given that it is in a unit that has been used for retail purposes for decades and is within a retail-based zoning district with a mix of other types of businesses that will be in harmony with the Proposed Establishment in the surrounding neighborhood.

- b) The application information submitted is adequate for the SPGA to consider approving.

This application and all supporting materials submitted are adequate for the Board to consider and approve the requested the special permits. which supporting materials include the following:

- Zoning Determination Form;
- Certification of Tax/Revenue Collection Compliance;
- Plan of Land with Parking;
- Certification of Minimum Distance Requirements;
- Security Plan - This application includes a security plan that details how the Property will be monitored and secured so as to avoid, deter and prevent illegal activities from taking place upon or about the Proposed Establishment, and references the plan of land showing the arrangement of pedestrian circulation and access to the public points of entry to the premises from the nearest public or private street or off-street parking area, as well as the location of any walkway, structures, lighting, gates, fencing and landscaping;
- Odor Control Plan - The odor control plan describes how all resulting odors from marijuana shall be effectively confined to the premises or so disposed;

- CCC Documents - This application includes copies of all licenses, permits and documentation demonstrating application status, registration or licensure by The Commonwealth of Massachusetts Cannabis Control Commission (the "CCC"). The company obtained a provisional license for a different location in Worcester off West Boylston Street, and has applied for approval of a change of location from the CCC for an adult use marijuana retailer establishment to be located at the Property in furtherance of its marijuana establishment license from the CCC;
- List of Management Personnel; Disclosure of Financial Interest - This application includes a list of all managers, officers, directors, persons or entities having direct or indirect authority over the management, policies or security operations of the marijuana establishment, and all persons or entities contributing 10% or more of the initial capital to operate the marijuana establishment, including capital in the form of land or buildings;
- Business Registration - This application includes proof that the marijuana establishment is registered to do business in The Commonwealth of Massachusetts as a domestic business corporation or another domestic business entity in compliance with 935 CMR 500 et seq. and good standing certificates as issued by the Secretary of the Commonwealth and Department of Revenue;
- Executed Host Community Agreement, as amended with the current Property;
- Evidence of Lease; and
- Certified List of Abutters.

This application also has documentation of an escrow account for the Marijuana Regulation Fund in an amount sufficient to adequately support the dismantling or winding down of the Proposed Establishment in accordance with 935 CMR 500.101(1)(a).

- c) The proposed establishment is designed to minimize any adverse impacts on abutting properties.

The Proposed Establishment will be in a business district and is compatible with the neighborhood's character and abutting properties as described above. No exterior changes or modifications to the Building footprint are contemplated in connection with the Proposed Establishment. The proposed parking and walkway striping will improve the aesthetic appeal and safety of the Property, The security plan provides state of the art security controls that are designed to minimize the risk of illicit activities at or about the Property. The odor control plan includes comprehensive measures that will minimize impacts from potential odors and/or fumes from the Proposed Establishment. No marijuana consumption will be allowed at the Property.

- d) The security plan provides sufficient assurance that adequate security controls have been implemented to ensure the protection of the public health and safety during hours of operation and that any marijuana or marijuana related products are adequately secured on-site or via delivery.

The security plan complies with the security requirements, procedures and controls applicable to adult use marijuana establishments as set forth in 935 CMR 500 et seq. State-of-the-art safety measures to deter and prevent unauthorized entrance into areas containing marijuana and theft of marijuana therein will be implemented.

The outside perimeter of the Building will be sufficiently lit to facilitate surveillance, where applicable. The company will install security systems and equipment for the Proposed Establishment, including, but not limited to, exterior and interior cameras, motion sensors, glass break detectors, perimeter alarm, access control, intrusion keypad, panic alarms, security closet and video intercom. All security systems will be supported by battery back-ups and a failure notification system with audio/visual alert. Procedures will also be established for additional battery back-up or generator services in case of an extended power outage.

All entrances to the Proposed Establishment will be secured to prevent unauthorized access. Limited access areas will be established pursuant to 935 CMR 500.110(4), which shall be accessible only to specifically authorized personnel limited to include only the minimum number of employees essential for efficient operation. All employees will be required to have proper identification at all times while in the Building. Employees will be trained to watch for illicit activity within and outside of the Building. Outside vendors, contractors and visitor identification will be checked and will require signature in a visitor's log, wearing of a visitor's badge, and be in the presence of management while at the Building. Procedures have been adopted to prevent loitering and ensure that only individuals engaging in activity expressly or by necessary implication permitted by state regulations are allowed to remain on the premises.

Storage of all finished marijuana products will be in a secure, locked safe or vault in such a manner as to prevent diversion, theft and loss. All safes, vaults, and any other equipment or areas used for the storage of marijuana products will be securely locked, kept in good working order and protected from entry. except for the actual time required to remove or replace marijuana. Keys will not be stored or placed in a location accessible to persons other than specifically authorized personnel. Accessibility of security measures, such as combination numbers, passwords or electronic or biometric security systems will be given only to specifically authorized personnel. All marijuana products will be kept out of plain sight and will not be visible from a public place. Emergency policies and procedures have been developed for securing all product following any instance of diversion, theft or loss of marijuana. The company will dispose of marijuana in excess of the quantity required for normal, efficient operation as required by law.

The company will share its confidential security plan and procedures with law enforcement authorities and fire services, and will provide updates to law enforcement authorities and fire services if the plans or procedures are modified in any material way.

- e) The odor control plan proposed adequately provides for the ongoing safe operation of the establishment and minimizes any adverse impacts to abutting properties from odor- emitting activities to be conducted on-site.

No cultivation or product manufacturing activities will occur at the Property whatsoever. All marijuana and marijuana products will arrive pre-packaged from licensed cultivation and product manufacturing facilities, which will limit the potential for cannabis-related odors on site.

To mitigate odor, the company will utilize state-of-the-art carbon filtration systems or other technologies in the vault and product fulfillment areas and implement other odor control features

to the extent necessary to ensure no odor permeates outside of the facility. The company will also train its staff on standard operating procedures to limit the ability for odors to travel outside of the facility.

- f) The proposed design and operation of the Marijuana Establishment will meet the requirements of this Section.

The design, layout and operation of the Proposed Establishment meets the requirements of Article IV, Section 15 of the Zoning Ordinance. The Building is not within a 500-foot radius of a public or private, primary or secondary school, licensed daycare center, public library, public park or playground, nor another marijuana storefront retailer. The Proposed Establishment will be within a fully enclosed building and will not be visible from the Building's exterior. No marijuana products will be stored in outdoor facilities. The Property and Building comply with all applicable dimensional and parking requirements of the Zoning Ordinance, or are otherwise pre-existing nonconforming. Consistent with other adult use marijuana storefront retailers in the City, the operating hours of the Proposed Establishment will generally be Monday through Saturday, from 8:00 a.m. to 11:00 p.m. and Sundays from 10:00a.m. to 11:00p.m.

The Proposed Establishment will have state-of-the-art security controls and measures to avoid, deter and prevent illicit activities from occurring on or about the Property, all in compliance with 935 CMR 500 et seq. The odor control plan herein provides for proper and adequate ventilation in such a manner so as to prevent odors from marijuana or marijuana- related products from being dispersed outside of the Building. No marijuana or marijuana product will be smoked or otherwise consumed at the Property.

Reasons for Approval of Special Permit.

The Establishment and Project satisfy the special permit criteria as set forth in Article II, Section 6.A.2 and Article IV, Section 15.H of the Zoning Ordinance for the reasons stated herein:

1. Social, economic or community needs that are served by the proposal.

On November 8, 2016, Massachusetts voters approved an initiative legalizing the sale of recreational marijuana in the Commonwealth. The City has adopted specific zoning requirements with respect to the regulation of certain adult use marijuana establishments, including storefront retail establishments. In accordance with M.G.L. c. 94G and its implementing regulations at 935 CMR 500 et seq., the City is required to facilitate the establishment of up to 15 regulated marijuana retailers. The City and its citizenry have demonstrated that there is a demand in the community to allow the Adult Use in certain areas of the City, which includes the Property.

The Establishment will create new jobs, generate additional tax revenues and community impact fees for the City and provide a safe, secure and convenient location to sell adult use marijuana.

The Establishment will perform extensive interior renovations that will dramatically modernize, enhance and improve the interior features of the Building, and perform work at the Property that will improve the safety, efficiency and aesthetic appeal of the exterior portions of the parking and loading areas. The Establishment will promote much-needed economic vitality to the neighborhood and the City. The Establishment will not be detrimental to the other tenants of the Building or adjoining premises, but, rather, will complement the existing mix of businesses in the Building and surrounding neighborhood.

2. Traffic flow and safety, including access, parking and loading areas.

Except for the addition of an accessible parking space near the front entrance of the Establishment and re-striping of existing parking and loading spaces in the rear of the Building, the layout of the parking areas at the Property will not be altered under the Project. The existing parking areas and drive aisles provide a safe, adequate and efficient layout and design for vehicular and pedestrian traffic both within the site and all access points, and the

Establishment will be served by such layout and design. The parking spaces, loading areas, drive aisles and access points (which include one-way access and egress curb cuts along Mountain Street East and a two-way curb cut along Burncoat Street) do not cause any nuisance or hazard to vehicles or pedestrians within or off the Property or line of sight hazards along streets. The drive aisles provide sufficient widths and turning radii necessary to provide for safe and efficient travel for motor vehicles, including delivery trucks. Emergency vehicles that need access to the Building can park safely within the site. The Building will continue to be serviced by existing municipal fire hydrants located within the sidewalks around the Property.

Shipping/receiving will generally occur outside of normal operating hours in the loading space behind the Building. The footprint of the Building will not be altered, and safe, convenient and efficient pedestrian access to the Establishment will be provided along existing accessible walkways and a newly striped internal crosswalk.

The Establishment will not result in negative traffic-related impacts on adjacent streets and ways. The proposed use of the Property will not disturb pedestrian access, and will not cause a serious hazard to vehicular or pedestrian traffic on or off the Property. Traffic generated, and patterns of access and egress will not cause congestion, hazard, or a substantial change to the neighborhood character. The proposed parking will adequately serve all tenants of the Building, including during initial weeks of the company's operations when customer demand is anticipated to be higher than normal. See Customer Management, Traffic and Queuing Plan. The company will utilize and encourage online store transactions, which will help to control and predict the timing and volume of customers coming to the Establishment. Moreover, each of the tenants of the Building will generally maintain different hours of peak customer demand.

The parking areas will be in close proximity of the Establishment entrance, and, therefore, will provide a safe and efficient means of access to and from the Establishment. The existing parking layout is compatible with the size and proposed use of the Establishment. Article IV, Section 7.A of the Zoning Ordinance provides minimum parking requirements based on use. Retail and office uses require 1 parking space per 300 square feet of gross floor area, and retail storage requires 1 parking space per 700 square feet of gross floor area. The Establishment will have a gross floor area of 1,824.5 square feet (excluding certain areas that are not used in determining minimum parking per the Zoning Ordinance, such as utility rooms, corridors, stairways, etc.),¹ and, based on the foregoing uses and areas, will require a minimum of 7 parking spaces. Based on the floor areas of the Establishment and other pre-existing tenant uses, the property requires a minimum of 28 parking spaces. However, the Property requires a total of only 27 parking spaces based on the special permit granted by the Worcester Zoning Board of Appeals in August of 2011, which allowed a 10% reduction in the minimum parking requirement for the site.

¹ The actual gross floor area of the Establishment including such exclusion areas is approximately 2,767 square feet.

The Property will contain a total of 35 parking spaces, including 26 parking spaces in the front of the Building (along with the new accessible space), and 9 re-striped spaces behind the Building, and will, therefore, comply with the minimum parking space required for the Establishment and the other pre-existing uses at the Property. The company will have the right to use all parking spaces in common with other tenants of the Building, and its employees will generally park behind the Building. The company will have exclusive use of one loading space behind the Building.

3. Adequacy of utilities and other public services.

Adequate, existing facilities are available for the Establishment with respect to sewerage, water, gas, electricity and other utilities. The Project will not result in any increases in impervious surfaces, changes to current drainage characteristics or adverse effects to current drainage patterns.

4. Neighborhood character and social structure; buildings, noise, glare, lighting and signs

The Adult Use is functionally and aesthetically compatible with the other tenants of the Building and surrounding commercial properties in the neighborhood, which include a mix of retail, restaurant, grocery store, bank, animal hospital, gasoline service station, personal service and residential uses. The retail unit in which the Establishment will be located was previously occupied by a Verizon wireless retailer, and prior to that, a music retailer. The Building is located over 500 feet from any public or private, primary or secondary school, licensed daycare center, public library, public park or playground, or any other marijuana storefront retailer. The residential properties in the neighborhood are located across a high- trafficked intersection. The footprint of the Building will not be expanded or altered in any way, and the proposed site improvements will have no greater impact on, adversely affect or be detrimental to adjoining premises or zones or the neighborhood. The proposed interior and exterior renovations to the Building for the Establishment will improve the aesthetic appeal, design quality and economic vitality of the neighborhood. Based on the foregoing, the Adult Use will fit into the present character of the neighborhood, and granting this relief will promote an appropriate use of the Property.

The kind, size, height and nature of the Establishment and the proposed interior renovations and signage are consistent with commercial building units in other communities that have been fit-up and utilized for adult use marijuana establishments. The Property complies with all dimensional and parking requirements set forth in the Zoning Ordinance or is otherwise pre-existing nonconforming.

The Establishment will not result in any increase in noise levels that would be noticeable at any abutting properties. The Establishment will neither create a nuisance, hazard, congestion or concerns pertaining to health, safety or general welfare, and there will not be substantial harm to the neighborhood or derogation from the intent of the Zoning Ordinance as a result of the Establishment. Consistent with other adult use marijuana storefront retailers in the City, the Establishment will generally operate Monday through Saturday, from 8:00 a.m. to 11:00 p.m. and Sundays from 10:00 a.m. to 11:00 p.m.

The existing outdoor lighting, which includes light poles and wall pack lighting, will be adequate for safe and secure access to and from the Building. The proposed additional wall pack lighting will have directional shields and be arranged so as to minimize light from shining onto abutting properties and streets, and will not have a deleterious effect on neighboring properties. The company's wall, pylon and other signage will be provided in compliance with the Zoning Ordinance and 935 CMR 500 et seq.

5. Impacts on the natural environment.

The woodlands and natural terrain in the rear of the Property will not be altered or otherwise disturbed as a result of the Project. The Property is outside of the Floodplain and ecologically sensitive areas, and there are no wetland resource areas on the Property. Although the Property is within the Water Resource Protection overlay, the Project will not result in any negative impacts on groundwater.

6. Potential fiscal impact, including city services needed, tax base, and employment.

The Establishment will sustain and create new jobs and will generate additional tax revenues and impact fees for the City. The Establishment will improve the economic vitality of the neighborhood and surrounding areas. The Establishment will not require city services, such as new water or sewer connections, municipal rubbish removal or schools.

Supplementary Findings of Fact:

7. The Marijuana Establishment does not derogate from the purposes and intent of this Section and the Zoning Ordinance.

The Establishment will not derogate from the purposes and intent of the Zoning Ordinance. In drafting the provisions of the Zoning Ordinance pertaining to the regulation of adult use marijuana establishments, the City Council, Planning Department, Planning Board and

City Solicitor determined that certain areas of the City, including properties in the BL-1.0 zoning district, be permitted to operate as adult use marijuana storefront retailers. Adult use marijuana establishments are largely permitted in business and industrial zones, and the requirement that an adult use marijuana establishment not be within a 500-foot radius of a public or private, primary or secondary school, licensed daycare center, public library, public park or playground, nor another marijuana storefront retailer limits the number of feasible locations in which other adult use marijuana establishments can operate and ensures approved establishments are not confined to certain neighborhoods, but, rather, are appropriately located throughout the entire City. The Zoning Ordinance fully intended the proposed Adult Use to operate in this area of the City, and such use is well-suited at the Property given that it is in a unit that has been used for retail purposes for decades and is within a retail-based zoning district with a mix of other types of businesses that will be in harmony with the Establishment in the surrounding neighborhood.

8. The application information submitted is adequate for the SPGA to consider approving the special permit request.

This application and all supporting materials submitted are adequate for the Board to consider and approve the requested the special permits, which supporting materials include the following:

- Zoning Determination Form;
- Certification of Tax/Revenue Collection Compliance;
- Plan of Land with Parking;
- Certification of Minimum Distance Requirements;
- Security Plan - This application includes a security plan that details how the Property will be monitored and secured so as to avoid, deter and prevent illegal activities from taking place upon or about the Establishment, and references the plan of land showing the arrangement of pedestrian circulation and access to the public points of entry to the premises from the nearest public or private street or off-street parking area, as well as the location of any walkway structures, lighting, gates, fencing and landscaping;
- Odor Control Plan - The odor control plan describes how all resulting odors from marijuana shall be effectively confined to the premises or so disposed;
- CCC Documents – This application includes copies of all licenses, permits and documentation demonstrating application status, registration or licensure by The Commonwealth of Massachusetts Cannabis Control Commission (the “CCC”). The company obtained a provisional license for a different location in Worcester off West Boylston Street, and has applied for approval of a change of location from the CCC

for an adult use marijuana retailer establishment to be located at the Property in furtherance of its marijuana establishment license from the CCC;

- List of Management Personnel; Disclosure of Financial Interest - This application includes a list of all managers, officers, directors, persons or entities having direct or indirect authority over the management, policies or security operations of the marijuana establishment, and all persons or entities contributing 10% or more of the initial capital to operate the marijuana establishment, including capital in the form of land or buildings;
- Business Registration - This application includes proof that the marijuana establishment is registered to do business in The Commonwealth of Massachusetts as a domestic business corporation or another domestic business entity in compliance with 935 CMR 500 et seq. and good standing certificates as issued by the Secretary of the Commonwealth and Department of Revenue;
- Executed Host Community Agreement, as amended with the current Property;
- Evidence of Lease; and
- Certified List of Abutters.

This application also has documentation of an escrow account for the Marijuana Regulation Fund in an amount sufficient to adequately support the dismantling or winding down of the Establishment in accordance with 935 CMR 500.101(1)(a).

9. The Establishment is designed to minimize any adverse impacts on abutting properties.

The Establishment will be in a business district and is compatible with the neighborhood's character and abutting properties as described above. No exterior changes or modifications to the Building footprint are contemplated in connection with the Establishment. The proposed parking and walkway striping will improve the aesthetic appeal and safety of the Property. The security plan provides state of the art security controls that are designed to minimize the risk of illicit activities at or about the Property. The odor control plan includes comprehensive measures that will minimize impacts from potential odors and/or fumes from the Establishment. No marijuana consumption will be allowed at the Property.

10. The security plan provides sufficient assurance that adequate security controls have been implemented to ensure the protection of the public health and safety during hours of operation and that any marijuana or marijuana related products are adequately secured on-site or via delivery.

The security plan complies with the security requirements, procedures and controls applicable to adult use marijuana establishments as set forth in 935 CMR 500 et seq. State-of-

the-art safety measures to deter and prevent unauthorized entrance into areas containing marijuana and theft of marijuana therein will be implemented.

The outside perimeter of the Building will be sufficiently lit to facilitate surveillance, where applicable. The company will install security systems and equipment for the Establishment, including, but not limited to, exterior and interior cameras, motion sensors, glass break detectors, perimeter alarm, access control, intrusion keypad, panic alarms, security closet and video intercom. All security systems will be supported by battery back-ups and a failure notification system with audio/visual alert. Procedures will also be established for additional battery back-up or generator services in case of an extended power outage.

All entrances to the Establishment will be secured to prevent unauthorized access. Limited access areas will be established pursuant to 935 CMR 500.110(4), which shall be accessible only to specifically authorized personnel limited to include only the minimum number of employees essential for efficient operation. All employees will be required to have proper identification at all times while in the Building. Employees will be trained to watch for illicit activity within and outside of the Building. Outside vendors, contractors and visitor identification will be checked and will require signature in a visitor's log, wearing of a visitor's badge, and be in the presence of management while at the Building. Procedures have been adopted to prevent loitering and ensure that only individuals engaging in activity expressly or by necessary implication permitted by state regulations are allowed to remain on the premises.

Storage of all finished marijuana products will be in a secure, locked safe or vault in such a manner as to prevent diversion, theft and loss. All safes, vaults, and any other equipment or areas used for the storage of marijuana products will be securely locked, kept in good working order and protected from entry, except for the actual time required to remove or replace marijuana. Keys will not be stored or placed in a location accessible to persons other than specifically authorized personnel. Accessibility of security measures, such as combination numbers, passwords or electronic or biometric security systems will be given only to specifically authorized personnel. All marijuana products will be kept out of plain sight and will not be visible from a public place. Emergency policies and procedures have been developed for securing all product following any instance of diversion, theft or loss of marijuana. The company will dispose of marijuana in excess of the quantity required for normal, efficient operation as required by law.

The company will share its confidential security plan and procedures with law enforcement authorities and fire services, and will provide updates to law enforcement authorities and fire services if the plans or procedures are modified in any material way.

11. The odor control plan proposed adequately provides for the ongoing safe operation of the establishment and minimizes any adverse impacts to abutting properties from odor-emitting activities to be conducted on-site.

No cultivation or product manufacturing activities will occur at the Property whatsoever. All marijuana and marijuana products will arrive pre-packaged from licensed cultivation and product manufacturing facilities, which will limit the potential for cannabis-related odors on site.

To mitigate odor, The company will utilize state-of-the-art carbon filtration systems or other technologies in the vault and product fulfilment areas and implement other odor control features to the extent necessary to ensure no odor permeates outside of the facility. The company will also train its staff on standard operating procedures to limit the ability for odors to travel outside of the facility.

12. The proposed design and operation of the Marijuana Establishment will meet the requirements of this Section.

The design, layout and operation of the Establishment meets the requirements of Article IV, Section 15 of the Zoning Ordinance. The Building is not within a 500-foot radius of a public or private, primary or secondary school, licensed daycare center, public library, public park or playground, nor another marijuana storefront retailer. The Establishment will be within a fully enclosed building and will not be visible from the Building's exterior. No marijuana products will be stored in outdoor facilities. The Property and Building comply with all applicable dimensional and parking requirements of the Zoning Ordinance, or are otherwise pre-existing nonconforming. Consistent with other adult use marijuana storefront retailers in the City, the operating hours of the Establishment will generally be Monday through Saturday, from 8:00 a.m. to 11:00 p.m. and Sundays from 10:00 a.m. to 11:00 p.m.

The Establishment will have state-of-the-art security controls and measures to avoid, deter and prevent illicit activities from occurring on or about the Property, all in compliance with 935 CMR 500 et seq. The odor control plan herein provides for proper and adequate ventilation in such a manner so as to prevent odors from marijuana or marijuana-related products from being dispersed outside of the Building. No marijuana or marijuana product will be smoked or otherwise consumed at the Property.